



IURIDICUM REMEDIUM

Iuridicum Remedium, o.s se sídlem Vírská 14/278, 198 00 Praha 9, IČO: 265 34 487

Kancelář: U Průhonu 23/1201, 170 00 Praha 7, tel/fax: +420 222 515 564

e-mail: iure@iure.cz, web: <http://www.iure.org>

<http://www.slidilove.cz>

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Frame of the cards: identical structure for each country

THEME	Social networks and new gate keepers of communications	
Identification of technology	Libimseti.cz	
Technology used/tool (For each teams, a card pro tool)	Social network	
Country/ use area	Czech republic/	
Frame of use	Libimseti.cz (means ydooulkeme.cz) free-access social networking website that is operated and privately owned by Libimseti.cz a.s. Users can join networks organized by type of activities (chats, discussion fora, blogs,online dating) topics, interests, etc to connect and interact with other people. People can also add friends and send them messages, and update their personal profiles to notify friends about themselves.	
Population concerned: target and age	Target audience are young, active and free women up to 28 years of age. 1400000 registered active users, 240000 unique users daily. 43 percent of users are between 20 – 35 years old, 42 percent are youngsters 15 – 20 years old. ¹	
% of users/of young users	See above	
Trends (measured / supposed)	Slow growth or stagnation of the numbers of the users in past half a year according to the data of the independent research project Net monitor. ²	
Known or potentials dangers /Risks	There were recently media reports on misuse of personal information submitted	

¹ see http://reklama.libimseti.cz/index.php/Hlavn%C3%AD_strana

² for detail see <http://www.netmonitor.cz/>

	by the users for cyber bullying, black mailing. ³ Server has also to adopt more strict security measures on logins after media reported that thousands of images of naked women or women in their underwear were without their consent downloaded from their personal profiles and distributed by hackers. Hackers also gained access to the logins and passwords of the users in 2008. ⁴	
Others		
Generated data bases		
Associated data base/ creation (a line pro database)	Data submitted by the users and collected by Libimseti.cz.	
What justifies the inscription in the file /Risks?	<p>Consent of the user with Rules of use of the server Libimseti.cz/ Operator claims in the Rules of use : «7. At this server no personal data as defined in 101/2000 Act on Data protection are collected. Contact information is just email adress of the user or mobile telephone number in encoded form related to the password chosen by user. This way imposible to manipulate with submitted data of the users. On the request of the user (even without reasoning) will be the submitted data erased from a database. Controller (of a personal data) states it will make every possible measures (know at specific time) to secure data from unauthorised intervention by third persons.</p> <p>8. User acknowledges that data voluntarily submitted (by him/her) to a Server might be used by a third persons. Controller however does not bear any responsibility for eventual unauthorised intervention of a third persons resulting in access of these persons to a data of individual users or to their accounts or respective database of the Controller or his partners using the services of the Server or resulting in these data being without authorisation used, misused or passed on third persons...»⁵ /Obviously wording of parts of the Rules contravene to each other. Claims of not processing any personal data represents risk in itself.</p>	

³ Vladimír Rogl: ZNEUŽITÍ INTERNETU (Misuse of the Internet) in Slánské listy, 2009/04/28, p. 17, Za porno v práci hrozí zaměstnancům Škody vyhazov, in tyden.cz, 2009/03/25, http://www.tyden.cz/rubriky/domaci/za-porno-v-praci-hrozi-zamestnancum-skody-vyhazov_111724.html

⁴ Libimseti.cz po hacknutí zvyšuje bezpečnost, in Lupa.cz, 2009/02/03, <http://www.lupa.cz/clanky/libimseti-cz-po-hacknuti-zvysuje-bezpecnost/>

⁵ Rules of use of the server Libimseti.cz, transl.

F.P.<http://podpora.libimseti.cz/?a=pravidla&uid=f3380e02919dc782f842ebce9f158959>

Purposes /contents, main data included / Risks?	<p>Purpose of the service is to offer a platform for electronic sharing of personal data and social contacts. It is also used for advertising and marketing purposes. / Data collected include: name, email address (obligatory), region, telephone number, address, gender, education, sexual preference, and other personal data (photographs, movies, messages) or preference information (links, friends links). Extend to which Libimseti.cz also collects information on browser type and IP address of the user, certain information from browsers using 'cookies' is unclear In the Rules of use Controller only declares: „12. Controller is entitled to track data of the profile of the individual users of the services of the Server for statistical purposes. He is entitled to inform connected servers about statistical data of users of the services of the Server. He is entitled to publicise these data. These datasets will not contain any data on bases of which it would be possible to contact the user without his prior request or identify him. User of this Server agrees to these term.</p> <p>13. Controller is entitled to declassify data of the user of the Server in case it is necessary to uphold the law or in a framework of judicial proceedings or administrative procedure against the Controller or concerning the Controller so there are protected and defended the rights of Controller or operators of Connected servers or so it is at given conditions protected personal safety of users of the products of the Controller offered at this Server or third persons“⁶./ for Risks see Known or potentials dangers</p>	
File masters? Risks?	Data submitted by users, processor of the data is company Libimseti.cz	
Who accesses the files/ Sharing of the data base? Access limits? /Risks	Access to the file is restricted by simple login, part to the data (gender, age, name) available to everyone, other just to approved «friends»	
Data retention delays/ risks Right to be forgotten	Unclear – according to Rules : «On the request of the user (even without reasoning) will be the submitted data erased from a database.» ⁷	
Rights to know or to modify data?	See Data retention delays/ risks/ Right to	

⁶ Rules of use of the server Libimseti.cz, transl. F.P., <http://podpora.libimseti.cz/?a=pravidla&uid=f3380e02919dc782f842ebce9f158959>

⁷ Rules of use of the server Libimseti.cz, <http://podpora.libimseti.cz/?a=pravidla&uid=f3380e02919dc782f842ebce9f158959>

	be forgotten	
Covert purposes/ Risks/uncontrolled future evolution		
Others (interconnections...)		
Legislation in application		
Law /rules / others (?) (implemented for this data base or this technology)	None specific legislation adopted	
Risks for freedoms despite the law	Data included in social network database can be misused for profiling, collecting of personal informations by third parties, discrimination etc.	
If revision of the regulation: reasons? Result: improvement or aggravation (compared to the protection of the DP)	Not foreseen	
Conformity with the European right (Charter of fundamental rights, directives...)	Procession of the data probably not meeting european standards set by: Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Council of Europe, CETS No. 108), The Czech Republic ratified the Convention CETS No. 108 on 9 July 2001 and it entered into force in the Czech Republic on 1 November 2001.	
Implementation (or not) of the legislation? / Risks		
Others		
This tools and young public or young adults		
How far are young people concerned?	See % of users/of young users	
Awareness of issues or of risks	<p>More general research on awareness of the children about the risks on the internet and behaviour of the children related to internet was publicised in May 2009.</p> <p>From the results:</p> <p>Czech children on average spend on the Internet 12 hours a week.</p> <p>More than one-third of children aged 14-15 provide unknown people with their</p>	

⁸ TNS AISA agency conducted its poll among pupils and students of basic and secondary schools and their parents in January 2009. The pollsters addressed 600 families and 319 of them returned the filled in questionnaires designed for children and especially for their parents to the pollsters, see http://www.ceskenoviny.cz/tema/index_view.php?id=378271&id_seznam=2058

	<p>personal and contact data through the Internet.</p> <p>17 percent of parents pay no interest to what their children actually do when they use the Internet, though most parents control their children at least from time to time.</p> <p>Only 8 percent of parents use special programmes limiting children's access to unsuitable Internet pages.</p> <p>51 percent of children aged 10 – 15 years has computer with internet in their children room.</p> <p>About 70 percent of the children aged 14-15 visits discussion groups on the internet</p> <p>93 percent of children aged 10-11 let downloads and play online games</p> <p>More than a third of the children aged 14 – 15 years shares their personal data with unknown people on the internet</p> <p>45 percent of the children aged 14 – 15 years shares their photographs and videos on the internet⁸</p>	
Indifference or reaction	None	
Awareness campaigns/ results	<p>No awareness campaign on the risks of using social networks done by the company Libimseti.cz</p> <p>Several czech NGOs run awareness campaigns on the risks children face on the internet and offer also advices for safe behaviour and safety measures for both parents and children. Several web portals and help lines for referring of online abuse of a children were established.⁹ Czech DPA created special web page advising principles and practical steps for securing childrens privacy online.¹⁰ Special chapter in an online toolkit on protection of privacy in social networks was set up by NGO Iuridicum Remedium in May 2009.¹¹ During its European Presidency Czech government organised ministerial conference Safer Internet for Children</p>	

⁹ see for instance: <http://www.saferinternet.cz/>, <http://www.internethotline.cz/>, <http://www.internethelpline.cz/>

¹⁰ see <http://www.uoou.cz/uoou.aspx?menu=287&submenu=335>

¹¹ see <http://www.uzijsisoukromi.cz/socialni-site/>

	where so called Pragues declaration was adopted. ¹²	
Good practises	See chapter Awareness campaigns	
Campaign to be led. On which themes?	Awareness campaign on rights of the users of the social networks and implementation of better privacy protection practices by Libimseti.cz, better informing on the way how company processes personal data.	
Others		
Conclusions		
Recommendations	Agreement on social networking of the youth reached between European Commission and 17 companies operating social networks has show possibility of elevating of the levels of the privacy arrangements of the networks through public and political pressure. However measures introduced are still not satisfactory and they do not apply for service Libimseti.cz and they also not apply to the adult users. Special focus need to be given to the practice of retaining of a data even from cancelled profiles and rules of transfer and procession of a data by a third parties (government bodies, other service providers, marketing and advertising companies). Companies providing service of social networks has also to adopt transparent information policy on the way they process or share data of the users. Clear legal responsibility for protection of the data contained in databases of operator of the social networks should be established and acknowledged.	

Podpořili nás:



Lichtenštejska a Norska v rámci

¹² for Pragues declaration and presentations at the conference see <http://www.mvcr.cz/mvcren/article/participants-of-the-conference-safer-internet-for-children-adopted-the-prague-declaration.aspx>

Finančního mechanismu EHP a Norského finančního mechanismu

prostřednictvím Nadace rozvoje občanské společnosti.