The Ministry of Finance has published an updated FAQ for methodological questions regarding the Reporting Decree, where several new responses can be found. They are always marked as "NEW". An entirely new category are **answers to questions about data privacy.**

The Ministry of Finance repeatedly claims that data relating to a user account and those relating to the participation of a player on a gambling game **are only assigned to a general identifier that an operator creates.** According to them, it is only the operator who has the key that can identify a person on its basis. The key for assigning data/identifier to the specific person is not part of the transmitting data. The MoF/CA's system cannot accept this key or work with it. The key is only available to a specific operator, not to the MoF, nor the CA. Finally, the MoF has publicly confirmed that the data provided is pseudonymised. Before the IFGR started discussing this matter with the Ministry of Finance, the Ministry had stated that the data are only anonymised.

Ministry of Finance states:

"On the part of authorities that have the supervision according to the Gambling Act, pseudonymised personal data will be processed in connection with the fulfilment of obligations under the Reporting Decree. ***According to the Decree****, the Ministry of Finance, or any other state administration authority,* ***does not have, and will not have****, the key to automatically assign game and financial data to a specific person.*

…the "key" to the data is neither ***automatically available*** *to the Ministry of Finance nor to the Customs Administration,* ***and, therefore, they are not in the position to identify****, to which data subject the pseudonymised data is related.*

In addition, the MoF in the FAQ states that data subjects do not have to worry about leaks of personal data.

Furthermore, the minimisation of risk is amplified by the fact that the "key" to the data is neither ***automatically*** *available to the Ministry of Finance nor to the Customs Administration, and, therefore,* ***they are not in the position to identify****, to which data subject the pseudonymised data is related.*

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However, the published statements of the MoF are not absolute, or rather they always contain some "but" (see the text below):

- ***According to the Decree, … does not have, and will not have*** - it does not obviously apply to the authority of state authorities according to other legal regulations (e.g. the Control Code, the Tax Code)
- ***they are not in the position to identify***

At the same time, the MoF stated that the game and financial data sent will be processed in the Analytical Module of the Information System of Gambling Operation.

Conclusion:

First, it should be noted that this **is not a proper impact assessment** that had to be carried out. This is not a binding document in terms of personal data security. In this matter, the IFGR lodged a complaint against the MoF's procedure to the Office for Personal Data Protection. We will keep you informed of the progress of this complaint.

So, the statements in the FAQ **will not protect an operator against today's very common practice of state authorities** (Financial Administration, Customs Administration of the Czech Republic and Police of the Czech

Republic), when they require an operator to provide information on individual players' playing and their specific name, surname, date of birth, etc., under different regulations, such as the Control Code or the Tax Code.

Therefore, the control authorities will be able to obtain a list of general identifiers with the assignment of a specific name and surname from an operator, which they will then compare with the data obtained from the Analytical Module of the Information System of the MoF registered to the general identifier.