

Project on Cybercrime

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COUNCIL OF EUROPE
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Cybercrime legislation – country profile

The Czech Republic

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

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Country:	The Czech Republic
Signature of Convention:	9/2/2005
Ratification/accession:	No
	What measure are being undertaken in your country to become a Party? - draft legislation implementing some of the provisions has been prepared, but not approved by the Parliament so far; What specific obstacles (legislative or other) prevent ratification/accession? - presently valid legislation does not cover all provisions of the Convention in full extent
Provisions of the Convention	Corresponding provisions/solutions in national legislation <i>(pls quote or summarise briefly; pls attach relevant extracts as an appendix)</i>
<i>Chapter I – Use of terms</i>	
Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”	
<i>Chapter II – Measures to be taken at the national level</i>	
<i>Section 1 – Substantive criminal law</i>	
Article 2 – Illegal access	Section 257a of the Criminal Code No140/1961 Coll. – subject to re-enactment
Article 3 – Illegal	Section 239 of the Criminal Code No 140/1961 Coll. – subject to re-

interception	enactment
Article 4 – Data interference	Section 257a, of the Criminal Code No 140/1961 Coll. – subject to re-enactment
Article 5 – System interference	Section 257a of the Criminal Code No 140/1961 Coll. – subject to re-enactment
Article 6 – Misuse of devices	Criminal Code No 140/1961 Coll. – subject to re-enactment
Article 7 – Computer-related forgery	Not covered by the valid Criminal Code – subject to re-enactment
Article 8 – Computer-related fraud	Sections 250 and 89 of the Criminal Code No 140/1961 Coll.
Article 9 – Offences related to child pornography	Section 205 of the Criminal Code No 140/1961 Coll., full implementation subject to re-enactment
Title 4 – Offences related to infringements of copyright and related rights	Czech Republic is party to the respective copyright conventions of the World Intellectual Property Organization, the provisions being implemented in the Copyright Code No 121/2000 Coll. Infringement of the rights thereof are subject to sanctions according to the Section 152 of the Criminal Code No 140/1961 Coll.
Article 10 – Offences related to infringements of copyright and related rights	As above
Article 11 – Attempt and aiding or abetting	
Article 12 – Corporate liability	Corporate liability has not yet been introduced into the Czech legislation
Article 13 – Sanctions and measures	Subject to new draft legislation
<i>Section 2 – Procedural law</i>	
Article 14 – Scope of procedural provisions	
Article 15 – Conditions and safeguards	Czech Republic has implemented the obligations from the fundamental international instruments on human rights
Article 16 – Expedited preservation of stored computer data	Section 84, art. 7 of the Telecommunication Code No 151/2000 Coll. Sections 90 and 97 of the Code on Electronic Communication No 127/2005 Coll. Section 88a of the Code of Criminal Procedure No 141/1961 Coll. Police Act No 283/1991 Coll.
Article 17 – Expedited preservation and partial disclosure of traffic data	As above
Article 18 – Production order	Sections 78, 79, 88 and 158d of the Code of Criminal Procedure No. 141/1961 Coll. Section 47 of the Police Act No 283/1991 Coll. Telecommunication Code No 151/2000 Coll.
Article 19 – Search and seizure of stored computer data	Sections 82 – 85b of the Code of Criminal Procedure No 141/1961 Coll.
Article 20 – Real-time collection of traffic data	Section 88 of the Code of Criminal Procedure No 141/1961 Coll. - article not implemented completely
Article 21 – Interception of content data	As above

<i>Section 3 – Jurisdiction</i>	
Article 22 – Jurisdiction	Sections 16 to 20A of the Criminal Code No 140/1961 Coll.
<i>Chapter III – International co-operation</i>	
Article 24 – Extradition	Catch XXV. of the Code of Criminal Procedure No 141/1961 Coll.
Article 25 – General principles relating to mutual assistance	Implemented through ratification of the relevant international instruments
Article 26 – Spontaneous information	Implemented through ratification of the relevant international instruments, i.e. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) and Criminal Law Convention on Corruption (1999)
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	To be in effect upon ratification
Article 28 – Confidentiality and limitation on use	As above
Article 29 – Expedited preservation of stored computer data	As above
Article 30 – Expedited disclosure of preserved traffic data	As above
Article 31 – Mutual assistance regarding accessing of stored computer data	As above
Article 32 – Trans-border access to stored computer data with consent or where publicly available	As above
Article 33 – Mutual assistance in the real-time collection of traffic data	As above
Article 34 – Mutual assistance regarding the interception of content data	As above
Article 35 – 24/7 Network	As above
Article 42 – Reservations	

Appendix: **Solutions in national legislation.**

Extracts from the Czech Criminal Code

(law No. 140/1961 Coll., as amended)

CHAPTER III

Effectiveness of Criminal Laws

§ 16

(1) The liability to punishment for an act shall be considered according to the Act (law) in force at the time when the act was committed; it shall be considered under a subsequent Act only if consideration under such law is more favorable to the offender.

(2) Only such punishment can be imposed upon an offender as may be imposed under the Act in effect at the time when a verdict on the criminal offence is made.

(3) Protective measures shall be decided under the Act in effect at the time when the decision is taken.

§ 17

(1) The liability to punishment for a criminal offence committed on the territory of the Czech Republic shall always be considered under the law of the Czech Republic.

(2) A criminal offence shall be considered as having been committed on the territory of the Czech Republic

a) if an offender acted on its territory, even if the violation of, or threat to, an interest protected under this Code resulted, or was to result, completely or partly abroad, or

b) if an offender violated or threatened on its territory an interest protected under this Code, or if the consequence of such a criminal offence was to have occurred on its territory at least partly, even though the criminal offence was committed abroad.

(3) The liability to punishment for a criminal offence committed outside the territory of the Czech Republic on board a ship (vessel) or an aircraft registered in the Czech Republic shall also be considered under the law of the Czech Republic. The place where the criminal offence in question is committed shall be considered similarly as in case falling under par. 2.

§ 18

The liability to punishment for an act committed abroad by a citizen of the Czech Republic or by a stateless person (a person having no citizenship) authorized to reside permanently in the Czech Republic shall also be considered under Czech law.

§ 19

The Czech law shall apply when determining punishability for subversion of the Republic (§ 92), terror (§ 93 and 93a), diversion (§ 95 and 96), sabotage (§ 97), espionage (§ 105), the counterfeiting and altering of means of currency (§ 140), the placing of counterfeit and altered means of currency (money) into circulation (§ 141), manufacture and possession of counterfeiting tools (§ 142), assault on a state authority under § 153 and assault on a public official under § 155, genocide (§ 259), use of a forbidden weapon and non-permitted conduct of war (§ 262), cruelty in war (§ 263), persecution of citizens (§ 263a), plunder in an area of military operations (§ 264), abuse of internationally-recognized and state insignia (§ 265) and a crime against peace under § 1 of the Peace Protection Act, No. 165/1950 Coll., even if such a criminal offence was committed abroad by a foreign national or a stateless person who does not reside (i.e. has no permanent permit to reside) on the territory of the Czech Republic.

§ 20

(1) The Czech law shall be applied to determine the punishability for an act committed abroad by a foreigner (i.e. a citizen of another state) or a stateless person who is not authorized to reside permanently on the territory of the Czech Republic

a) if the act is also punishable under the law in force on the territory where it was committed, and

b) if the offender is apprehended on the territory of the Czech Republic and was not extradited for criminal prosecution to a foreign state.

(2) However, such offender shall not be sentenced to a more severe punishment than that stipulated under the law of the state on whose territory the criminal offence was committed.

§ 20a

(1) The punishability for an act shall also be considered under Czech law in cases stipulated in a promulgated international convention (agreement, treaty) which is binding on the Czech Republic.

(2) The provisions of § 17 – 20 shall not apply if it is not admitted under a promulgated international agreement binding on the Czech Republic.

Section 89

(1) „Crime“ shall be understood as an act punishable in criminal proceedings and, unless a specific provision provides otherwise, also the preparation of a crime, an attempted crime, organisation, instigation and assistance.

(2) „Act“ shall also mean the omission of an act which the offender was obliged to perform according to the circumstances and his situation.

(3) “Continuation of a crime” shall mean such conduct whose individual parts follow a common intent, thereby constituting the fact of a criminal act, and are associated by the same or a similar mode of commission and by close relation in time and in subject of attack.

(4) A crime is committed publicly, if committed

a) by the means of content of printed matter or distributed file, film, radio, TV broadcasting, or other similarly effective manner; or

b) in the presence of two concurrently present persons.

(5) A crime is committed with a weapon if the offender or, with his knowledge one of the accomplices, uses a weapon in an attack, to overcome or prevent resistance, or he has it on him for such purpose; a weapon shall be understood, unless provided otherwise in specific provision, as anything which makes a bodily attack more forcible.

(6) A crime is committed violently if committed on person tricked into a condition of defencelessness as well.

(7) Aggravated bodily harm shall mean serious impairment of health or serious illness. Under these conditions, aggravated bodily harm shall mean:

a) disfigurement;

b) loss or substantial diminution of capability to work;

c) paralysation of a limb;

d) loss or material reduction in the functioning of the sense organ;

e) impairment of an important organ;

f) mayhem;

g) inducing abortion;

h) excruciating anguish, or

ch) long-term impairment of health.

(8) A close person shall be understood as relative in direct line of descent, adoptive parent, adoptive child, sibling or spouse, partner; other persons in family or similar relation shall only be considered as close persons, when harm suffered by one of them is justifiably felt by the other as his own harm.

(9) A public official is an elected official or other authorised employee of state authority or self-governing unit, court or other state body or a member of armed forces or security forces, judicial executor performing execution proceedings, listing of execution records and during proceeding performed on behalf of a court under special law, insofar he participates in the fulfilment of tasks for the society and the state, for which he exercises authority entrusted on him as part of his responsibility. When exercising power and authority under special laws a public official shall be understood a natural person appointed forest guard, nature guard, game-keeping guard or fishing guard. Criminal liability and protection of a public official under individual provisions of this law

shall require that a crime is committed in connection with his authority and responsibility. The official or other responsible employee of a state authority or self-governing unit, armed forces or security forces of a foreign state are deemed as public officials under these conditions, if so stipulated by promulgated international treaty bound on the Czech Republic.

(10) Addictive substance shall be understood as alcohol, narcotic substances, psychotropic substances and other substances capable of influencing adversely mind of a person or his ability to control or to recognize or his social behaviour.

(11) Damage not insignificant shall be understood as damage amounting to at least 5 000 CZK, damage not small shall be understood as damage amounting to at least 25 000 CZK, a larger scope of damage shall be understood as damage amounting to at least 50 000 CZK, substantial damage shall be understood as damage amounting to at least 500 000 CZK and extremely serious damage shall be understood as damage amounting to at least 5 000 000 CZK.

These amounts shall be used to determine the amount of profit, expenses on settlement of consequences of damage to the natural environment and value of a thing or other property value.

(12) When determining the amount of damage, it shall be base on the price for which the thing - object of attack is usually sold at the place and time of such attack. If the amount of damage cannot be determined in such way, it shall be determined by efficiently spent funds on obtaining identical or similar thing or restoring it to its previous condition.

(13) Thing shall also be understood as a controllable natural force. Provisions on things shall also relate to bonds and assets on bank account and provisions on immovable assets shall also relate to flats and non-residential premises, unless a specific provision indicates otherwise. Other property value shall be understood as property right or other value appraisable in money, which is not a thing. A thing or other property value belongs to the offender or other person if he owns it at the time of decision, or if he disposes with it as its owner, without knowing the real owner or possessor of such thing or other property value.

(14) Burglary shall be understood as entering closed premises by trick, unlawfully forcing a lock or overcoming other security devices by force.

(15) Where this Code connects effect with running of certain time, the day of a fact determining the beginning of such time period shall not be included in the period

(16) For the purpose of this Criminal Code a natural person carrying out business activities under special law shall be considered an organisation.

(17) Criminal conspiracy shall mean a group of several persons with its own internal organisational structure, with division of roles and distribution of activities that is aimed at systematic commission of intentional criminal activity.

(18) To misrepresent or to use someone's mistake may also be achieved by interference with program equipment of a computer or execution of other computer operation, intervention with electronic or other technical equipment, including intervention with objects used to manage such devices provided with microchip, magnetic, optical or other special record, or by use of such operation or interference made by other person.

(19) Insolvency administrator shall be understood also as provisional insolvency administrator, deputy of insolvency administrator, separated insolvency administrator, special insolvency administrator, bankruptcy trustee and settlement administrator. Insolvency administrator shall also be understood as person appointed pursuant to special legal regulation by insolvency administrator to represent him during execution of his powers according to special law on the territory of another state, further a foreign insolvency administrator, foreign insolvency administrator of insurance company or reinsurance company and person, appointed by the foreign insolvency administrator or

foreign insolvency administrator of insurance or reinsurance company under special law to assist or represent him.

(20) Insolvency proceedings shall be understood as proceedings according to the Act on Insolvency and Methods of Settlement (Insolvency Act) and to Act on Bankruptcy and Settlement.

Section 152

Infringement of Copyright, Rights connected to Copyright and Rights to Databases

(1) A person unlawfully encroaching upon rights protected by law to author's work, performance by a performance artist, sound or acoustic video recording, radio or television broadcast or database, shall be sentenced to imprisonment of up to two years or pecuniary penalty or forfeiture of a thing or other property value.

(2) An offender shall be sentenced to imprisonment for six months to five years or pecuniary penalty or forfeiture of a thing or other property value, if:

- a) by committing an act given in paragraph 1 he acquires substantial benefit, or
- b) he commits such act in extremely serious extent.

Section 205

Dissemination of Pornography

(1) Whoever, written, photographic, film, computerised, electronic or other such pornographic work

- a) offers, surrenders or makes accessible to a child, or
- b) displays or otherwise makes accessible in place accessible to children, shall be sentenced by imprisonment of up to two years, prohibition of activity or forfeiture of a thing or other property value.

(2) Whoever produces, imports, exports, smuggles, offers, makes publicly accessible, mediates, put into circulation, sells or otherwise provides to other photographic, film, computerized, electronic or other pornographic work,

- a) depicting or otherwise using a child,
- b) depicting violence or disrespect to a human being, or
- c) depicting or otherwise representing sexual intercourse with animal, or who profits from such pornographic work, shall be sentenced to imprisonment of six months to three years, prohibition of activity, forfeiture of a thing or other property value.

(3) An offender shall be sentenced to imprisonment of two years to six years if he commits an act given in paragraph 1 or 2

- a) as a member of organized group,
- b) through press, film, radio or television broadcast, publicly accessible computer network or other similarly effective method, or
- c) with the intention to acquire substantial benefit for himself or another.

(4) An offender shall be sentenced to imprisonment of three to eight years if he commits an act given in paragraphs 1 and 2

- a) as a member of organized group operating in several countries, or
- b) with the intention to acquire large scale benefit for himself or another.

Section 205a

Possessing Child Pornography

Whoever possesses photographic, film, computer, electronic or other pornographic work depicting or otherwise using a child shall be sentenced to imprisonment of up to two years.

Section 205b
Abusing a Child to Produce Pornography

(1) Whoever induces, arranges, beguiles, decoys or abuses a child to produce pornographic material or profits from the participation of child on such pornographic material, shall be sentenced to imprisonment of one year to five years.

(2) An offender shall be sentenced to imprisonment of two years to six years, if he commits an act given paragraph 1

- a) as a member of an organized group, or
- b) with intention to acquire substantial benefit for himself or another.

(3) An offender shall be sentenced to imprisonment of three to eight years, if he commits an act given in paragraph 1

- a) as a member of organized group operating in several countries, or
- b) with the intention to acquire large scale benefit for himself or another.

Breach of Mailing Secrets
Section 239

(1) Whoever intentionally breaches the secret of

- a) a sealed letter or other written document when providing postal or other transportation services, or
 - b) messages transmitted by telephone, telegraph or other such public device,
- shall be sentenced to imprisonment of up to six months.

(2) An employee of postal or telecommunication provider, who:

- a) commits an act given in paragraph 1,
- b) intentionally enables another to commit such crime, or
- c) alters or suppresses a written document in the post or transmitted by transport equipment, or a message transmitted by telephone, telegraph or other similar way, shall be sentenced to imprisonment of up to one year or prohibition of activity.

Section 250
Fraud

(1)Whoever enriches himself or another person to the detriment of a property of another by misleading a person, or by taking advantage of another person's mistake or by withholding substantial facts, and thereby causes not insignificant damage to a property of another, shall be sentenced to imprisonment of up to two years, prohibition of activity, monetary punishment or forfeiture of a thing or other property value.

(2)An offender shall be sentenced to imprisonment of six months to three years or monetary punishment if, by an act given in paragraph1, he causes not a small damage.

(3) An offender shall be sentenced to imprisonment of two to eight years if:

- a) he commits the act given in paragraph 1 as a member of an organised group; or
- b) by such act he causes substantial damage or some other extremely serious consequence.

(4) An offender shall be sentenced to imprisonment of five to twelve years if, by the act given in paragraph 1, he causes extremely serious damage.

Section 257
Harm Done to a Thing of Another

(1) Whoever destroys, damages or renders useless a thing of another and thereby causes not insignificant damage to property of another, shall be sentenced to imprisonment of up to one year of prohibition of activity or pecuniary penalty or forfeiture of a thing or other property value.

- (2) An offender shall be sentenced to imprisonment of six months to three years if
- a) he commits the act given in paragraph 1 against a thing of a witness, expert or translator for the execution of their duty,
 - b) he commits such act against a thing of another for his race, nationality, political belief, religion or because he is without religion,
 - c) he causes by such act substantial damage, or
 - d) he commits such act against a thing enjoying protection under special provisions.
- (3) An offender shall be sentenced to imprisonment of two years to eight years if he causes extremely serious damage by act given in paragraph 1.

Section 257a

Harming and Misusing Record on Data Carrier

- (1) Whoever gains access to a data carrier and with intent to cause damage to another or to acquire unlawful benefit for himself or another, he
- a) unlawfully uses such data,
 - b) damages, destroys, alters or renders useless such data, or
 - c) interferes with the technical or program equipment or a computer or other telecommunication device, shall be sentenced to imprisonment of up to one year or prohibition of activity or pecuniary punishment or forfeiture of a thing or other property value.
- (2) An offender shall be sentenced to imprisonment of six months to three years if
- a) he commits the act given in paragraph 1 as a member of organized group, or
 - b) he causes by such act substantial damage or acquires for himself or another substantial benefit.
- (3) An offender shall be punished by imprisonment of one year to five years if he causes by the act given in paragraph 1 extremely serious damage or acquires for himself or another large scale benefit

Code of Criminal Procedure No. 141/1961 Coll.

Section 78

Liability to deliver a thing

- (1) Anyone possessing a thing important for the criminal proceedings is obliged to submit the thing to the court, public prosecutor or police body based on call; if it is necessary to secure the thing for the purpose of criminal proceedings, the person is obliged to deliver the thing to the bodies on call. Upon the call it is necessary to notify the person that if he/she fails to meet the call the thing can be taken away from him/her as well as other consequences of the failure to meet the obligation (Section 66).
- (2) The obligation under paragraph 1 does not apply to the written instrument the content of which relates to a circumstance for which prohibition of examination applies unless the release from the obligation to keep the matter confidential or release from the duty of non-disclosure has taken place (Section 99).
- (3) The presiding judge is authorised to call for deliver of a thing; the public prosecutor or police body are authorised to do so in pre-trial proceedings.

Section 79

Seizure of a thing

- (1) If the thing necessary for criminal proceedings is not issued on call by the person possessing the thing, it can be taken away based on order of the presiding judge and in pre-trial proceedings

based on order of the public prosecutor or police body. The police body needs a prior consent of the public prosecutor for the issue of such order.

(2) If the body that issued the order to take away the thing does not execute the taking away itself, it shall be executed by the police body based on the order.

(3) The police body may issue the order without prior consent specified in paragraph 1 provided only that the prior consent cannot be achieved and the act must be performed immediately.

(4) A person not participating in the matter shall be eventually engaged in taking away of the thing.

(5) The report on delivery and taking away of a thing must also include a sufficiently accurate description of the thing delivered or taken away to allow for identification thereof.

(6) The person that delivered the thing or from which the thing was taken away shall be immediately given a written acknowledgement of acceptance of the thing or copy of the report by the body that carried out the act.

Section 79a

Judicial seizure of a bank account

(1) If the facts ascertained indicate that the financial means on a bank account are intended for commission of a criminal offence or have been used to commit a criminal offence or they are proceeds of crime, the presiding judge and in pre-trial proceedings the public prosecutor or police body may decide to secure the bank account. The police body needs a prior consent of the public prosecutor for such decision. No prior consent of the public prosecutor is needed in urgent cases that must be performed immediately. In such event the police body shall be obliged to submit its decision to the public prosecutor within 48 hours; the public prosecutor shall either approve or cancel the decision.

(2) Decision under paragraph 1 must be delivered to the bank keeping the account and to the account holder after the bank has secured the account. The decision shall specify the bank details, which means the number of bank account and code of the bank, further the amount of money in relevant currency to which the securing applies. Unless the authority responsible for criminal proceedings mentioned in paragraph 1 specifies otherwise, any disposal of the financial means placed on the account up to the amount of securing shall be restricted from the moment of service of the decision, except for execution of the decision. The financial means not affected by the decision on securing shall be used preferentially to pay any claim being the subject of execution of a judicial or administrative decision. Financial means covered by decision on securing may only be disposed of within the execution of decision after prior consent of the judge, and in pre-trial proceedings after prior consent of the public prosecutor; this does not apply when the decision is executed in order to satisfy the claims of the state.

(3) If securing of financial means on the account for the purpose of criminal proceedings is not necessary any longer or it is not necessary in the specified amount, the authority responsible for criminal proceedings specified in paragraph 1 shall cancel or reduce the securing. The police body needs a prior consent of the public prosecutor for such decision. The decision to cancel or reduce securing must be served on the bank and account holder.

(4) The account holder whose financial means have been secured has the right to ask at any time for cancellation or reduction of the securing. Public prosecutor and in trial before court the presiding judge must decide about such application immediately. If the application has been dismissed, the account holder may repeat the application only upon expiry of fourteen days from legal force of the decision unless he/she specifies new reasons in the application.

(5) A complaint is admissible to be lodged against the decision under paragraphs 1, 3 and 4.

Section 79b

For the reasons for which the bank account can be secured it is possible to decide on securing the financial means on the account with a savings and credit co-operative or other entities keeping accounts for third persons, on blockage of financial means of an contributory pension scheme with state benefit, blockage of drawing financial credit, and blockage of financial lease. Provisions of

Section 79a shall be used reasonably to carry on the decision-making to secure and cancel or reduce the seizure.

Section 79c

Seizure of booked securities

(1) If the presiding judge or in pre-trial proceedings the public prosecutor decide to secure the booked securities, the person authorised to keep records of investment tools under special Act or the Czech National Bank shall open a special account for the holder of such securities, on which the securities shall be kept.

(2) The police body may also decide to secure the booked securities in exigent cases that must be performed immediately. The police body shall be obliged to submit its decision to the public prosecutor within 48 hours; the public prosecutor shall either approve or cancel the decision.

(3) Disposal of the securities covered by the securing is restricted from the moment of service of the decision on securing. The authority responsible for criminal proceedings mentioned in paragraphs 1 a 2 may specify in the decision, depending on the nature and circumstances of the crime, that no other rights may be executed in consequence of securing the book securities.

(4) Provisions of Section 79a shall be used as appropriate for the reasons for securing the book securities and procedure on making the decision to secure and cancel or reduce the securing.

Section 79d

Seizure of immovable assets

(1) If facts ascertained indicate that immovable asset is intended for the commission of a criminal offence or has been used for the commission of a criminal offence or is the proceeds of criminal activity, the presiding judge and in pre-trial proceedings public prosecutor or the police authority may decide to secure this immovable asset. The police authority needs previous consent of public prosecutor for this decision. The previous consent of public prosecutor is not required in urgent cases which cannot be delayed. In such a case the police authority is obliged to submit its decision within 48 hours to public prosecutor, who will either give his/her consent to it or cancel it. A complaint is permitted against a decision to secure immovable asset.

(2) In a decision on securing of immovable asset the owner of the asset is forbidden to have any dealings with the immovable asset specified in the decision; in addition he/she is forbidden to transfer the asset to any other person after notification of the decision or to encumber it and is ordered to inform the court within 15 days from notification of the decision whether there is and who has a first option on or other title to the asset, and is advised that otherwise the owner of the asset will be liable for loss caused thereby. The body active in criminal proceedings which decided on seizure under paragraph of 1 sends a copy of the decision to the relevant land cadastre office for the purpose of entering the content of the decision in its records kept under a special legal regulation.

(3) The presiding judge and in pre-trial proceedings public prosecutor or, with his/her consent, the police authority carries out an inspection of immovable asset and its facilities if required; the owner of the asset or a person who lives with him/her in a common household and also a person who is known to have a title to the asset are informed of the time and the place of the inspection. The owner of the asset or a person living with him/her in a common household is obliged to enable a search of the asset and its facilities.

(4) A legal decision on securing of immovable asset is delivered by a body active in criminal proceedings specified in paragraph 1 to persons who are known to have a first option on the asset, a tenancy or other title; it is also delivered to the tax office and communal authority in whose district property is located and the owner of the asset is permanently or temporarily resident. If the presiding judge has decided on securing of the asset, the final decision on securing of the asset is posted on the court's official notice-board, and in pre-trial proceedings is published in a suitable manner in the office of public prosecutor concerned. The body active in criminal proceedings which decided on securing under paragraph 1 informs the relevant land cadastre office of this decision coming into legal force.

(5) During the period of securing, all legal acts of the owner of the immovable asset relating to the secured asset are ineffective, with the exception of acts aimed at averting immediate threats of damage. Dealings with secured asset are possible in the context of enforcing the decision only with the previous consent of the judge and in pre-trial proceedings public prosecutor; this does not apply if the decision is enforced to discharge debts to the state.

(6) The rights of third parties to secured immovable asset can be exercised under a special legal regulation.

(7) If securing of immovable asset is no longer required for the purposes of criminal proceedings, or securing is not required to the stipulated extent, a body responsible for criminal proceedings specified in paragraph 1 shall revoke the decision or limit it. The police authority requires the previous consent of the state prosecutor for such a decision. A complaint is permissible against a decision to revoke or limit securing and has deferral effect.

(8) The owner of immovable asset which has been secured has the right to apply at any time for the decision to be revoked or limited. Public prosecutor and in proceedings before a court the judge must decide without delay on this application. If the application has been rejected, the owner of the asset may not, unless he/she states new reasons for it, re-submit the application until 14 days have passed since the decision came into legal force. A complaint is permissible against this decision.

(9) The procedure for administration of secured immovable asset is stipulated in a special legal regulation.

Section 79e

Securing of other property value

(1) If facts ascertained indicate that property value not specified in Sections 78 to 79d is intended for the commission of a criminal offence or has been used for a criminal offence or is the proceeds of criminal activity, the presiding judge or in pre-trial proceedings public prosecutor or the police authority may decide to secure such property value. The police authority needs previous consent of public prosecutor for this decision. The previous consent of public prosecutor is not required in urgent cases which cannot be delayed. In such a case the police authority is obliged to submit its decision within 48 hours to public prosecutor, who either gives his/her consent to it or cancels it. A complaint is permissible against a decision to secure another property value.

(2) In a decision to secure other property value its owner is forbidden to have dealings with the property value specified in the decision and to transfer other property value to any other person after notification of the decision or to encumber it and is ordered to inform the court within 15 days from notification of the decision whether there is and who has a first option or other right to this other property value, and is advised that otherwise the owner of this other property value will be liable for damage caused thereby. In the decision on securing the owner of this other property value is called upon to deliver all documents the submission of which is required for exercising a certain right to this other property value secured, and is advised of the consequences of failing to comply with this call within the stipulated time limit (Section 66, Section 79). These documents are compiled and deposited in the custody of the court.

(3) The body active in criminal proceedings which decided on securing under paragraph 1 also notifies a debtor of the owner of this other property value of the decision on securing and orders him/her to deposit payment in the custody of the court or to send it to a place designated by a body active in criminal proceedings specified in paragraph 1 instead of to the owner of this other property value. The debtor is notified of the decision on securing before the owner of this other property value secured.

(4) The body active in criminal proceedings which decided on securing under paragraph 1 promptly sends this information to the authority which keeps records under special legal regulations of owners and holders of other property values which have been secured, and to the local office of the Office for State Representation in Property Matters in whose district the owner of this other property value is permanently or temporarily resident; if the owner of this other property value lives abroad, it notifies securing to the local office of the Department for State Representation in Property Matters in whose district this other property value secured is located. The body active in criminal proceedings concerned also calls upon these authorities to notify it promptly if it finds that

this other property value secured is dealt with in such a manner that there is a danger that this will obstruct or hamper the purpose of securing.

(5) During the period of securing, all legal acts of the owner of this other property value relating to the other property value secured are ineffective, with the exception of acts aimed at averting immediate threats of damage. Dealings with the other property value secured are possible in the context of enforcing the decision only with the previous consent of the presiding judge and in pre-trial proceedings public prosecutor; this does not apply if the decision is enforced to discharge debts to the state.

(6) The rights of third parties to a secured asset can be exercised under a special legal regulation.

(7) Section 79d paras 7 and 8 are used as appropriate for revoking or limiting securing of other property value.

(8) The procedure for administration of other property value secured is stipulated in a special legal regulation.

Section 79f

Securing of substitute values

If it is not possible to obtain delivery or seizure of a thing (Section 78 and 79) or to secure funds in an account (Section 79a and Section 79b), secure booked securities (Section 79c), immovable asset (Section 79d) or other property value (Section 79e) which are intended for the commission of a criminal offence or have been used for its commission, or are the proceeds of criminal activity, a substitute value corresponding, albeit only partly, to their value can be secured in their place; the procedure is similar to that under the applicable provisions regulating delivery or securing of such value (Sections 78 to 79e).

PART FOUR

House and personal searches, searches of other premises and plots of land, entry to dwellings, other premises and plots of land

Section 82

Reasons for house searches and personal searches and searches of other premises and plots of land

(1) A house search may be carried out if there are grounds for suspicion that a thing or person important for criminal proceedings is in a flat or other premises used for residence or in premises belonging to them (residence).

(2) A search of non-residential premises (other premises) and plots of land may also be carried out for the reasons specified in paragraph 1, if they are not accessible to the public.

(3) A personal search may be carried out if there are grounds for suspicion that the person has a thing important for criminal proceedings on his/her person.

(4) A personal search may also be carried out on a person detained and on a person who has been arrested or who is being taken into custody if it is suspected that he/she is carrying a weapon or other thing which could endanger his/her own or another person's life or health.

Section 83

Search warrant

(1) Presiding judge and in pre-trial proceedings the judge based on motion of the public prosecutor are authorised to order the search of close premises. In exigent cases this can be done by the presiding judge or the judge, in the district of whom the search is to be carried out, instead of the appropriate presiding judge or judge (Section 18). The search warrant must be issued in writing and justified. It shall be served on the person, in the premise of whom the search is to be carried out, during the search, and if this is not possible, within 24 hours at the latest from elimination of the obstacle preventing from the service.

(2) A search warrant shall be executed upon order of presiding judge or judge by a police body.

Section 83a

Warrant for a search of other premises and plots of land

(1) A search warrant for other premises or plots of land is authorised by the presiding judge, and in pre-trial proceedings the state prosecutor or the police authority. The police authority requires previous consent of the state prosecutor. The warrant must be issued in writing and reasons must be given. It is delivered to the user of the premises or plots of land concerned, and, if he/she is not found in the search, immediately after the impediment which prevents delivery is removed.

(2) A search of other premises or plots of land is carried out by the authority which ordered it or the police authority at its order.

(3) The police may only carry out a search of other premises or plots of land without a warrant or the consent specified in paragraph 1 if the warrant or consent could not be obtained in advance and the matter cannot be delayed, or if the user of the premises or plots of land concerned declares in writing that he/she consents to the search and delivers its declaration to the police authority. The authority which is authorised to issue the warrant or consent specified in paragraph 1 must be informed of this action promptly.

Section 83b

Personal search warrant

(1) A personal search warrant is authorised by the presiding judge and in pre-trial proceedings by the state prosecutor or with his/her consent the police authority.

(2) If the personal search is not carried out by the authority which ordered it, it is carried out by the police authority at its order.

(3) A personal search is always carried out by a person of the same sex.

(4) The police may only carry out a personal search without a warrant or consent specified in paragraph 1 if the warrant or consent could not be obtained in advance and the matter could not be delayed, or if it involves a person caught in the act or a person for whom an arrest warrant has been issued. A personal search may also be carried out without a warrant or consent in the cases specified in Section 82 para. 4.

Section 83c

Entry to dwellings, other premises and plots of land

(1) The police may only enter dwellings, other premises or plots of land if the matter cannot be delayed and entry is necessary to protect persons' lives or health or protect other rights and freedoms or avert serious danger to public security and order.

(2) They may also enter places specified in paragraph 1 if an arrest warrant or a writ of attachment or a committal warrant for a person living there has been issued.

(3) No actions other than those serving to eliminate an imminent danger or to deliver a person may be carried out during entry to places specified above.

Section 84

Preliminary questioning

A house search or personal search or search of other premises and plots of land may only be carried out after preliminary questioning of the person on whose premises or against whom this action is to be carried out, only if voluntary delivery of a thing sought or elimination of another reason which led to this action has not been achieved by questioning. Preliminary questioning is not required if the matter cannot be delayed and questioning cannot take place immediately.

Section 85

Carrying out searches and entry to dwellings, other premises and plots of land

(1) The authority carrying out a house search or search of other premises is obliged to enable the person at whose premises this action is carried out or any adult member of his/her household, or in

the case of a search of other premises also employees, to participate in the search. It is obliged to instruct these persons of their right to participate in the search.

(2) For carrying out a house and a personal search it is necessary to co-opt a person who is not involved in the matter. The authority carrying out the search shows its authorisation.

(3) In the search protocol it is also necessary to state whether the provisions on previous questioning have been observed, or to give the reasons why they were not observed. If a thing has been delivered or seized in a search, it is also necessary to incorporate data specified in Section 79 para. 5 in the protocol.

(4) The authority which executed this action provides the person on whose premises the search was carried out with a written confirmation of the result of the action, and also take-over of things which were delivered or seized in it, immediately, and if this is not possible, within 24 hours at the latest, or provides a copy of the protocol.

(5) In entry to dwellings, other premises and plots of land, the provisions of paragraphs 1 to 4 are used as appropriate. However, participation of persons specified in paragraph 1 in entry to dwellings and co-opting of a person specified in paragraph 2 can be refused, if this could lead to endangering his/her life or health.

Section 85a

(1) The person on whose premises a house search, a search of other premises and plots of land, a personal search or entry to dwellings is to be carried out is obliged to bear with this search.

(2) If the person against whom an action specified in paragraph 1 is aimed does not enable this action to be carried out, the authorities carrying out the action are authorised, when a previous appeal has proved fruitless, to override this person's opposition or the impediment created by him/her. This is recorded in the protocol (Section 85 para. 3).

Section 85b

(1) When carrying out a house search or search of other premises, where a solicitor carries out his legal profession, and where documents with information covered by solicitor's duty of non-disclosure could be found, the law enforcement authority is obliged to seek cooperation of the Czech Bar Association ("Association"); the body carrying out the search is entitled to be acquainted with the content of documents only in the presence and with consent of a representative of the Association, who is nominated by the President of the Association from its employees or from solicitors. The position of the representative of the Association shall be stated in the protocol (Section 85 para. 3).

(2) If the representative of the Association refuses to grant the consent under para 1, the documents shall be secured in the presence of the law enforcement authority, solicitor and representative of the Association in such a way, so that nobody shall be able to be acquainted with them, eventually destroy or damage them; these documents shall immediately be handed over to the Association. The Association shall return them to the solicitor without delay if the time to file a petition under par. 5 expires; the Association proceeds accordingly in case the petition was rejected, including some documents; in such case the Association returns documents rejected by the petition. The Association returns the documents to the solicitor without delay when it was informed about the procedure under par. 6.

(3) In cases under par. 2, first sentence, the consent of the representative of the Association may be replaced, based on the proposal of the authority which authorised the house search or search of other premises, by decision of a judge of immediate superior court, to which the president of panel or a judge who is authorised to order a house search or search of other premises under sec. 83 para. 1 and sec. 83a para. 1. Same is applicable to search of other premises conducted by police authority under sec. 83a para. 3; in such case the warrant is issued by the president of panel and in preliminary proceedings by the state attorney.

(4) In addition to general elements (sec. 59 para. 4), the petition must contain the designation of documents regarding which the petitioner is seeking the replacement of consent of the Association's representative with acquainting with documents and stating of the facts proving the reason why the disapproval of the Association's representative should be replaced with the decision

of a judge based on para. 3. Protocol reporting the disapproval of the Association's representative shall be included to the petition.

(5) The petition shall be submitted in 15 days from the day that the representative of the Association denied the consent with acquainting with documents, regarding which the petitioner is seeking the replacement of consent of the Association's representative under para. 4

(6) The judge shall not consider petition which does not contain all elements, or which is incomprehensible or indefinite, provision of sec. 59 par. 4 sent. three and four shall not be used. The judge shall decide accordingly if the petition was submitted with delay or by a person not authorised to petition. The judge informs the petitioner and the Association of the measure without delay.

(7) Unless the judge proceeds according to par. 6, he considers the petition without delay in open session and imposes to the Association to submit the relevant documents. Apart other acts, the judge examines whether the security of documents submitted by the Association was not violated, and gets acquainted with the content; at the same time he takes measures not to allow the petitioner or anybody else to learn the content of documents during the open session.

(8) If the open session is suspended, the judge shall secure the documents not to allow anybody to become acquainted with the content, eventually to destroy or damage them.

(9) The judge shall grant the consent if he draws the conclusion that the document does not content facts covered by the concerned solicitor's duty of non disclosure; failing which he rejects the petition.

(10) If the judge satisfies the petition in part he hands over the respective documents without delay following the legal force of the judicial resolution by which the consent of the Association's representative was replaced to the authority executing the act and imposes on him to return documents to the Association immediately after he will get acquainted with the content; this is not applicable if the documents shall be used as evidence in criminal proceedings. Documents, regarding which the petition was rejected, shall be returned to the Association by the judge without delay following the legal force of the judicial resolution.

(11) In case the documents can not be surrendered to the authority carrying out the act, Association or its representatives in person, they shall be delivered on the first working day following the day on which the judicial resolution came into legal force at the latest, to the authority carrying out the act or the Association by judicial deliverer or by the body of Judicial Guard.

(12) Documents in paras. 1 to 11 are understood as written material, or its part, as well as other data carrier.

Section 85c

Provision of evidence in flat, dwelling, other premises and on plots of land

The provisions of Section 83, 83a, 84, 85 and 85a are also applied if it is necessary to carry out a reconstruction, recognition, on-site check or attempt to investigate in places specified in these provisions and it is evident from the nature of the action that it cannot be carried out elsewhere and the person on whose premises the action is to be carried out has not given his/her consent to it.

PART SIX

Intercepting and recording the telecommunication operation

Section 88

(1) If criminal proceedings are conducted for an especially serious intentional crime or for any other intentional crime the prosecution of which is an obligation resulting from a promulgated international treaty, the presiding judge and in pre-trial proceedings the judge based on motion of the public prosecutor may order to intercept and record the telecommunication operation (traffic, transmissions) provided that there is a justified assumption that any fact significant for the criminal proceedings would be communicated through it. It is not allowed to execute any interception or

record of telecommunication operation between (defence) counsel and the charged person. If the police body ascertains from the interception and records of the telecommunication operation that the charged person communicates with his/her counsel, the police body is obliged to discontinue the intercepting immediately, destroy the record of the contents, and abstain from using in any way the information it has gained in this connection.

(2) An order to intercept and record telecommunication traffic shall be issued in written form and justified. At the same time the period of interception and recording of telecommunication traffic must be stipulated, which can not be longer than 6 months with possibility of (repeated) prolongation for another 6 months by judge. Judge immediately forwards the copy of an order to a public prosecutor. The Police of the Czech Republic carries out interceptions and recordings of the telecommunication operations (traffic) for the purposes (needs) of all bodies active in (responsible for) the criminal proceedings.

(3) Without an order under the subsection 1 of this provision the agency can order an interception and recording of the telecommunication operations or carry out it itself even in the cases not mentioned in the subsection 1, if a user of tapped telecommunication station agrees.

(4) If the tapping and registration of telecommunication traffic is to be used as an evidence, it is necessary to attach to it the protocol with the data on the place, time, ways and content of registration, and about the person who made the recording as well. Other records shall be marked and reliably archived; it is necessary to write down in the protocol attached to file where the record is archived. It is possible to use as an evidence the record of telecommunication traffic in another criminal case than in the case in relation to which the record has been made if a prosecution in this another case is conducted also for criminal offence mentioned in subsection 1 of this provision or if user of tapped telecommunication station agrees.

(5) If during the interception and recording of telecommunication traffic no facts important for criminal proceedings were found out, it is necessary to destroy the records in prescribed way.

Section 88a

(1) If it is necessary, for the purposes of clarification of the circumstances significant for the criminal proceedings, to identify the data of the telecommunication traffic (transmissions) made, which are subject to the telecommunication secrecy or to which the protection of personal and mediation data applies, the chairman of panel (presiding judge), and the judge in the preparatory proceedings, shall order that the legal entities or natural persons performing the telecommunications services disclose these information to him, or to a public prosecutor or police agency in the preliminary proceedings. The order to identify the data of the telecommunication traffic must be issued in writing including its grounds (justification).

(2) No order in accordance with subsection 1 is required if the user of the telecommunication device, which the data of the telecommunication traffic are to apply to, gives the consent to disclose the data.

Section 158d

Tracking Persons and Things

(1) Tracking of persons and things (hereinafter "tracking") means obtaining information on persons and things performed in a concealed manner by technical or other means. If the police body finds out during the tracking that the accused person communicates with his defence counsel, the recording of such communication must be destroyed and the information thus learned may not be used in any manner.

(2) Tracking during which audio, video or other recordings are to be made may only be performed on the basis of a written permission of the state attorney.

(3) If the tracking is to interfere with the untouchability of residence premises or with the secrecy of mail or if the contents of other written documents and records kept in private are to be detected with the use of technical tools, it may only be performed on the basis of the judge's prior permission. When entering residence premises, no other steps may be taken than those aimed at the location of appropriate technical tools.

(4) The permission pursuant to paragraphs 2 and 3 above may only be granted upon written request. The request must be justified by a suspicion of specific criminal activities and, if known, must provide information on the persons or things to be tracked. The permission must specify the time for which the tracking is to be carried out, which may not exceed six months. Upon a new request, this period of time may be extended by the person granting the permission for tracking by no more than six months each time.

(5) If the matter cannot be postponed and if it does not involve the cases set out in paragraph 3 above, tracking may be commenced also without a permission. However, the police body is obliged to apply for the permission thereafter without delay and if not obtained within 48 hours, it is obliged to terminate the tracking, destroy any recordings and not to use in any manner the information learned in connection therewith.

(6) Without the fulfilment of conditions set out in paragraphs 2 and 3 above, tracking may be carried out subject to express consent of the person whose rights and freedoms are to be interfered with by the tracking. If such a consent is later withdrawn, the tracking must be immediately terminated.

(7) If a recording made during tracking is to be used as evidence, a protocol containing essentials set out in Sections 55 and 55a must be attached thereto.

(8) If no facts important for the criminal proceedings are found during the tracking, the recordings must be destroyed in a prescribed manner.

(9) The operators of telecommunication activities, their employees and other persons participating in the operation of telecommunication activities, as well as postal offices or entities transporting shipments shall be obliged to provide necessary co-operation to the tracking police bodies free of charge. In such cases, it is impossible to appeal to their confidentiality obligation imposed by special laws.

(10) It is only permissible to use the recording made in the course of tracking and the protocol attached thereto as evidence in another criminal case that the one in which the tracking was carried out pursuant to the conditions set out in paragraph 2 above, if criminal proceedings are being held in such a case on a wilful crime or subject to the consent of the person whose rights and freedoms were interfered with by the tracking.

**127
ACT**

of 22 February 2005

**on Electronic Communications and on Amendment to Certain Related
Acts
(Electronic Communications Act)**

Section 90

Traffic Data

(1) Traffic data mean any data processed for the purposes of the transmission of a message via the electronic communications network or for the billing thereof.

(2) The undertaking providing a public communications network or publicly available electronic communications service who processes and stores traffic data, including the appropriate location

data relating to a user or subscriber, shall erase such data, or render them anonymous, once they are no longer needed for message transmission, except as provided in Subsections 3 and 4. The obligation of the legal entity or natural person providing a public communications network or a publicly available electronic communications service to maintain operating and location data according to Section 97 shall remain unaffected.

(3) The undertaking providing a public communications network or publicly available electronic communications service may process the traffic data essential for the billing of the price for the service provided to a subscriber or user for access. Such processing is only admissible until the end of the period within which the billing of the price can be legally challenged or the payment thereof collected. Undertakings providing a public communications network or publicly available electronic communications service may provide each other with data related to the provision of the service, including, but not limited to, data about the subscribers being connected, in order to ensure interconnection and access to the network, mutual billing, and identification of any abuse of the electronic communications network and services. Abuse of electronic communications services means consistent late payment or non-payment of the billed price.

(4) For the purposes of marketing the electronic communications services or for the provision of value-added services, the undertaking providing publicly available electronic communications service may only process the data referred to in Subsection 1 above to the extent and for the period as needed for such services or such marketing, as far as the subscriber or user to whom the data relate gave a consent thereto. The subscriber or user may withdraw his consent with the processing of traffic data at any time.

(5) A value-added service means any service for which it is necessary to process traffic data – or location data other than those of traffic nature – beyond what is needed for the transmission of a message or for the billing thereof.

(6) The undertaking providing publicly available electronic communications service shall inform the concerned subscriber or user about the traffic data being processed and about the time for which such data may be processed for the purposes referred to in Subsection 3. For the purposes referred to in Subsection 4, the undertaking shall so inform the subscriber or user to whom the data apply still before obtaining such a subscriber's or user's consent.

(7) The undertaking providing a public communications network and the undertaking providing publicly available electronic communications service shall ensure that the traffic data processing according to Subsections 2 to 5 is restricted to

- a) the persons who were authorised to that effect by the that undertaking and who are responsible for the billing or operation management, for customer inquiries, fraud identification, electronic communications services marketing, or who provide value-added services; and
- b) the extent essential for the activities referred to in Clause a) above.

Section 97

Tapping and Recording Messages

(1) A legal entity or natural person providing a public communications network or publicly available electronic communications service shall, at the requesting party's expense, provide and secure interfaces at specified points of the network to connect terminal equipment for message tapping and recording: for the Police of the Czech Republic for purposes specified by a special legal regulation³⁶.

(2) In the course of message tapping or recording, the Police of the Czech Republic shall prove their authorisation for such activity by submitting a written application, which has a reference number under which a court decision is maintained and is signed by the person who is responsible for the performance of such activity. In the case of message tapping and recording on the basis of special legal regulations³⁷ the written application shall contain the reference number under which the subscriber's consent is maintained.

(3) A legal entity or natural person providing a publicly available communications network or electronic communications service shall store operating and location data and shall make such data available upon request to the bodies entitled to request them on the basis of a special legal regulation. The extent of such operating and location data, the time of the storage thereof, which

shall not be longer than 12 months, and the form and manner of the handover thereof to the bodies entitled to use them, shall be specified in an implementing legal regulation.

(4) A legal entity or natural person providing a publicly available telephony service shall, at the requesting party's expense, provide the Police of the Czech Republic upon their request with information from the database of all subscribers to the publicly available telephone service, the form and extent of such provision being specified by a special legal regulation.

(5) Where a legal entity or natural person providing a public electronic communications network or publicly available electronic communications service introduces in its activities any coding, compression, encryption or any other method of transmission that makes the messages being transmitted incomprehensible, there such a person shall ensure that the requested messages and the traffic and location data related thereto are provided in a comprehensible manner at the termination points for connection of the terminal equipment referred to in Subsection 1.

(6) For fulfilling the obligations specified in Subsections 1, 3 and 4 above, the legal entity or natural person is entitled to reimbursement for the efficiently incurred costs from the entitled entity that requested or ordered such an action. The amount of and method reimbursement for the efficiently incurred costs shall be specified in an implementing legal regulation.

(7) The person referred to in Subsection 1 and its/his employees shall respect the confidentiality of the message tapping and recording requested and performed according to Subsections 3 and 4, including any circumstances relating thereto.

(8) The technical and operating conditions and the points of connection of the terminal telecommunications equipment for message tapping and recording shall be specified in an implementing legal regulation.

(9) A legal entity or natural person providing a publicly available communications network or electronic communications service shall be entitled to reimbursement for efficiently incurred costs from the entity upon whose request the legal entity or natural person provided information in accordance with Subsection 4 above.

283/1991 Coll.
ACT
of the Czech National Council
of 21 June 1991
regulating the Police of the Czech Republic

Section 47

(1) When performing their tasks, the police departments are entitled to request from the state and municipal authorities, legal entities and natural persons their assistance in the performance of the departments' tasks, in particular, the necessary background materials and information. The provision of section 12 (3) through (5) shall apply accordingly.

(2) The authorities, entities and persons referred to in paragraph (1) must provide the requested assistance, unless the execution and observance of their duties under other generally binding legal regulations prevents that.

(3) Police departments shall notify the authorities, entities and persons referred to in paragraph (1) of the facts which may affect their work and may lead to endangering or breaching public order or to a threat to the security of persons or property.