

PROTECTION OF BUSINESS SECRET AND CONFIDENTIAL INFORMATION UNDER THE ACT NO. 143/2001 COLL., ON THE PROTECTION OF COMPETITION

A person employed by or in any other relationship with the Office, on the basis of which it performs an activity for the Office, shall not disclose any facts whatsoever which the person learned during this activity and which constitute a business secret or confidential information. This obligation shall remain in force after the termination of this relationship.

Access to the file

The document containing a business, bank or similar secret protected by law shall be excluded from the access to the file. Apart from the document containing such secret, the file shall also include either document from which such secret was removed or an extract from such document which does not contain such secret.

Within proceedings concerning prohibited agreements, abuse of dominant position, early implementation of concentrations or distortion of competition by public authorities after the statement of objections a party to the proceedings or its representative may access those parts of the file containing a business, bank or similar secret protected by law which have been or is being used as evidence. In such case a party to the proceedings or its representative shall be informed in advance about the consequences of the confidentiality breach and they shall sign a record regarding this caution. The right to make a copy from the file shall not apply.

Access to Leniency documentation

The application for immunity from fines and for reduction of fines as well as other documents and information that were submitted to the Office or created by the Office shall be considered to be confidential information and thus shall be excluded from the access to the file. The same rules of access of parties to the proceedings to the file as with a business secret shall be applied. Furthermore such information shall be excluded from the administrative file until the statement of objections is issued.

The Office shall not disclose such information to third parties with the exception of its disclosure to the court for the purposes of judicial review of the Office's activity before administrative courts.