

Ján Matejka: Internet jako objekt práva: hledání rovnováhy autonomie a soukromí. CZ. NIC, Praha 2013, 256 s. [The Internet as the Subject of Law: Searching for Balance between Autonomy and Privacy. CZ. NIC, Prague 2013, 256 pp.]

An interesting book called “*The Internet as an object of law*” with the subtitle “*Looking for balance between autonomy and privacy*” was published in August 2013 in the book series of the administrator of Czech national domain CZ.NIC. It was published as part of CZ.NIC educational projects, aiming to put to print mainly specialized publications on the Internet and its technologies. The author of the publication is Jan Matejka a practicing lawyer, university lecturer and researcher at the Institute of State and Law of the Czech Republic, who, with this book, which follows up on his previous publications, reflected on his previous work and capitalized on his experience in the area of the regulation of Internet privacy and data protection; this time with a distinct emphasis on the process of transformation of this area over the last few years. Jan Matejka is one of the founders of Czech theory of information technologies and a leading Czech expert, as evidenced by the fact that his professional work is often cited by the Courts, including the Constitutional Court.

It can certainly be agreed that the legal issues surrounding the Internet represent a highly specific area of law, under which questions concerning the relationship between the autonomy of man and his privacy take up a distinctive position. While dozens of authors devote their time and energy to the general issue of information technology in the Czech Republic, when it comes to the various levels of how questions relating to solutions and professional assessment of quality and efficiency of legal regulation of Internet privacy are regulated, we do not find much. Therefore the present publication not only falls into the category of truly professionally managed monographs, but also ventures into the almost undescribed areas of the law.

The publication is divided into seven parts. Moreover, it is also complemented by author's preface, summaries, index, bibliography and fairly thorough overview of bibliography of the sources the author uses (including case law), as well as a wide range of hyperlinks, especially useful for readers of the electronic version of this publication.

The first part of the book titled “*The Internet and rights in (un) rest*” presents some of the author's thoughts on the current legal problems the regulation of the Internet is facing, which need to be, as the author states, considered in the overall legal and technological context, not only through the lens of ingrained patterns of legal expertise. Concerning this, the author properly determines the basic proposition that such a narrow topic necessarily requires a comprehensive interdisciplinary scope, and, in this respect, it was necessary to “borrow” many aspects from other fields of law, not always entirely consistent with the very fields of expertise, especially in the case of those which are far beyond the scope of private law, with which the author of this publication has largely dealt with so far. As to its main function, this part represents a kind of opening comment that reveals systematized approach and summarizes the author's approach to questions further addressed. In the second part of the publication named “*Axiology of privacy and the protection of the environment within the information society*”, the author focuses on explicating the basic values of the concept of privacy, while at the same time emphasizes the relevant dimension of legitimacy and rationality of reasonable expectation of privacy in the environment of the Internet, a dimension which is the domain of the Anglo-Saxon view and which remains, in Europe unfortunately rather ignored. The third section contains an analysis of formal methodological issues as well as well selected questions on the conflict of individual freedom with the right to privacy.

A fundamental part of this publication is contained in its fourth part, which discusses the legal regulation of privacy, its limits and possibilities; the discussion is thorough and looks into the various modes of protection, both in terms of Community law and the national law. In this analysis, the author covers a wide range of areas, including civil, labour, criminal and administrative law; here the author identifies the Law on the protection of personal data as the key legal regulations and subjects it to critical analysis. The content of this section shows clearly that the author applied his rich practical experience from the legal profession, as well as the actual administrative practice gained from

his long years at the appellate committee of the Office for Personal Data Protection. The fifth section deals with the very fundamental problem of the absence of international cooperation, which is an important precondition for the efficiency and law enforcement in this area. The author briefly describes the historical aspects of the birth of the Internet, as well as its internal structure, which was built precisely so the authorities and States do not gain complete control over this technology. Such a concept, given the expansion of the Internet, necessarily leads to a number of problems, however, as the author notes, these can be resolved by relatively standard practice in the form of international cooperation. The sixth part of the book deals with decision-making practice and its methods, where the author partially criticizes some current methods of decision-making practice, as well as the absence of much needed technical knowledge on the part of judges. The paper concludes with the seventh part where the author recapitulates rather different topics, and consistent with the earlier parts of the book suggests some other solutions.

The publication is extremely fruitful, based on scientific and practical experience of the author, and it will be, as a quick guide, appreciated especially by specialists in the field of data protection, as well as a fundamental source of information for lawyers dealing with this yet not so well trodden an area. I am not aware of any other publication on the Czech market which would with such precision and complexity deal with such a complex and multidisciplinary topic in the way this monograph does. The reviewed book may also serve well to those who apply the law on the protection of personal data on the Internet; it contains a number of previously unpublished findings, which anyone, considering the administration or processing of personal data in information systems, should be aware of. The book not only thoroughly discusses the current (European) decision-making practice, but also provides possible solutions, all of which in an area which is generally considered to be complex and for non-specialist lawyers at times too confusing.

Some conclusions and claims of the author are certainly up for discussion and cannot always be completely accepted, but the author always finds new arguments new perspectives in support of his claims, thus gradually convincing the reader. What is also worth mentioning is the precision with which the author works with other literary sources, the list of sources and its quality however exceeds the normal range for this type of monograph. The list of sources is not a mere work of decoration, but it is actually a valuable source of information. In a similar fashion, the author works with the case law, including the foreign one.

The monograph is well served by the rigorous approach of the author, as well as by its clarity and the emphasis on the practical use. Overall, this is a very successful publication that fully meets the goals set by the author in the preface, namely to contribute to the mapping out of this diverse and large area spanning across the radius of new legal relations arising in connection with the existence of the Internet and its services.

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