

# News Flash

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**Data boxes from 1 January 2023  
in the Czech Republic**

## Data boxes from 1 January 2023 in the Czech Republic: For whom they will be mandatorily created and what changes can be expected?

The data boxes represent a secure and state-guaranteed electronic communication portal, which can be used to communicate with authorities, courts or other entities, including private entities. For now, all public authorities, legal entities registered in the Commercial Register, and representatives of the so-called liberal professions such as attorneys, insolvency administrators, auditors or tax advisors are obliged to have the data box. **However, there will be a change from 1 January 2023.** Newly, the data boxes will also be automatically set up for all entrepreneurs and the rest of legal entities that have not yet been obliged to have the data box established.

### Who will be the new holder of the data box?

Most of the new holders of data boxes will be the entrepreneurs, **i. e. freelancers or self-employed persons**, even if they have their business activity suspended. If these persons already have the data box based on their position as the natural persons, according to the new obligation they must have one more data box established based on their position as the entrepreneurs.

The data boxes will also be newly set up **to all non-profit organisations**, i.e. in particular foundations, charitable associations, communities of unit owners, trust funds, associations or various societies.

The original version of the amendment to the act also provided for the automatic establishment of data boxes for natural persons who use the citizen's electronic identity (a resource in the NIA national point system). However, this rule was abandoned as it was perceived as too strict. **Thus, in general, for the individuals who are not entrepreneurs, the data box will only be set up upon their request.**

### How do I find out that my data box has been established and how do I log in?

The data boxes will be set up **between January and March 2023.**

The entities will obtain their access details by a registered letter once the data boxes are automatically set up. However, they need to beware that the data boxes will be activated even if the letter with the access data is not picked up and the entity never logs in to the data box.

If you already have the data box as an individual, the access details for the new data box will be sent here instead of receiving the letter. In this case, unfortunately, the data boxes cannot be merged into one, as you will act as a different type of entity with each of them, as a natural person and as an entrepreneur.

As far as the **activation of the data box** itself is concerned, the data box will be activated either by logging in itself or automatically after 15 days from the date of its establishment, if such a login does not occur.

### Beware of deemed delivery

Received data messages are stored for 90 days after logging in. After that, they are deleted. If the person does not log in to the data box, the data message will be stored for a maximum of 3 years.

However, what is essential and what needs to be paid attention to in order to avoid adverse consequences, is the change in delivery and the deemed delivery associated with it. The data message, both in the context of **private communications and communications with public authorities**, is considered to have been delivered at the moment when it is logged into the data box. However, if no such log in occurs, the

data message is considered **to have been deemed delivered on the 10th day after its delivery.**

Please note a recent development following the decision of the Supreme Administrative Court relating to this matter: If 10th day falls on a weekend or public holiday, it will not be deemed

delivered automatically, but the deemed delivery will take place on the next working day. This rule is valid as of 1 January 2023.

We therefore recommend setting up a notification system for newly incoming data messages in order to avoid the risk of delay.

Over time, data boxes should become a completely common and trusted communication portal between individual entrepreneurs and organisations/authorities. With their lower financial cost and greater convenience, they could even completely replace registered letters.

If you are interested, we can offer you the [service of managing your data box](#) with our own access data. We will always inform you about the received data messages in a timely manner and we will also ensure their secure archiving.

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