

FOR PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee /

www.aki.ee Registration code 70004235 PRELIMINARY WARNING in personal data protection case no. 2.1.-6/21/9 Issuer of the injunction Data Protection Inspectorate lawyer Sirgo Saar Time and place of the injunction 19.04.2021, Tallinn Addressee of the injunction - personal data processor OÜ Aravon, Tartu county, Tartu city, Tartu city, Aardla tn 25b, 50110, registry code 11476148 E-mail address info@aravon.ee Responsible person of the personal data processor Board member RESOLUTION: § 56 subsection 1, subsection 2 clause 8 of the Personal Data Protection Act (IKS), § 58 subsection 1, § 133 subsection 4 of the Electronic Communications Act (ESS) and Article 58 paragraph 1 point a of the General Personal Data Protection Regulation (GPR) and taking into account point e of the same paragraph, the inspectorate makes a mandatory prescription for compliance: 1. Respond to OÜ Aravon's inquiry sent by the Data Protection Inspectorate 05.04.2021 No. 2.1.-1/21/814. The inspection sets the deadline for compliance with the injunction as 29.04.2021. Report compliance with the order to the e-mail address of the Data Protection Inspectorate at info@aki.ee by this deadline at the latest. REFERENCE FOR DISPUTES: This order can be challenged within 30 days by submitting either: - an appeal under the Administrative Procedure Act to the Data Protection Inspectorate or - an appeal under the Administrative Court Procedure Code to the administrative court (in this case, the appeal in the same matter cannot be reviewed). Challenging a precept does not stop the obligation to fulfill it or the implementation of measures necessary for fulfillment. WARNING: If the injunction is not complied with by the specified deadline, the Data Protection Inspectorate will impose a fine of 2000 euros on the addressee of the injunction based on § 60 of the Personal Data Protection Act. A fine may be imposed repeatedly - until the injunction is fulfilled. If the recipient does not pay the penalty, it will be forwarded to the bailiff to start enforcement proceedings. In this case, the bailiff's fee and other enforcement costs are added to the enforcement money. MISCONDUCT PUNISHMENT WARNING: Failure to comply with the prescription under Article 58(2) of the Personal Data Protection General Regulation may result in a misdemeanor proceeding based on § 69 of the Personal Data Protection Act. For this act, a natural person may be fined up to EUR 20,000,000, and a legal person may be fined up to EUR 20,000,000 or up to 4 percent of its global annual turnover of the previous financial year, whichever is greater. The non-judicial processor of misdemeanor proceedings is the Data Protection Inspectorate. FACTUAL CIRCUMSTANCES: The Data Protection Inspectorate received a request from XX on 03.03.2021, according to which it has received an electronic direct mail from OÜ Aravon. The applicant made an order last year on the website <https://placentactiv.ee/> regarding the Black Friday campaign. Then the complainant started receiving advertising e-mails and

SMS. The complainant received confirmation that he has been deleted from the list, but the reason/legal basis why the company sent the advertisement to the complainant remained unknown. Based on the above, the inspection started the supervision procedure on the basis of § 56 (3) point 8 of the Personal Data Protection Act. In the inquiry, the inspectorate explained that according to Section 1031(1) of the Electronic Communications Act (ESS), the use of electronic contact data of a natural person user or client of a communication service for direct marketing is only permitted with his prior consent. The consent must meet the conditions stipulated in the regulation of the European Parliament and the Council. The terms of consent are a voluntary, specific, informed and unequivocal statement of will. In addition, according to Article 7 points 1 and 3 of the General Regulation, the consent must be provable and it must be possible to withdraw it at any time as easily as it was originally given. The Data Protection Inspectorate sent an inquiry to OÜ Aravon on 05.04.2021, to which the addressee was obliged to answer on 15.04.2021. The inspection asked the following in the inquiry: 1. On what legal basis did Aravon OÜ send electronic direct marketing to the complainant? 2. Why was electronic direct marketing sent to the complainant, even though the complainant had not given his consent? To justify. 3. Please review the technical solutions for sending direct mails, so that e-mails and SMS are sent to natural persons who have given clear consent from ESS. The data processor OÜ Aravoni is responsible for proving consent. 4. To confirm that complainant XX will no longer send direct mail to the address metsar2@gmail.com. 5. To confirm that the complainant XX will no longer send SMS advertisements to the number +372 555 827 38. OÜ Aravon has not responded to the inspection on time. As part of the inquiry, the inspectorate drew attention to the imposition of an injunction and a fine in the event that the data processor does not respond to the inquiry on time. The inspectorate sent the inquiry to the e-mail address provided in the business register at info@aravon.ee and explained that according to § 25 (1) of the Administrative Procedures Act (HMS), an administrative act, summons, notice or other document is delivered to the participant of the proceedings by post, by the administrative body that issued the document or electronically. Pursuant to § 27 (2) of HMS, a document made available or transmitted electronically is deemed to have been delivered in the following cases: 3) the document or notice of making the document available has been sent to the electronic mail address entered in the company's business register. For the time being, the board member of OÜ Aravon has not responded to the inspection's inquiry and has not asked for an extension of time to respond. EXPLANATION OF THE PROCESSOR OF PERSONAL DATA: The inspection asked the management of OÜ Aravon to answer the inquiry, which the apartment association has not answered in time. The inspection gave the apartment association a reasonable time to respond. With this,

the inspectorate has fulfilled its obligation in § 40 (1) of the Administrative Procedure Act to give the party to the procedure the opportunity to present their opinion and objections on the matter before issuing the administrative act. GROUNDS OF THE DATA PROTECTION INSPECTION: In accordance with § 58 (1) of the Personal Data Protection Act and Article 58 (1) point a of the General Regulation on Personal Data Protection and taking into account point (e) of the same paragraph, the inspectorate has the right to request explanations and other information, including the submission of documents necessary for conducting the supervision procedure. Pursuant to § 25(1) of the Administrative Procedures Act (HMS), an administrative act, invitation, notice or other document is delivered to the party to the procedure by post, by the administrative body that issued the document, or electronically. Taking into account that it is mandatory to respond to the inquiry made as part of the supervision procedure of the administrative body, but OÜ Aravon has not responded to the inspection's inquiries, the inspection considers that issuing a mandatory injunction is necessary in this case in order to find out the important circumstances of the supervision case. Sincerely, /digitally signed/ Sirgo Saar lawyer under the authority of the director general