

PROTECTION OF PRIVACY AND TRANSPARENCY OF THE STATE Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 PRECAUTIONS WARNING in personal data protection matter no. 2.1.-6/20 Issuer Senior Inspector of the Data Protection Inspectorate Maria Muljarova Time and place of precept 07.04.2020, Tallinn Addressee of the precept Responsible person of the addressee Julianus Inkasso OÜ (10686553) A.Weizenbergi tn 20, Tallinn 10150 inkasso@julianus.ee Xxxxxx Xxxxxxxx Member of the Management Board RESOLUTION: Pursuant to § 56 of the Personal Data Protection Act (1), (2) (8), § 58 (1) and Article 58 (2) (f) of the General Regulation on the Protection of Personal Data, the Supervision Authority issues a mandatory precept: Julianus Inkasso OÜ to disclose Xxxxxx Xxxxxxx personal data (incl. payment defaults). We set the deadline for compliance with the precept as 20.04.2020. Notify the Data Protection Inspectorate to the e-mail address info@aki.ee of the fulfillment of the precept by the deadline. CONTEST REFERENCE: This precept can be challenged within 30 days by submitting either: - a challenge under the Administrative Procedure Act to the Data Protection Inspectorate, or - an appeal to the Tallinn Administrative Court under the Code of Administrative Court Procedure (in which case the challenge can no longer be heard). Contestation of a precept does not suspend the obligation to comply with the precept or the application of the measures necessary for compliance. PENALTY OF WARRANTY: If the precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a penalty payment of 5,000 euros on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act. The penalty payment may be imposed repeatedly - until the precept is complied with. If the addressee does not pay the penalty payment, it is forwarded to the bailiff to start enforcement proceedings. In this case, the bailiff's fee and other enforcement costs are added to the penalty payment. Tatari str. A natural person may be fined up to EUR 20 000 000 for this act and a legal person may be fined up to EUR 20 000 000 or up to 4% of its total annual worldwide turnover, whichever is greater. The Data Protection Inspectorate conducts extra-judicial proceedings against misdemeanors. FACTUAL FACTS: Xxxxxx Xxxxxxx has a complaint in the proceedings of the Data Protection Inspectorate (represented by Taivo Ruus, a sworn advocate on the basis of a power of attorney). According to the complaint, Julianus Inkasso OÜ discloses the name of Xxxxxx Xxxxxxx and the debt for which there are no basic documents for the debt claim, and according to the representative, the debt has expired today. Consequently, the applicant requests the termination of the processing of his personal data. The Data Protection Inspectorate initiated supervision proceedings against Julianus Inkasso OÜ pursuant to clause 56 (3) 8) of the Personal Data Protection Act (IKS), forwarding an inquiry to Julianus Inkasso OÜ with the aim of establishing whether Julianus Inkasso OÜ is convinced of the accuracy of the published debt data.

In the reply submitted to the Supervision Authority, Julianus Inkasso OÜ explained that the basic documents related to the Xxxxx Xxxxxx debt claim have been deleted / destroyed from the archives of Elisa Eesti AS by today. At the same time, Julianus Inkasso OÜ received the following documents from the archives: subscription agreement, annex to the subscription agreement, general terms and conditions of mobile communication service, application for refund of bailiff's fee, confirmation letter from Elisa Eesti AS, Julianus Inkasso OÜ's reply to the applicant's request. On 13.03.2020, the Data Protection Inspectorate made a proposal to Julianus Inkasso OÜ to stop disclosing Xxxxx Xxxxxx payment defaults and to send a corresponding confirmation no later than 23.03.2020. 27.03.2020 Julianus Inkasso OÜ forwarded the response to the proposal of the Inspectorate, in which it maintained its previous position: the disclosure of payment defaults by Xianxx Xxxxxxx by Julianus Inkasso OÜ is lawful. Julianus Inkasso OÜ added that the disclosure of the Xxxxx Xxxxxx payment default will be terminated as of 01.01.2021. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: § 10 (1) of the IKS obliges the data processor to check the accuracy and legal basis of the published data. Subsection 2 (3) of the same section prohibits the processing of data related to a breach of a debt relationship if it unduly impairs the rights and freedoms of the data subject (which an unsubstantiated claim also does in the present case). Under Article 21 (1) of the General Regulation on the protection of personal data, the data subject has the right to object at any time to the processing of personal data concerning him or her under Article 6 (1) (f), depending on his or her particular situation. The controller shall not further process personal data unless the controller demonstrates that the processing is carried out for a valid legitimate reason which outweighs the interests, rights and freedoms of the data subject or for the purpose of drawing up, submitting or defending legal claims. Pursuant to Article 17 (1) (c), the data subject shall have the right to request the controller to delete personal data concerning him or her without undue delay and the controller shall delete the personal data without undue delay if the data subject objects to the processing of personal data pursuant to Article 21 (1). Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 It follows from the above that the data subject is obliged to check that he or she is publishing the correct data and to prove that their processing in this way is lawful. Consequently, the processor must be able to prove that the debt exists and that it is in that amount. It follows from the reply forwarded to the Inspectorate by Julianus Inkasso OÜ on 26.02.2020 that the basic documents related to the debt claim have been deleted / destroyed from the archives of Elisa Eesti AS. At the same time, Julianus Inkasso OÜ received the following documents from the archives: subscription agreement, annex to the subscription agreement, general terms and conditions of mobile communication service, application for refund of

bailiff's fee, confirmation letter from Elisa Eesti AS, Julianus Inkasso OÜ's reply to the applicant's request. The subscription agreement and its annex only prove that the agreement was concluded between the parties, the general terms and conditions of the mobile communication service indicate what the terms and conditions of the agreement were. TA OT LUS for refund of bailiff's fee in civil case no. 2-09-65774 and explanation in civil matter no. 2-09-65774 contain the following information: Lindorff Eesti AS (registry code 10231048) paid 01.04.2010 3100057277, explanation Lindorff Eesti AS v. Xxxxx Xxxxx, bailiff's fee, civil case no. These (request and explanation) do not in any way prove that anyone had any debt. Moreover, it is not even possible to unambiguously understand who was the subject of the proceedings, because one name is mentioned as a defendant in one place and another in another. 03.01.2020 The content of the confirmation letter of Elisa Eesti AS is the creditor's statement that such a debt exists. However, it must be borne in mind that an allegation made by one party cannot automatically be considered as evidence. 07.01.2020 Julianus Inkasso OÜ's response to the request is also simply a creditor's statement that such a debt exists. Here, too, it must be borne in mind that the allegation made by one of the parties is not yet substantiated. Thus, the documents submitted by Julianus Inkasso OÜ only prove that there was a legal relationship (agreement) between the parties, but do not prove that this agreement was not properly performed and does not allow checking the amount of the claim. Due to the above explanations, the Data Protection Inspectorate is of the opinion that Julianus Inkasso OÜ has not been able to prove the accuracy of the disclosed data. The assessment of the Supervision Authority has no effect on whether or not there is a debt relationship between the persons and the parties can dispute this in court. Pursuant to § 56 (1), (2) (8), § 58 (1) and Article 58 (2) (f) of the General Data Protection Regulation, the Supervision Authority has the right to impose a temporary or permanent restriction on the processing of personal data, including a ban on processing. Taking into account the factual circumstances, the Data Protection Inspectorate is of the opinion that the issuance of a precept in the matter is necessary to terminate the disorder. / digitally signed / Maria Muljarova Senior Inspector on behalf of the Director General