

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.-4/22/2528 Issuer

of the injunction Data Protection Inspectorate lawyer Karin Uuselu Time and place of the injunction 09.12.2022 in Tallinn

Addressee of the injunction - personal data processor Shihtasutus Eesti Terviserajad (90008821) assar@terviserajad.ee

Liivalaia tn 8, 15040 Tallinn Personal data processor responsible person member of the board RESOLUTION: § 56 (1), (2)

point 8 of the Personal Data Protection Act (IKS), § 58 (1) and Article 58 (1) point a of the General Regulation on Personal

Data Protection and considering the basis of point e of the same paragraph, I issue a mandatory order for compliance:

Respond to the Data Protection Inspectorate on 25.10. .2022 No. 2.1.-4/22/2528 sent for inquiry. We set the deadline for

fulfilling the prescriptions to 22.12.2022. The prescription must be completed by this deadline at the e-mail address of the Data

Protection Inspectorate at info@aki.ee. REFERENCE FOR DISPUTES: This order can be disputed within 30 days by

submitting either: - a complaint according to the Administrative Procedure Act to the Data Protection Inspectorate or - a

complaint according to the Code of Administrative Court Procedure to the Tallinn Administrative Court (in this case, the

complaint in the same case can no longer 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 set deadline, the

Data Protection Inspectorate will impose a fine of 700 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 (1) of the Personal Data Protection General Regulation may result in a misdemeanor proceeding based on § 70 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 out-of-court procedure for a misdemeanor is the Data Protection Inspectorate. FACTUAL CIRCUMSTANCES:

The Data Protection Inspectorate received an appeal regarding a public camera on a health trail managed by SA Eesti

Terviserajad, which has no markings. In addition, the camera image, which can be monitored in real time via the Internet, is of

high resolution. Based on the above, we started the supervision procedure on the basis of § 56 subsection 3 point 8 of the

Personal Data Protection Act. Since the foundation manages more than one health trail, which can be monitored live via

camera, the inspection sent an inquiry to Eesti Terviserajad SA on 25.10.2022 in case No. 2.1.-4/22/2528, the deadline for answering was 03.11. 2022. In our inquiry, we wanted to know the following: 1. For what purpose and legal basis have you installed the trail cameras? 2. Is it only live image transmission or is a recording service ordered where the data is stored with the service provider? How long is the storage? 3. For what purpose is the live image broadcast on the Internet on a public website? 4. We ask for a description of which cameras you use, whether they are zoomable, rotating, sound recording, etc. 5. For what reason and purpose do you use cameras with such a resolution that persons can be identified? 6. If there are notifications about the use of cameras on the health trails, please send us photos showing the notification signs of the surveillance cameras and the notification information on them. If there are no corresponding labels, it is possible to create them here <https://melon.rik.ee/videoalvesildi-genererija>. SA Eesti Terviserajad did not send us a reply by the indicated date. Therefore, we sent a repeated inquiry to the institution on 22.11.2022, in which we asked the same questions. The date set for answering this inquiry was 29.11.2022. However, the inspection has not received an answer to these questions as of 08.12.2022. As part of the inquiry, the inspectorate also drew attention to the setting of an injunction and a fine in the event that the inspectorate's inquiry is not answered on time. The inspection sent the inquiry to the e-mail address assar@terviserajad.ee provided in the business register. Regarding the inquiry sent by e-mail, we note that in accordance with § 27 (2) point 3 of the Administrative Procedure Act, a document made available or transmitted electronically is considered delivered if the document or message has been transmitted to the e-mail address entered in the company's business register. As of 08.12.2022, the foundation has not responded to the inquiry of the inspectorate, nor has it contacted regarding the extension of the deadline for responding to the inquiry. The inspection has given SA Eesti Terviserajad a reasonable time to respond, including the possibility for the addressee of the inquiry to write to the inspection within the deadline and give reasons if the deadline for replying to the inquiry is too short and submitting an answer would require a longer response time. With this, the inspectorate has fulfilled the obligation arising from § 40 subsection 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.

GROUND 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. Taking into account the factual circumstances and the fact that it is

mandatory to respond to the inquiries made by the administrative body as part of the supervisory procedure, but SA Eesti Terviserajad has not responded to the inquiries sent by the inspectorate, the inspectorate considers that issuing a mandatory injunction in this case is necessary in order to find out the important circumstances of the supervisory matter and to conduct the administrative procedure effectively, including as quickly as possible , to carry out. If the institution has problems responding to the inspection by the specified deadline, the institution can explain to the supervisory authority which objective circumstances were the obstacles. However, simply not responding is not acceptable. /digitally signed/ Karin Uuselu lawyer under the authority of the general director