

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.-6/21/7 Injunction maker Data Protection Inspectorate lawyer Sirgo Saar Time and place of injunction 31.03.2021, Tallinn Injunction addressee - personal data processor Järveotsa tee 7 apartment association, registry code 80153396, Harju county, Tallinn, Haaberst district, Järveotsa tee 7- 13, 13520, XX Responsible person of the personal data processor Board member RESOLUTION: § 56 subsection 1, subsection 2 point 8, § 58 subsection 1 of the Personal Data Protection Act (IKS), § 58 subsection 1 and Article 58 subsection 1 point a of the General Regulation on Personal Data Protection and taking into account point e of the same subsection makes the inspection to comply with the mandatory prescription: 1. Respond to the inquiry and proposal sent by the Data Protection Inspectorate on 10.03.2021 no. 2.1.-1/21/361 at Järveotsa tee 7 apartment association. The inspectorate sets the deadline for compliance with the injunction as 12.04.2021. 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: On 28.01.2021, the Data Protection Inspectorate received XX's appeal regarding the illegal monitoring of the cameras of the apartment association Järveotsa tee 7 from the board premises of the association. The applicant writes that he has repeatedly written to the board member, but has not received an answer. The applicant wants to get acquainted with

the data collected about him, which has not been issued to him. Based on the above, the inspection started the supervision procedure on the basis of § 56 (3) point 8 of the Personal Data Protection Act. On 10.03.2021, the Data Protection Inspectorate sent an inquiry and a proposal to the board member of Järveotsa tee 7 apartment association, to which the addressee was obliged to respond on 22.03.2021. Järveotsa tee 7 apartment association has not responded to the inspection by the deadline. As part of the inquiry, the inspection drew attention to the imposition of an injunction and a fine in the event that KU does not respond to the inquiry on time. The inspectorate sent the inquiry to the e-mail address listed in the business register, valeri.jevstafiadi@gmail.com, 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 party to 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 forwarded electronically is considered delivered in the following cases: 3) the document or notice of making the document available has been forwarded to the e-mail address entered in the company's business register. For the time being, the board of the Järveotsa tee 7 apartment association has not responded to the inspection's inquiry and has not asked for an extension of time to respond. PERSONAL DATA PROCESSOR'S EXPLANATION: The inspectorate asked the board of KÜ Järveotsa tee 7 to respond to an inquiry to which the apartment association has not responded 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, summons, 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 by the administrative body as part of the supervisory procedure, but KÜ Järveotsa tee 7 has not responded to the inspection's inquiries, the inspection considers that issuing a mandatory injunction is necessary in this case to find out the important circumstances of the supervisory case. Sincerely, /digitally signed/ Sirgo Saar lawyer under the authority of the director general