

info@aki.ee / www.aki.ee Registry code 70004235 PRECAUTIONS-WARNING in the matter of the Electronic Communications

Act No. 2.1.-6/19 Senior Inspector Kaspar Uusnurm Time and place of precept 08.05.2019 Tallinn Addressee of the precept

Swiss Transport OÜ J. Köleri tn 8, 10150 Tallinn swiss.trading.ou@gmail.com Person responsible for the addressee Member

of the Management Board Anna Stranberg RESOLUTION: Electronic Communications Act (ESS) § 133 (4), § 56 (1), (2) (8), §

58 (1) and Article 58 (1) (a) of the General Regulation on the Protection of Personal Data and taking into account a precept to

comply with Anna Stranberg's request to the Inspectorate 01.01.2019 no. 2.1.-18/3346; 2) set the term for compliance with the

precept as 20.05.2019; 3) notify the Data Protection Inspectorate of the compliance with the precept not later than by that term.

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 under the Code of Administrative Court

Procedure to the Tallinn Administrative Court (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 FINANCE WARNING: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall

impose a penalty payment of 2,000 euros on the addressee of the precept on the basis of § 60 of the Personal Data Protection

Act. I would like to point out that 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. FACTUAL CIRCUMSTANCES: XXXX XXXX has a

complaint in the proceedings of the Data Protection Inspectorate, by which a person wishes to stop receiving offers marketing

the website www.jokerstars.win to the e-mail address xxxx.xxxxxx@mil.ee. According to the complainant, the sending of

tenders had not been completed despite repeated requests. To AKI's knowledge, Swiss Transport OÜ is associated with the

jokerstars.win domain, on whose behalf direct sales offers are forwarded. Within the framework of the state supervision

procedure, AKI submitted inquiry No. 2.1.-1/18/3346 to Swiss Transport OÜ on 17.12.2018, which was answered on

27.12.2018. On 14.01.2019, I made an additional inquiry to clarify the circumstances and repeated inquiries on 30.01.2019 and

01.04.2019, of which the deadline for replying was 08.04.2019. Within the framework of the same inquiry, AKI Swiss Transport

OÜ drew attention to the imposition of a precept and a penalty payment if the latter did not respond to AKI's inquiry by the

specified deadline. AKI sent the above-mentioned inquiry to the representative of Swiss Transport OÜ to the official e-mail

address [swiss.trading.ou@gmail.com](mailto:swiss.trading.ou@gmail.com) and [swiss.transport.oy@eesti.ee](mailto:swiss.transport.oy@eesti.ee). With regard to inquiries sent by e-mail, it should be noted that a document made available or transmitted electronically pursuant to § 27 (2) 3) of the Administrative Procedure Act is deemed to have been served if the document or notice is sent to an e-mail address entered in the company's commercial register. [swiss.trading.ou@gmail.com](mailto:swiss.trading.ou@gmail.com) and [swiss.transport.oy@eesti.ee](mailto:swiss.transport.oy@eesti.ee). To date, Anna Stranberg, a representative of Swiss Transport OÜ, has not responded to AKI's inquiry and has not contacted the administrative body regarding the response to the inquiry. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) of the General Data Protection Regulation, the Inspectorate has the right to request explanations and other information, including documents necessary for supervision. Taking into account the factual circumstances and the fact that answering the inquiry made within the supervision procedure of the administrative body is mandatory, but Anna Stranberg, the representative of Swiss Transport OÜ, has not answered the inquiry of 14.01.2019 and repeated inquiries on 30.01.2019 and 01.04.2019, the Inspectorate finds that in this case it is justified and necessary to ascertain the essential circumstances of the supervision matter and to eliminate a possible irregularity. / digitally signed / Kaspar Uusnurm Senior Inspector on behalf of the Director General