

www.aki.ee Registry code 70004235 PRECAUTIONS WARNING in personal data protection matter no. 2.1.-6/20/15 Preceptor

Senior Inspector of the Data Protection Inspectorate Sirgo Saar Time and place of precept 27.04.2020, Tallinn Addressee of

the precept - processor of personal data AS Tallinna Lennujaam, Tallinn, Lasnamäe district, Lennujaama tee 12, 11101 e-mail

address: administration @ tll.aero Person in charge of the personal data processor Member of the Management Board

RESOLUTION: Pursuant to § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) of the General

Data Protection Regulation, the Inspectorate a mandatory precept for compliance with the following: 1. AS Tallinna Lennujaam

shall enable the applicant for a pass to submit a personal data form pursuant to § 469 of the Aviation Act in encrypted or

sealed envelope. 2. AS Tallinna Lennujaam may not make a copy of the form submitted on paper. AS Tallinna Lennujaam may

keep a copy of the digitally completed form only for the purpose of transmission in accordance with the company's usual

electronic communication arrangements. 3. Paper copies of personal data questionnaires collected so far shall be handed over

to the Security Police Board or destroyed if the Security Police Board does not need them. The Inspectorate shall set the

deadline for compliance with the precept at 22.05.2020. Please notify the Data Protection Inspectorate of the e-mail address

info@aki.ee about 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 an 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 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. A separate penalty of 500 euros per violated point shall be imposed for

violation of each clause of the precept. 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: On 17.10.2019,

the Data Protection Inspectorate received a memorandum from Regional Jet OÜ, the content of which was the

correspondence between AS Tallinna Lennujaama and Regional Jet OÜ regarding the transfer of the personal data

questionnaire. The airline Regional Jet OÜ finds that AS Tallinna Lennujaam processes personal data when performing a

security check when submitting a questionnaire to the Security Police Board, for which the airport has no legal basis. Regional Jet OÜ, as an airline, is of the opinion that they should be able to forward the encrypted questionnaire directly to the Security Police Board without AS Tallinna Lennujaam being able to get acquainted with the content of the questionnaire. AS Tallinna Lennujaam takes the opposite view and considers that in order to check the permits more effectively, ie to forward the documents, they have the right to examine the content, forward the questionnaires to KAPO and, upon receipt of the reply, forward it to the airline. On 17.10.2019 and 24.10.2019, Tallinn Airport forwarded its correspondence with the answers to the questions of Regional Jeti OÜ. On 24.10.2019, Regional Jet OÜ forwarded its reply to the letter of AS Tallinna Lennujaama dated 24.10.2019. On 24.10.2019, Regional Jet OÜ submitted an application for intervention to the Inspectorate with the reasons for requesting explanations in the assessment of the activities of AS Tallinna Lennujaama; including whether the data is properly stored and protected; that the Inspectorate oblige AS Tallinna Lennujaama to refrain from unlawfully requesting access to data. Regarding the complaint, the Inspectorate explained that since a legal person cannot file a complaint on behalf of all employees who need to obtain a pass without the authorization, the Inspectorate took into account the content of the complaint, but brought the matter under the case number. The Supervision Authority initiated supervision proceedings on the basis of clause 56 (3) 8) of the Personal Data Protection Act. On 11.11.2019, the Inspectorate asked the Ministry of Economic Affairs and Communications for an opinion on this issue with a letter of demand, to which the MEAC answered on 18.11.2019. In the inquiry of the Inspectorate on 06.12.2019, AS asked for explanations from Tallinn Airport, to which the Airport replied on 16.12.2019. On 20.12.2019, the Inspectorate asked the Security Police Board for an opinion, to which KAPO replied on 06.01.2020. On 06.02.2020, the Data Protection Inspectorate forwarded its position regarding the forwarding of personal questionnaires to all parties involved, including AS Tallinna Lennujaam. Due to the position, the Inspectorate allowed AS Tallinna Lennujaam to make a separate decision according to which the data processing of the questionnaires must be brought in line with the principles of protection of personal data. **GROUNDS FOR THE DATA PROTECTION**

INSPECTORATE: The Supervision Authority considers it necessary to draw up an administrative act with clearly defined obligations for AS Tallinna Lennujaam in order to record the activities required of AS Tallinna Lennujaam. We also referred to this in our position of 6 February. Following the disclosure, none of the parties raised any objections. The Data Protection Inspectorate shall issue a precept on the basis of the grounds submitted in the opinion of the Data Protection Inspectorate prepared on 06.02.2020, which is also attached to this precept. Therefore, the position of the Data Protection Inspectorate

prepared on 06.02.2020 must be considered as a part of the administrative act and it contains the motivation of the administrative act and references to the legal bases. Summarizing the views briefly, the airport is responsible for receiving the personal data form pursuant to § 469 of the CA in order to forward it to the Security Police Board. The task of the Security Police Board is to carry out a background check procedure on the basis of the questionnaire, to assess whether the circumstance specified in subsections 469 (4) or (5) of the Aviation Act exists and to notify the airport of this assessment. Based on the assessment, the airport will decide on the issue of a pass. As part of the issuance of a pass, the airport also has the right to process personal data (in order to fulfill its respective obligation arising from LennS). However, this must be done in accordance with the principles of minimum and purpose. The airport may process personal data only to the extent necessary for the performance of its statutory task (granting access). The background check is a part of the procedure for issuing a pass, but it is performed by the Security Police Board. The Data Protection Inspectorate is of the opinion that since the questionnaire is filled in specifically for the purpose of background checks and the issuer of the access permit and the person performing the background check are different persons, the issuer of the access permit has no need to process its content. Therefore, AS Tallinna Lennujaam must accept the forms submitted in a sealed envelope or encrypted and not keep copies of the forms. AS Tallinna Lennujaam has explained that since the submitter of the questionnaire and the Security Police Board do not communicate directly with each other, the Security Police Board cannot verify the identity of the submitter of the questionnaire. If the form is digitally signed or only encrypted, this problem cannot occur. Therefore, the problem can only occur with a handwritten paper questionnaire. However, even in this case, the situation can be resolved on the basis of the principle of minimum. Upon receipt of the questionnaire handed over in a sealed envelope, the airport would establish the identity of the transferor and, in addition, the cover letter of the confirmation form. AS Tallinna Lennujaam has explained that the personal data forms collected so far will be kept in a locked cabinet in the permit office and will be kept for the entire period of the employment relationship with the person + 1 year. As AS Tallinna Lennujaam is not the person performing the background check and does not have the right to process the content of the personal data questionnaires, it is not justified to make or keep copies of the questionnaires in AS Tallinna Lennujaam. Paper copies of the personal data questionnaires collected so far must be handed over to the Security Police Board (which has the obligation to keep the questionnaires). If the Security Police Board does not need them (the questionnaire already exists or the storage period has expired), copies of the questionnaires must be destroyed. AS Tallinna Lennujaam may keep a copy of the digital personal data form only to the extent necessary for the

transmission of the form to the Security Police Board and arising from the document management of AS Lennujaam, including the organization of electronic communication. It is common for an e-mail sent with an attachment to be stored in the sender's e-mail box or registered in a document management system. And the contents of the e-mail box may be backed up temporarily for data backup purposes. Therefore, it should be noted that an e-mail attachment remains with the company, even if the company does not intend to retain the specific document in the e-mail attachment. This must be considered permissible, provided that AS Tallinna Lennujaam has established reasonable rules for the time and organization of the storage of the contents of the e-mail boxes held by the company. However, AS Tallinna Lennujaam should not make separate copies of the electronically completed personal data forms in order to store them somewhere else (in a folder) as all paper forms have been kept in the permit office so far. If the questionnaire is encrypted in the name of the Security Police Board, AS Tallinna Lennujaam does not have the opportunity to get acquainted with the content of the questionnaire. At the same time, AS Tallinna Lennujaam cannot require a person to submit the questionnaire encrypted. Thus, unprotected questionnaires may also come into the possession of AS Tallinna Lennujaam. Therefore, it must be ensured that unencrypted questionnaires are also protected from unauthorized processing (incl. Viewing) within AS Tallinna Lennujaam and are not kept longer or elsewhere than is necessary in connection with the transmission of the questionnaire in the usual document procedure. Yours sincerely, / digitally signed / Sirgo Saar Senior Inspector Authorized by the Director General