

PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235 PRESCRIPTION-WARNING in personal data protection case No. 2.1.-6/21/17 Prescription issued by Data Protection Inspectorate lawyer Sirgo Saar Time and place of issuing the injunction 17.06.2021, Tallinn Addressee of the injunction responsible person AF Group OÜ registry code 12615600 Harju county, Tallinn, Kesklinna district, J. Poska tn 4, 10121 info@autogo.ee Board member RESOLUTION: Personal Data Protection Act (IKS) § 56 subsection 1, subsection 2 point 8, § 58 subsection 1 and Article 58 subsection 1 point d and subsection 2 points f and g of the General Regulation on Personal Data Protection (IKÜM), as well as taking into account Articles 5 and 6 of IKÜM and § 133 subsection 4 of the Electronic Communications Act on the basis of this, the Data Protection Inspectorate issues a mandatory injunction to AF Group OÜ to comply with: 1. Stop illegal data processing that concerns public sources (search engines, phone books, websites) receiving the contact details of natural persons and sending them direct marketing (SMS, e-mail) as well as calling with the purpose of contacting them to invite data subjects to join the Autogo website. 2. Delete all personal and contact data collected as described in point 1. We set 28.06.2021 as the deadline for fulfilling the injunction. 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: You can contest this order within 30 days by submitting either: - an appeal in accordance with the Administrative Procedure Act to the Data Protection Inspectorate or - an appeal in accordance with the Administrative Court Procedure Code to the Tallinn 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. Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee / Registry code 70004235 EXTORTION MONEY WARNING: If the injunction has not been fulfilled by the specified deadline, the Data Protection Inspectorate will issue an injunction to the addressee on the basis of § 60 of the Personal Data Protection Act: Extortion money for each failure to comply 1,500 euros for the point of the injunction left. 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: On 13.04.2021, the Data Protection Inspectorate (inspection) received XX's complaint regarding the fact that he received a notification on his phone from Autogo (AF Group OÜ), inviting him to upload his car ad to the Autogo.ee website. The complainant has no connection with the relevant page and had not heard anything about it before. Based on the above, we started the supervision procedure. As part of the monitoring procedure, on 20.05.2021, the inspectorate sent AF Group OÜ proposals with the following content: 1. Create an opt-out link where the data subject could refuse the following SMS. 2. Delete the phone number +372 XX of the applicant XX from your database. 3. Send confirmation to the inspection that the above suggestions have been fulfilled. AF Group OÜ did not comply with the inspection's suggestions, as they explained that they do not store data and simply transmit manually typed SMS. I explain that according to the practice of the Supreme Court, there must also be a legal basis for the processing of disclosed personal data (RKTK 18.02.2015 decision in case no. 3-2-1-159-14, p. 14; see also RKHK 12.06.2012 decision in case no. 3-3-1 -3-12, p 23). Therefore, in any case, AF Group OÜ must have a specific legal basis for personal data processing (including collection, use) arising from Article 6, paragraph 1 of the General Data Protection Regulation. The Inspectorate points out that the controller of personal data has the obligation to prove, among other things, that the processing of personal data is legal, fair and transparent to the data subject, and that the collected personal data is correct (see article 5 paragraph 2 of IKÜM). I also explain that due to the principle of data processing transparency, information and messages related to personal data processing must be easily accessible, understandable and clearly worded. In other words, it must be clear to the data subject where his data comes from and how it is used. The data processor must always be ready to provide explanations to the data subject. We also note that the inspection has the right to impose a temporary or permanent restriction on the processing of personal data, including a processing ban, in accordance with Article 58, paragraph 2, point f of the IKÜM. The inspection has the competence to establish a restriction on the processing of personal data as long as the processing of personal data is brought into compliance with the requirements set forth in the IKÜM. Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee / Registration code 70004235 PERSONAL DATA PROCESSOR EXPLANATION "Hello, This phone number was taken from an open source advertisement for the sale of cars. If we like this car, we will send an SMS with an invitation to add an ad to our portal as well. We do not auto-mail or collect phone number databases or store personal customer information from these sources. The SMS is sent manually and the next letter will no longer come, therefore it is not possible to refuse it." REASONS FOR THE DATA PROTECTION INSPECTION:

Personal data is any information about an identified or identifiable natural person. Identifiable natural person is a person who can be directly or indirectly identified, especially based on this identification feature such as name, personal identification number, contact information (see article 4 point 1 of IKÜM). § 1031(1) of the Electronic Communications Act states that the use of electronic contact data of a natural person user or client of a communication service for direct marketing is only permitted with his prior consent. The consent must comply with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons in the processing of personal data and on the free movement of such data and on the repeal of Directive 95/46/EC (General Regulation on the Protection of Personal Data) (OJ L 119, 04.05.2016, p. 1–88) to the stipulated conditions. Considering the above, AF Group OÜ has no legal basis (consent of natural persons) to process personal data in a way that allows searching for contact information from internet search engines, including public sources, and/or contacting people in connection with the above. Therefore, it is a violation of the requirements of the Electronic Communications Act. In addition, the processing of personal data does not fully comply with the principles set forth in Article 5 of the IKÜM, including points a and d of paragraph 1: - the processing is transparent to the data subject; - personal data are correct. If the processing of personal data does not comply with the principles set forth in Article 5 of the IKÜM, the processing of personal data is prohibited. The fulfillment of these principles is the responsibility of the data processor and must be proven by the data processor (see article 5 paragraph 2 of the GDPR). When sending an ad from a public sales ad page, the data processor cannot be sure that the message will be sent to the owner of the car, as long as the ad or someone else mediates. Therefore, the data processor does not know the name of the recipient of the message or other data, but transmits the message without a legal basis (lack of consent), which is why the data processor is not convinced of the correctness of the contact data. Therefore, the processing of personal data in this way must be stopped immediately and the illegally collected data must also be deleted immediately. In accordance with § 58 (1) of the Personal Data Protection Act and Article 58 (2) points f and g of the General Regulation on Personal Data Protection, the inspectorate has the right to establish a temporary or permanent restriction on the processing of personal data, including a processing ban, and to order that personal data be deleted. Considering the above, in the opinion of the inspection, it is not possible to verify the correctness of the contact data by searching in various internet environments, and AF Group OÜ has not sufficiently proven the application of the principle of data correctness. Therefore, when processing personal data of Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee / Registration code 70004235 in this way, IKÜM article 5 paragraph 1 point d is not fulfilled and further processing

of personal data is prohibited. Taking into account the factual circumstances and the fact that in a specific case personal data is processed illegally (data processing does not meet the requirements set forth in Articles 5 and 5 of the IKÜM), the inspectorate considers that issuing a mandatory injunction in this case is necessary to stop the offense as soon as possible.

/signed digitally/ Sirgo Saar lawyer under the authority of the director general