

PROTECTION OF PRIVACY AND TRANSPARENCY OF THE STATE Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee /
www.aki.ee Registry code 70004235 PRECAUTIONS WARNING in personal data protection matter no. 2.1.-6/20 Preceptor
Data Protection Inspector Kaspar Uusnurm Time and place of precept 29.04.2020, Tallinn Addressee of the precept ONOFF
Jaekaubanduse OÜ registry code 12470550; Tallinn, Kesklinna district, Magdaleena tn 3, 11312. e-mail:

xxxxx.xxxxx@onoff.ee, xxxxx@teneteam.ee Addressee responsible person: Member of the Management Board

RESOLUTION: § 56 (1) (2) (8) of the Personal Data Protection Act Pursuant to Article 58 (1) and Article 58 (2) (d) of the
General Regulation on the Protection of Personal Data, we issue a mandatory precept to comply with the following: 2. Add
data protection conditions to the website of ONOFF Jaekaubanduse OÜ e-store <https://onoff.ee/> that meet the requirements
set out in Articles 12-14 of the IACS. 3. Appoint a data protection specialist of ONOFF Jaekaubanduse OÜ
(<https://www.aki.ee/et/teenusedpoordumisvormid/teata-andmekaitseespetsialistist>). If you do not agree to the appointment of a
data protection officer, please explain the refusal in detail. I set the deadline for compliance with the precept as 16.05.2020.
Notify the Data Protection Inspectorate to the e-mail address info@aki.ee of 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 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 NOTICE: If a precept is not complied with by the specified deadline, the Data Protection Inspectorate shall impose a
penalty payment of 15,000 euros on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act.

Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 A 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.

WARRANTY PENALTY WARNING: Failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection
Regulation may result in misdemeanor proceedings pursuant to § 70 of the Personal Data Protection Act. A natural person
may be fined up to EUR 20 000 000 for this act and a legal person may be fined up to EUR 20 000 000 or up to 4% of its total
annual worldwide turnover, whichever is greater. The Data Protection Inspectorate conducts extra-judicial proceedings against
misdemeanors. FACTUAL FACTS: The Data Protection Inspectorate (Inspectorate) received an application on 17.02.2020,

according to which a search on the Google search engine for the keyword ONOFF order number will result in old customer orders containing the person's contact information.¹ Based on the above, the Inspectorate initiated supervision proceedings. Within the framework of the state supervision procedure, on 16.03.2020 the Inspectorate made a proposal in case no. Within the framework of the proposal, the Inspectorate also drew attention to the possibility of imposing a precept and a penalty payment. The Inspectorate sent both proposals to the e-mail address xxxxx.xxxxxx@onoff.ee indicated in the questionnaire data of the commercial register of ONOFF Jaekaubanduse OÜ as a means of communication.

FOUNDATIONS FOR THE DATA PROTECTION INSPECTORATE: First, we clarify that personal data are any data relating to an identified or identifiable natural person (Article 4 (1) of the General Regulation on the Protection of Personal Data). Personal data includes a person's name, telephone number, address, e-mail address. We've reviewed your Google Search orders and they contain personal information. There must be a legal basis for any processing (including disclosure) of personal data. The legal basis can be derived from Article 6 of the CISA. However, the processing of personal data without a legal basis is prohibited. In addition, the processing of personal data must be guided by the principles governing the processing of personal data (see Article 5 of the General Regulation on the Protection of Personal Data (EDPS)). The processing of personal data must be lawful, fair and transparent. The principle of transparency presupposes that all information related to the processing of personal data (including data collection) is easily accessible, comprehensible and clearly worded. In order to ensure transparency, it is necessary for the controller to draw up and publish its own data protection conditions. The content of the data protection conditions is regulated by Articles 12 - 14 of the CISA. We checked previously on 07.04.2020 and additionally 28.04.2020 ONOFF Jaekaubanduse OÜ e-store website <https://onoff.ee/> but the data protection conditions that would comply with IKÜM 12-14 1Search result for keyword ONOFF order number: [https://www.google.com/search?{google:acceptedSuggestion}oq=on & sourceid = chrome & ie = UTF-8 & q = onoff + order + number Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee](https://www.google.com/search?{google:acceptedSuggestion}oq=on&sourceid=chrome&ie=UTF-8&q=onoff+order+numberTatari+tn39/10134Tallinn/6274135/info@aki.ee/www.aki.ee) Registry code 70004235 did not identify the requirements. Terms and conditions of sale on your website The brief overview of the processing of personal data provided in clause 8 of the e-shop does not comply with these terms and conditions. ONOFF Jaekaubanduse OÜ has also not responded to the Inspectorate's proposals or provided explanations as to whether and where the data protection conditions of the e-store are fully available. Among other things, the conditions found by the Inspectorate on the website lack information on the period of retention of personal data or the criteria for determining the period. The data subject does not have access to information about the rights to his or her data, such as how the data subject

has access to his or her data, in which case he or she has the right to request the deletion of his or her data or to restrict the processing of personal data. There is also no information on the right to submit a complaint to the supervisory authority, ie the Data Protection Inspectorate. We also consider it necessary to clarify that the appointment of a data protection specialist in the private sector is mandatory if the activities of a company located in Estonia are extensive, ie meet at least one of the following conditions: a) special types of 5,000 or more persons or offense data; (b) data relating to a high risk for 10 000 persons or more (for example, credit card data collected when a customer has made a purchase or data relating to a financial situation collected, for example, when a customer has purchased goods on hire purchase); (c) other data of 50 000 or more persons. Therefore, in a situation where ONOFF Jaekaubanduse OÜ stores data of at least 10,000 people related to a high risk, a data protection specialist must also be appointed. This must also be done regardless of the type of data in a situation where data is stored for at least 50,000 people. Regarding the appointment of a data protection specialist, we recommend that you also read Chapter 3 of the General Guidelines for Personal Data Processors (Data Protection Specialist (AKS)) prepared by the Inspectorate. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (2) (d) of the General Data Protection Regulation, the Supervision Authority has the right to order the controller or authorized person to bring personal data processing operations into compliance with the General Data Protection Regulation. Taking into account the factual circumstances and the fact that it is mandatory to respond to the proposal made within the supervision procedure of the administrative body, but ONOFF Jaekaubanduse OÜ has not responded to the Inspectorate's proposal of 16.03.2020 and 07.04.2020, the Inspectorate considers that issuing a mandatory precept / digitally signed / Kaspar Uusnurm on behalf of the Director General of Data Security Inspector