

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.-6/22 Preceptor

Senior Inspector of the Data Protection Inspectorate Raiko Kaur Time and place of precept 09.06.2020, Tallinn Addressee of

the precept BB Trade Estonia OÜ (14814864) contact@thompsonstein.com gdpr@bitbay.net Contact person: Thompson &

Stein OÜ (12979503) contact@thompsonstein.com Addressee responsible person Member of the Management Board

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

taking into account clause (e) of the same paragraph 2.1.-1/20/724 to the inquiry sent. We set the deadline for compliance with

the precept on 26.06.2020. 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. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235

PENALTY WARNING: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a

penalty of 2000 euros on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act. 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. 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: It follows from a complaint lodged through the

cross-border system IMI that the complainant does not understand the processing of data through bitbay.net, including the

legal basis and purpose for which it is necessary to process (including collect and store) copies of identity documents.

According to the information on the bitbay.net website, BB Trade Estonia OÜ decides how personal data is processed. In

connection with this, the Inspectorate sent an inquiry to BB Trade Estonia OÜ in case no. 2.1.-1/20/724 on 19.05.2020, the

deadline for replying was 02.06.2020. The purpose of the inquiry is to obtain information on whether the data processing of BB Trade Estonia OÜ complies with the requirements provided for in the General Regulation on the Protection of Personal Data.

As part of the inquiry, the Inspectorate also drew attention to the imposition of a precept and a penalty payment if the Inspectorate's inquiry is not answered in time. The Inspectorate sent the inquiry to the e-mail address [contact@thompsonstein.com](mailto:contact@thompsonstein.com) in the Commercial Register and to the address [gdb@bitbay.net](mailto:gdb@bitbay.net) on the website [bitbay.net](http://bitbay.net). With regard to inquiries sent by e-mail, we note that pursuant to clause 27 (2) 3) of the Administrative Procedure Act, a document made or transmitted electronically is deemed to have been delivered if the document or notice is delivered to an e-mail address entered in the company's commercial register. To date, the representative of BB Trade Estonia OÜ has not responded to the inspection's inquiry or contacted regarding the extension of the deadline for responding to the inquiry. The Supervision Authority has given BB Trade Estonia OÜ a reasonable time to respond, incl. The Inspectorate has thereby fulfilled the obligation arising from subsection 40 (1) of the Administrative Procedure Act to give the participant in the proceeding the opportunity to submit his or her opinion and objections on the matter before issuing the administrative act.

**FOUNDATIONS 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. Tatari tn 39/10134 Tallinn / 627 4135 / [info@aki.ee](mailto:info@aki.ee) / [www.aki.ee](http://www.aki.ee) Registry code 70004235 Taking into account the factual circumstances and the fact that answering an inquiry made within the supervision procedure of an administrative authority is mandatory, but BB Trade Estonia OÜ is not subject to inspection by the Inspectorate on 19.05. 2020, the Inspectorate finds that the issuance of a mandatory precept in a given matter is necessary for ascertaining the essential circumstances of the supervisory matter and for conducting the administrative proceedings efficiently, including as soon as possible. If the company has problems in responding to the inspection by the set deadline, the company can explain to the supervisory authority which objective circumstances were the obstacle. However, simply not answering is not acceptable. / digitally signed / Raiko Kaur Senior Inspector on behalf of the Director General