

Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 PRELIMINARY WARNING in personal data protection case no. 2.1.-4/20/2772 Issuer of the injunction Data Protection Inspectorate lawyer Mehis Lõhmus

Time and place of the injunction Tallinn Recipient of the injunction - personal data processor address: Tallinna tn 10a Kuressaare, Saaremaa vald 93819 e-mail address: marko@imperial.ee Personal data processor responsible official Board member

RESOLUTION: § 56 (1), (2) point 8 of the Personal Data Protection Act (IKS), § 58 (1) and Article 58 (1) point a of the General Regulation on Personal Data Protection and considering the same paragraph with point e, the Data Protection Inspectorate makes Imperial Varad OÜ to fulfill mandatory injunction: 1. submit all user names of the portal hailuta24.ee together with e-mail addresses and dates of user account creation (data) to the Data Protection Inspectorate. Please send the data in encrypted form and make the encryption in the name of the Data Protection Inspectorate or the maker of this order. I set the deadline for the execution of the order as 21.06.2021. a. Report compliance with the order to the Data Protection Inspectorate 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. FINANCIAL MONEY WARNING: If the injunction has not been complied with by the set deadline, the Data Protection Inspectorate will impose a monetary fine of 3,000 euros on the addressee of the injunction based on § 60 of the Personal Data Protection Act: 2 (4). 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 the basis of § 56 subsection 3 point 8 of the Personal Data Protection Act (IKS), the Data Protection Inspectorate started a self-initiated monitoring procedure against Imperial Varad OÜ in connection with a data leak on the website kuluta24.ee in order to find out the circumstances related to the mentioned

violation. The Data Protection Inspectorate carried out four inquiries, the answers to which resulted in the need to order the responding processor to provide the Data Protection Inspectorate with additional information about the data of users of the portal24.ee. On January 20, 2021, the Data Protection Inspectorate made a proposal in which it asked Imperial Varad OÜ to release all usernames and e-mail addresses of the portal veluta24.ee together with the regulation of the data protection conditions. Since Imperial Varad OÜ refused to release data, the Data Protection Inspectorate made a repeated proposal on 08.02.2021. Imperial Varad OÜ wanted additional explanations regarding the implementation of the proposal. We explained that the Data Protection Inspectorate has the right to demand explanations and other information, including the submission of documents necessary for conducting the supervision procedure. Pursuant to Article 55(1) of the General Regulation on the Protection of Personal Data, the supervisory authority is competent to perform tasks and use the powers granted to it in accordance with the General Regulation on the Protection of Personal Data in the territory of the Member State. Article 58 paragraph 1 of the General Regulation on the Protection of Personal Data defines the investigative powers of the supervisory authority, point e of which states that the supervisory authority has the right to obtain from the controller and the authorized processor access to all personal data and all information necessary for the performance of its tasks. In addition, § 56 et seq. of the Personal Data Protection Act stipulates additional rights. On March 10, Imperial Varad OÜ wrote that it is not possible to issue data as long as Zone services are no longer used. The Data Protection Inspectorate asked for all usernames and e-mail addresses of the portal huluta24.ee in general, not from 2019. Therefore, Imperial Varad OÜ's statement regarding the impossibility of issuing data 3 (4) is irrelevant and it is possible to issue the data. The responsible processor must have access to the usernames and e-mail addresses of all customers of the portal huluta24.ee.

**PERSONAL DATA PROCESSOR'S EXPLANATION:** Imperial Varad OÜ responded to the proposal made on January 20, 2021 regarding the release of data as follows: "Unfortunately, it is not possible to share such data with third parties." Imperial Varad OÜ responded to the repeated proposal made on February 8, 2021 regarding the release of data as follows: "Specific proposal remains incomprehensible. Please explain what is the basis of such a proposal? What is the desire to do with the requested data, how to use it, what to achieve?" The Data Protection Inspectorate submitted additional explanations on March 5, 2021, to which Imperial Varad OÜ submitted the following position: "Thank you for the letter. Communicating with the IT person repeatedly on this topic, we came to an agreement on what we wanted. Unfortunately, the requested logs cannot be accessed. 2019. the Zones system was located. Since you are not currently using the Zone server services, it is not possible to access and transmit the desired

information." GROUNDS OF THE DATA PROTECTION INSPECTION: Relevant norms: According to § 58 paragraph 1 of the Personal Data Protection Act, the Data Protection Inspectorate can apply the regulation of the European Parliament and of the Council (EU ) 2016/679 (the general regulation on the protection of personal data, or IKÜM) measures provided for in Article 58. According to Article 58(1)(a) of the General Regulation on the Protection of Personal Data, the supervisory authority has the right to order that the controller provide information that is necessary for the performance of the tasks of the supervisory authority. Pursuant to paragraph 1 point e of the same article, the supervisory authority has the right to obtain from the data controller access to all personal data and all information necessary to carry out the supervisory procedure. Explanation of the request for data: The Data Protection Inspectorate, having read the answers provided by Imperial Varad OÜ, considers that the request for the data of the users of the portal kuluta24.ee is unavoidably necessary to carry out the procedure. With the requested data, the Data Protection Inspectorate wants to eliminate doubts that the data was not leaked by Imperial Varad OÜ. The analysis of the requested data makes it possible to confirm the statements given by the member of the board of Imperial Varad OÜ, where it was stated that, "Perhaps it would start with the fact that the entire advertisement portal with databases has been purchased for over 10 years. back. In addition to IMPERIAL VARAD OÜ, there are probably others who may have a database." as a supervisory authority, the right to demand explanations and other information, including the submission of documents necessary for conducting the supervisory procedure. At the moment, Imperial Varad OÜ has not issued the data requested by the proposals. In the last answer, among other things, the impossibility of issuing is referred to, since Zone services are no longer used. We clarify that the usernames and e-mail addresses of all customers of the portal kuluta24.ee were requested in the latest state, not from 2019. Taking into account the factual circumstances and the fact that the supervisory authority has the right to obtain access to all personal data and all information from the data controller and the data controller is not having fulfilled the proposal, the inspectorate finds that issuing a mandatory injunction in this case is necessary to find out the important circumstances of the supervisory case and to carry out the administrative procedure effectively.

/signed digitally/ Mehis Lõhmus, a lawyer under the authority of the director general