

Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registration code 70004235 FOR USE WITHIN THE INSTITUTION Information holder: Data Protection Inspectorate Note made: 17.01.2022 Access restriction valid until: 17.01.2097 p 2 until the decision comes into force Basis: AvTS § 35 paragraph 1 p. 12, AvTS § 35 paragraph 1 paragraph 2 PRESCRIPTION-WARNING in personal data protection case no. 2.1.-4/21/1459 Issuer of the injunction Data Protection Inspectorate lawyer Merili Koppel Time and place of the injunction Tallinn Addressee of the injunction - e-mail address of the personal data processor: XXX RESOLUTION: § 56 subsection 1, subsection 2 paragraph 8 of the Personal Data Protection Act (IKS), On the basis of § 58 (1) and Art. 5 (2) and Art. 58 (1) of the General Regulation on Personal Data Protection (IKÜM), the Data Protection Inspectorate issues a mandatory injunction to comply with XXX: Respond to the Data Protection Inspectorate's supervisory procedure No. 2.1.-4/21/1459 sent on 13.04.2021 and 14.04. 2021 for inquiries sent. We set the deadline for the fulfillment of the prescriptions as 01.02.2022. 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. FINE WARNING: If the injunction has not been complied with by the set deadline, the Data Protection Inspectorate will impose a fine of 3,000 euros on the recipient of the injunction based on § 60 of the IKS. 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. 2 (4) MISCONDUCT PUNISHMENT WARNING: Misdemeanor proceedings may be initiated under IKS § 70 for failure to comply with the injunction in accordance with Article 58(1) of the Criminal Procedure Code. 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: The Data Protection Inspectorate has received numerous complaints regarding the disclosure of private individuals' debt information on social media. Therefore, the Data Protection Inspectorate decided to initiate a self-initiated monitoring procedure with respect to such Facebook pages and groups on the basis of § 56 (3) (8) of the IKS. As part of the monitoring procedure, the

inspectorate XXX (hereinafter also the data processor) made a proposal on 19.04.2021, the content of which was as follows: 1. To stop publishing posts containing personal data in the social media group XXX managed by you. 2. To delete the personal data of other people disclosed so far in the Facebook group in question without a legal basis. The inspection set the deadline for completing the proposal as 19.04.2021. In case the data processor does not agree with the proposal, the inspectorate asked to answer the following questions no later than 26.04.2021: 1. On what legal basis do you disclose personal data of debtors on Facebook? Please explain and justify how the prerequisites for processing personal data on this legal basis are met. 2. If on the basis of IKÜ Article 6(1)(f) or legitimate interest, please provide an analysis that shows that the purpose of processing personal data is more important than people's right to privacy. You can read more about the analysis in AKI's legitimate interest guide. 3. If you disclose debtors' personal data on the basis of § 10 of the Personal Data Protection Act, please explain how the prerequisites for the use of the referenced provision are met (checking the correctness of the data; checking the legal basis for data transfer; registering the data transfer; considering that the transfer of data does not excessively harm the data subject). 4. Please explain how you fulfill the obligation to inform the data subjects whose personal data you disclose, provided for in Article 13 of the IKÜM. You responded to the inspection's proposal on 13.04.2021 with two letters, sending the following information: Hi, XXX in response to your letter. Click on the link to see the document on the Law of Obligations Untitled document (google.com) 3 (4) Best wishes XXX /--/ Hi XXX please look at this as well, this is the complete information of the group and also I made the group closed now. Information: If you have come into contact with persons about whom you have doubts or whom you recommend to avoid, let others know about it. Add a detailed explanation and, if possible, a picture. Write the NAME IN CAPITAL LETTERS to make it stand out from the rest of the text. Responsibility of the poster: The poster must also be ready to prove his claims - otherwise it is a matter of providing incorrect data, which is against the law and can be the basis for filing a civil lawsuit against you. Responsibility of the group owner: <https://docs.google.com/document/d/e/2PACX-1vQ5ZjHD2J9iJbXWd6fMt829l1YhFTmeN5nfq1q1ocsiolRbwHbC1gPR0-RQ-pJ8WDGdVhhEID9QrgIH/pub> Libel, defamation of good name and honor: <https://www.facebook.com/notes/must-list-tenants-and-landlords/slander-good-name-and-defamation/2485458141736146> Prohibited: 1) turning off comments 2) repeated ads 3) more than 2 ads in 30 days ----- How to safely buy and sell online: <https://www.facebook.com/watch/?v=217871939554873> Investing (in crowdfunding platforms , savings and loan cooperatives and other schemes): <https://vikerraadio.err.ee/1023661/uudis-lauri-varik/1011630> Background research study video:

[https://www.youtube.com/watch?v=2PtN-\\_KVRO8](https://www.youtube.com/watch?v=2PtN-_KVRO8) Customer feedback for companies:

<https://app.recommy.com/CustomerReviews.aspx?t=1&selected=1> Penalty register (1 request = 4 eur):

<http://www.rik.ee/et/karistusregister> Register of court decisions: [https://www.riigiteataja.ee/kohtulahendit/koik\\_menetlused.html](https://www.riigiteataja.ee/kohtulahendit/koik_menetlused.html) Company background with court decisions:

[https://www.teatmik.ee/et/personlegal/11878007-House-Gourmet-O%C3%9C?fbclid=IwAR1MJgQIRG9Eli-5LaulcCiyaR7k\\_9bjREK-rUTQCZIGZ7tRMaDnwiTilAI](https://www.teatmik.ee/et/personlegal/11878007-House-Gourmet-O%C3%9C?fbclid=IwAR1MJgQIRG9Eli-5LaulcCiyaR7k_9bjREK-rUTQCZIGZ7tRMaDnwiTilAI) Personal bankruptcy: <https://financer.com/ee/eraisiku-pankrot-voimalus-paaseda-volgnevustest/>

The group's sole purpose is to discipline fraudsters and citizens, that the debt is someone else's and if it cannot be paid, there is no point in taking it. Punished by the court. I, as the owner of the group, cannot find out if and how the members in the group present true information. This is at their own risk. I cannot take responsibility for others. 4 (4) With best wishes XXX 14.04.2021, the inspectorate responded to your appeal, explaining that the proposal and inquiry forwarded to you is not related to § 1047 of the Law of Obligations Act, which regulates the illegality of publishing incorrect data and which you referred to in your answer. In this case, the initiation of the procedure by the inspection is due to the fact that you, as the manager of the group, are the responsible processor in accordance with the IKÜM.

Therefore, you are also responsible for ensuring that the posts made public in the Facebook group meet the requirements for personal data protection, including the requirements of § 10 of IKS. However, publicizing a person's debt on the internet for all to see is contrary to IKS § 10 (more detailed reasons are given in the letters of the inspectorate dated 13.04.2021 and 14.04.2021). In the specification of the proposal of 14.04.2021, the inspection explained that it continues to wait for feedback regarding the implementation of the proposal submitted on 13.04.2021 no later than 19.04.2021, or if you do not agree with the proposal, then answers to the questions in the inquiry no later than 26.04.2021. By the indicated date, XXX did not provide the inspectorate with information on whether it agrees with the inspectorate's order, nor did it provide answers to the questions it was asked about the processing of personal data. The inspectorate has given XXX a reasonable time to answer, i.e. he has been able to present his opinion and objections on the matter when answering the questions put to him. With this, the inspectorate has fulfilled the obligation to hear a party to the proceedings arising from § 40 subsection 1 of the Administrative Procedure Act. GROUNDS OF THE DATA PROTECTION INSPECTION: In accordance with § 58 subsection 1 of IKS and IKÜ article 58 subsection 1 point a, the inspectorate has the right to demand explanations and other information, including the submission of documents necessary for conducting the supervision procedure. The purpose of the sent inquiry was for your

data processor to explain what is the legal basis of data processing and how data processing is legal. According to Article 5(2) of the IKYM, the data processor must prove the legality of the data processing. To the extent that you have not done so, we impose on you with this order the obligation to prove the legality of the data processing by answering our questions. If you do not prove the legality of data processing, we oblige you to stop data processing. We can also punish you in misdemeanor proceedings for illegal data processing. /digitally signed/ Merili Koppel, lawyer under the authority of the Director General