

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 Senior Inspector of the Data Protection Inspectorate Raiko Kaur Time and place of precept 07.08.2020, Tallinn Addressee of the precept DirectMarketing OÜ (11727426) Remigijus.dinda@directmarketing.lt info@directmarketing.ee Addressee responsible person Member of the Management Board RESOLUTION: § 56 (1) (2) 8) of the Personal Data Protection Act § 58 (1) and Article 58 (1) (a) of the General Data Protection Regulation and taking into account clause (e) of the same paragraph, we issue a mandatory precept to comply with the inquiry sent to DirectMarketing OÜ by the Data Protection Inspectorate No. 2.1.-1/20/2389. We set the deadline for compliance with the precept as 21.08.2020. 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 FINANCE WARNING: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a penalty payment of 4000 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. Tatari str. 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 CIRCUMSTANCES: The Data Protection Inspectorate received an application according to which [first and last name] (concerned person) has applied to DirectMarketing OÜ on 27.06.2019 to terminate the processing of its personal data. However, regardless of the contact, the processing of personal data of the data subject has continued. Therefore, in case no. 2.1.-1/20/2389, the Inspectorate sent an inquiry to DirectMarketing OÜ on 14.07.2020, the deadline for replying of which was 28.07.2020. The purpose of the inquiry is to obtain information regarding the processing of the data of the data subject, including what data DirectMarketing OÜ has about the person, whether and which DirectMarketing OÜ has responded to the person's request it is also possible to delete all 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 remigijus.dinda@directmarketing.lt provided in the Commercial Register. 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 DirectMarketing OÜ has not responded to the inquiry of the Inspectorate and has not contacted regarding the extension of the term for responding to the inquiry. The Inspectorate has given DirectMarketing OÜ a reasonable time to respond, incl. It is also possible for the addressee of the inquiry to write to the Inspectorate in a timely manner and justify if the deadline for replying to the inquiry is too short and submitting a thorough reply would require a longer response time. 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.

GROUNDS 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. Taking into account the factual circumstances and the fact that answering the inquiry made within the supervision procedure of the administrative authority is mandatory, but DirectMarketing OÜ has not answered the inquiry of the Inspectorate on 14.07.2020, the Inspectorate considers that issuing a mandatory precept in this matter is necessary to quickly, to carry out.

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If the company has problems in responding to the inspection by the specified 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