

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.-6/20/20 Preceptor Senior Inspector of the Data Protection Inspectorate Sirgo Saar Time and place of precept 30.04.2020, Tallinn Addressee of the precept - processor of personal data Thats It OÜ. Registry code 12622706. Harju County, Rae Parish, Järveküla, Niidu tee 9, 75304. info@thatsit.ee Person in charge of personal data processor Member of the Management Board RESOLUTION: § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) of the General Regulation on the Protection of Personal Data and taking into account point (e) of the same paragraph, the Inspectorate shall issue a mandatory precept: 1. To respond to the inquiry sent to Thats It OÜ 2. Ensure that an active consent box is added to the Thats It OÜ website thatsit.ee, where the data subject is given the opportunity to voluntarily choose whether or not the data subject wishes to trade directly. The Inspectorate shall set 11.05.2020 as the term for compliance with the precept. 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 to an administrative court under the Code of Administrative Court Procedure (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 2,000 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 (2) of the General Data Protection Regulation may result in misdemeanor proceedings under § 69 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 is the extra-judicial body conducting misdemeanor proceedings. PROHIBITION OF PROHIBITION OF ECONOMIC ACTIVITIES: Pursuant to § 7 (4) and § 36 (1) of the General Part of the Code of Economic Activities Act, an economic administration authority may prohibit an economic activity from an undertaking or a person related to an undertaking due to a material violation. FACTUAL CIRCUMSTANCES: On 25.11.2019,

the Data Protection Inspectorate received X complaint, where it receives electronic direct marketing on Facebook, which it cannot give up. The complainant had ordered goods from Thats It OÜ's Facebook page, but after that he received constant notices, which he could not refuse. Both SMS and direct marketing communications were sent to the complainant via Messenger. The complainant himself approached the data controller with instructions to write STOP in Messenger, but this did not work. On 12 September 2015, an SMS was received from Thats IT OÜ, after which the applicant contacted the company via Facebook messenger, explicitly asking to stop sending the advertisement again. The complainant received confirmation from the company that the information had been provided. On 21 November 2019 an advertisement was sent to the applicant on Facebook messenger, so that the company That's It OÜ had still not understood that the applicant had refused to advertise them. It was alleged that the applicant should stop sending messages from the messenger himself by replying to STOP with their message. It was claimed that they had never had to remove any customers from the database themselves, and that was impossible. The data controller stated that the administrator of the messenger had been contacted and that the applicant had nevertheless been removed. On the evening of 21 November 2019, the applicant received a new promotional SMS from That's It OÜ. On 25 November 2019 the applicant applied to the Inspectorate to initiate proceedings. The Data Protection Inspectorate started the procedure and forwarded the inquiry to Thats It OÜ on 16.01.2020. Thats It replied on 27.01.2020 and explained the reasons why STOP did not work. On 30.01.2020, the Inspectorate sent an additional inquiry, to which the data processor replied on 06.02.2020. The data controller explained that the STOP command in messenger works and sent screenshots to confirm it. The website is currently missing a form for accepting an ad. On 07.04.2020, the Data Protection Inspectorate sent an inquiry to a member of the Management Board of Thats It OÜ, to which the addressee was obliged to respond on 24.04.2020. The data controller did not respond to this request. In the inquiry, the Inspectorate asked about the ticking of consent to send electronic direct marketing on the website thatsit.ee. 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 Supervision Authority sent the inquiry to the e-mail address info@thatsit.ee provided in the commercial register and explained that pursuant to § 25 (1) of the Administrative Procedure Act (HMS), an administrative act, summons, notice or other document is delivered to a participant by post, by the issuing administrative authority or electronically. A document made available or transmitted electronically pursuant to § 27 (2) of the HMS shall be deemed to have been served in the following cases: 3) the document or notice of making the document available has been forwarded to the company's e-mail address entered in the commercial

register. To date, Thats It OÜ has not responded to the inspection's inquiry or requested an extension of time to respond. In the last reply, Thats It OÜ explained that they plan to set up a consent form for sending direct sales on their website, but so far this has not been done. Thats It OÜ has had enough time for that.

EXPLANATION OF THE PERSONAL DATA PROCESSOR:

The Supervision Authority asked Thats It OÜ to respond to an inquiry to which a member of the Management Board has not responded in a timely manner. The Inspectorate gave Thats It OÜ a reasonable time to respond. The Inspectorate has thereby fulfilled its obligation under § 40 (1) of the Administrative Procedure Act to give the participant in the proceedings an opportunity to submit an opinion and objections on the matter before issuing the administrative act.

FOUNDINGS 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. Pursuant to § 1031 (1) of the Electronic Communications Act (ESS), the use of electronic contact data of a natural person user or customer for direct marketing is permitted only with his or her prior consent. Pursuant to Article 7 (3) of the General Regulation on the Protection of Personal Data, the data subject has the right to withdraw his or her consent at any time. If Thats It OÜ wants to send direct sales, it may do so on the basis of the voluntary consent of the data subject. In other words, there must be a possibility where a person can tick or otherwise actively express a wish to receive direct sales. If such an opportunity is not guaranteed, Thats It OÜ may not be sent directly. At the moment, such a possibility is not visible on the website thatsit.ee as of 30.04.2020. If Thats It OÜ has a consent to send direct sales (has taken an active consent), direct sales can be sent. Subsequent direct marketing e-mails must also be able to opt out of direct marketing either via the opt-out link or by writing to the data controller. For example, a opt-out link is traditionally used in the footer of an email, which is a convenient way for a data subject to withdraw their consent to send a direct sale. After clicking on the link, ie withdrawing the consent, no more direct sales can be sent. Pursuant to § 25 (1) of the Administrative Procedure Act (HMS), an administrative act, summons, notice or other document is served on a participant in the proceedings by post, by the administrative authority which issued the document or electronically. Taking into account that answering the inquiry made within the supervision procedure of the administrative body is mandatory, but Thats It OÜ has not answered the inquiries of the Inspectorate, the Inspectorate finds that issuing a mandatory precept is necessary to find out the relevant circumstances and comply with the Electronic Communications Act.

Yours sincerely, / digitally signed / Sirgo Saar Senior Inspector Authorized by the Director General