

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 Raiko Kaur Time and place of precept 18.11.2020, Tallinn Addressee of the precept Ammende Hotell OÜ (12527712) sven-erik.volberg@ammende.ee Person responsible for the addressee Member of the Management Board RESOLUTION: § 56 (1) (2) 8) of the Personal Data Protection Act , § 58 (1) and Article 58 (1) (a) and (2) (d) of the General Regulation on the Protection of Personal Data (IKÜM), also taking into account Articles 5, 6, 12 and 13 of the IKÜM, the Data Protection Inspectorate shall issue a mandatory precept to Ammende Hotell OÜ to comply with: 1. Submit an analysis of Article 6 (1) (f) (legitimate interest) of the CCCTB on the use of cameras to make hotel processes more efficient, or confirm that data processing has been terminated for this purpose. 2. Prepare and transmit to the Inspectorate data protection conditions that fully comply with the requirements set out in Articles 12 to 13 of the CISA. We set the deadline for compliance with the precept as 02.12.2020. 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 payment of EUR 2,000 on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act: for each item of the precept not complied with. 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 WARRANTY: Misdemeanor proceedings may be instituted for failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection Regulation on the grounds of § 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 CIRCUMSTANCES: The Data Protection Inspectorate (Inspectorate) received a request from a person concerning the use of cameras by Ammende

Hotell OÜ. In connection with this, the Inspectorate initiated supervision proceedings on the basis of clause 56 (3) 8) of the IKS. On 24.07.2020, the Inspectorate sent an inquiry to Ammende Hotell OÜ requesting explanations regarding the use of the cameras. 05.08.2020 Ammende Hotell OÜ sent a reply to the Inspectorate, which included, among other things, a prepared privacy policy. In addition to the privacy policy, Ammende Hotell OÜ explained that the need to use cameras does not primarily arise from monitoring guests, but from managing work processes. For example, in the case of breakfast, the emptying of the pelvis and the need to refill it, putting on and putting on the cover. According to the privacy policy sent, the legal basis for the use of cameras is Article 6 (1) (f) of the CCIP. In connection with this, the Inspectorate sent a further inquiry on 26.08.2020 requesting the following information: “. 07.09.2020 Ammende Hotell OÜ sent an analysis of legitimate interest to the Inspectorate. On 12.10.2020, the Inspectorate sent Ammende Hotell OÜ a proposal for better compliance with the Personal Data Protection Act in case number 2.1.-1/20/2538. In the proposal we sent, we stated: “As can be seen from the analysis, you only use the cameras for the safety of hotel staff and visitors on the basis of a legitimate interest. However, if you look at your privacy policy regarding video surveillance (<https://ammende.ee/videovalve/>), then in the privacy policy you note that the legitimate interest is, among other things, to make the hotel's work processes more efficient. In this connection, we would like to know whether you continue to use the cameras to make the hotel's work processes more efficient, and if so, we would like to receive a legitimate interest analysis showing that the use of the cameras for this purpose is justified and does not unduly infringe data subjects' rights. The analysis of legitimate interest should also point out specific situations where the use of cameras is indispensable for making work processes more efficient, ie it is not possible to use less intrusive measures to fulfill a specific purpose. “. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 In addition, the Inspectorate reviewed the privacy policy sent by Ammende Hotell OÜ and identified several shortcomings in this regard: 1. Purpose and legal basis of personal data processing (IKÜM Article 13 (1) (c) As we have already stated, you have pointed out in the context of video surveillance that cameras are used to make hotel work processes more efficient on the basis of a legitimate interest. However, you have not provided the Inspectorate with an analysis of the legitimate interest in this regard, which is why the Inspectorate does not know whether the use of cameras for such purposes on the basis of a legitimate interest is lawful or not. Also, in a situation where you no longer use the cameras for this purpose, this purpose must be removed from the video surveillance conditions. 2. Information on the legitimate interest of the controller or of a third party (Article 13 (1) (d) of the CCIP) With regard to information provided under Article 13 (1) (d) of the CISA, you must either include

in the data protection conditions information on legitimate interests (including balancing interests) or at least information that the person has a right to information on the formation of a legitimate interest (including balancing). The guidelines of the Article 29 Working Party on Transparency can also be read in more detail in this regard. The provision of information on a legitimate interest is discussed on page 36.

3. Information on the right to request from the controller access to personal data concerning the data subject (Article 13 (2) (b) CISA) : “How a person can access the data collected about him / her - in order to access the data collected about the person, please submit a request to the CEO of the company in writing with a justification. “. We explain that according to Article 15 of the CISA, a person has the right to receive information about himself or herself. At the same time, a person is not obliged to justify to the data processor why he or she wants data about himself or herself. In addition, the terms of the video surveillance state: “When accessing the data, you must keep in mind that we only keep the recordings for 2 weeks, and that in order to protect the rights and interests of others, we cannot make them available immediately. “. We note that the principle is correct, but we clarify that in a situation where a person requests access to or a copy of a video recording of themselves while the video recording has not yet been deleted, the video recording must be kept for as long as the person has access to the video recording or a copy issued. The right to receive a copy arises from Article 15 (3) of the CISA. We also note that in a situation where Ammende Hotell OÜ has not yet considered issuing a copy of the video recording, it must be done. Measures must be taken to make other persons whose rights and freedoms infringed by the disclosure unidentifiable. In other words, in a video recording, the images of other people must be covered (eg blurred) so that other people cannot be identified during the recording.

4. Information on the right to lodge a complaint with the supervisory authority (Article 13 (2) (d) CCIP) This information is not available in the video surveillance conditions and in the privacy policy.

5. In addition, you have stated in the conditions of video surveillance that the recordings may be transmitted only to the PBGB and to others only by a court decision. We note that this information is incorrect. Ammende Hotell OÜ is obliged to issue video recordings to those supervisory authorities who have the right to receive data from a specific legal act. For example, the Data Protection Inspectorate has the right to access all personal data of Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee. e). Therefore, if necessary, for video recordings. In connection with the above, on 12.10.2020 the Inspectorate made a proposal to Ammende Hotell OÜ in personal data protection case no. 2.1.-1/20/2538, the content of which was as follows: 1. To submit an analysis of legitimate interest in that data processing for that purpose has been completed. 2. To prepare and submit to the Inspectorate the data protection conditions of Ammende Hotell OÜ, which comply with the

requirements provided for in Articles 12 - 13 of the CISA. In doing so, take into account the explanations provided by the Inspectorate when compiling the data protection conditions. The deadline for replying to the proposal was 27.10.2020.

16.10.2020 Ammende Hotell OÜ sent a letter to the Inspectorate requesting an extension of the deadline for replying until 13 November. On 19.10.2020, the Inspectorate sent Ammende Hotell OÜ a notice extending the deadline for replying, in which it stated the following: "Based on your application, we will extend the deadline for replying to the proposal. Respond to the proposal as soon as possible, but no later than 13.11.2020. ". In the proposal, the Inspectorate also drew attention to the possibility of imposing a precept and a penalty payment. The Inspectorate sent a notice extending the proposal and the deadline for replying to the e-mail address sven-erik.volberg@ammende.ee provided in the Commercial Register. A representative of Ammende Hotell OÜ contacted the Inspectorate regarding the extension of the deadline for replying to the proposal, and the Inspectorate also extended the deadline for replying. However, Ammende Hotell OÜ did not respond to the inspection's proposal on time, incl. Did not respond by the deadline. The Inspectorate has given Ammende Hotell OÜ a reasonable time to respond, incl. The addressee of the proposal has also written to the Inspectorate regarding the extension of the deadline for replying, and the Inspectorate also extended the deadline for replying. The Inspectorate has thereby fulfilled the obligation arising from subsection 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.

GROUPS FOR THE DATA PROTECTION INSPECTORATE: According to the materials of the case, Ammende Hotell OÜ processes personal data, including uses cameras. The processing of personal data must take into account the requirements of the CISA, including Article 6 of the CISA, which states that the processing of personal data is lawful only if it is carried out on one of the grounds listed in Article 6 of the CISA. The burden of proof lies with the controller. Ammende Hotell OÜ has stated that the legal basis for the use of cameras is Article 6 (1) (f) of the CCIP, but has justified its use only in part, ie in relation to the safety of hotel employees and visitors. As regards the use of cameras to make hotel work processes more efficient, Ammende Hotell OÜ has not submitted an analysis of legitimate interest to the Inspectorate, which would show that the use of cameras for such purposes is justified and does not unduly infringe the rights of data subjects. At the same time, the Inspectorate does not have information on situations where the use of cameras is indispensable for making work processes more efficient, ie it is not possible to use less intrusive measures to fulfill a specific purpose. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 We have also explained the use of Article 6 (1) (f) of the ICC in a supplementary inquiry

sent on 26.08.2020 no. 2.1.-1/20/2538 where we have explained the following: We explain that according to Article 6 (1) (f) of the General Regulation on the Protection of Personal Data (EDPS), the processing of personal data is lawful if the processing is necessary in the legitimate interest of the controller or a third party, the interests or fundamental rights and freedoms of the data subject in the name of which personal data must be protected. Thus, Article 6 (1) (f) of the CISA lays down three conditions, all of which must be fulfilled for the processing of personal data to be permitted: - the controller or third parties have a legitimate interest in the processing; - the processing of personal data is necessary for the pursuit of a legitimate interest; - the legitimate interests of the controller and / or a third party outweigh the interests, fundamental rights and freedoms of the data subject being protected; The possibility of using this legal basis and its assessment can be divided into three stages, ie firstly the legitimate interests and weight of the data controller, secondly the rights and interests and weighting of the data subject and thirdly the consideration of conflicting interests, incl. In the light of the above, the controller is obliged to weigh his or her legitimate interests against those of the data subject, which makes it clear whether Article 6 (1) (f) of the CISA can be invoked as a legal basis for processing. The fact that the processor has a legitimate interest in the processing of personal data does not automatically mean that the processor can rely on Article 6 (1) (f) of the CCIP. The legitimacy of the controller's interest is only a starting point, ie one of the elements to be analyzed, and whether the basis of a legitimate interest can be relied on depends on the outcome of the balancing act. It is for the controller to ascertain whether the legitimate interest provision can be relied on, who must carry out the weighing in a transparent manner and be able to justify it. Thus, in order to understand whether personal data can be processed on the basis of Article 6 (1) (f) of the CISA, it must first be clarified whether and what is the legitimate interest of Ammende Hotell OÜ and / or the public. The legitimate interests of both the controller and third parties (including the public) must be sufficiently clear. This requires a real and current interest - something related to an ongoing activity or a benefit that is expected to accrue in the near future. In other words, interests that are too vague or speculative are not enough. If legitimate interests are not sufficiently clear, these interests cannot be balanced against the interests and fundamental rights of the data subject. It is therefore essential, above all, that the legitimate interest be in accordance with the applicable law, be sufficiently clear (ie sufficiently specific) and real and present (ie not speculative). Secondly, the potential interests or fundamental rights of the data subject - and the freedoms that may be compromised by the processing of personal data - need to be analyzed and considered. Third, the legitimate interests of the controller and / or third parties must be balanced against the interests and fundamental rights of the data subject. This shall compare the possible

effects of the processing (eg collection) of personal data on the data subject with the legitimate interests of the controller and / or third party and assess whether and to what extent the legitimate interests of the controller and / or third party outweigh the interests of the data subject. We emphasize that the legitimate interests of the controller or of a third party do not automatically outweigh the interests of the fundamental rights and freedoms of the data subjects protected. If the data controller fails to perform one of the previous steps correctly, the processing of data is not permitted under Article 6 (1) (f) of the CISA and the Inspectorate may therefore also prohibit the processing. It is also possible to read the guide on legitimate interests prepared by the Inspectorate regarding legitimate interests. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Irrespective of the legal basis, the data processor is obliged to follow, inter alia, the principles set out in Article 5 of the CCIP, including the provisions of paragraph 1 (a), (b) and (c): - the processing is lawful, fair and transparent to the person; - purpose limitation - personal data are collected for specified, explicit and legitimate purposes; - Collection of as little data as possible - personal data are relevant, relevant and limited to what is necessary for the purpose for which they are processed. Compliance with these obligations must be certified by the controller (see Article 5 (2) of the CCIP). The principles of personal data processing must also be followed when installing cameras and determining the extent of this field of view. Personal data may only be collected to the extent necessary to achieve the defined purposes, whilst ensuring that the purpose for which the cameras are used is protected as far as possible without prejudice to the fundamental rights of the individual. To this end, the data controller must always assess in advance whether the data processing (use of cameras and its scope) is indeed indispensable to the fulfillment of the purpose or whether other and less intrusive measures are necessary to fulfill the purpose. The principle of transparency presupposes that all information and messages related to the processing of personal data (including the use of cameras) are easily accessible, comprehensible and clearly worded. In other words, data protection conditions must be in place. The content of the data protection conditions is regulated by Articles 12 - 14 of the CISA. In order to bring the data protection conditions fully in line with the requirements set out in the CISA, we also recommend that Ammende Hotell OÜ read the Article 29 Working Party Guidelines on Transparency. It should be noted that pages 35 to 40 contain a table explaining exactly what information must be included in the data protection conditions. However, Ammende Hotell OÜ has not responded to the proposal of the Inspectorate and has not proved the fulfillment of the aforementioned obligations. At the same time, the Inspectorate does not know whether Ammende Hotell OÜ continues to use cameras in order to make the hotel's work processes more efficient and whether and to what extent it complies with the requirements set out in

Articles 5 and 6 of the IKÜM. The privacy policy sent to the Inspectorate on 05.08.2020 also did not meet the requirements set out in the IKÜM. However, Ammende Hotell OÜ has not submitted the updated (corrected) data protection conditions that meet the requirements of the IKÜM to the Inspectorate. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) and (2) (d) of the General Data Protection Regulation, the Supervision Authority has the right to order the controller to comply with the provisions of the CISA in a certain manner. In order to provide the Inspectorate with the information necessary to carry out the supervision procedure. / digitally signed / Raiko Kaur, lawyer, authorized by the Director General