

Tatari 39, Tallinn 10134/627 4135 / info@aki.ee / www.aki.ee / Registry code 70004235 PRECAUTIONS-WARNING in personal data protection matter no. 2.1.-6/20/8 Preceptor Data Protection Inspectorate Time and place of precept 17.03.2020 , Tallinn Addressee of the precept personal data processor xxx address: e-mail address: xxx RESOLUTION § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) Inspection to comply with the mandatory precept: to remove cameras from the common areas of xxx residential areas no later than 31.03.2020. and send a confirmation to the Inspectorate. Please notify the Data Protection Inspectorate of the fulfillment of the precept by the same deadline at info@aki.ee. 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 FUND WARNING: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a penalty payment of 1000 euros on the addressee of the precept on the basis of subsection 60 (2) 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. FACTUAL CIRCUMSTANCES: The Data Protection Inspectorate received an appeal on xxx on 20.01.2020, according to which xxx xxx arbitrarily installed cameras in the common area of the residential building. In its reply, Xxx finds that the legal basis for the installation of the cameras is the summary of the house meeting on 15.08.2019. The Xxx property together with the building is co-owned by the owners, ie no apartment properties have been created and there is no apartment association. The co-owners have entered into a notarial agreement as to who owns which part of the building and the surrounding land. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: Due to the lack of apartment ownership and an apartment association, the possession and use of a property in joint ownership must comply with the Law of Property Act. Pursuant to § 72 (1) of the LCA, co-owners possess and use a common thing by agreement. Matters falling within the normal possession and use of the common property may be decided by a majority of the co-owners. The number of votes in the decision depends on the size of the ownership share. Thus, if the persons who voted in favor of the decision own more than half of the joint ownership of the dwelling, these decisions are also obligatory for those co-owners who did not agree with the decision and / or who did not participate in the meeting. The use of

cameras in a shared area is a matter for the use of co-ownership, which must be resolved in the light of the above, either by agreement or by a majority of the co-owners. In this case, xxx belongs to xxx, his family and his company half of xxx's residence xxx has stated that he and his related parties did not agree to the installation of cameras in the common areas of xxx's residence. Xxx has also not proved that xxx and the persons associated with it gave their consent, but on the contrary - it is clear from xxx 's explanations that xxx is not prepared to confirm with its signature that such an agreement was reached.

Personal data may be processed if there is a legal basis for this under Article 6 of the General Regulation on the Protection of Personal Data (EDPS). The use of security cameras will inevitably lead to the processing of personal data if people are out of sight. A proper co-owner agreement or majority decision could be the legal basis for installing cameras in a shared area in a situation. Alternatively, the legal basis can be the consent of the data subjects (ie the people out of sight of the camera).

Neither requirement is met, so there is no legal basis for using the cameras in terms of data processing. A data subject whose personal data are processed has the right to demand termination of the processing of personal data if there was no legal basis for this (Article 17 (1) (d) of the CISA). Therefore, one of the co-owners whose rights are infringed by the use of the cameras has the right to demand the termination of the processing of their data. Xxx has also done so by submitting a complaint to the Data Protection Inspectorate. In such a case, the Data Protection Inspectorate must find out whether the data processing was lawful. Given that there was no legal basis for installing cameras in the common area - an agreement between the co-owners or a majority decision - the cameras through which the personal data of xxx and its family members can be processed must be removed from the common areas of xxx. If the co-owners of a xxx residential building cannot resolve their differences according to the rules of joint ownership of the Law of Property Act, it is possible to consider dividing the immovable into apartment ownership and establishing an apartment association. In this case, it is also possible to regulate the procedure for making decisions of the cooperative in the articles of association. / digitally signed / on behalf of the Director - General