

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.-6/21/13 Preceptor of the Data Protection Inspector Raiko Kaur Time and place of precept 07.05.2021, Tallinn Addressees of the precept Mindcapital OÜ (14933474) garpel@protonmail.com Lõdtsa 5 - 11, Tallinn 11415 Persons responsible for the addressees Member of the Management Board 1. RESOLUTION: § 56 (1) (2) of the Personal Data Protection Act 8, § 58 (1) and Article 58 (1) (a) of the General Data Protection Regulation and taking into account clause (e) of the same paragraph, the Data Protection Inspectorate shall issue a mandatory precept to Mindcapital OÜ to comply with: 21/394 sent for inquiry. We set the deadline for compliance with the precepts as 21.05.2021. 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 the precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a precept on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act: Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Penalty 5000 euros. 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 (1) of the General Data Protection Regulation may result in misdemeanor proceedings pursuant to § 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 (the Inspectorate) received a request from a person according to which the person has contacted Mindcapital OÜ via the contact form on the website <https://mind.capital/en/#contactar> and has requested information on the processing of personal data concerning him. When requesting information, reference is also made to Article 13 of the CISA, which sets out the mandatory information to be provided to a person. Based on the above, the Supervision Authority initiated

supervision proceedings on the basis of clause 56 (3) 8) of the Personal Data Protection Act. In the course of the supervision procedure, we checked the documents in the commercial file of the Commercial Register and established that the sole member of the Management Board of Mindcapital OÜ resides in Spain. Therefore, the Supervision Authority is not convinced that the Management Board of Mindcapital OÜ is located in Estonia. However, in order to be able to determine which of the data protection authorities of a Member State of the European Union is the lead authority in the proceedings, it is important to identify the main place of business (see Article 4 (16) of the General Data Protection Regulation). In other words, it is important to find out the location of the Management Board in the Union or, where decisions on the purposes and means of the processing of personal data are taken at another place of business in the Union, that place of business. In order to find out the above, the Inspectorate sent an inquiry to Mindcapital OÜ in case number 2.1.-1/21/394 in the course of supervision proceedings on 15.04.2021, the deadline for replying of which was 27.04.2021. In the inquiry, we wanted the following: 1. In which country is the management board of Mindcapital OÜ located? Provide the exact address of the board location. 2. Are decisions on the purposes and means of the processing of personal data taken in the country referred to in point 1? 2.1.If not, in which country and on the basis of which (provide specific evidence) decisions related to the processing of personal data are taken. 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 garpel@protonmail.com 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. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 At present, the representative of Mindcapital OÜ has not responded to the inquiry of the Inspectorate and has not contacted regarding the extension of the term for answering the inquiry. The Supervision Authority has given Mindcapital OÜ a reasonable time to respond, incl. It is also possible for the addressee of the inquiry to write to the Supervision Authority in a timely manner and justify if the term for replying to the inquiry is too short and submitting a 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 Mindcapital OÜ has not answered the inquiry sent to the Inspectorate on 15.04.2021, the Inspectorate considers that issuing a mandatory precept in this matter is necessary to find out as soon as possible. If the company has problems in responding to the inspection by the set 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, lawyer, authorized by the Director General