

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.-6/20/25 Preceptor Senior Inspector of the Data Protection Inspectorate Sirgo Saar Time and place of precept 20.07.2020, Tallinn Addressee of the precept - processor of personal data Osaühing Reisibüroo TRAVIBEST registry code 10263410, address Kahlu tn 1, 13522 Haabersti linnaosa, Tallinn, Harju maakond e-mail address: travibest@travibest.ee; karmen.turk@triniti.ee Person in charge of the personal data processor Member of the Management Board RESOLUTION: § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act, Articles 6, 17, 17 and 58 (2) of the General Data Protection Regulation f and g and taking into account § 1031 of the Electronic Communications Act, the Supervision Authority issues a mandatory precept to: 1. immediately suspend the processing of personal data for direct marketing purposes in respect of Reisibüroo Travibest OÜ customers the results of the audit, which show that the company has identified whose personal data it is entitled to process. 2. delete personal data as soon as possible, but not later than upon completion of the audit, for the processing of which Reisibüroo Travibest OÜ has no legal basis. The Supervision Authority requests that the fulfillment of clause 1 of the precept be confirmed no later than 31.07.2020 by sending a corresponding notice to the e-mail address of the Data Protection Inspectorate info@aki.ee. Please inform about the fulfillment of clause 2 of the precept together with the submission of the results of the audit. 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. A separate penalty of 500 euros per violated point shall be imposed for violation of each clause of the precept. 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. MISCELLANEOUS 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 FACTS: On 08.04.2020 the Data Protection Inspectorate received a complaint from the complainant X alleging that the Travibest travel agency had obtained and processed the applicant's personal data from an unknown source by repeatedly sending unsolicited advertisements to his e-mail address. The Inspectorate commenced the proceedings on 14.04.2020 and forwarded the notice of commencement of the proceedings to the applicant on the same date. On 14.04.2020, the Inspectorate made an inquiry and a proposal to Osaühing Reisibüroo TRAVIBEST in which the Inspectorate obliged the company to answer questions and comply with the proposal. The proposal contained the following obligation: 1. to reply to the complainant on what legal basis direct marketing is sent to him. 2. reply to the complainant from whom his e-mail address was obtained. 3. reply to the complainant who and when added his e-mail address to the Travibest mailing list. 4. stop sending commercial communications to the e-mail address X, for which please send a confirmation to the Inspectorate. 5. make the possibility of waiving future offers lawful, i. free of charge and in a simple manner via an electronic communications network and send a description or sample image thereof to the Inspectorate. 6. Please check the possibility at the end of the letters to refuse further commercial communications. Please send a confirmation to the inspectorate that the opt-out works. The Inspectorate set 27.04.2020 as the deadline for the implementation of the proposal. On April 27, 2020, Karmen Turk, a sworn advocate from the law firm Trinitas OÜ, a contractual representative of Osaühing Reisibüroo TRAVIBEST, submitted his explanations and objections to the Inspectorate's inquiry and proposal. On 05.05.2020 the Inspectorate made an inquiry to the applicant, in which he ascertained the circumstances arising from the travel agency's reply of 27.04.2020. On 06.05.2020 the applicant replied to an inquiry from the Inspectorate that, to his knowledge, he had never bought anything from the data controller or asked for offers or consents. On 20.05.2020, the Inspectorate made an additional inquiry and reprimanded the Private Limited Company TRAVIBEST. The need for a reprimand stemmed from the fact that the data controller had not been able to establish the circumstances in which the applicant's personal data had been collected and thus the lawfulness of their storage and processing. The data controller was also unable to respond to the data subject's request as to where his or her contact details were obtained. In addition, the Inspectorate stated in the reprimand that people should not be given misleading information regarding the processing of

personal data (incl. The legal basis and storage of data processing). 02.06.2020 Osaühing Reisibüroo TRAVIBEST forwarded its position to the inquiry and reprimand. EXPLANATION OF THE PERSONAL DATA PROCESSOR: The Supervision Authority has given the data processor the opportunity to present its views, which have been done by Osaühing Reisibüroo TRAVIBEST. The data controller has explained that since the privacy notice came into force in 2018, all newsletters have been sent in accordance with the rules in force. The data processor has followed the principles where, in the case of a customer who is a legal entity, we have used the data for direct marketing, ensuring the so-called opt-out option at the end of each direct marketing request. In the case of a natural person customer, the transmission of a direct marketing notice has been based on: (1) the person's consent (eg given at a travel fair), subscription to a newsletter on the website; (2) a natural person has disclosed his or her electronic contact details in connection with the purchase of a travel package, air ticket or other Travibest service or by making a price request. In that case, Travibest used that data for the direct marketing of its similar travel services. There has always been an opportunity to refuse it - i.e. with each newsletter. Osaühing Reisibüroo TRAVIBEST has explained that from the moment the applicant contacted the data controller in February 2020, the data controller removed the corresponding user ID and account from the database. The data controller has included information about the complainant in tabular form. The data controller explained that although the data controller had removed the complainant's user from his database following an e-mail sent in February, he regrettably failed to reply to the complainant's e-mail in writing. The data controller confirms that the applicant's user account ID 44953 has been deleted from the database of Osaühing Reisibüroo TRAVIBEST since February 2020, when the relevant deletion activity was performed, and this excludes the possibility of sending a newsletter. The data controller explained to the Inspectorate's inquiry on 14.04.2020 that, unfortunately, no data had been preserved to identify the "legal basis" for the applicant's e-mail address and other older e-mail addresses, but according to our policy we have only added e-mails to our database. data of natural persons who have subscribed to postal addresses, newsletters or shared their information at trade fairs or who have previously purchased travel services. The data processor replied to the reprimand of the Inspectorate on 20.05.2020 that, considering the passage of time, it was no longer possible to determine the manner in which the applicant's personal data had been obtained. According to the operating principles of Osaühing Reisibüroo TRAVIBEST, it could not have arisen other than in one of three cases: the consent of a natural person or the previous purchase of a service; use as data of a legal person or a service previously ordered by them. However, Osaühing Reisibüroo TRAVIBEST emphasized that it would carry out an update of its website and systems in 2020, during which the

data protection officer of Osaühing Reisibüroo TRAVIBEST would review all similar user accounts (older user accounts with no correct content in the "legal basis" column) decided to delete all such user accounts. To this end, Margarita Mölder, the data protection officer of the data processor, has planned her activities in the third quarter of 2020. The Supervision Authority asked the data processor to forward the result of the data review, to which the data processor referred in its first reply. The data controller further explained that Osaühing Reisibüroo TRAVIBEST will submit the results of the respective inspection to AKI no later than 15.10.2020 (due to the fact that the global crisis has postponed all planned activities that were planned in the ordinary course of business). The Inspectorate has thereby fulfilled the obligation of § 40 (1) of the Administrative Procedure Act to give the participant in the proceedings an opportunity to submit his or her opinion and objections on the matter before issuing the administrative act.

GROUNDS FOR THE DATA PROTECTION INSPECTORATE: The monitoring process has revealed that a travel agency stores and uses the personal data of many people without the data controller clarifying how and on what legal basis the data was collected and whether there is a legal basis for using it. The data processor has confirmed to the Inspectorate that it will carry out an audit of personal data in order to find out which personal data it has a legal basis for processing. The data processor has promised to submit the result of the audit to the Inspectorate no later than 15.10.2020. As the data processor has confirmed that it is performing an audit of personal data, the Supervision Authority does not consider it necessary to issue a mandatory precept to the data controller in this regard and relies on the data controller's own promise. It follows from Articles 5 and 6 of the CISA 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 General Regulation. § 1031 of the Electronic Communications Act (ESS) lays down rules for the use of contact details of natural persons for direct marketing. It follows from those rules that the presumption of electronic direct marketing is that the person has given his or her voluntary consent for that purpose or has a previous customer relationship with him or her and has not prohibited such use of his or her contact details. In other words, the ESS does not confer the right to use a person's contact details without a legal basis. The data controller may not arbitrarily collect people's contact details and use them for direct marketing. The burden of proving the existence of a legal basis lies with the data controller. Article 17 of the CISA gives the data subject the right to request the deletion of personal data if there is no legal basis for the processing of personal data, and Article 18 gives the data subject the right to restrict the processing of personal data during the verification of personal data. Article 57 of the CISA entitles the Data Protection Inspectorate to conduct investigations both on the basis of a complaint and on its own initiative. Pursuant to Article 58 (1) (f) of the CISA, the Data

Protection Inspectorate has the right to impose a temporary or permanent restriction on the processing of personal data, including a ban on processing. Considering that the data subjects concerned are not aware of the possible illegal processing of their personal data by Reisibüroo Travibest OÜ in this case, they cannot exercise the rights provided for in Articles 17 and 18 of the CISA. However, so that the rights of data subjects do not remain unprotected until the data processor performs an audit, the Data Protection Inspectorate considers it necessary to establish the use of personal data for direct marketing purposes by Reisibüroo Travibest OÜ for those persons for whom the data processor has no legal basis. The prohibition is valid until Reisibüroo Travibest OÜ submits a summary of the audit to the Data Protection Inspectorate, which certifies that the data processor has determined whose personal data he or she has the right to process. The Data Protection Inspectorate is of the opinion that since Reisibüroo Travibest OÜ does not have a clear overview of its personal data, the suspension of data processing is justified on the basis of the general regulation. Given that the processing of personal data without a legal basis is illegal, the data controller must immediately delete the data for which it appears that it has no legal basis for processing. As the audit takes a long time, according to the data processor, it is possible that the audit reveals data that is not entitled to be processed on an ongoing basis. They should be deleted immediately. However, at the latest at the end of the audit, such data must be deleted and confirmed to the inspectorate. Yours sincerely, / digitally signed / Sirgo Saar Senior Inspector Authorized by the Director General