

Registration code 70004235 PRESCRIPTION-WARNING in personal data protection case no. 2.1.-1/21/3891 Prescription

author of Data Protection Inspectorate lawyer Signe Light Time and place of the injunction 03.01.2022, Tallinn Addressee of the injunction Tartu Kiirabi Foundation (90007141) priit.koovit@kiirabi.ee kiirabi@kiirabi.ee Riia tn 18, 51010 Tartu

Responsible persons of addressees member of the board RESOLUTION: Paragraph 56 of the Personal Data Protection Act 1, subsection 2 point 8, § 58 subsection 1 and Article 58 subsection 1 point a of the General Regulation on Personal Data Protection and considering the same subsection with point e, Andmekaitse Inspektsioon SA makes a mandatory order for Tartu Kiirabi to comply with: Reply to Andmekaitse Inspektsioon 01.12.2021 no. 2.1.-1/ 21/3891 sent and 16.12.2021 sent for repeated inquiry. We set the deadline for the fulfillment of the prescriptions as 17.01.2022. Report compliance with the order to the e-mail address of the Data Protection Inspectorate at info@aki.ee by this deadline at the latest. REFERENCE FOR

DISPUTES: You can contest this order within 30 days by submitting either: - an appeal in accordance with the Administrative Procedure Act to the Data Protection Inspectorate or - an appeal in accordance with the Administrative Court Procedure Code to the Tallinn Administrative Court (in this case, the appeal in the same matter cannot be reviewed). Challenging a precept does not stop the obligation to fulfill it or the implementation of measures necessary for fulfillment. EXERCISE MONEY

WARNING: If the injunction has not been complied with by the specified deadline, the Data Protection Inspectorate will impose an extortion fee of 5,000 euros to the addressee of the injunction on the basis of § 60 of the Personal Data Protection Act. A fine may be imposed repeatedly - until the injunction is fulfilled. If the recipient does not pay the penalty, it will be forwarded to the bailiff to start enforcement proceedings. In this case, the bailiff's fee and other enforcement costs are added to the enforcement money. MISCONDUCT PUNISHMENT WARNING: Failure to comply with the prescription under Article 58 (1) of

the Personal Data Protection General Regulation may result in a misdemeanor proceeding based on § 70 of the Personal Data Protection Act. For this act, a natural person may be fined up to EUR 20,000,000, and a legal person may be fined up to EUR 20,000,000 or up to 4 percent of its global annual turnover of the previous financial year, whichever is greater. The out-of-court procedure for a misdemeanor is the Data Protection Inspectorate. FACTUAL CIRCUMSTANCES: The Data Protection

Inspectorate received XXX's complaint, according to which XXX, an employee of Tartu Kiirab Foundation, has made a request to the Health Information System about his health data. The request for the person's general data was made on 12.11.2021 and the immunization passport was checked. A "plain written statement" is reflected in the system as a justification. Based on

the above, we started a monitoring procedure on the basis of § 56 (3) point 8 of the Personal Data Protection Act (IKS). In order to check the legality of personal data processing, the inspection sent an inquiry to SA Tartu Kiirab on 01.12.2021 in case No. 2.1.-1/21/3891, the deadline for answering was 14.12.2021. In the inquiry, we wanted to know the following: 1. Please explain why and on what legal basis has the employee made a request for the person's health data? 2. What does the rationale for the request that we outlined previously mean? 3. Was the inquiry related to the performance of the employee's duties? If so, please specify with which tasks. 4. Did the employee have a medical relationship with XXX at the time of the inquiry? 5. Has the employee forwarded the applicant's personal data (including special types of personal data) to anyone? If so, please specify to whom and on what basis. 6. Please provide your own explanations and justifications that you consider necessary to include in this matter. SA Tartu Kiirabi did not send us a response by the indicated date. Therefore, we sent a repeated inquiry to the institution on 16.12.2021, in which we asked the same questions. The date set for answering this inquiry was 27.12.2021. However, AKI has not yet received an answer to these questions either. As part of the inquiry, the inspectorate also drew attention to the setting of an injunction and a fine in the event that the inspectorate's inquiry is not answered on time. The inspection sent the inquiry to the e-mail address given in the business register: priit.koovit@kiirabi.ee. Regarding the inquiry sent by e-mail, we note that in accordance with § 27 (2) point 3 of the Administrative Procedure Act, a document made available or transmitted electronically is considered delivered if the document or message has been transmitted to the e-mail address entered in the company's business register. For the time being, the institution has not responded to the inquiry of the inspectorate, nor has it been contacted regarding the extension of the deadline for responding to the inquiry. The inspection has given SA Tartu Kiirab a reasonable time to respond, i.e. it is also possible for the addressee of the inquiry to write to the inspection within the deadline and give reasons if the deadline for answering the inquiry is too short and submitting an answer would require a longer response time. With this, the inspectorate has fulfilled the obligation arising from § 40 subsection 1 of the Administrative Procedure Act to give the party to the procedure the opportunity to present their opinion and objections on the matter before issuing the administrative act.

#### GROUNDS OF THE DATA PROTECTION

INSPECTION: In accordance with § 58 (1) of the Personal Data Protection Act and Article 58 (1) point a of the General Regulation on Personal Data Protection and taking into account point (e) of the same paragraph, the inspectorate has the right to request explanations and other information, including the submission of documents necessary for conducting the supervision procedure. Taking into account the factual circumstances and the fact that it is mandatory to respond to the

inquiries made by the administrative body within the supervisory procedure, but SA Tartu Kiirabi has not responded to the inquiries sent by the inspectorate, the inspectorate considers that issuing a mandatory injunction in this case is necessary to find out the important circumstances of the supervisory matter and to conduct the administrative procedure effectively, including as quickly as possible , to carry out. If the institution has problems responding to the inspection by the specified deadline, the institution can explain to the supervisory authority which objective circumstances were the obstacles. However, simply not responding is not acceptable. /signed digitally/ Signe Kerge lawyer under the authority of the Director General