

FOR PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee /
www.aki.ee Registration code 70004235 PRELIMINARY WARNING in personal data protection case no. 2.1.-1/20/1676
Injunction maker Data Protection Inspectorate Senior Inspector Liisa Ojangu Time and place of injunction 19.08.2020 in Tallinn
Recipient of injunction - personal data processor SA Hiiu Ravikeskus address: Laste 1, Tallinn 11613 contractual
representative: Henri Torop e-mail: Henri. Torop@rask.ee Person in charge of personal data processor Board member
RESOLUTION: On the basis of § 28 (1) of the Law on the Protection of Public Order (KorS), § 56 (2) point 8 of the Personal
Data Protection Act (IKS), § 58 (1) and Article 58 (2) point d of the General Regulation on Personal Data Protection I make a
mandatory order for compliance: Redirect the surveillance camera of SA Hiiu Medical Center as soon as possible, but no later
than 31.08.2020, so that no part of Laste street is monitored by the surveillance camera. I set the deadline for the execution of
the order to be 31.08.2020. Report compliance with the order to the Data Protection Inspectorate by this deadline at the latest
and send a screenshot of the diverted surveillance camera image to AKI for inspection. REFERENCE FOR DISPUTES: This
order can be challenged within 30 days by submitting either: - an appeal under the Administrative Procedure Act to the Data
Protection Inspectorate or - an appeal under the Administrative Court Procedure Code to the 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. WARNING: If the injunction is not fulfilled by the specified deadline, the
Data Protection Inspectorate will impose a fine of 5,000 euros on the addressee of the injunction based on § 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(2) of the Personal Data Protection General Regulation may result in a misdemeanor proceeding
based on § 69 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 (AKI) received a XXX complaint on 11.05.2020 and a detailed complaint
on 21.05.2020, according to which his personal data, i.e. his image, is at the disposal of SA Hiiu Ravikeskus (Treatment
Center), insofar as he has remained in the view of the surveillance camera while walking on Laste Street. Also, according to

the complaint, a screenshot of the surveillance camera has been published with the article of Äripää 04/02/2020. In the complaint, the complainant requests that the Treatment Center delete the complainant's personal data in the possession of the Treatment Center. In addition, the complainant drew attention to the fact that the privacy conditions published on the website of the Treatment Center do not meet the requirements of Articles 12-13 of the General Regulation on the Protection of Personal Data (GPR). AKI submitted an inquiry to the Treatment Center on 22.05.2020, in which it drew attention to the insufficient privacy conditions of the Treatment Center and asked for explanations regarding the legal basis for the use of surveillance cameras on the territory of the Treatment Center and information signs. AKI also wanted answers to the following questions: Have you provided the publication Äripäev with a screenshot of the image from the security camera of the Treatment Center, including the XXX image? If so, on what legal basis did you provide the screenshot with personal data? If not, how do you think the image from the security camera recording got to the publication? Does the Treatment Center have XXX personal data? If so, do you consider it possible to delete all XXX personal data? The treatment center responded to AKI's inquiry on 05.06.2020. On 07.07.2020, AKI proposed to the Treatment Center to bring the privacy conditions and signs informing about surveillance cameras into line with the provisions of Articles 12-13 of the General Regulation on the Protection of Personal Data (GPA) and to redirect the surveillance camera of the Treatment Center so that no part of Laste street is monitored by the surveillance camera. AKI also proposed to respond to XXX's request to delete his personal data. The treatment center responded to AKI's proposals on 27.07.2020, with which it informed that it agrees with AKI's proposals regarding the privacy conditions and the signs informing about the surveillance camera, as well as the proposal to respond to the request to delete XXX personal data, but does not agree with the redirection of the surveillance camera. On 10.08.2020 Ravikeskus informed AKI about responding to the request to delete XXX's personal data and on 14.08.2020 about the adoption of the updated privacy conditions and signs informing about the surveillance camera. PERSONAL DATA PROCESSOR'S EXPLANATION: 05.06.2020 answer: Personal data is processed on the territory of the institution on the basis of Article 6(1)(f) of the IKÜM, according to which the processing of personal data is legal if the processing of personal data is necessary for the legitimate interest of the data controller or a third party, unless, if such an interest is outweighed by the interests of the data subject or the fundamental rights and freedoms for which personal data must be protected, especially if the data subject is a child. SA HRK's legitimate interest in processing personal data on the territory of the institution stems from the need to ensure: 1) protection of the territory of the Hiiu Treatment Center against unauthorized persons entering it; 2) protection regarding the property of the

Hiiu Treatment Centre; 3) protection of patients' health; 4) protection against inadvertent or unauthorized monitoring of patients and copying, changing, moving or deletion of patients' personal data; 5) the ability to detect entry into the territory of SA HRK, violation of SA HRK property, activities that threaten the health of patients, activities that threaten the privacy of patients or their data, among other things, to take legal measures to respond to the corresponding activities and to eliminate violations. The aforementioned data processing purposes are also stipulated in the privacy conditions of SA HRK: "Security cameras are installed in our buildings to prevent situations that threaten the preservation of property, to respond to a dangerous situation or to identify the person who caused the damage in case of property damage. /... / When processing the data obtained by the cameras, our company uses such security measures that protect the collected data from unintentional or unauthorized monitoring, copying, modification, transfer and deletion. "In this case, the interests or fundamental rights and freedoms of the data subject do not outweigh the legitimate interest of the controller in data processing. SA HRK operates the care hospital of Hiiu Ravikeskus, whose clients are 150 elderly and seriously ill patients. In order to protect the life and health of patients, SA HRK has a legitimate interest in processing personal data on the territory of the institution in order to have an overview of the persons staying on the territory of the Hiiu Treatment Center, to prevent strangers from entering it, and to be able to identify persons who have illegally entered the territory in case of violation of the relevant prohibition. 13. Additional basis for the use of surveillance cameras by SA HRK are also cases that have already occurred in the past, where the property of SA HRK has been violated. XXX has previously arbitrarily invaded the territory of the Hiiu Treatment Center. Namely, on the night of 10.03.2016 to 11.03.2016 (at 03:25), A. XXX broke into the territory of Hiiu Treatment Center and pasted a sign on the wall of Hiiu Treatment Center: "Hiiu Treatment Center was reconstructed as part of the project "SA PJV Hooldusravi Hiiu Treatment Centre's construction". " SA PJV Hooldusravi is a person under the control of XXX (the previous tenant of Hiiu Ravikeskus), therefore A. tried to signal by sticking a XXX label that the reconstruction of Hiiu Ravikeskus was allegedly done with the money of SA PJV Hooldusravi and that the legitimate operator of Hiiu Ravikeskus should not be SA Hiiu Ravikeskus, but SA PJV Maintenance treatment. Regarding the activities of A. XXX, SA HRK also submitted on 17.06.2016. a crime report, after which the Police and Border Guard Board started misdemeanor proceedings No. 231716002815 on the basis of Section 266(1) of the Criminal Code on 17.03.2016 (Appendix 3 – notification on the initiation of misdemeanor proceedings 231716002815). Based on the aforementioned case alone, SA HRK has a legitimate and justified interest in performing video surveillance on the territory of the Hiiu Treatment Centre. Considering the events that took place on the night of 10.03.2016 to

11.03.2016, the SA HRK could reasonably believe that this would not be the last invasion. In the directive of the European Data Protection Board dated 10.07.2019¹, it is stated that previous cases can be additional justification for the existence of a legitimate interest in the sense of Article 6(1)(f) of the GDPR. Prior to the events that took place on 01.04.2020, SA HRK had submitted an appeal to PPA on 26.03.2020 (Appendix 4 – appeal to PPA) and an addendum to the appeal on 30.03.2020 (Appendix 5 – addendum to PPA appeal), in which it was stated that Sillen Konsultatsioonid OÜ (in bankruptcy) The bankruptcy trustee in cooperation with XXX puts pressure on SA HRK by unlawfully demanding access to the property of Hiiu Ravikeskuse. As the bankruptcy trustee's threats became more and more serious, SA HRK had reasonable grounds to believe that at some point the property would be invaded arbitrarily. PPA had told SA HRK over the phone that if a corresponding threat were to appear, a PPA representative would have to be called. Also for this reason SA HRK was justified in monitoring the territory. On 04/01/2020, strange people appeared behind the fence of the Hiiu Treatment Center. This is in a special situation, at the peak of the threat of the spread of COVID-19, and during the period of validity of the ban on visiting welfare institutions and hospitals resulting from paragraph 5.1 of Order No. 77 of the Government of the Republic. On 01.04.2020, XXX, a real estate appraiser and OÜ Vangent Assets representative or XXX's nephew appeared behind the fence of the Hiiu Treatment Center property. The possibility of persons breaking into the property was not ruled out, but it was prevented by the calling of a security guard by xxx (Appendix 6 - act of security guard 01.04.2020).

16. Considering the above circumstances, SA HRK had in the past and also has a legitimate interest in data processing in the territory belonging to it. SA HRK is of the opinion that processing of personal data with surveillance cameras does not take place on Laste street. This is due to the fact that the surveillance camera, which is aimed at the Hiiu Ravikeskus gate located on Laste Street, does not have sufficient resolution to be able to identify persons located on Laste Street. The above can also be seen from the screenshot attached to the Äripää article. The purpose of the camera is to monitor the territory of the Hiiu Treatment Centre, not Laste street. Even if AKI takes the position that SA HRK processes personal data with a surveillance camera outside the institution's territory, including on Laste Street (for which SA HRK estimates there is no basis), then this is done legally on the basis of IKÜM Article 6(1)(f). The camera is not aimed at the entire Laste street, but only at the gate, which is the entrance to Hiiu Ravikeskuse on the side of Laste street. SA HRK's legitimate interest in processing personal data outside the institution's territory arises from the same grounds as stated above. In the European Data Protection Board's 10.07.2019 instruction on the use of cameras, it is stated that the use of a surveillance camera only within the boundaries of the data processor's territory may not be sufficient

to ensure effective protection, but it is necessary to extend video surveillance to territories directly adjacent to the data processor's territory. In this case, SA HRK has extended the monitoring area of the surveillance camera to the part of Laste Street, which includes the gate of Hiiu Ravikeskuse, because only monitoring the territory of Hiiu Ravikeskuse is not enough to rule out possible intrusions. For example, if on 01.04.2020 the gate of Laste tn had not been monitored with a camera, SA would not have information from HRK that strangers appeared behind the fence of the Hiiu Treatment Center. There is a sign on the gate about the use of the surveillance camera, so everyone can avoid getting into the field of view of the surveillance camera. Considering SA HRK's legitimate and justified interest in monitoring Laste street with a surveillance camera also in the area adjacent to the gate of Hiiu Ravikeskus, SA HRK is of the opinion that the processing of personal data is lawful according to IKÜ Article 6(1)(f). SA HRK has not processed XXX personal data. In point 8, AKI asked whether SA HRK has forwarded to the publication Äripäev a screenshot of the image from the security camera of the Treatment Centre, including the XXX image. SA HRK has forwarded to Äripää a screenshot of the security camera image, which shows the territory of SA HRK, the gate, and persons standing in the distance behind the fence of the Hiiu Treatment Center on Laste street. The security camera is primarily intended for monitoring the territory of the Hiiu Treatment Center, the image quality of the security camera does not have sufficient resolution to be able to detect people moving behind the gate of the Hiiu Treatment Center on Laste Street. The screenshot does not contain an image from which Y XXX can be identified. XXX was identified by the summoned security guard and SA HRK manager Kaidi Vainola, among others, together with SA HRK employees. Therefore, SA HRK has not forwarded to the publication Äripäev a screenshot of the security camera image of the Hiiu Medical Center with the XXX image. SA HRK maintains its position that it has not forwarded the screenshot containing XXX personal data. Even if SA HRK had transferred personal data to Äripää in the form of a screenshot (there is no basis for making such a conclusion), the data processing (transmission) would have been lawful on the basis of Article 6(1)(f) of IKÜM and § 4 of IKS. The transfer of data (processing of personal data) would have been lawful on the basis of IKÜM art. 6 paragraph 1 (f), since the transfer was necessary due to the legitimate interest of the data controller or a third party. As stated above, the purpose of data processing by SA HRK is, among other things, to protect the territory of the Hiiu Treatment Center from unauthorized persons entering it and to ensure the possibility of identifying the person who has entered the territory, among other things, to take measures to respond to the relevant activities and to eliminate violations. In this case, the manager of Sillen Konsultationid OÜ (bankrupt) had already since 23.03.2020 pressured SA HRK to grant access to the property at 1 Laste Street (in respect of which Sillen

Konsultationid OÜ (bankrupt) SA is the landlord in relation to HRK). A dispute arose between the parties as to whether the manager has the right to demand access to SA HRK's rented premises during the validity of the visiting ban. SA HRK has never refused to argue if fair methods are used, i.e. different levels of the court. In order to establish the illegality of the bankruptcy trustee's claim, SA HRK also appealed to the court on 31.03.2020 (civil case no. 2-20-4923), in which the proceedings are currently pending. On 01.04.2020, however, the actions of the bankruptcy trustee culminated in putting pressure on XXX, a real estate appraiser and OÜ Vangent Assets representative or XXX's nephew appeared behind the fence of Hiiu Ravikeskuse on the orders of the bankruptcy trustee. From the above circumstances, it can be seen that the bankruptcy trustee had pushed SA HRK into a corner, because the bankruptcy trustee did not listen to the repeated explanations of SA Hiiu Treatment Center about the special situation, and as a result of the events of 01.04.2020, the trustee had already taken real steps that endangered the health of the patients and employees of Hiiu Treatment Center. There, it was the peak of the spread of the COVID19 disease, so any contact with strangers meant the potential spread of the virus to the Hiiu Treatment Center. By sending strangers to the property by the bankruptcy trustee, the trustee crossed the line of acceptable behavior. Explaining the seriousness of the emergency situation to the bankruptcy trustee had not yielded results, on the contrary, the situation kept escalating. Given the fact that A. XXX had previously invaded the property of the Hiiu Treatment Center and that the bankruptcy trustee obviously did not respect the resolution of the dispute using legal measures, SA HRK was forced to turn to the press in order to protect its legitimate interests (preventing strangers from entering the territory). The appeal was made mainly in connection with the activities of Veli Kraav, but since A. XXX had appeared among others behind the fence of the property at Laste tn 1 on the order of the manager, A. XXX t was also indicated in the appeal. Considering the previous circumstances (unsuccessful resolution of the dispute in a lawful manner, non-compliance with the validity of the visiting ban, risk of spreading of COVID-19, previous invasion of the property by A. XXX), SA HRK is of the opinion that it was to protect its legitimate interests on the basis of Art. 6 (1) (f) of the IKÜM entitled to transmit the personal data of A. XXX to the press publication. The transfer of data would also be lawful on the basis of § 4 of the IKS. It is a specialty established on the basis of art. 85 of IKÜM in addition to the grounds for personal data processing provided for in articles 6 and 9 of IKÜM. According to § 4 of the IKS, personal data may be processed without the consent of the data subject for journalistic purposes, in particular disclosed in the media, if this is of public interest and is in accordance with the principles of journalistic ethics. The disclosure of personal data must not excessively harm the rights of the data subject. The Data Protection Inspectorate has published a

position according to which, if a person has disclosed personal data for the purpose of informing the public, the activity of the publisher can be equated with a situation where the media publishes personal data. In other words, the transmission of personal data to the media may be covered by the exception of § 4 of the IKS. This is also logical, because if the media has the right to process data/publish it in the media on the basis of § 4 of the IKS, the same right should be given to the media to transmit information. According to § 4 of the IKS, personal data may be processed without the person's own consent, in particular disclosed in the media if the following conditions are simultaneously fulfilled: 1) personal data is disclosed for journalistic purposes. According to the practice of the European Court of Human Rights, the journalistic purpose means the dissemination of ideas and information that help promote debate in a democratic society. These are topics that are in the orbit of public interest. In this case, the journalistic purpose is that the bankruptcy trustee of OÜ Sillen Konsultatsions (bankrupt) as an official had started to illegally pressure SA to grant access to the rented premises of HRK, thereby creating a risk of the spread of the COVID-19 disease to the Hiiu Ravikeskuse care hospital and thereby not following the legal ways to resolve the dispute. The activities of the bankruptcy trustee included, among other things, that XXX appeared behind the garden of Hiiu Ravikeskuse on 01.04.2020, among other things, on the order of the trustee. The abuse of the rights arising from their official position by an official and the involvement of other persons is information on a topic that is in the orbit of public interest. 2) there is a public interest in disclosing a specific person in an identifiable form. XXX's business activities and the accompanying circumstances have been in the orbit of public interest for a long time. Even Äripäeväs has currently published 23 articles related to the name "Y XXX". In the form of the 02.04.2020 article, it is another XXX activity, in which it was justified to transmit information to the press in a form that identified the XXX person. 3) disclosure of data is carried out in accordance with the principles of journalistic ethics. In this case, the transfer of personal data does not contradict the principles of journalistic ethics. 4) disclosure of data does not excessively harm the rights of that person. In this case, the publication of data does not harm the rights of A. XXX as a public figure. This is not private life data, in which case A. XXX I would have a reasonable expectation not to disclose it. SA HRK is in possession of XXX personal data, because XXX and legal entities related to it are parties or witnesses in numerous disputes (including litigation). Among other things, there are ongoing legal disputes in which A. XXX is not a party, but which are related to circumstances arising from the activities of A. XXX in other ways. SA HRK does not consider it possible to delete all XXX personal data, because, first of all, XXXIKÜM has not requested the deletion of personal data in accordance with Art. 17, Paragraph 1, nor has the corresponding demand been based on any basis of Art. 17,

Paragraph 1 of IKÜM. SA HRK is of the opinion that there are no corresponding grounds. Secondly, SA HRK is not obliged to delete XXX personal data in accordance with IKÜM art 17 paragraph 3 (f), which states that IKÜM art 17 paragraphs 1 and 2 do not apply to the extent that the processing of personal data is necessary for the preparation, presentation or defense of legal claims. As noted, there are currently numerous disputes (including court proceedings) in progress, to which A. XXX is directly a party or to which A. XXX is connected through legal entities, among other things, which are related to circumstances arising from A. XXX's activities in other ways. SA HRK is entitled to refuse the deletion of A. XXX's personal data due to the need to defend existing legal claims as well as to prepare and submit future legal claims. 27.07.2020 answer: AKI took the position that personal data is processed with the surveillance camera pointed at Laste Street, as it is possible to indirectly identify persons based on characteristics other than facial features, for example, on the basis of characteristic clothing, gait, hairstyle, hair color, etc. According to SA HRK, AKI's position is not justified. The resolution of the street-facing camera image of children is not high enough to enable direct or indirect identification of persons. The camera image shows only the fact of persons passing by the garden of the Hiiu Treatment Center/standing behind the fence or entering the garden. The only indirect characteristics of a person that can be identified from a camera image are generally the color of the clothing (but not the manner of the clothing, its special details, the brand of the clothing, etc.) and very generally the person's gait - however, they are not sufficient for identifying the person separately or in combination. The person's hairstyle, hair color, distinctive clothing, physique, etc., not even their gender, are identifiable. The street-facing camera is only for identifying and recording the fact of persons being behind the fence or trespassing from the fence - it does not identify the persons themselves. Therefore, personal data is not processed with the surveillance camera pointed at Laste street. AKI also found that the goal of preventing intrusion into the territory of the Hiiu Treatment Center is not so weighty that it would outweigh the right to privacy of data subjects passing by the territory of the Hiiu Treatment Center on Laste street. According to SA HRK, AKI's position is not justified. In terms of Article 6(1)(f) of the IKÜM, the legitimate interests of the data controller and the interests or fundamental rights and freedoms of the data subject must be considered. In the European Data Protection Board's 10.07.2019 instruction on the use of cameras (point 32), it is stated that the legitimate interest of the controller and the interests and rights of the data subject must be weighed on a case-by-case basis. On the one hand, it is necessary to consider, on the one hand, with what content and to what extent the data controller collects personal data, and on the other hand, how intensive is the infringement of the data subject's rights (see point 33 of the instruction). SA HRK's legitimate interest in processing personal data on the

basis of IKÜM art. 6 paragraph 1 point (f) consists in the need to ensure: 1) protection of the territory of the Hiiu Treatment Center against entry by strangers; 2) protection regarding the property of the Hiiu Treatment Center; 3) protection of patients' health; 4) protection against inadvertent or unauthorized monitoring of patients and copying, changing, moving or deletion of patients' personal data; 5) the ability to detect entry into the territory of SA HRK, violation of SA HRK property, activities that threaten the health of patients, activities that threaten the privacy of patients or their data, among other things, to take legal measures to respond to the corresponding activities and to eliminate violations. All of the aforementioned reasons are compelling. On the other hand, as stated above, SA HRK does not collect data of any sensitive nature from data subjects, nor does it collect large amounts of data (only the color of the person's clothing and gait can be seen in the video image). Therefore, the processing of personal data does not entail any intensive infringement of the rights of persons passing through the fence. SA HRK does nothing with the data other than only identify the fact of passing the gate of the Hiiu Medical Center/standing behind the gate/entering the garden. In the case of video recordings, there is no further processing, profiling of persons, compilation of statistics, etc., nor are the recordings stored in an archive or forwarded to third parties. The recordings are deleted after 30 days at the latest. The infringement of the rights of data subjects is therefore very modest and does not outweigh the legitimate interest of SA HRK. AKI has found that the risk of unauthorized entry into the territory is reduced already because the territory of the Hiiu Treatment Center is surrounded by a fence and presumably locked gates. AKI also found that the territory of the Hiiu Treatment Center already has camera surveillance, which can be used to detect a situation where someone has entered the territory arbitrarily. According to SA HRK, AKI's position is not justified. The garden that surrounds the Hiiu Treatment Center is not high, so it is possible to climb over it. A lockable gate also does not guarantee that if someone has a malicious desire to break into the property, they will be able to do so. In the past, the territory of SA Hiiu Ravikeskus has also been invaded over the fence (see about this below). Although surveillance cameras also monitor the territory of Hiiu Ravikeskus, only monitoring the territory does not allow to react to the violation quickly enough. If the gate is monitored, it is possible to detect suspicious activity even before entering the territory, and it also gives the opportunity to be on high alert, thereby proactively preventing intrusion into the territory. In case of invasion, it happens extremely quickly. If the SA HRK were not able to monitor the gate, the SA HRK would only find out about the HRK violation when it is already too late. Given the reaction time, the damage will already be done during this time. SA HRK does not have a better alternative to protect 3/4 of its legitimate interests, which would infringe the rights of data subjects to a lesser extent and would be an

effective protection for SA HRK. SA HRK has already ensured that the personal data of the data subjects is processed in the least invasive and smallest possible way. In addition, AKI noted that the incident on 01.04.2020 related to XXX activity was rather exceptional. According to SA HRK, AKI's position is not justified. AKI has neglected that the incident on 01.04.2020 was not the only one. XXX has previously arbitrarily invaded the territory of the Hiiu Treatment Center. Namely, on the night of 10.03.2016 to 11.03.2016 (at 03:25), A. XXX broke into the territory of Hiiu Treatment Center and pasted a sign on the wall of Hiiu Treatment Center: "Hiiu Treatment Center was reconstructed as part of the project "SA PJV Hooldusravi Hiiu Treatment Centre's construction". " Regarding the activities of A. XXX, SA HRK also submitted on 17.06.2016. a crime report, after which the Police and Border Guard Board started misdemeanor proceedings No. 231716002815 on 17.03.2016 based on the characteristics of § 266 subsection 1 of the Criminal Code (see Appendix 3 of the 05.06.2020 response - notification on the initiation of misdemeanor proceedings 231716002815). Disputes with Y XXX have been going on since 2012, and considering the 12 ongoing court proceedings and other legal disputes added to them, it is not expected that the conflict situation will end soon. Therefore, the threat of violation of the possession of the Hiiu Treatment Center is permanent and has not disappeared. On 30.06.2020, the bankruptcy administrator of Sillen Konsultatsioonid OÜ (bankrupt) submitted an application to cancel the lease agreement of Hiiu Ravikeskuse signed with SA HRK from 15.07.2020. The cancellation application is groundless and legally void, which SA HRK has also explained to the bankruptcy trustee, but the bankruptcy trustee is probably planning to organize some kind of action in cooperation with Y XXX to demonstrate that, in the bankruptcy trustee's opinion, the lease agreement has been terminated. SA HRK is on heightened alert due to the situation - SA HRK has also hired a security company so that the latter can react quickly in case the bankruptcy trustee, XXX or a third party starts to carry out another illegal activity. SA HRK thus makes real expenses to ensure security - for example, in July 2020, Nord Security OÜ submitted an invoice to HRK SA for 94 hours of manned guard service in the amount of 1,579.20 euros. SA HRK would not order the security service and would not bear the cost in this regard if there was no real need for it. For SA HRK, there is therefore an ongoing and real risk that someone will try to trespass on the leased property that is in its rightful possession. Considering both the events that have taken place in the past as well as the current disputes, SA HRK believes that it is justified and legitimate to extend the video surveillance to Laste Street within the scope of SA HRK's gate. SA HRK proposes to AKI to once again consider the additional justifications presented by SA HRK and to consider SA HRK's use of a video camera as justified and legitimate. GROUNDS FOR THE DATA PROTECTION INSPECTION: According to the relevant legislation IKYM art 5

paragraph 1 point b), personal data are collected precisely and clearly for specified and legitimate purposes, and they are not processed later in a way that contradicts these purposes; On the basis of Article 6 of the IKÜM, the processing of personal data is legal only if at least one of the conditions stated in Article 6, Paragraph 1 is met. On the basis of Article 6(1)(f) of IKÜM, the processing of personal data is legal if the processing of personal data is necessary for the legitimate interest of the data controller or a third party, unless such interest is outweighed by the interests of the data subject or the fundamental rights and freedoms for which personal data must be protected , especially if the data subject is a child. According to § 4 of the Personal Data Protection Act (IKS), personal data may be processed for journalistic purposes without the consent of the data subject, in particular disclosed in the media, if there is a public interest and it is in accordance with the principles of journalistic ethics. The disclosure of personal data must not excessively harm the rights of the data subject. Reasons from the Data Protection Inspectorate Since the Treatment Center has brought the privacy conditions of the treatment center and the signs informing about the surveillance camera in line with the requirements of articles 12-13 of the IKÜ based on the proposals of the AKI, the AKI does not consider it necessary to further address these issues. Surveillance of Laste Street with surveillance cameras Ravikeskus has taken the position that surveillance of Laste Street with surveillance cameras does not involve processing personal data, because the camera image is not sharp enough to identify specific individuals. The Treatment Center has also taken the position that even if the surveillance of Laste Street with the surveillance camera is considered as processing of personal data, it is legitimate based on Article 6(1)(f) of IKÜM. AKI stands by the position presented in its written proposal of 07.07.2020, that it is possible to identify specific persons from the camera image directed to Laste Street. The screenshot of the surveillance camera, which the Ravikeskus forwarded to Äripää, and which was also forwarded to AKI by Y XXX for perusal, has sufficient resolution to associate the image, especially the moving and colorful image, with a specific person. It is true that people's facial features do not really show up very clearly in the camera image, but a person's face is not the only talent on the basis of which a person can be identified. It is not excluded that in certain cases a person can be identified on the basis of his height, body shape, characteristic clothing, gait, hairstyle, hair color, etc. It should be kept in mind that it is a camera image that records more of a person's characteristics than just a still image. In addition, the screenshot of the surveillance camera shows that the image of the surveillance camera is not only aimed at the gate of the Ravikeskus, but also at part of the garden, and that the entire Laste Street and the territory on the other side of the street are within the field of view of the surveillance camera in the mentioned section. Therefore, it is not possible to pass Laste Street in this section without

being in the field of view of the surveillance camera. Therefore, even if monitoring the gate of Laste Street and the part of the street immediately adjacent to the gate with a surveillance camera could still be justified in certain cases for compelling purposes, monitoring the entire street and the territory across the street with a surveillance camera would in no case be justified on the basis of Article 6(1)(f) of IKÜM. AKI still stands by its position that the goal of preventing intrusion into the territory of the Treatment Center is not so weighty as to outweigh the right to privacy of the data subjects who pass by the territory of the Treatment Center on Laste street, even if the infringement of the fundamental right is low. The European Data Protection Board has indeed admitted that in certain cases it is justified to use a camera to monitor the area adjacent to the data processor's territory, for example when the exterior of the data processor's building has been damaged by vandals and there is a risk of this happening again. However, before using such measures that strongly infringe the rights of data subjects, it is necessary to make sure that equally effective but less intrusive measures for data subjects cannot be used. Since the territory of the Treatment Center is limited by a fence and locked gates, the probability that someone will enter the territory without permission is already reduced. In its response to AKI, the Treatment Center found that the fence surrounding the territory is low and it is possible to climb over it, but AKI still does not understand what damage can be caused to the Treatment Center simply because someone enters the Garden of the Treatment Center. As a rule, there are no patients in the yard of the institution near the fence and gate, nor are there any valuable property in the yard. All the more so because the territory of the Treatment Center is covered with a surveillance camera image, and the person who entered the garden can thus be quickly identified and stopped. In its response, the treatment center explained that a security service has also been hired, which can stop those who enter without authority. Therefore, in AKI's opinion, surveillance of Laste Street with a surveillance camera is not in accordance with the requirements of Article 6(1)(f) of IKÜM, because the purpose of personal data processing is not so weighty as to outweigh the right to privacy of people walking on Laste Street, as well as because the same purpose - to stop the treatment center in time unauthorized intruders can be reached in a less invasive way, i.e. just by using a camera image covering the institution's territory, which the Treatment Center is already using. As a result of the above, AKI SA issues a mandatory order to Hiiu Treatment Center: to redirect the surveillance camera of the Treatment Center as soon as possible, but no later than 31.08.2020, so that no part of Laste Street is monitored by the surveillance camera. AKI must be notified of compliance with the order no later than 31.08.2020 and a screen shot of the diverted surveillance camera image must be sent to AKI for perusal. Transmitting a screenshot of the security camera image to the publication Äripäev

Ravikeskus has taken the position in its response to AKI that XXX personal data has not been transmitted to Äripäev, as the transmitted image is not of such a resolution that it would be possible to identify specific persons. Ravikeskus also explained that even if the transferred image is considered personal data, the transfer would be lawful on the basis of Article 6(1)(f) of IKÜ and Section 4 of IKS. AKI takes the position that XXX personal data has been transmitted to the publication Äripäev, insofar as it is possible to distinguish persons from the transmitted image and also because the Treatment Center transmitted the information along with the image to the publication with the names of the persons in the image. Before starting data processing, its purposes must be precisely determined; video surveillance can serve several purposes, such as supporting the protection of real estate and other property, supporting the protection of life and physical integrity of individuals, and gathering evidence for civil lawsuits. These monitoring purposes must be documented in writing and precisely determined for each surveillance camera used.¹ According to Article 5(1)(b) of the IKÜM, personal data is collected precisely and clearly for specified and legitimate purposes and is not processed later in a way that is inconsistent with these purposes. The purpose of processing personal data with a surveillance camera aimed at the children's street was the protection of persons and property, as explained by the Treatment Center in point 10 of its response submitted on 05.06.2020. The purpose of personal data processing with the surveillance camera in question has not been defined and could not legally be defined as informing the public or producing content for a press publication. § 4 of the IKS is a special regulation applicable to the press, created on the basis of art. 85 of the IKÜM, which stipulates the criteria that the press must follow when disclosing personal data in order for the disclosure to be lawful. Therefore, the transmission of a screenshot containing personal data from a surveillance camera to a media publication is contrary to the originally defined purpose of collecting personal data and therefore contrary to the purposefulness principle stipulated in Article 5(1)(b) of IKÜM. Therefore, the AKI takes the position that the transmission of the screenshot containing the XXX image of the surveillance camera to the publication Äripäev was not in accordance with the purposefulness principle provided for in Article 5(1)(b) of the IKÜM. AKI strongly condemns the use of personal data collected by surveillance cameras for purposes other than those that were determined and about which the data subjects were informed before the start of processing. Violation of the requirement of the purposefulness of data processing and processing of personal data for a purpose contrary to the original collection undermines the trust of data subjects the most, because in this case data subjects can no longer be sure that what is promised is also happening in reality. Request to delete XXX's personal data In the complaint submitted to AKI, XXXka submitted a request to delete all his personal data. AKI asked Ravikeskus to

respond to XXX-related request within one month, which Ravikeskus did. AKI agrees with the Treatment Center that due to the fact that there are numerous legal disputes between XXX , its related companies and the Treatment Center, there is no obligation to delete all personal data of XXX as a result of Article 17(3)(e) of IKÜ. However, on the basis of Article 17(1)(a) of the IKÜM, those personal data that are no longer needed for the purpose for which they were collected must be deleted. Therefore, if the Treatment Center should have surveillance camera videos or screenshots with XXX personal data on them, they should be deleted, insofar as the surveillance camera has been used for the purpose of protecting persons and property, and if no violation of the rights of persons or property has been detected, then further storage is not justified. 1 Guidelines 3/2019 on the processing of personal data in video devices, p 15, available at: https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_guidelines_201903_video_devices_et.pdf. 19.08.2020. However, the treatment center's response revealed that the surveillance camera recordings are deleted as a rule after 30 days anyway.

/signed digitally/ Senior Inspector Liisa Ojangu under the authority of the Director General