

PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235 PRESCRIPTION-WARNING in personal data protection case no. 2.1.-1/21/3956 Prescription

issued by Data Protection Inspectorate lawyer Raiko Kaur Time and place of making the injunction 17.02.2022, Tallinn

Addressee of the injunction responsible person Bolt Technology OÜ (12417834) notices@bolt.eu privacy@bolt.eu Board

member RESOLUTION: Section 56 subsection 1, subsection 2 clause 8 of the Personal Data Protection Act (IKS) , § 58 (1)

and points (d) and (f) of Article 58 (2) of the General Personal Data Protection Regulation (GPR), as well as in accordance with

Articles 5 and 6 of the GPR, the Data Protection Inspeksiioon makes a mandatory order for Bolt Technology OÜ to comply

with: 1. Terminate the use of customers in the Bolt Technology OÜ application (passengers) enabling assessment. In the

event that Bolt Technology OÜ wishes to continue enabling the assessment of passengers, the legality of this must be proven

to the inspection. Allowing passengers to be evaluated is allowed only if the inspection has sent Bolt Technology OÜ a

confirmation in this regard. 2. Delete all ratings that have been collected about passengers. We set 11.03.2022 as the deadline

for fulfilling the injunction. 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). Disputing the injunction does not stop the obligation to fulfill it or the

implementation of the measures necessary for fulfillment Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235. EXERCISE MONEY WARNING: If the injunction has not been complied with by the specified

deadline, the Data Protection Inspectorate will set the addressee of the injunction on the basis of § 60 of the Personal Data

Protection Act: Extortion money for each unfulfilled injunction point of 25,000 euros. 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 Hungarian data protection authority forwarded to the Data Protection Inspectorate (inspection) a person's appeal, according to which passengers are evaluated through the application of Bolt Technology OÜ (Bolt). Based on the above, we initiated the monitoring procedure on 24.01.2022, within the framework of which we wanted to know, among other things, the following: 1. For what purposes is the assessment of passengers carried out? 2. On what legal basis are passengers assessed? If the legal basis is a legitimate interest, then provide an analysis of the legitimate interest. **EXPLANATION OF THE PROCESSOR OF PERSONAL DATA:** 2. For what purposes is the evaluation of passengers carried out? We want to offer drivers a high-quality and safe experience, which, among other things, includes asking drivers for feedback about passengers. The ratings serve as an indication to assess whether the driver may have problems with the provision of the service on the platform, including in terms of safety and security. If the passenger constantly receives bad ratings, this serves as an indication that there may be violations of Bolt's Terms of Use and Code of Conduct. As a result, the passenger may be reminded of the terms of use and guidelines. If a violation of the terms of use is detected, the passenger's access to the Bolt services may be restricted. 3. On what legal basis are passengers assessed? If the legal basis is a legitimate interest, then provide an analysis of the legitimate interest. The legal basis is to ensure the fulfillment of the contract. Evaluation is necessary to fulfill the obligations described in the terms of use and other agreements with users and to ensure a safe and secure user experience for all parties. **REASONS FOR THE DATA PROTECTION INSPECTION:** 1. Processing of personal data Personal data is any information about an identified or identifiable natural person. An identifiable natural person is a person who can be directly or indirectly identified (see Article 4 point 1 of the General Regulation on the Protection of Personal Data (GPR)). If an assessment is given to a specific data subject (stars + description are added), it is personal data, which must be based on the requirements set forth in IKÜM. **Tatari** tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registration code 70004235 The controller of personal data is obliged to comply with the principles set forth in Article 5 paragraph 1 of the IKÜM. The responsible processor himself is responsible for the fulfillment of these principles and must be able to prove their fulfillment (see IKÜM Article 5 paragraph 2). To the extent that data processing does not fully comply with the principles set forth in Article 5, paragraph 1 of the IKÜM, data processing is prohibited. - Legality, fairness and transparency (IKÜM article 5 paragraph 1 point a) Any processing of personal data must be fair and legal, i.e. in full compliance with all applicable legislation (including IKÜM and IKS). The processing of personal data must comply with at least one of the grounds provided for in Article 6, paragraph 1 of the IKÜM. 2. Legality of

passenger assessment Bolt has stated: The legal basis is to ensure the fulfillment of the contract. Evaluation is necessary to fulfill the obligations described in the terms of use and other agreements with users and to ensure a safe and secure user experience for all parties. We explain that on the basis of Article 6(1)(b) of the IKÜM, it is possible to process personal data only if the processing of personal data is objectively necessary to achieve the goal stipulated in the contract or to fulfill a specific contractual obligation. However, as regards the post-ride evaluation (profiling) of passengers during the provision of taxi transport services, it cannot be a matter of ensuring the fulfillment of the contract in the sense of IKÜM, i.e. it is possible to fulfill the contract even without evaluating the passengers. The same is true in other areas of life - for example, stealing from stores is not allowed, but this does not mean that in order to ensure the fulfillment of the contract, it is necessary to add an assessment (score) to each customer, which shows how reliable a person is to visit the store and make purchases there. In the opinion of the Inspectorate, in the case of profiling, it is possible to rely only on the basis of Article 6(1)(f) (legitimate interest) of IKÜM (provided that it is proportionate) when certain prerequisites are met. Thus, the evaluation of passengers may theoretically be necessary for the legitimate interests of Bolt and/or Bolt drivers. However, this requires the preparation of a correct legitimate interest analysis - including the introduction of additional protective measures, e.g. an easy possibility for the data subject to familiarize himself with the assessments given to him and the assessor, an easy possibility to object to the assessment. In addition, we recommend that you also read the instruction on legitimate interest prepared by the inspectorate regarding data processing based on the contract and legitimate interest. Given that the evaluation of passengers cannot be relied upon to ensure the fulfillment of the contract, the data processing has been illegal and all collected evaluations of passengers must be deleted immediately. In the event that Bolt finds that the evaluation of passengers is still necessary in the future, a legitimate interest analysis in accordance with Article 6(1)(f) of the IKÜM must be submitted to the inspection. Allowing passengers to be assessed is allowed only if the inspection has given a confirmation to that effect. According to Section 58(1) of the Personal Data Protection Act and Article 58(2)(d) and (f) of the General Regulation on Personal Data Protection, the inspectorate has the right to establish a temporary or permanent restriction on the processing of personal data, including a ban on processing, and to order that the data controller conduct the processing of personal data in a certain way and for a certain period of time within compliance with IKÜM requirements. Taking into account the factual circumstances and the fact that in a specific case personal data is processed illegally (data processing does not meet the requirements set forth in Articles 5, 6 of IKÜM), Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 inspection,

that issuing a mandatory injunction in this case is necessary to end the offense as soon as possible and to ensure the protection of the rights of data subjects. /signed digitally/ Raiko Kaur lawyer under the authority of the Director General