

Registry code 70004235 PRELIMINARY WARNING in public information case no. 2.1.-3/21/3261 Issuer of the injunction Data

Protection Inspectorate lawyer Sirje Biin Time and place of issuance of the injunction 02.12.2021, Tallinn Information holder

Ministry of Internal Affairs e-mail address: info@siseministeerium.ee Information holder responsible person chancellor

RESOLUTION: § of the Public Information Act (AvTS) 45 (1) point 1 and (2), § 51 (1) point 7 and § 751 (3) of the Government

of the Republic Act, I issue a mandatory injunction for the holder of the information to comply with: 1. Re-examine the following

documents and assess the need for access restrictions to their content: 1) letter of 23.02.2015 No. 4-2/4-2 appendices 2)

Additional protocol No. 5 of letter No. 1-0/88-1 of 04.04.2016 3) Additional protocol No. 4 and Appendix 2 of Letter No.

1-10/82-1 of 16.12.2015 4) Annex No. 1 of Protocol No. 3 (07.10.2015 No. 1-10/78-1). 2. Make public information in these

documents that is not covered by the access restriction indicated on them. 3. After review, submit to the Data Protection

Inspectorate the extracts of the aforementioned documents, where the access-restricted part is covered. 4. In documents with

access-restricted (sealed) information, provide a word, sentence or paragraph-precise justification why the access restriction

indicated on the document applies to it. I set the deadline for the execution of the injunction to be December 13, 2021.

According to § 52 of AvTS, the information holder must take measures to comply with the injunction within five working days of

receiving the injunction and notify the Data Protection Inspectorate. DISPUTE REFERENCE: The state authority can challenge

this administrative act by submitting an objection to the Director General of the Data Protection Inspectorate. Challenging a

precept does not stop the obligation to fulfill it or the implementation of measures necessary for fulfillment. WARNING: If the

information holder fails to comply with the Data Protection Inspectorate's order, the Data Protection Inspectorate may contact

the higher-ranking institution, person or entire party of the information holder to organize official supervision or initiate

disciplinary proceedings against the official. (AvTS § 10 subsections 1 and 4, § 53 subsection 1). FACTUAL

CIRCUMSTANCES: 1. XXX submitted an objection to the Data Protection Inspectorate against the fulfillment of the request for

information, as it does not agree with the full restriction of access to the documents of the Ministry of the Interior included in the

requested information. The setting of full restrictions on the following documents is contested: 1. Response to the notice of

initiation of administrative supervision.pdf 23.03.2015 No. 4-2/4-6; (Access restriction on the basis of § 35 subsection 1 clause

9 of the AvTS); 2. Population register ISKE audit.pdf 05.03.2015 No. 4-2/4-4; (Access restriction on the basis of § 35

subsection 1 clause 9 of the AvTS); 3. Population register ISKE audit.pdf 23.02.2015 No. 4-2/4-2; (Access restriction on the

basis of § 35 subsection 1 clause 9 of the AvTS); 4. Audit No. 337a (assessment of the correctness of information...pdf 04.04.2016 No. 1-10/88-1; (Access restriction on the basis of § 35 subsection 2 p. 3 of AvTS); 5. Audit No. 337a (assessment of the accuracy of information... .pdf 16.12.2015 no. 1-10/82-1; (Access restriction based on AvTS § 35 (1) p. 9); 6. Audit no. 337a (price of correctness of information...pdf 07.10.2015 no. 1-10/78- 1. (Access restriction on the basis of § 35 (1) p. 9, p. 10 and § 35 (2) p. 3 of AvTS). 2. The Data Protection Inspectorate started a monitoring procedure to determine the legality of access restrictions and submitted an inquiry to the Ministry of the Interior on 06.10.2021. I requested the six documents mentioned in the objection (with annexes) point out the information with the accuracy of a word, sentence or paragraph that requires an access restriction indicated on the document and justify the use of access restrictions. 3. The Ministry of the Interior responded on 22.10.2021, listing which documents have had the restriction removed and which documents have access restrictions. GROUNDS FOR THE DATA PROTECTION INSPECTION: The Ministry of the Interior submitted an inspection original documents and extracts from them, which could be issued to the information requester, in order to assess the legality of access restrictions. The response of the Ministry of the Interior shows that the access restriction has been removed from the 1st and 2nd documents mentioned in point 1; the cover letter of document 3, appendix 1 of document 4 (the same is also appendix 1 of document 5) and protocol no. 3 of document 6 are public. about the description of security measures). At the same time, the owner of the information has indicated in subsections c - f: The document does not contain information that SMIT or SIM considers to be access-restricted information. However, this document may contain such information, the disclosure of which could damage AS Andmevara's operations - it is a document on the basis of which AS Andmevara is audited. Therefore, we recommend contacting AS Andmevara regarding this document. The Ministry of the Interior has restricted access to the documents specified in point 3. He can also revoke the restrictions if the reason for their establishment has disappeared. If, in the opinion of the information holder, there is no information with access restrictions in the documents, the restrictions must be removed. If the holder of the information has restricted access to the information in the interest of another institution, then the holder of the information is obliged to determine whether the disclosure of such information may harm the rights and interests of the other person before releasing the information to third parties (see the last sentence of § 38 subsection 3 of the Act), and not to recommend it to the supervisory authority. It is also not clear how audits from years ago will affect future audits of AS Andmevara, if it has not been an authorized processor of the population register since 2015. Since the access restriction to the documents is based on AvTS § 35 (1) point 9, they should contain descriptions

of security systems and/or measures. Where they are in the documents mentioned in points 3 c-f has not been indicated.

Therefore, it is not clear whether the documents need access restriction at all or which part needs it. In point 3 b of the response of the Ministry of the Interior, there is a risk analysis report of the ISKE audit of the population register in addition to the 2013 risk analysis report of the population register. Of its 33 pages, the first two pages have been deemed suitable for publication. It remains unclear how all the rest can be considered information about security systems, security organization or description of security measures. For example, the table of contents on page 3 is fully available for this purpose; pp. 4-5 introduction (this includes, among other things, information that can be found publicly in RIHA and legislation); Pages 8-9 tables of applicable standards, policies and subsequent evaluations. Certainly, not all of the "Observations, Ratings, and Recommendations" subsection contains security-related information that requires access restrictions. § 38 subsection 2 of AvTS states that if providing access to information may cause information with access restrictions to become public, access is guaranteed only to that part of the information or document to which access restrictions do not apply. Rarely is the entire document restricted. The 4th document contains access-restricted protocol No. 5 on the basis of Section 35(1)(9) of the AvTS. I am of the opinion that this document also cannot be restricted to such a large extent as it appears from the extract. It remains unclear why most of the statements of xxx and xxx have been removed, whether everything in them can still be restricted on the basis of § 35 (1) p. 9 of AvTS. In the 5th document, there is access-restricted protocol No. 4 based on AvTS § 35 (1) p. 9. Similar to protocol No. 5, access here is also restricted to a greater extent than the basis of the restriction would allow. Among other things, it remains unclear how the questions of the representative of the Data Protection Inspectorate harm the security of the information holder. Appendix 2 of the document contains the memo "Activities related to information security in 2015." It is unacceptable to cover the entire infrastructure of the Ministry of the Interior, services of the administrative area and major current activities of the subsections. For example, the question arises as to what is in the subsection Infrastructure of the Ministry of the Interior in points 2, 19, 20 and 22; services of the administrative area of the subdivision in points 1, 4, 8-10; subdivision major current activities in all points for limited information? I only gave examples here, all points of the document need further review. Appendix 1 of the 6th document is "Overview of the implementation of the action plan for the implementation of the recommendations made in the audit "Assessment of the accuracy of the information published in Eesti Päevaleht 27.08.2014". From this 13-page overview, the Ministry of the Interior considers it possible to disclose only the title and points 2.1.1 and 3.1.3. Access to the rest of the information is restricted based on points 9 and 10 of § 35 (1) and § 35 (2)

point 3 of the AvTS. Although I asked to indicate with paragraph or word precision what information is restricted, this has not been done, so it is not known what part of the document is restricted by security measures, what technology for protection, or for what reason something has been identified as an internal document. In my opinion, the document cannot be restricted to such a large extent. For example: which needs limitation in recommendations 1.1.3, 1.1.4, 1.1.5, 3.1.2, 3.1.8, 4.1.1, 4.1.2, 5.1.1-5.1.4, 6.1.1 or in relation to public procurement (page 4)? I would like it to be shown exactly which part of the information is restricted due to security measures (AvTS § 35 pt. 1 p. 9) and which part is due to technological information (AvTS § 35 pt. 1 p. 10). Since it is not considered justified to restrict the information in the scope presented in the documents in question, I issue an order to review the documents again and assess the necessity of access restrictions. /signed digitally/ Sirje Biin lawyer under the authority of the director general