

Registration code 70004235 FOR USE WITHIN THE INSTITUTION Information holder: Data Protection Inspectorate Note

made: 07.12.2022 Access restriction valid until: 07.12.2097 Base: AvTS § 35 paragraph 1 point 12, AvTS § 35 paragraph 1

point 2 PRESCRIPTION-WARNING in personal data protection case no. 2.1.-1/22/2643 Issuer of the injunction Data

Protection Inspectorate lawyer Annika Kaljula Time and place of issuing the injunction 08.12.2022 in Tallinn Addressee of the

injunction - personal data processor Retent AS e-mail address: retent@retent.ee responsible person of the personal data

processor Board member Koit Pindmaa RESOLUTION : On the basis of § 56 subsection 1, subsection 2 point 8 of the

Personal Data Protection Act (ICS), § 58 subsection 1 and Article 58 subsection 2 point g of the General Regulation on the

Protection of Personal Data and taking into account Article 17 of the Personal Data Protection Act, I issue a mandatory

injunction: Close e-mail addresses Xx@retent.ee and Xx@retent.ee and send a confirmation to the inspection and also to the

complainant. I set the deadline for the execution of the order to be 15.12.2022. 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: 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 Code of Administrative Procedure 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. EXERCISE MONEY WARNING: If the injunction is not fulfilled by the

specified deadline, the Data Protection Inspectorate will issue an injunction to the addressee based on § 60 of the Personal

Data Protection Act: Extortion money 2,500 euros Extortion money 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 (inspection) received Xx's complaint regarding

the non-deletion of his former professional e-mail addresses (Xx@retent.ee and Xx@retent.ee) by his former employer Retent

AS. The employment relationship between Retent AS and Xx ended in June 2022, and after that the complainant has repeatedly turned to Retent AS with the demand to close his former work e-mail addresses. According to the applicant, however, the employer has not yet closed his e-mail addresses and he continues to receive targeted e-mails from them. On 14.11.2022, the Data Protection Inspectorate sent a proposal to the e-mail retent@retent.ee recorded in the business register of Retent AS to close the e-mail addresses Xx@retent.ee and Xx@retent.ee and to send to the inspectorate (info@aki.ee) and also to the complainant (Xx) confirmation of this no later than 21.11.2022. In case the data processor does not agree with the proposal, the inspectorate asked to clarify on which legal basis the work e-mail addresses Xx@retent.ee and Xx@retent.ee of the former employee of Retent AS are still kept open. Since no response was received by the specified date, the inspection sent the data processor a repeated proposal of the same content on 28.11.2022, setting the deadline for responding to 5.12.2022 and warning the data processor against the possibility of issuing an injunction and imposing a penalty payment in case of non-response. As of this date, Retent AS has not responded to the inspection's proposal and has not requested an additional extension of time to respond. GROUNDS FOR THE DATA PROTECTION INSPECTION: 1. Personal data is any information about an identified or identifiable natural person in accordance with Article 4(1) of the IKÜM. Therefore, the name of the person included in the e-mail address is also personal data. 2. Personal data may be processed only if there is a legal basis specified in Article 6 of the TOU (consent, performance of a contract, legal obligation, public task, legitimate interest). 3. As a rule, the employee is given a named e-mail address to perform the tasks stipulated in the employment contract. After the end of the employment relationship, there is no longer the original legal basis for processing the employee's personal data (name e-mail address) (there is no employment contract). 4. The employment relationship between Retent AS and Xx (the applicant) ended in June 2022. 5. The applicant's former work e-mail addresses (Xx@retent.ee and Xx@retent.ee) are still open, they continue to be used for receiving and forwarding e-mails . 6. The right to demand the deletion of your personal data (i.e. a named e-mail box) derives from Article 17 of IKÜM, according to which the controller is obliged to delete personal data without undue delay if the personal data are no longer needed for the purpose for which they were collected or otherwise processed (Article 17 paragraph 1 point a). 7. The applicant has repeatedly turned to Retent AS with the demand to close his former work e-mail addresses. 8. Since Retent AS does not have a legal basis for using Xx's professional e-mail addresses after his employment has ended, their continued use is contrary to the General Regulation on Personal Data Protection. 9. According to article 5 paragraph 2 of IKÜM, the legality of data processing must be proved by the data processor. 10.

According to IKS § 58 paragraph 1 and IKÜM article 58 paragraph 2 point g, the inspectorate has the right to order the deletion of personal data on the basis of Article 17. 11. In accordance with Section 27(2)(3) of the Administrative Procedures Act (HMS), a document made available or transmitted electronically is considered delivered if the document or notice has been transmitted to the e-mail address entered in the company's business register. 12. The inspection has sent a proposal and a repeated proposal to the e-mail address recorded in the business register of Retent AS and has given Retent AS a reasonable time to respond, including the inspection has offered an opportunity to clarify, in case of disagreement with the proposal, on which legal basis the work-related e-mails of the former employee of Retent AS Xx are kept to XX@retent.ee and XX@retent.ee still open. 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. 13. Taking into account the factual circumstances and the fact that, as far as the inspection is aware, there is no legal basis for keeping the applicant's e-mail addresses (XX@retent.ee and XX@retent.ee) open and the data processor has not responded to the two previous proposals made by the inspection, the inspection finds, that issuing a mandatory injunction in this case is necessary in order to end the offense as soon as possible and to ensure the applicant's right "to be forgotten" according to Article 17 of the IKÜM. (digitally signed) Annika Kaljula lawyer on the authority of the director general