

PROTECTION OF PRIVACY AND TRANSPARENCY OF THE STATE Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 PRECAUTIONS-WARNING in personal data protection matter no. 2.1.-6/21 / Preceptor Raiko Kaur Time and place of precept 05.08.2021, Tallinn Addressees of the precept Tavrida Electric Export AS (10715496) btv@tavrida.eu jg@tavrida.eu export@tavrida.eu Visase tn 14, Tallinn 11415 Persons responsible for the addressees Member of the Management Board RESOLUTION: Protection of personal data § 56 (1), (2) (8), § 58 (1) and Article 58 (1) (d) and (2) (f) of the General Data Protection The Inspectorate shall issue a mandatory precept to Tavrida Electric Export AS: 1. Tavrida Electric Export AS shall either: 1.1. to stop using cameras at the Vändra plant, the field of vision or sound recording of which may be within the scope of employees, or; 1.2. suspend in accordance with point 1.1. the use of such cameras until the lawfulness of the use of the cameras has been proven to the Inspectorate. If Tavrida Electric Export AS suspends the use of the cameras but wishes to continue using the cameras at the Vändra plant, the Inspectorate must be proven to comply with the principles of personal data processing (legality and transparency). The further use of the cameras is permitted only after Tavrida Electric Export AS has verified the legality of the use of the cameras to the Inspectorate and the Inspectorate has sent a confirmation to Tavrida Electric Export AS regarding the permissibility of the use of the cameras. 2. Send a confirmation to the Inspectorate whether: Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 2.1. the cameras have been removed and further data processing has been completed or; 2.2. the use of the cameras has been temporarily suspended (pending verification of the lawfulness of the use of the cameras). We set the deadline for compliance with the precept as 27.08.2021. Notify the Data Protection Inspectorate to the e-mail address info@aki.ee of the fulfillment of the precept by the deadline. CONTEST REFERENCE: This precept can be challenged within 30 days by submitting either: - a challenge under the Administrative Procedure Act to the Data Protection Inspectorate, or - an appeal to the Tallinn Administrative Court under the Code of Administrative Court Procedure (in which case the challenge can no longer be heard). Contestation of a precept does not suspend the obligation to comply with the precept or the application of the measures necessary for compliance. PENALTY WARNING: If a precept is not complied with by the specified deadline, the Data Protection Inspectorate shall impose a penalty payment on the addressee of the precept on the basis of § 60 of the Personal Data Protection Act for each item of the precept not complied with. The penalty payment may be imposed repeatedly - until the precept is complied with. If the addressee does not pay the penalty payment, it is forwarded to the bailiff to start enforcement proceedings. In this case, the bailiff's fee and other enforcement costs are added to the penalty payment. WARRANTY

PENALTY WARRANTY: Misdemeanor proceedings may be instituted for failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection Regulation on the grounds of § 70 of the Personal Data Protection Act. A natural person may be fined up to EUR 20 000 000 for this act and a legal person may be fined up to EUR 20 000 000 or up to 4% of its total annual worldwide turnover, whichever is greater. The Data Protection Inspectorate conducts extra-judicial proceedings against misdemeanors. FACTUAL FACTS: The Data Protection Inspectorate (Inspectorate) received a complaint according to which Tavrida Electric Export AS has installed cameras in the Vändra plant that record, among other things, sound and are used to monitor employees. Based on the above, we initiated supervision proceedings on the basis of clause 56 (3) 8) of the Personal Data Protection Act. In order to find out whether the use of the cameras complies with the requirements of the General Regulation on the Protection of Personal Data (IKÜM), the Inspectorate sent an inquiry to Tavrida Electric Export AS in case number 2.1.-1/21/2134 during the supervision procedure .2021. In its inquiry, the Inspectorate stated the following: In the course of the supervision procedure, the Inspectorate seeks clarification as to whether and for what purposes and on what legal bases the cameras are used and how the use of the cameras has been introduced to employees. Although Tavrida Electric Export AS can theoretically rely on Article 6 (1) (f) of the CCIP for both the protection of assets and the monitoring of employees (legitimate interest), the Supervision Authority has doubts that the legitimate interests of Tavrida Electric Export AS outweigh the interests or fundamental rights and freedoms of employees in the ongoing monitoring of employees. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 However, we note that whether and for what legitimate purposes and on what legal basis the cameras are used and whether and to what extent employees have been introduced to the rules for using the cameras , must be certified by the controller himself. Articles 5, 6 and 12 - 13 of the General Regulation on the Protection of Personal Data (IKÜM) must be taken into account. If Tavrida Electric Export AS uses a legitimate interest as a legal basis for cameras, we emphasize that in order to be able to rely on a legitimate interest, all three conditions must be met at the same time: 1) The controller or a third party has a legitimate interest in data processing; 2) the processing of personal data is necessary for the exercise of a legitimate interest; (3) The legitimate interests of the controller and / or of a third party outweigh the interests or fundamental rights and freedoms of the data subject protected. Assessing and documenting a legitimate interest is the responsibility of the camera user (controller). Exactly how to assess a legitimate interest is explained in a separate guide. The analysis of legitimate interests must also be included in the data protection conditions introduced to employees or be otherwise available to employees. However, we note that continuous monitoring of

employees is prohibited. Thus, a situation in which employees are in control of both the camera and the audio recording throughout their working hours cannot be legal. The Data Protection Inspectorate has the right to request explanations and other information, including the submission of documents necessary for the conduct of supervision proceedings¹, therefore please submit the following information on the cameras used at the Vändra plant by 23 July 2021 at the latest: 1. Indicate all purposes of use. 2. What are the legal bases for the use of cameras under Article 6 (1) of the CCIP? 3. If the cameras are used on the basis of, inter alia, Article 6 (1) (f) of the CCIP (legitimate interest), submit to the Inspectorate a thorough analysis of the legitimate interest, on the basis of which the Inspectorate may assess the legality of the use of the cameras. 4. If Tavrida Electric Export AS also uses sound recordings, but the analysis of legitimate interest referred to in clause 3 does not include an assessment of its legality, justify separately whether and for what legal basis and purpose the sound recordings are used. 5. Provide all documents governing the use of the cameras that have been made available to employees. If the document is not limited to the use of cameras, please refer to the specific points in the document that specifically govern the use of cameras. 5.1. If the prepared documents and notification do not comply with the requirements set out in Articles 12 to 13 of the CISA, the correct data protection conditions shall be drawn up immediately, but no later than by the deadline for reply, and forwarded to the Inspectorate. 6. Explain whether and how employees have access to the analysis of legitimate interests referred to in points 3 and 4.

1 Legal basis for requesting explanations: in the case of non-administrative persons, § 30 (1) and (3) of the Law Enforcement Act, respectively, in conjunction with Article 58 (1) (a) and (e) of the General Data Protection Regulation; in the case of an administrative authority pursuant to clause 752 (1) 1) of the Government of the Republic Act

Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 , ie the processing of personal data is not lawful (or the data controller cannot prove the existence of a legal basis) and / or the use of cameras is not transparent to employees (does not meet the requirements of Articles 12-13 CISA), the Inspectorate has the right to impose temporary or permanent restriction on the processing of personal data, including a ban on processing. In a situation where Tavrida Electric Export AS is unable to prove compliance with the obligations set out in the CISA by 23 July 2021, the Supervision Authority is forced to impose a restriction on the processing of personal data (use of cameras) until the processing of personal data (use of cameras) is fully compliant. requirements. The Inspectorate sent an inquiry to the e-mail address btv@tavrida.eu provided in the Commercial Register. With regard to inquiries sent by e-mail, we note that pursuant to clause 27 (2) 3) of the Administrative Procedure Act, a document made or transmitted electronically is deemed to have been delivered if the

document or notice is delivered to an e-mail address entered in the company's commercial register. To date, the representative of Tavrida Electric Export AS has not responded to the inspection's inquiry or contacted regarding the extension of the deadline for replying to the inquiry. The Inspectorate has given Tavrida Electric Export AS a reasonable time to respond, incl. The Inspectorate has thereby fulfilled the obligation arising from subsection 40 (1) of the Administrative Procedure Act to give the participant in the proceedings an opportunity to submit an opinion and objections on the matter before issuing the administrative act.

GROUNDS FOR THE DATA PROTECTION INSPECTORATE:

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 identified, directly or indirectly. With the help of cameras, a person (especially an employee) can be identified in any case. The complaint also stated that cameras with sound recordings were used in this specific case. A voice is also a personal gift by which an employee can be directly identified. Thus, the use of cameras is a processing of personal data, which must comply with the requirements set out in the General Regulation on the Protection of Personal Data (EDPS). The controller (employer) must follow the principles set out in Article 5 (1) of the CISA when processing personal data (including the use of cameras). Compliance with these principles is and must be the responsibility of the controller himself (see Article 5 (2) of the CCIP). To the extent that the processing does not fully comply with the principles set out in Article 5 (1) of the CISA or the controller is unable to demonstrate compliance with those principles, the processing shall also be prohibited. In the specific case, the inspectorate is guided by what the complainant has submitted to the inspectorate, ie sound recording cameras have been installed at the workplace, they are used to monitor staff and staff have not been properly informed about the use of the cameras. Also by the fact that Tavrida Electric Export AS has not proved to the Inspectorate the observance of the principles of personal data processing (the Inspectorate's inquiry has not been answered).

2. Principles of personal data processing As mentioned earlier, when processing personal data (incl. When using cameras Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235), the chief processor must comply with the compliance with these principles must be demonstrated by the controller himself (see Article 5 (2) of the CCIP). The following are the most important principles that an employer must follow before installing cameras in the workplace.

2.1. Processing is lawful (Article 5 (1) (a) CISA) The processing of personal data is lawful only if it complies with the grounds set out in Article 6 (1) CISA. To the knowledge of the Inspectorate, Tavrida Electric Export AS has no legal obligation to install cameras, therefore the installation of cameras for both employee monitoring and property protection could be possible only if the processing of personal data is necessary in the

legitimate interest of the controller or a third party. outweighs the interests or fundamental rights and freedoms of the data subject (employee) (Article 6 (1) (f) CISA). Here we also repeat the inquiry of 02.07.2021: If Tavrida Electric Export AS uses a legitimate interest as a legal basis for cameras, we emphasize that in order to have a legitimate interest, all three conditions must be met at the same time: 1) The controller or third party has legitimate interest; 2) the processing of personal data is necessary for the exercise of a legitimate interest; (3) The legitimate interests of the controller and / or of a third party outweigh the interests or fundamental rights and freedoms of the data subject protected. The possibility of using this legal basis and its assessment can be divided into three stages, ie firstly the legitimate interests and weight of the data controller, secondly the rights and interests of the data subject (employees, partners, customers) and thirdly the consideration of conflicting interests, including preliminary assessment + additional safeguards and a final assessment. In the light of the above, the controller has an obligation to weigh the legitimate interests of himself and / or the third party against the interests and fundamental rights of the data subject, as a result of which Article 6 (1) (f) CISA can be invoked as a legal basis for processing. The fact that the processor has a legitimate interest in the processing of personal data does not automatically mean that the processor can rely on Article 6 (1) (f) of the CCIP. The legitimacy of the controller's interest is only a starting point, ie one of the elements to be analyzed, and whether the basis of a legitimate interest can be relied on depends on the outcome of the balancing act. It is for the controller to ascertain whether the legitimate interest provision can be relied on, who must carry out the weighing in a transparent manner and be able to justify it. Thus, in order to understand whether personal data can be processed under Article 6 (1) (f) of the CCIP, Tavrida Electric Export AS must prove whether and what is the legitimate interest of the company. Legitimate interests must be sufficiently clear. This requires a real and present interest - something related to an ongoing activity or a benefit that is expected to accrue in the near future. In other words, interests that are too vague or speculative are not enough. If legitimate interests are not sufficiently clear, these interests cannot be balanced against the interests and fundamental rights of the data subject. It is therefore important that the legitimate interest is in accordance with the applicable law, is sufficiently clear (ie sufficiently specific) and real and current (ie not speculative). If sound recording cameras are also used, it is important to understand why it is necessary to use a sound recording camera. Secondly, it is necessary to analyze the possible interests or fundamental rights of the data subject - and the freedoms that may be affected by the processing of personal data. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Third, the legitimate interests of Tavrida Electric Export AS must be balanced with the interests and fundamental rights of the data subject. The

impact of the processing (collection, use, storage) of personal data on the data subject is compared with the legitimate interests of the controller and it is assessed whether and to what extent the legitimate interests of the controller outweigh the interests of the data subject. It must also be borne in mind that employees should not normally be in sight of the camera throughout their working hours and that the employer should make every effort to achieve his or her legitimate interests and objectives with the least possible measures. In addition, it is not clear to the Inspectorate whether and for what legitimate purpose it would be possible to use cameras with sound recordings at all. Cameras, but especially cameras with sound recordings, are a very harmful measure for workers. If the data controller fails to carry out one of the preceding steps correctly, the processing of the data shall not be permitted under Article 6 (1) (f) of the CISA. However, the assessment and documentation of a legitimate interest is the responsibility of the camera user (controller). We have also explained the assessment of a legitimate interest in a separate guide. The analysis of legitimate interests must also be included in the data protection conditions introduced to employees or be otherwise available to employees (see Article 13 (d) of the IIA). As Tavrida Electric Export AS has not proved the legality of the use of the cameras to the Inspectorate, further use of the cameras is prohibited. If the use of the cameras is stopped (the cameras are removed), a confirmation must be sent to the Inspectorate. However, if the use of cameras is suspended pending verification and verification of their legality, the Inspectorate must be provided with a legitimate interest analysis in accordance with the above conditions, on the basis of which the Inspectorate assesses whether or not the use of cameras, including sound recorders, is permitted.

2.2. Processing is transparent to the data subject (Article 5 (1) (a) CISA) The principle of transparency presupposes that all information and messages relating to the processing of personal data are easily accessible, comprehensible and clearly worded. In other words, data protection conditions must be in place. The content of the data protection conditions is governed by Articles 12 to 14 of the CISA.

b) The purposes and legal basis for the processing of personal data; (c) Where the processing of personal data is based on a legitimate interest, an analysis of the legitimate interest or information on how the analysis of the legitimate interest can be consulted; d) Term of storage of camera recordings; (e) Information about the right to request access to and request the deletion of the recordings concerning him or her or to restrict the processing of personal data or to object to the use of the camera; f) Information on the right to lodge a complaint with the supervisory authority (Data Protection Inspectorate). The Inspectorate outlined the main requirements for using the camera to compile data protection conditions, but Tavrida Electric Export AS still needs to review the requirements set out in Article 13 (1) and (2) of the CISA as a whole and draw up the

correct data protection conditions. Considering that the data protection conditions have not been communicated to the Inspectorate and, based on the complaint, the employees have not been informed about the use of the cameras in accordance with the requirements of the IKÜM, the use of the cameras is illegal. Therefore, further use of the cameras is prohibited. If the use of the cameras is stopped (the cameras are removed), a confirmation must be sent to the Inspectorate. If the use of cameras is suspended, the data protection conditions in accordance with Articles 12 - 13 of the CISA must be forwarded to the Inspectorate, on the basis of which the Inspectorate will assess, Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 transparent. Summary In view of the above, Tavrida Electric Export AS has not proved that the use of cameras in the Vändra plant complies with the principles of personal data processing set out in Article 5 (1) of the ICRM, ie the processing of personal data is lawful and transparent. Compliance with these principles is the responsibility of the controller himself (see Article 5 (2) of the CISA). The processing of personal data shall be prohibited if the processing of personal data does not comply with the principles set out in Article 5 of the CISA or is not substantiated by the controller. Therefore, Tavrida Electric Export AS must either: 1) stop using cameras that may be within the field of view or sound recording of employees, or; 2) suspend the use of the cameras specified in clause 2 until the lawfulness of the use of the cameras has been proved to the Inspectorate and the Inspectorate has confirmed the lawfulness of the use of the cameras. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (2) (f) of the General Data Protection Regulation, the Supervision Authority has the right to impose a temporary or permanent restriction on the processing of personal data, including a ban on processing. Thus, the Inspectorate also has the right to impose a temporary or permanent restriction on the use of cameras, including a ban on processing. Taking into account the factual circumstances, including the fact that according to the complaint Tavrida Electric Export AS has installed sound recording cameras in the Vändra plant, they are used to monitor employees and the employees have not been properly informed about the use of the cameras and Tavrida Electric Export AS has not 5, 6, 12 and 13), the Inspectorate finds that the issuance of a mandatory precept to terminate / suspend the use of cameras is necessary in this case in order to terminate the offense as soon as possible. it would be possible to use audio cameras at all in the workplace. / digitally signed / Raiko Kaur, lawyer, authorized by the Director General