

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, lawyer of the Data Protection Inspectorate Kaur Time and place of precept 30.08.2021, Tallinn Addressees of precept ABM Kinnistud OÜ (12523393) info@abm.ee andres@abm.ee Responsible persons of addressees Member of the Management Board RESOLUTION: § 56 (1) (2) of the Personal Data Protection Act 8, § 58 (1) and Article 58 (1) (d) and (2) (d), (f) and (g) of the General Regulation on the Protection of Personal Data (IKÜM), as well as taking into account Articles 5, 6, 13 and 14 of the IKÜM : 1. Delete all XXX personal information. 1.1. If not all personal data will be deleted, indicate the exact composition of the personal data and explain the legal basis and purpose for which the personal data will be processed. 2. Delete all XXX personal information. 2.1. If not all personal data will be deleted, indicate the exact composition of the personal data and explain the legal basis and purpose for which the personal data will be processed. 3. End illegal data processing concerning the search for contact details and / or contact with people from various sources (eg using Internet search engines, information register) by the name of the owner of the property (see items 1, 2, 3 and 4 of the Inspectorate's recitals) 4. Delete all personal data collected in accordance with point 3. 5. Add to the website data protection conditions that comply with the requirements set out in Article 13 (1) and (2) of the CISA (see Section 3 of the Inspectorate's explanatory memorandum for more details). 6. Introduce a connection protected by the HTTPS (SLL / TLS) protocol on the website www.abm.ee in order to ensure the security of the transmission of personal data (for more details, see clause 5 of the Inspectorate's recitals). 7. Remove third-party cookies from the website www.abm.ee (incl. Google Analytics) or obtain voluntary consent from people to use such cookies (see Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 points 1 and 2 of the Inspectorate's recitals). Send information to the Inspectorate whether cookies have been removed or whether voluntary consent to the use of cookies is obtained. We set the deadline for compliance with the precept as 14.09.2021. 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 under the Code of Administrative Court Procedure to the Tallinn Administrative Court (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 term, 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 WARNING: Failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection Regulation may result in misdemeanor proceedings pursuant to § 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: On 29.06.2021, the Data Protection Inspectorate (Inspectorate) received a complaint in case number 2.1.-1/21/2302 XXX and XXX, according to which ABM Kinnistud OÜ has processed their personal data illegally. As can be seen from the complaint, ABM Kinnistud OÜ contacted XXX and during the call it became clear that ABM Kinnistud OÜ received a telephone number from the information register, where the corresponding telephone number is indicated as the company's contact. It turned out that the purpose was to contact XXX instead. The purpose of the speech was clearly a question related to a person's private life (i.e. not related to the company) - ABM Kinnistud OÜ was interested in XXX as real estate owned by a natural person. With the complaint, you recommend that ABM Kinnistud OÜ delete the personal data of the complainants and confirm that the personal data of the complainants will not be processed in the future. Based on the above, we initiated the supervision procedure. As part of the supervision procedure, we sent proposals to ABM Kinnistud OÜ on 22.07.2021 with the following content: 1. Delete all XXX personal data. 1.1. If not all personal data will be deleted, indicate the exact composition of the personal data and explain the legal basis and purpose for which the personal data will be processed. 2. Delete all XXX personal data. 2.1. If not all personal data will be deleted, indicate the exact composition of the personal data and explain the legal basis and purpose for which the personal data will be processed. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 3. Terminate the processing of personal data if it does not meet at least one of the conditions provided for in Article 6 (1) of the General Regulation on the Protection of Personal Data. 3.1. Sh to terminate the data processing concerning the search for contact information from different sources according to the name of the owner of the real estate (eg using Internet search engines) and / or contacting people in connection with the above. 4. Delete all personal data collected in sections 3 and 3.1. in this way. 5. Send a confirmation to the Inspectorate that the above proposals

have been met. Reply to the proposal immediately, but no later than 06.08.2021. Pursuant to § 40 (1) of the Administrative Procedure Act, you also have the right to submit your opinion and objections on the matter to the Data Protection Inspectorate.

the processor of personal data has violated the requirements for the processing of personal data protection. In the event of non-compliance with the precept, a penalty payment of up to EUR 20,000,000 or, in the case of an undertaking, up to 4 per cent of the total annual worldwide turnover of the preceding financial year, whichever is greater, may be levied for each breach of the precept. The Inspectorate sent the proposal to the e-mail address info@abm.ee provided in the Commercial Register. In addition, the same contact is listed on the ABM Kinnistud OÜ website as their contact information. With regard to the proposal 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 ABM Kinnistud OÜ has not responded to the proposal of the Inspectorate and has not contacted regarding the extension of the deadline for replying. The Supervision Authority has given ABM Kinnistud OÜ a reasonable time to respond, incl. It is also possible for the addressee of the proposal to write to the Supervision Authority in a timely manner and justify it if the deadline for replying is too short and require a longer response time. 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.

GROUND 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, in particular by reference to an identifier such as a name (see Article 4 (1) of the CCIP). As can be seen from the complaint submitted to the Inspectorate, ABM Kinnistud OÜ contacted XXX. ABM Kinnistud OÜ received a telephone number from the information register, where the corresponding number is indicated in the company's contact. In addition, the real purpose of ABM Kinnistud OÜ was to contact XXX, not XXX, regarding a matter related to XXX real estate. Thus, ABM Kinnistud OÜ has collected information regarding the real estate and contact details of persons, ie processed personal data. In addition, the Inspectorate also checked the website of ABM Kinnistud OÜ abm.ee, which shows that personal data is also collected on the website (<http://abm.ee/kontakt/>) and on the website [Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www .aki.ee](http://Tatari.tn) Registry code 70004235 also uses third-party cookies (incl. Google Analytics).
2. Lawfulness of the processing of personal data (Article 5 (1) (a) CISA) The processing of personal data shall be lawful only if at least one of the

conditions set out in Article 6 (1) CISA is fulfilled. However, the Inspectorate does not see whether and on what legal basis ABM Kinnistud OÜ could continue the practice of searching for contact information of real estate owners from various sources (incl. The information register of companies) and contacting a natural person in connection with his or her real estate. At the same time, we would like to draw your attention to the fact that the responsibility for proving the lawfulness of the processing of personal data lies with the chief processor, and in a situation where ABM Kinnistud OÜ cannot prove this, the processing of personal data must be terminated. In addition, third-party cookies are used on the abm.ee website, but the website does not contain any information on which cookies are used, for what purposes and on legal bases. Here, we explain that in a situation where ABM Kinnistud OÜ installs third-party cookies on its website, ABM Kinnistud OÜ is also the chief processor in this respect, and ABM Kinnistud OÜ must have a specific legal basis for installing cookies. In that regard, Article 5 (3) of Directive 2002/58 on privacy and electronic communications states: consent and have been provided with clear and comprehensible information in accordance with Directive 95/46 / EC, including the purpose of the processing. It shall not prevent the technical storage or access of data for the sole purpose of transmitting on an electronic communications network or which is essential for the provider to provide an information society service explicitly requested by a subscriber or user. Considering that there are no more specific rules regarding the use of cookies in Estonia, the requirements of the said directive must be followed. However, the Directive explicitly requires the prior consent of the individual for the use of cookies, unless the sole purpose of the technical storage and access of the data is to transmit a communication over an electronic communications network or is essential for the provider to provide an information society service. The obligation of consent has also been confirmed by the Court of Justice on 01.10.2019 in case number C-673/171. The Court of Justice has also emphasized in the judgment that consent to the use of third-party cookies must be obtained, whether or not it is personal data. Therefore, the use of third-party cookies on the website of ABM Kinnistud OÜ is illegal in the present case and such processing must be stopped until the person's consent to use the cookies in accordance with Article 7 of the IKÜM is obtained. Including consent must be voluntary, ie the person must be able to decide for themselves whether to use third-party (and not essential) cookies. Thus, a person must be able to consent to the cookies (for example, by actively ticking the box) that they allow. If consent is not given, the use of third-party cookies is prohibited.

3. Transparency of the processing of personal data (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. In a situation where personal data are not collected from the data subject himself, information should be provided to individuals = & occ = first & part = 1 & cid = 984162 Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee the chief processor of personal data, the legal basis on which the personal data is processed, the types of personal data collected (eg name, telephone number, e-mail address, data on the immovable), information on where the personal data were obtained. The data controller is also obliged to provide the data subjects with the information provided for in Article 14 of the CISA without prior contact and within a reasonable time after receiving the personal data, but no later than one month or at the latest when the data subject is first notified (see Article 14 (3)). In other words, ABM Kinnistud OÜ must inform people about the processing of personal data no later than within one month of receiving the data or if the person is called / written earlier, he or she must be informed of the information provided in Article 14 (1) and (2) of the ICC at the time of first contact. However, according to the submitted complaint, ABM Real Estate has not fulfilled this obligation. In addition, personal data (name, e-mail address, telephone number) is also collected on the website of ABM Kinnistud OÜ, but there are no data protection conditions on the website that would comply with Articles 12-13 of the CISA. 1. Article 13 (1) (a) of the CCIP: (a) the name and contact details of the controller; (b) where applicable, the contact details of the data protection officer (if appointed); (c) the purpose and legal basis of the processing of personal data; (d) where the processing of personal data is based on Article 6 (1) (f), information on the legitimate interests of the controller or of a third party; (e) where applicable, information on the recipients or categories of recipients of the personal data; (f) where applicable, information that the controller intends to transfer personal data to a third country or international organization and information on the existence or absence of a Commission decision on adequacy or, in the case of a transfer referred to in Article 46 or 47 or the second subparagraph of Article 49 (1), safeguard measures and the manner in which a copy of them is to be obtained or the place where they have been made available. 2. Article 13 (2) of the CISA: (a) the period for which the personal data will be stored; (b) information on the right to request from the controller access to, and the rectification or erasure of, personal data concerning the processing of personal data or to object to the processing of such personal data, as well as information on the right to transfer personal data; (c) where the processing of personal data is based on Article 6 (1) (a) or Article 9 (2) (a), information on the rights to withdraw the consent at any time, without prejudice to the lawfulness of the processing carried out before the withdrawal; (d) information on the right to lodge a complaint with the supervisory authority; (e) whether the provision of personal data is a legal or contractual obligation or a requirement for the conclusion of the contract, as well as whether the

person is required to provide such personal data and the possible consequences of not providing such data; (f) information on the automated decisions referred to in Article 22 (1) and (4) of the CISA and substantive information on the logic to be used and the implications and foreseeable consequences for individuals of the processing of such personal data.

4. Accuracy of personal data (Article 5 (1) (d) CCIP) The data controller must ensure that the personal data processed are correct. However, in the opinion of the Supervision Authority, it is not possible to ensure that personal data is definitely correct if the collection of personal data takes place from different sources and the verification of the accuracy of the data is limited to the name. The person's phone number may also have changed and belong to a new person. It must therefore be borne in mind that there is always a risk that personal data will not be correct. In a situation where personal data is Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 is incorrect, ie the name of the property owner and the telephone number taken from the Internet environment do not match, this is a situation where the data is processed illegally. It can also be seen from the complaint that the accuracy of personal data was not guaranteed in a specific case, firstly, the company's contacts were used to communicate with a natural person and, secondly, the wrong person was called. Considering the above, in the opinion of the Inspectorate, it is not possible to verify the correctness of the contact information of a natural person by searching various Internet environments (incl. The information register of companies). Therefore, the processing of personal data in this way does not comply with Article 5 (1) (d) of the CISA and the processing of personal data in this way is prohibited.

5. Reliability and confidentiality of personal data (Article 5 (1) (f) of the CCIP) The Data Protection Inspectorate has established that personal data is collected on the website of ABM Kinnistud OÜ, but the data on the website is transmitted over an unencrypted connection via HTTP network protocol. The data controller is obliged to comply with Article 5 (1) (f) of the CCIP, which requires the processing of personal data to ensure appropriate security of personal data, including protection against unauthorized or unlawful processing, through appropriate technical or organizational measures. However, if personal data is transmitted via a web page, a network connection with HTTP does not guarantee the security of personal data, but an HTTPS (SLL / TLS) connection must be used, through which it is possible to ensure that transmitted personal data is not intercepted by unencrypted network traffic vulnerabilities. In the present case, however, the security of personal data on the website of ABM Kinnistud OÜ is not guaranteed, due to which the security level of ABM Kinnistud OÜ must be increased, ie the HTTPS (SLL / TLS protocol) connection must be introduced.

Summary In view of the above, ABM Kinnistud OÜ has not proved to the Inspectorate that the processing of personal data in a way concerning searching for contact information and / or contacting

people from different sources (eg company information register) complies with the principles set out in Article 5 (1). the lawfulness, transparency and accuracy of the data are ensured in the processing. It is also not apparent to the Inspectorate that the processing of personal data in this way could be lawful and that the accuracy of the data could be ensured. In addition, ABM Kinnistud OÜ collects personal data through the website abm.ee, but the website does not have data protection conditions and the website does not provide secure data transmission (an HTTP connection is used). In addition, the website uses third-party cookies without a legal basis. If the processing of personal data does not comply with the principles set out in Article 5 of the CISA, the processing of personal data is prohibited. Compliance with these principles is the responsibility of the controller himself (see Article 5 (2) of the CISA). Therefore, ABM Kinnistud OÜ must stop illegal data processing, which concerns searching for contact information from various sources according to the name of the owner of the real estate (eg using Internet search engines, information register) and / or contacting people in connection with the above. Data collected in this way must also be deleted, including XXX and XXX personal data. If the personal data of the complainants are not deleted, the exact composition of the personal data must be forwarded to the Supervision Authority and the legal basis and purpose for which the personal data are further processed must be clarified. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Data protection conditions in accordance with Articles 12 - 13 of the ICM must also be added to the website abm.ee, a secure HTTPS (SLL / TLS protocol) connection must be introduced and remove third-party cookies or obtain people's voluntary consent to allow cookies. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (2) (d), (f) and (g) of the General Data Protection Regulation, the Supervision Authority has the right to order the processor to comply with the provisions of the CISA Restriction on the processing of personal data, including a prohibition on processing and ordering the deletion of personal data. Taking into account the factual circumstances, including significant deficiencies, the Inspectorate considers that the issuance of a mandatory precept in the matter is necessary in order to terminate the offense as soon as possible. / digitally signed / Raiko Kaur, lawyer, authorized by the Director General