

FOR PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee /
www.aki.ee Registration code 70004235 PRELIMINARY WARNING in personal data protection case no. 2.1.-4/22/915 Issuer
of the injunction: Data Protection Inspectorate lawyer Ivo Eel Time and place of issuance of the injunction: 25.07.2022 in
Tallinn Recipient of the injunction/processor of personal data: Ticketer OÜ registry code 14136022 address: Tatari tn 64,
10134 Tallinn e-mail address: info @ticketer.ee Responsible person of the personal data processor: Member of the board
RESOLUTION: § 56 subsection 1, subsection 2 point 8, § 58 subsection 1 of the Personal Data Protection Act (ICS) and
article 58 subsection 2 of the General Regulation on the Protection of Personal Data (EU 2016/679; hereinafter IKÜ) on the
basis of points d and f, I issue a mandatory injunction to comply with: 1. bring the data protection conditions into line with the
conditions set out in paragraphs 1-2 of Article 13 of the IKÜM (including taking into account the explanations of the inspection);
2. remove third-party cookies from the www.ticketer.ee website or obtain voluntary consent from people to use such cookies;
3. send the inspection a confirmation of the removal of cookies or evidence of obtaining voluntary consent from individuals for
the use of cookies. I set the deadline for the fulfillment of the injunction to be August 15, 2022. Report the fulfillment of the
injunction to the Data Protection Inspectorate 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 has not been complied with by the set
deadline, the Data Protection Inspectorate will impose an extortion fee of 5,000 euros for each point of the injunction to the
addressee of the injunction based on § 60 of the Personal Data Protection Act. 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 injunction in accordance with Article 58(2) of the Personal Data Protection Act 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: 1. During the self-initiated supervision procedure, the Data Protection

Inspectorate checked how Ticketer OÜ (hereinafter also the data processor) has complied with the IKÜM and it turned out that Ticketer OÜ has not fulfilled the requirements arising from the IKÜM, because the data protection conditions can be found on the website www.ticketer.ee did not comply with Article 13 of the Personal Data Protection Act. 2. On 29.03.2022, the Data Protection Inspectorate proposed to Ticketer OÜ to bring the data protection conditions found on the website www.ticketer.ee into line with the conditions set out in paragraphs 1-2 of Article 13 of the Personal Data Protection Act (including taking into account the inspector's explanations) and asked to fulfill the proposal by 16.05 at the latest .2022 and send the corresponding confirmation to the Data Protection Inspectorate. The inspectorate also recommended adding a cookie consent/refusal form to the website. 3. The inspection did not receive a response to the proposal by the specified date. Also, by the said date, the data protection conditions found on the website had not been brought into line and the consent/refusal form for the use of cookies had not been added, as a result of which the inspectorate made a repeat proposal to Ticketer OÜ¹ on 30.05.2022 to bring the data protection conditions into line with the General Regulation on the Protection of Personal Data and to add the consent/refusal form for the use of cookies. AKI set 11.07.2022 as the deadline for completing the proposal. 4. By the deadline set by AKI, the inspectorate has not received a response from Ticketer OÜ, and the data protection conditions on the website www.ticketer.ee have not been brought into line with IKÜM art. 13, and there is still no consent/refusal form for the use of cookies. .

GROUNDS FOR THE DATA PROTECTION INSPECTION: The most important deficiencies identified in the data protection conditions:

1.1. Name and contact details of the controller (IKÜM Article 13(1)(a)) 1 E-mail sent to the company's e-mail address indicated in the business register info@ticketer.ee There is no reference to OÜ Ticketer as the controller and its contact details in the Privacy Policy. Thus, the conditions are in conflict with IKYM art 12 paragraph 1. 1.2. The purpose and legal basis of personal data processing (Article 13, paragraph 1, point c of the General Data Protection Regulation) There must be a legal basis and purpose for any processing of personal data (including collection and transmission to third parties). The purpose and legal basis(s) of personal data processing are missing from the terms and conditions. The legal basis can be derived from Article 6 of the IKÜM. Thus, the conditions do not meet the requirements set forth in the IKÜM. In doing so, the conditions must state all the legal bases used by the data processor. 1.3. If the legal basis for the processing is a legitimate interest (Article 6(1)(f) of the General Data Protection Regulation), then information about the legitimate interests of the data controller or a third party (Article 13(1)(d) of the General Data Protection Regulation) The legal basis for the processing is not specified in the terms and conditions, but it is clear from the terms and conditions that Ticketer may disclose information about

users to third parties, such as organizers, sponsors, payment intermediary service providers and other partner companies.

Therefore, it can be assumed that data processing is carried out on the basis of, among other things, a legitimate interest, and in such a case, the analysis of the legitimate interest must be included in the data protection conditions or information on how it is possible to read the analysis (e.g. to read the analysis of the legitimate interest, send a letter to the e-mail address x). 1.4.

Information on recipients or categories of recipients of personal data (Article 13(1)(e) of the GDPR) The term "recipient" is defined in Paragraph 9 of Article 4 of the GDPR as "a natural or legal person, public sector institution, office or other body to whom personal data is disclosed, regardless of whether it is a third party or not". Thus, the recipient does not have to be a third party. Therefore, the term "recipient" includes other controllers, co-processors and authorized processors to whom data is transferred or disclosed, and information about such recipients should be provided in addition to information about third-party recipients. The actual (named) recipients of personal data or categories of recipients must be provided. In accordance with the principle of fairness, controllers must provide information about recipients that is most relevant to data subjects. In practice, these are usually named recipients so that data subjects know exactly who has their personal data. If controllers decide to provide categories of recipients, the information should be as specific as possible, indicating the type of recipient (i.e. indicating their fields of activity), industry, sector or sub-sector and the location of the recipients. 2 of the Terms and Conditions p. According to 1.4, in order to better serve the customer, Ticketer may disclose information about users to a third party to whom Ticketer provides services and is contractually obligated to keep the shared information confidential. Third parties are, for example, organizers, sponsors, providers of payment mediation services and other partner companies. 2 Article 29 working group guidelines on transparency according to Regulation 2016/679 Since it is not clear here who are the partner companies of the data processor and the website uses cookies without informing the person in advance (therefore the data is also processed by unnamed third parties), the presented list does not meet the requirements set forth in the IKÜM. In addition, I explain that if personal data is transferred by the ticket seller to the organizer on the basis of article 6 paragraph 1 point b of IKÜM, i.e. on the basis that it is necessary for the performance of the contract, only those personal data that are necessary for the performance of the contract may be transmitted. In doing so, the principles of data processing stipulated in IKÜM must be followed. I would separately point out here the "restriction of gathering as little data as possible" provided for in Article 5(1)(c) and the "purpose limitation" provided for in Article 5(1)(b). If the tickets are not personalized, it is not possible to transmit the buyer's name, e-mail or address to the event organizer for the purpose of fulfilling the contract, because these data are not

necessary for the event organizer to fulfill the contract. It also remains unclear to the inspectorate for what purpose and reason data should be transferred to sponsors in a personalized form. 1.5. Period of data retention or criteria for determining the period (Article 13(2)(a) of the GDPR) There is no data retention period or criteria for determining the corresponding period in the Terms and Conditions. The corresponding requirement is related to the requirement to collect as little data as possible in Article 5(1)(c) of the IKÜM and the requirement to limit storage in Article 5(1)(e). The retention period (or the criteria for determining it) may be determined by different laws, but it should be formulated in such a way that the data subject can assess, based on his situation, what the retention period is for specific data/purposes. Where appropriate, different retention periods should be provided for different types of personal data and/or different purposes of processing, including the period of archiving where appropriate. Therefore, the Terms and Conditions are in conflict with the requirements set forth in the IKÜM.

1.6. Information on the right to request from the data controller access to personal data concerning the data subject and their correction or deletion or restriction of 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 (Article 13, paragraph 2, point b of IKÜM). The terms and conditions completely lack the information provided in Article 13(2)(b) of IKÜM. Namely, IKÜM art. 13 paragraph 2 provides what information the controller must provide to the data subject when receiving personal data, and according to IKÜM art. 13 paragraph 2 point b, this is information about the right to request from the controller access to personal data concerning the data subject and their correction or deletion or restriction of personal data processing, or to object to the processing of such personal data, as well as information on the right to transfer personal data. The guidelines of the Article 29 Working Party on transparency under Regulation 2016/6793 emphasize In particular, the data subject's right to object to the processing of personal data should be explicitly drawn to the data subject's attention at the latest at the time of the first notification, and it must be presented clearly and separately from any other information.

3https://www.aki.ee/sites/default/files/inspektsioon/rahvusvaheline/juhised/suunised_maaruse_2016679_kohase_labipaistvuse_kohta.pdf IKÜM Article 18 sets out the grounds on which a person has the right to demand from the data controller the restriction of personal data processing, i.e. the marking of stored personal data with the aim of limiting their future processing and according to article 21 of the IKÜM, a person has the right, based on his specific situation, to object at any time to the processing of personal data concerning him, which is carried out on the basis of article 6 paragraph 1 point e or f, including profile analysis based on these provisions. Thus, the data protection conditions are in conflict with the requirements set forth in

the IKÜM. 1.7. If the processing of personal data is based on Article 6(1)(a) of the GDPR, or consent, information about the right to withdraw consent at any time without affecting the legality of the processing based on consent prior to the withdrawal (Article 13(2)(c) of the GDPR). The following is stated in the terms and conditions: "A customer who does not wish to be on our newsletter list can remove himself from it at any time", but first of all, the terms do not show how he ended up on the newsletter list at all (it is not specified that he could give separate consent for this or refuse it) nor the possibility of withdrawing the consent given to the processing of your data. Thus, the conditions contradict the requirements set forth in the IKÜM. 1.8. Information on the right to file a complaint with the supervisory authority (Article 13(2)(d) of the General Data Protection Regulation) The terms do not indicate that the data subject has the right to file a complaint against the data processor with the supervisory authority, or in this case the Data Protection Inspectorate. Thus, the conditions contradict the requirements set forth in the IKÜM. 1.9. Obligation of the data subject to provide personal data and the consequences of non-compliance (Article 13(2)(e) of IKÜM) According to Article 13(2)(e) of IKÜM, at the time of receiving personal data, the person must be informed of whether the provision of personal data is an obligation arising from legislation or a contract or necessary for the conclusion of a contract requirement, as well as whether the data subject is obliged to provide the personal data in question and the possible consequences of not providing such data. There is no such information in the data protection conditions. The inspection emphasizes that all the information stipulated in paragraphs 1 and 2 of Article 13 of the IKÜM must be visible from the data protection conditions. 2. Cookies used on the website The Data Protection Inspectorate drew the data processor's attention to the fact that Ticketer OÜ uses cookies on the consumer's end device on its website www.ticketer.ee without asking the person for their consent. I explain that in a situation where Ticketer OÜ installs third-party cookies on its website, Ticketer OÜ is the responsible processor in this regard, and there must be a specific legal basis for installing cookies. Article 5(3) of Directive 2002/58 on privacy and electronic communications states the following: Member States shall ensure that the storage of information in a subscriber's or user's terminal equipment and access to information already stored therein is permitted only on condition that the subscriber or user concerned has given their consent. , and has been provided with clear and understandable information in accordance with Directive 95/46/EC, including the purpose of data processing. This does not prevent the technical storage or access of data, the sole purpose of which is to transmit communication in an electronic communication network or which is essential for the service provider to provide such an information society service that the subscriber or user has explicitly requested. Given that there are no more precise rules regarding the use of cookies in Estonia,

the requirements of the said directive must be followed. At the same time, the directive expressly stipulates that the prior consent of the person must be obtained for the use of cookies, except in cases where the sole purpose of the technical storage and access of data is to transmit communication in an electronic communication network or which is essential for the service provider to provide an information society service. The obligation to consent has also been confirmed by the European Court on 01.10.2019 in case number C-673/171. In the decision, the European Court has also emphasized that consent to the use of third-party cookies must be obtained regardless of whether it is personal data or not. In this case, data about the user is collected without asking the consent of the data subject, which means that the data subject cannot decide on the use of cookies. The data subject must understand which cookies the website collects and must be able to give separate consent for each type of cookie (except for cookies that are essential for the website to function). Therefore, the use of third-party cookies on the website www.ticketer.ee is illegal in this case. This type of processing is permitted if the consent of the person in accordance with Article 7 of IKÜM is obtained for the use of cookies. Also, the consent must be voluntary, i.e. the person must be able to decide for himself the use of third-party (and not essential) cookies. Therefore, a person must be able to give his consent for the cookies (for example, by actively ticking the boxes) that he allows to be used. If consent is not given, the use of third-party cookies is prohibited.

3. Summary According to IKS § 58 paragraph 1 and IKÜM article 58 paragraph 2 points d and f, the inspectorate has the right to order that the data processor bring personal data processing operations into compliance with the provisions of IKÜM in a certain way and within a certain period of time, the right to establish a temporary or permanent limitation of personal data processing , including the prohibition of processing. Taking into account the factual circumstances, including the fact that Ticketer OÜ has not proven to the inspection that it fulfills the requirements of IKÜM (Articles 5, 6, 12 and 13) and the website www.ticketer.ee has several important deficiencies, the inspection considers that the mandatory injunction doing what is necessary in this matter in order to end the offense as soon as possible. (digitally signed) Ivo Eevel lawyer under the authority of the Director General