

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.-5/23/2910-6

Injunction maker Data Protection Inspectorate lawyer Greete Ahu Time and place of injunction 06.03.2023 in Tallinn Recipient

of injunction - personal data processor Sillamäe city, Viru pst 22a apartment cooperative address: Ida-Viru county, Sillamäe

city, Viru pst 22a e-mail address: viru22asil@gmail.com Responsible person of the personal data processor board members

RESOLUTION: § 56 subsection 1, subsection 2 point 8, § 58 subsection 1 of the Personal Data Protection Act (IKS) and

Article 58 subsection 1 point a of the General Regulation on Personal Data Protection and taking into account point e of the

same paragraph, I issue a mandatory order for execution: Stop the disclosure of Xx's personal data in the staircase of the

apartment building Viru pst 22 Sillamäe. Report compliance with the order to the Data Protection Inspectorate at info@aki.ee

no later than 20.03.2023. 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 specified deadline, the Data Protection

Inspectorate will impose an extortion fee of 200 euros to the addressee of the injunction on the basis of § 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 prescription under

Article 58 (1) of the Personal Data Protection General Regulation may result in a misdemeanor proceeding based on § 70 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:

09.12.2022. a member of the cooperative submitted a complaint to the inspectorate with photos that his personal data

(apartment number, name) has been published since 05.12.2022 on a sign in the stairwell of the building on two pages called

"KÜ Viru 22a owners" without the person's prior consent. 06.01.2023. a, the inspectorate sent a proposal to the processor: The

inspectorate proposes to stop any further disclosure of the personal data of the members of the cooperative to third parties,

including in public spaces (staircases of the building) and to send a confirmation of this to the inspectorate's address info@aki.ee no later than 20.01.2023. a. On 27.01.2023, the inspectorate sent a repeated proposal to the processor: The inspectorate proposes to stop any future disclosure of the personal data of the members of the cooperative to third parties, including in public spaces (staircases of the building), and to send a confirmation of this to the inspectorate's address info@aki.ee no later than 10.02.2023. a. EXPLANATION OF THE PROCESSOR OF PERSONAL DATA: The processor has not exercised his right to submit objections and opinions and continues to disclose personal data in the stairwells of the building. GROUNDS FOR THE DATA PROTECTION INSPECTION: In accordance with § 27 (2) point 3 of the Administrative Procedure Act, 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. The inspection has sent the proposal to the Viru pst 22a apartment association to the e-mail address recorded in the business register and has given the Viru pst 22a apartment association a reasonable time to respond, including that the addressee of the proposal has been able to write to the inspection in a timely manner and give reasons if the deadline for completing the proposal is too short and submitting a comprehensive answer would require a longer response time. 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. The inspectorate explains that any processing of personal data requires a basis from Article 6 of the General Regulation on the Protection of Personal Data. In this case, this can only be done with the prior consent of the individuals, and thus, the disclosure of personal data in the stairwell of the building without consent is illegal. The general rule is that when publishing the data of apartment association members, it is allowed in an internal relationship (between the members of the association) and in an external relationship (for third parties), the prior consent of the parties is necessary. The consent must be given freely and an alternative option must be offered to those who do not agree to the disclosure of personal data in this way. In addition, one must take into account the fact that any person can withdraw their consent at any time. Please note that publishing personal data in the stairwell and other places accessible to third parties or on the Internet is against the law, because the data is also visible to third parties. Based on the above, the apartment association must stop disclosing personal data in the stairwell of the apartment building without consent. Taking into account that the Viru pst 22a apartment association has not fulfilled the proposals of the inspection on 06.01.2023 and 27.01.2023 or responded to them in any other way, the inspection considers that issuing a mandatory injunction in this case is

necessary and unavoidable for the efficient, including as soon as possible, implementation of the administrative procedure.

(digitally signed) Greete Ahu lawyer under the authority of the Director General