

Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registration code 70004235 FOR USE WITHIN THE INSTITUTION Information holder: Data Protection Inspectorate Note made: 18.01.2022 Access restriction valid until: 18.01.2097 p 2 until the decision comes into force Basis: AvTS § 35 paragraph 1 p. 12, AvTS § 35 paragraph 1 paragraph 2 PRESCRIPTION-WARNING in personal data protection case no. 2.1.-3/21/2014 Injunction maker Merili Koppel, lawyer of the Data Protection Inspectorate Time and place of injunction Tallinn Recipient of injunction - personal data processor address: XXX e-mail address: XXX; XXX RESOLUTION: § 56 subsection 1, subsection 2 point 8 of the Personal Data Protection Act (ICS), § 58 subsection 1 and article 58 subsection 1 point a of the General Regulation on Personal Data Protection (IKÜM) and considering the same provision p and e, the Data Protection Inspectorate makes XXX mandatory injunction: Respond to the inquiry sent by the Data Protection Inspectorate on 31.08.2021 in case No. 2.1.- 3/21/2014. We set the deadline for the fulfillment of the prescriptions as 02.02.2022. 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: You can contest this order within 30 days by submitting either: - an appeal in accordance with the Administrative Procedure Act to the Data Protection Inspectorate or - an appeal in accordance with the Administrative Court Procedure Code to the Tallinn 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. FINE WARNING: If the injunction has not been complied with by the set deadline, the Data Protection Inspectorate will impose a fine of 3,000 euros on the recipient of the injunction based on § 60 of the IKS. 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: 2 (3) Misdemeanor proceedings may be initiated on the basis of IKS § 70 for failure to comply with the injunction according to Art. 58(1) of the Criminal Procedure Code. 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 FACTS: The Data Protection Inspectorate has a complaint from XXX against XXX to stop the illegal processing of personal data and to provide information about the transfer of personal data to third parties. According to the information provided in the complaint, XXX has transferred the complainant's personal data to third parties, including you, without a legal basis. Based on the circumstances stated in the complaint, the Data Protection

Inspectorate initiated a supervisory procedure on the basis of Section 56(3)(8) of the IKS. In order to determine whether the events in question involved the processing of personal data within the meaning of Art. 4 p. 2 of IKÜM, or whether there was a conversation between two acquaintances held for personal purposes, to which the rules of personal data processing do not apply (IKÜM pp. 18), the Data Protection Inspectorate sent you an inquiry on 31.08.2021, to which the deadline for answering was 08.09.2021. In the inquiry, we wanted to know the following: 1. What is your level of familiarity with XXX? 2. Which statement is true - did XXX call you on 02.03.2021 to discuss the legal dispute mentioned above or did you call XXX for some other purpose? 3. Is it true that you were aware of the content and existence of the above-mentioned legal dispute before talking to XXX, or did you become aware of it (or additional information that you would not have known before) only after what XXX expressed? 4. Is your communication with XXX, including the above-mentioned telephone conversation, private or did XXX talk to you in the course of professional activities, collecting data and evidence to represent his clients XXX and XXX in a legal dispute (e.g. asking for explanations about what happened)? You did not send an answer to the Data Protection Inspectorate by the indicated date and have not done so until now. The inspection has given you a reasonable time to respond to the inquiry, i.e. you have been able to write to the inspection within the deadline and give reasons if the deadline for answering the inquiry is too short and submitting an answer would require a longer response time. With this, the inspectorate has fulfilled the obligation arising from § 40 (1) of the Administrative Procedure Act to give the person the opportunity to submit their opinion and objections on the matter before issuing the administrative act.

FOUNDATIONS OF THE DATA PROTECTION INSPECTION: In accordance with IKS § 58 (1) and IKÜ Art. 58 (1) p. a and considering the same provision p and e, the inspectorate has the right to request explanations and other information, including the submission of information necessary for conducting the supervision procedure. 3 (3) Considering that in this case the statements of the parties to the proceedings differ regarding the conversation held with you and the data published during it (i.e. potential processing of personal data), the inquiry sent to you was necessary to find out the facts of importance in the supervision procedure. In addition, taking into account the fact that answering the inquiry made within the supervisory procedure of the administrative body is mandatory, but you have not answered the submitted inquiry, the Data Protection Inspectorate considers that it is necessary to issue a mandatory injunction to you in order to carry out this supervisory procedure. If a person has problems responding to the inspection by the specified deadline, he can explain to the supervisory authority which objective circumstances were the obstacle. However, simply not responding is not acceptable. /digitally signed/ Merili Koppel, lawyer under the authority of the

