

info@aki.ee / www.aki.ee Registry code 70004235 PRECAUTIONS WARNING in personal data protection matter no.

2.1.-6/18/7 Preceptor Senior Inspector of the Data Protection Inspectorate Raiko Kaur Time and place of precept 13.09.2018 in

Tallinn Recipient of the precept - processor of personal data ASC Motors OÜ (registry code 12290351) e-mail address:

12290351@eesti.ee Responsible person of the processor of personal data Member of the Management Board Andero

Sõnitsar RESOLUTION: Pursuant to § 28 (1) of the Law Enforcement Act (KorS), § 32 (1) and § 40 (1) of the Personal Data

Protection Act steals. I set the deadline for compliance with the precept on 25.09.2018. Report the compliance with the precept

or the circumstances preventing compliance with the precept to the Data Protection Inspectorate by 25 September 2018 at the

latest. 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 FINANCE WARNING: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall

impose a penalty payment of 1,500 euros on the addressee of the precept on the basis of subsection 40 (2) of the Personal

Data Protection Act. 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. FACTUAL CIRCUMSTANCES A complaint was registered

with the Data Protection Inspectorate on 23.05.2018 [first name - surname] (complainant), according to which it is not possible

for the complainant to inspect the recording about himself. The complainant has contacted a representative of ASC Motors OÜ

through the communication portal on 04.05.2018, where he asks, among other things: "I would like to see a video where you

claim that I have stolen wax and am also sitting during working hours. [...] ". No reply was received to this letter. In addition, on

23 May 2018, the complainant sent an e-mail to ascmotors@hotmail.com containing, inter alia, the following: [...]. "The

complainant also asked whether the recordings were coming or not. The representative of ASC Motors OÜ answered the

following: "Definitely not". As the complainant is not able to inspect the recording concerning himself, the Data Protection

Inspectorate (AKI) initiated supervision proceedings on 19.06.2018 on the basis of § 33 (5) of the IKS. AKI sent an inquiry to

ACS Motors OÜ on 19.06.2018 and a repeated inquiry on 10.07.2018 requesting reasons for refusing to issue a recording of

[name and surname] concerning him. A member of the management board of ASC Motors OÜ replied the following on 25.07.2018: "Unfortunately, I have to grieve you, our camera is not for monitoring employees, but for compiling statistics and, if necessary, resolving disagreements between the customer and us. [first and last name] is aware of the camera, but he was on our private property, which also has video surveillance warning signs. We have not processed the personal data of [first and last name] in any way. "On 15.08.2018, AKI made the following proposal to ASC Motors OÜ: "Based on the above, I propose to issue a recording of [first and last name] made of him. Please reply regarding the completion of the proposal (send confirmation) no later than 24.08.2018. If you do not agree with the proposal, please answer the following question: - On what basis do you refuse to release a recording of [name and surname]? "The proposal was sent to the e-mail address 12290351@eesti.ee in the Commercial Register on 15.08.2018. I note that the inquiries were also sent to the same e-mail address and ASC Motors OÜ has received them and responded to the inspection. As of today, the representative of ASC Motors OÜ has not given a clear answer on the basis of which the complainant will be refused a recording of him. The AKI's proposal has not been answered, nor have any circumstances preventing it been notified.

GROUND FOR THE DATA PROTECTION INSPECTORATE: Personal data is any data about an identified or identifiable natural person, regardless of the form or form in which they are (§ 4 (1) of the IKS). Personal data is also a (video) recording of a person. Pursuant to subsection 19 (1) of the Personal Data Protection Act, at the request of a person, the personal data concerning him or her, the purposes of the processing of personal data and third parties to whom his or her personal data have been transferred must be notified to him or her. Pursuant to subsection (3) of the same section, a processor of personal data is required to provide information to a person and to issue the required personal data or to substantiate a refusal to issue or provide information. Thus, in a situation where there are no grounds for refusing to release data, the personal data (eg recording), the purposes of data processing and the persons to whom the data have been transferred must be disclosed to the person on the basis of the Personal Data Protection Act. The person may also request a copy. However, if access to the recording is provided and a copy is provided, it must be borne in mind that the recording may also contain personal data of other persons (eg customers). However, there is no reason to refuse to show the recording - the recording simply needs to make third parties unidentifiable. The restrictions on the right to receive information and personal data arise from § 20 of the Personal Data Protection Act. /

digitally signed / Raiko Kaur Senior Inspector on behalf of the Director General