

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.-4/1969 Preceptor Senior Inspector of the Data Protection Inspectorate Maria Muljarova Date and place of issue of the precept 23.12.2019, Tallinn Responsible person of the addressee Minna-Maria Amjärv Member of the Management Board RESOLUTION: § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act and Article 58 (1) of the General Data Protection Regulation a) and taking into account e) of the same paragraph, the Inspectorate shall issue a mandatory precept for compliance with: 1. the representative of Soulgrass OÜ to respond to the additional inquiry sent to the Data Protection Inspectorate in case no. ie in essence and specifically to questions 1-4 in the inquiry. We set the deadline for compliance with the precept as 06.01.2020. The precept must be complied with by the deadline by the Data Protection Inspectorate's e-mail address info@aki.ee.

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 OF WARRANTY: If a precept is not complied with by the specified term, the Data Protection Inspectorate shall impose a penalty payment of 2000 euros on the addressee of the precept on the basis of § 60 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. WARRANTY WARNING WARNING: Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Misdemeanor proceedings may be instituted for failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection Regulation. 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: The Data Protection Inspectorate received a complaint from persons according to which cameras are used at the workplace in Soulgrass OÜ (registry code 14585137), about which the employees have not been duly informed. It also follows from the complaint that Soulgrass OÜ has disclosed video recordings to third parties (who are not related to the mentioned employment relationship) and Soulgrass OÜ has refused the request of data subjects to inspect the recordings

made about them. Based on the above, we initiated state supervision proceedings and made an inquiry to Soulgrass OÜ in case no. 2.1.-4/19/3369: 1. 11.11.2019 (to the e-mail addresses info@sativastore.ee and soulgrasstallinn@gmail.com), the deadline for replying to 11/21/2019 Soulgrass OÜ forwarded the answer on 21.11.2019 from the e-mail address info@sativastore.ee, refusing to answer the questions submitted by the Data Protection Inspectorate; 2. On 4 December 2019, the Data Protection Inspectorate made an additional inquiry, explaining the principles of administrative proceedings and referring to the possibility of imposing a precept and a penalty payment, repeating the questions submitted in the inquiry sent on 11 November 2019. Soulgrass OÜ refused to answer the questions submitted by the Data Protection Inspectorate, forwarding essentially the same answer as in the letter of 21.11.2019. On 11 November 2015, the Data Protection Inspectorate sent an inquiry to the e-mail address info@sativastore.ee published on the website of Soulgrass OÜ (web link <https://www.sativastore.ee/kontakt/>) and to the address soulgrasstallinn@gmail.com indicated in the commercial register. Due to the fact that Soulgrass OÜ forwarded the response to the Data Protection Inspectorate's inquiry from the e-mail address info@sativastore.ee, in the further proceedings the Inspectorate used the e-mail address info@sativastore.ee. At the moment, all documents have been delivered to Soulgrass OÜ. Soulgrass OÜ refers to the following in its answers: The Data Protection Inspectorate does not agree with this position, explaining it in its letter of 4 December 2019, ie in this case Soulgrass OÜ's reasons for refusing to answer the questions with references to misdemeanor or criminal proceedings are irrelevant, as no criminal proceedings are pending in the same circumstances. In its additional inquiry submitted on 04.12.2019, the Data Protection Inspectorate relied on § 38 (1) of the HMS, according to which the Data Protection Inspectorate has the right to request Soulgrass OÜ to submit the evidence and information at its disposal. The Supervision Authority also referred to subsection 3, according to which Soulgrass OÜ has the obligation to submit and make known the evidence relevant to the proceedings. Due to the above, Soulgrass OÜ has refused to answer the questions submitted in the inquiries sent to the Data Protection Inspectorate on 11.11.2019 and 04.12.2019, which prevents the administrative authority of Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee from performing its duties. , leading to a situation where the Data Protection Inspectorate is not able to ascertain circumstances of significant significance in the proceeding. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: As can be seen from the case file, the complainants' representative Reimo Mets (Law Office Mets & Co OÜ) sent a letter of request to Soulgrass OÜ on 10.07.2019 requesting clarifications regarding the processing of XXX and XXX personal data and prohibiting further use of XXX personal data. Soulgrass OÜ replied to the applicants 'letter of

request on 12 July 2015, proposing to meet and inspect the video recordings, while the applicants' reply to the Data Protection Inspectorate's letter of 21 October 2019 stated that the meeting took place, but Soulgrass OÜ refused to show the video recordings. Soulgrass OÜ refused to answer the questions of the Data Protection Inspectorate, referring to the right not to incriminate itself. The privilege of not incriminating oneself is opposed by the obligation to assist a person in administrative proceedings. The obligation to assist means that the party to the proceedings has the obligation to provide the required documents which will help to identify the facts relevant to the proceedings from which conclusions can ultimately be drawn for the proceedings. The Supreme Court has explained in case no. 3-1-1-25-02 that the creation of the right not to set oneself on fire cannot be considered a discretionary decision of the interrogated person and therefore the justification for refusing to testify should also be verifiable in principle. Soulgrass OÜ has not substantiated its refusal to provide information to the Data Protection Inspectorate. Pursuant to Article 12 (3) of the General Data Protection Regulation, the controller is obliged to provide the data subject with information on the action taken on a request pursuant to Articles 15 to 22 without undue delay, but no later than one month after receipt of the request. Under Article 15 of the General Data Protection Regulation, the data subject has the right to request clarification on the processing of his or her personal data and, in accordance with Article 17, to request the deletion of his or her personal data. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) and (e) of the General Data Protection Regulation, the Data Protection Inspectorate has the right to order a representative of the controller to provide information necessary for the performance of the inspectorate's tasks. The Data Protection Inspectorate also has the right to obtain from the chief processor and the authorized processor access to all personal data and all information necessary for the performance of the tasks of the Inspectorate. Taking into account the factual circumstances and the fact that answering the questions submitted within the supervision procedure of the administrative authority is obligatory and Soulgrass OÜ has refused both the complainants access to their data and the questions submitted by the Data Protection Inspectorate, the Inspectorate considers that a mandatory precept is necessary . / digitally signed / Maria Muljarova
Senior Inspector on behalf of the Director General