

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.-6/21/1 Injunction maker Data Protection Inspectorate lawyer Sirgo Saar Time and place of injunction 27.01.2021, Tallinn Addressee of injunction - personal data processor Puiduhake.com OÜ. Erkki Naabel puiduhake@puiduhake.com. Registration code 12132681 Viimsi vald Metsakasti küla Marjamaa tee 12, 74019 Responsible person of the personal data processor Board member

RESOLUTION: § 56 (1), (2) point 8, § 58 (1) of the Personal Data Protection Act (IKS) and Article 58 (1) point a of the General Regulation on Personal Data Protection and taking into account point e of the same paragraph, the inspection issues a mandatory prescription for compliance: 1. Issue a service provision agreement between Puiduhake.com OÜ and PR24 OÜ. If the contract is formed by correspondence between the parties in any form, it must be issued in that form. The inspection sets the deadline for compliance with the injunction on 08.02.2021. 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: 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 Administrative Court Procedure Code 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. WARNING: If the injunction is not complied with by the specified deadline, the Data Protection Inspectorate will impose a fine of 2000 euros on 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 prescription under Article 58(2) of the Personal Data Protection General Regulation 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 non-judicial processor of misdemeanor proceedings is the Data Protection Inspectorate. ECONOMIC ACTIVITY PROHIBITION WARNING: On the basis of § 7 point 4 and § 36 point 1 of the General Part of the Code of Economic Activities, the economic administration authority may prohibit an entrepreneur or a person related to the entrepreneur from economic activity due to a significant violation of the requirements of economic activity. FACTUAL CIRCUMSTANCES: The Data

Protection Inspectorate received a memo on 06.08.2020, according to which electronic direct marketing was sent to XX, or the addressee, without the prior consent of the natural person. On 09.07.2020, XX asked for explanations from the data processor, i.e. the company that sent him the letter, Puiduhake.com OÜ. XX explained to him on behalf of Puiduhake.com that Puiduhake has ordered advertising and they do not have the origin of the email contacts and they have not forwarded the data. XX additionally asked on 09.07.2020 whether it is an outsourced service for the transmission of advertising? If so, who is the creator of the ad and where does my direct marketing email come from? XX replied to him that the service had been purchased. We apologize if we caused offense. Upon this, XX additionally asked that I would ask you to issue the information from where my email reached your database and on the basis of which provision you send me direct marketing? If the advertisement was subscribed, please provide the name of the company that has my email in the database. This appeal was answered on 30.07.2020. Your email address has been removed from the database at my request and at your request just a moment ago. However, the applicant did not receive an answer to his question. Since there was a violation, i.e. XX, Puiduhake.com OÜ sent an e-mail without a legal basis and no transparent explanations were given regarding the source of the e-mail address, the inspection started a monitoring procedure against Puiduhake.com OÜ on the basis of a notice and sent an inquiry to the data processor on 28.08.2020, to which the addressee was obliged to answer on 07.09.2020. The inspectorate sent the inquiry to the e-mail address given in the business register to the e-mail address puiduhake@puiduhake.com and explained that according to § 25 (1) of the Administrative Procedure Act (HMS), an administrative act, summons, notice or other document is delivered to the participant of the proceedings by post, by the administrative body that issued the document or electronically. The board member of Puiduhake.com OÜ responded to the inspection's inquiry on 13.10.2020. As part of the inquiry, the inspectorate drew attention to the imposition of an injunction and a fine in the event that the inspectorate's inquiry is not answered on time or if no clear answers are given in the inquiry. In the inquiry, it was stated that the Data Protection Inspectorate has the right, in accordance with § 56 (2) point 8 of the IKS, § 58 (1) and Article 58 (2) point e) of the General Regulation on Personal Data Protection, to obtain from the data controller and the authorized processor access to all personal data and all information that is necessary for the performance of his tasks and, in accordance with paragraph 2 point a), to order that the responsible processor or the authorized processor or, if necessary, the processor's representative, provide information that is necessary for the performance of the inspection's tasks. Puiduhake.com OÜ was obliged to submit the service provision agreement between Puiduhake.com OÜ and PR24 OÜ to the inspection.

Puiduhake.com OÜ did not fulfill this obligation. Puiduhake.com OÜ board member Erkki Naabel only submitted an invoice and a payment order for the amount to be transferred to PR24 OÜ of 620 euros. Pursuant to § 27 (2) of HMS, a document made available or forwarded electronically is considered delivered in the following cases: 3) the document or notice of making the document available has been forwarded to the e-mail address entered in the company's business register. The Data Protection Inspectorate explained in the inquiry that according to § 40 subsection 1 of the Administrative Procedure Act, Puiduhake.com OÜ has the right to submit its opinion and objections to the Data Protection Inspectorate. PERSONAL DATA PROCESSOR'S EXPLANATION: Puiduhake.com OÜ board member Erkki Naabel explained the following in the response to the inquiry: PR24 OÜ's response: We have been collecting e-mail addresses for over 10 years to keep the database fresh. Since this e-mail address has been added to our database during a lottery game many years ago, the person himself gave his consent to process this e-mail address, if the requirements were not so strict. We have already conducted opt-out campaigns over 2 years ago, and during this time around 20,000 people left. There is also a separate database with persons who have moved away. This contact has now been removed from the database. The contract is a correspondence between Puiduhake.com OÜ and PR24 OÜ. I am attaching the submitted invoice and payment order. In accordance with § 40 (1) of the Administrative Procedures Act, the Data Protection Inspectorate has fulfilled the obligation to give the party to the proceedings the opportunity to present their opinion and objections on the matter before issuing the administrative act. GROUNDS OF THE DATA PROTECTION INSPECTION: In accordance with § 58 (1) of the Personal Data Protection Act and Article 58 (1) point a of the General Regulation on Personal Data Protection and taking into account point (e) of the same paragraph, the inspectorate has the right to request explanations and other information, including the submission of documents necessary for conducting the supervision procedure. Pursuant to § 25(1) of the Administrative Procedures Act (HMS), an administrative act, invitation, notice or other document is delivered to the party to the procedure by post, by the administrative body that issued the document, or electronically. The Data Protection Inspectorate is of the opinion that at the moment data processing is non-transparent and unclear in terms of how the data processing takes place between the parties. Nor have explanations been shared with the data subject. The issuance of a service provision agreement between the parties is necessary in order to understand the conditions on which the parties have agreed and from which sources e-mail addresses of natural persons are obtained. Taking into account the factual fact that the fulfillment of the condition stated in the inquiry made as part of the supervisory procedure of the administrative body is mandatory (issuance of a contract) and the supervised party has not done so, the inspectorate

considers that issuing a mandatory injunction is necessary in this case in order to find out the important circumstances of the supervisory case and to fulfill the requirements of the Electronic Communications Act. Sincerely, /digitally signed/ Sirgo Saar
lawyer under the authority of the director general