

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.-6/20 Preceptor Raiko Kaur Time and place of precept 30.09.2020, Tallinn Addressee of the precept Miliam Travel OÜ (11574773) travel@miliam.ee Addressee responsible for the addressee Member of the Management Board RESOLUTION: § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act 1, § 10 and Article 58 (1) (d) and (2) (c), (d) and (f) of the General Regulation on the Protection of Personal Data (IKÜM), as well as Articles 5 and 6 of the IKÜM, issue a mandatory precept to Miliam Travel OÜ: Disclosure of personal data (name, debt) related to the breach of the .travel.miliam.ee debt relationship. The personal data to be disclosed can be found at the following online links: <http://www.travel.miliam.ee/index.php?page=269> and <http://www.travel.miliam.ee/index.php?page=462>. We set the deadline for compliance with the precept as 14.10.2020. Notify the Data Protection Inspectorate to the e-mail address info@aki.ee of the fulfillment of the precept by the deadline. 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. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 PENALTY WARNING: If a precept is not complied with within the specified term, the Data Protection Inspectorate shall impose a penalty payment of 2,000 euros on the addressee of the precept pursuant to § 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 PENALTY WARNING: Failure to comply with a precept pursuant to Article 58 (1) of the General Data Protection Regulation may result in misdemeanor proceedings pursuant to § 70 of the Personal Data Protection Act. 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 (the Inspectorate) received a complaint from a Finnish citizen via the cross-border processing system IMI concerning the disclosure of debt data of natural persons on the website of Miliam Travel OÜ: <http://www.travel.miliam.ee/index.php?page=269>. In connection with this, the Inspectorate initiated

supervision proceedings on the basis of clause 56 (3) 8) of the IKS. In the course of the supervision procedure, the Inspectorate established that in addition to the above-mentioned online link, the debt data have also been disclosed on the online link: <http://www.travel.miliam.ee/index.php?page=462>. In connection with this, on 11.09.2020 the Inspectorate made a proposal to Miliam Travel OÜ in personal data protection case no. 2.1.-1/20/3119, the content of which was as follows: . The deadline for replying to the proposal was 23.09.2020. As part of the proposal, the Inspectorate also drew attention to the possibility of imposing a precept and a penalty payment. The Supervision Authority sent the proposal to the e-mail address [travel@miliam.ee](mailto:travel@miliam.ee) provided in the Commercial Register. entered in the e-mail address. To date, the representative of Miliam Travel OÜ has not responded to the Inspectorate's proposal or contacted regarding the extension of the deadline for responding to the proposal. Miliam Travel OÜ has also not removed any personal data related to the breach of the obligation from its website. The Inspectorate has given Miliam Travel OÜ a reasonable time to respond, incl. It has also been possible for the addressee of the proposal to write and justify the proposal to the Inspectorate if the deadline for responding to the proposal is too short and The Inspectorate has thereby fulfilled the obligation arising from subsection 40 (1) of the Administrative Procedure Act to give the participant in the proceeding the opportunity to submit his or her opinion and objections on the matter before issuing the administrative act. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: According to the materials of the case, Miliam Travel OÜ discloses the names of people and the amounts of debts on its website [www.travel.miliam.ee](http://www.travel.miliam.ee). Tatari tn 39/10134 Tallinn / 627 4135 / [info@aki.ee](mailto:info@aki.ee) / [www.aki.ee](http://www.aki.ee) Registry code 70004235 Personal data is any information about an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identification factor such as a name (see Article 4 (1) of the CISA). Thus, in a specific case, Miliam Travel OÜ has disclosed personal data on its website. The processing of personal data must take into account the requirements of the ICS and the CISA, including the fact that the processing of personal data is lawful only if it is carried out on one of the grounds listed in Article 6 of the CISA. The burden of proof lies with the controller. However, Miliam Travel OÜ has not provided the Inspectorate with a legal basis for processing the data. Irrespective of the legal basis, the data controller is obliged to comply with, inter alia, the principles set out in Article 5 of the CISA, including paragraph 1 (a), (b) and (c): - the processing is lawful, fair and transparent to the person; - purpose limitation - personal data are collected for specified, explicit and legitimate purposes; - Collection of as little data as possible - personal data are relevant, relevant and limited to what is necessary for the purpose for which they are processed. Compliance with these obligations must be certified by the

controller (see Article 5 (2) of the CCIP). Here, we explain that personal data may be processed only to the extent necessary to achieve the defined purposes, and it must be ensured that the purpose of data processing is ensured by measures that infringe the fundamental rights of the person as little as possible. To this end, the data controller must always assess in advance whether the processing of the data (including disclosure) is indispensable for the fulfillment of the purpose or whether it is possible to limit the purpose to less intrusive measures. However, Miliam Travel OÜ has not responded to the proposal of the Inspectorate and has not proved the fulfillment of the mentioned obligations. In addition, in the opinion of the Inspectorate, there is no legitimate purpose that would justify the disclosure of debt data of natural persons to an unlimited circle of persons, ie also to those who do not need this information. In addition, § 10 of the APA must be taken into account when processing personal data in connection with a breach of an obligation. where the controller or processor has verified the accuracy of the data transmitted and the legal basis for the transmission of the personal data and has registered the transmission. ". Pursuant to the above, it is prohibited to disclose the data of debtors on the website and the transmission of data is permitted only if the conditions provided for in subsection 10 (1) of the APA are met. In addition, § 10 (2) of the IKS, which lays down conditions prohibiting the transfer of data, must be taken into account before the transfer of data. Thus, the requirements of the Personal Data Protection Act and the General Data Protection Regulation have been violated in this case, due to which the personal data of natural debtors must be removed from the website. Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (2) (c) and (d) of the General Data Protection Regulation, the Supervision Authority has the right to order the controller to satisfy the data subject's requests regarding the rights comply with the provisions of the ICC in a certain way and for a certain period of time. The Inspectorate also has the right to impose a permanent restriction on the processing of personal data, including a ban on processing, in accordance with Article 58 (1) (f) of the CISA. Taking into account the facts and the fact that in a particular case the rights of not only the complainant but also the rights of all natural persons whose personal data (names and debts) are disclosed on the website are violated, the Inspectorate considers it necessary to issue a mandatory injunction in this case. end the offense as soon as possible. Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 / digitally signed / Raiko Kaur lawyer authorized by the Director General