

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.-6/21/12

Injunction maker Data Protection Inspectorate lawyer Sirgo Saar Time and place of injunction 04.05.2021, Tallinn Injunction

addressee - personal data processor Korterühistu Mõra, registry code 80093659, Kastre parish, Kaagvere village, Kaagvere

keskus 10 apartment association. Email address uhistu10@gmail.com. The responsible person of the personal data processor

Kaagvere keskus 10 apartment association board RESOLUTION: § 56 (1), (2) point 8, § 58 (1) of the Personal Data Protection

Act (IPS) and Article 58 (1) point a of the General Personal Data Protection Regulation (IKÜM) and taking into account point

(e) of the same paragraph and on the basis of Article 58(2)(d), the inspectorate issues a mandatory injunction for compliance:

1. Remove the surveillance camera installed without a legal basis from the stairwell of the Kaagvere Center 10 apartment

association, which is aimed at the stairwell door and mailboxes. 2. Delete all data recorded by the surveillance camera. The

inspection sets the deadline for compliance with the injunction on 14.05.2021. 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, by sending the inspection a photo that

the camera has been taken down. 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 has not been complied with by the set deadline, the Data Protection Inspectorate will

impose a fine of 1,000 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. FACTUAL CIRCUMSTANCES: The Data Protection

Inspectorate received a complaint on 04.02.2021 XX According to the complaint, a surveillance camera installed in the

stairwell of an apartment association (also called KÜ Mõra) in Kastre parish, Kaagvere village, Kaagvere center 10 violates the complainant's right to privacy. The applicant is of the opinion that his right to privacy and the integrity of his home have been violated and that the violation is ongoing. The applicant considers that it is not possible to get in touch with the apartment association and find a reasonable solution. Based on the above, the inspection started the supervision procedure on the basis of § 56 (3) point 8 of the Personal Data Protection Act. The inspection explained in the inquiry and proposal of 24.03.2021 that the surveillance cameras must be installed according to the purpose and the rights of the neighbors must be taken into account. It must also be taken into account that the camera must be installed in a way that does not disturb the neighbors to the least extent, so that the protection of one's own property is also guaranteed. The camera must be pointed behind the apartment door, not towards the entrance to the stairwell, to monitor people. In this case, it can be seen from the pictures attached by the applicant that the cameras are directed towards the entrance to the stairwell. If necessary, excerpts from the camera can be forwarded to authorized authorities within the framework of a specific procedure in order to detect a violation of the law. Also, data subjects who have remained in the camera's field of view can, if necessary, request an extract from the video recording, i.e. they have the right to receive the data collected about them due to Article 15 of the General Regulation on the Protection of Personal Data. In this case, it is not clear who specifically installed the camera, whether the apartment association itself, or one of the board members personally. The apartment association, or the data processor, responded to the inspection on 06.04.2021 and conveyed its views. KÜ also included the minutes of the meeting where it was discussed that a camera might be installed. On April 12, 2021, the inspectorate sent an additional inquiry, in which it asked the apartment association to forward the decision of the general meeting to install a surveillance camera. KU did not respond to this additional inquiry, so the inspection issued an injunction to answer on 26.04.2021. KÜ replied on 30.04.2021 and explained that the apartment association does not have a general meeting decision to install a surveillance camera. The inspection sends the injunction to the e-mail address listed in the business register, uhistu10@gmail.com, from which KÜ board member Kersti Jürman and board member Marek Trojanovski have previously replied to the inspection.

EXPLANATION OF THE PROCESSOR OF PERSONAL DATA: Marek Trojanovski, a member of the board of KÜ Mõra, has explained the following to the inspection: "1. Installing the camera was the board's decision, urinating in the stairwell every week, once the camera was installed the problem is no longer there. 2. The camera was installed by the company Baltyc systems OÜ 3. I looked in the list of apartment owners and the residents and the complainant, I don't see that he lives at Kaagevere 10 4. We cooperate with the

board to make the building safe. 5. There is no decision of the general meeting. 6. We plan to hold the general meeting in the summer and decide on the use of cameras and put them to a vote, offer to put cameras around the house. 7. We want to cooperate with you. The police come every week, the locks on the roof hatch are broken, the padlocks on the electrical panels are broken, we are very worried." With this, the inspectorate has fulfilled its obligation under § 40 (1) of the Administrative Procedure Act 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. The inspectorate asked to forward the decision of the 10th general assembly of KU Mõra to install a surveillance camera. KÜ Mõra explained in point 5 of his answer that they do not have a general meeting decision to install a surveillance camera. At the same time, the KÜ board member explained in point 1 that the KÜ board decided to install a surveillance camera. Thus, it has become clear in the supervision procedure that there is still no decision of the general meeting to install the surveillance camera, which is why the surveillance camera has not been installed on legal grounds. KÜ has explained that the general meeting is planned to be held in the summer and also to establish the procedure for using the cameras. There is still time before the general meeting to be held in the future, which is why the inspectorate currently obliges the surveillance camera to be removed from the staircase of Mõra 10, as long as the decision of the general meeting has not been adopted to install it. The apartment association must also delete all data recorded by the surveillance camera. Then, if there is a decision of the general meeting, the camera or several surveillance cameras can be set up again. The apartment association must also put up surveillance camera notification signs if a public space remains in the surveillance area of the camera (public road, parking area or other area where third parties may enter). The notification label can be generated here <https://melon.rik.ee/videoalve-sildi-genererija>. According to article 58 paragraph 2 point d of the IKÜM, the inspectorate has the right to order that the responsible processor or authorized processor, in appropriate cases, bring personal data processing operations into compliance with the provisions of this regulation in a certain way and within a certain period of time. Pursuant to § 25(1) of the Administrative Procedures Act (HMS), an administrative act, summons, notice or other document is delivered to the party to the procedure by post, by the administrative body that issued the document, or electronically. Taking into account that on the basis of the information

collected as part of the supervisory procedure of the administrative body, it is an illegal surveillance camera in the staircase of the apartment association, the inspection considers that issuing a mandatory injunction is necessary in this case in order to eliminate the violation in the supervisory case. Sincerely, /digitally signed/ Sirgo Saar lawyer under the authority of the director general