

Preceptor Data Protection Inspectorate Time of precept and place 02.12.2019, Tallinn Addressee of the precept - processor of personal data Estonian Independence Party address: Tatari tn 8-21, 10116 Tallinn e-mail address:

iseseisvuspartei@iseseisvuspartei.ee Person in charge of personal data processor member of the board Pursuant to § 56 (1)

and (2) (8), § 58 (1) and Article 58 (2) (d) and (g) of the General Regulation on the Protection of Personal Data, the

Supervision Authority issues a mandatory precept to: I set the deadline for compliance with the precept on 16.12.2019. a.

Notify the Data Protection Inspectorate of the fulfillment of the precept by that deadline 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 FUND 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 § 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. FACTUAL CIRCUMSTANCES: 11.03.2019. The applicant submitted an application to the Center of Registers and

Information Systems requesting the removal of incorrect data entered in the commercial register: According to the information

system of the Commercial Register, XXX (date of birth XXX and personal identification code XXX) has belonged to two political

parties - the Republican Party and the Estonian Independence Party. According to an entry in the Commercial Register, it is as

if XXX had joined the Republican Party on his 18th birthday. This information is incorrect, XXX has never joined or heard from

either party. Please remove both entries from the Commercial Register - both party affiliations are incorrect. 4/25/2019 The

applicant lodged a complaint with the Inspectorate requesting that the Estonian Independence Party terminate the processing

of his personal data in the Commercial Register: The Commercial Register contains information as if I had belonged to the

Estonian Independence Party for years and also to the pre-legal party Republican Party. However, I have never joined or

belonged to these parties. I have been included there by mistake and against my will. I have contacted the Estonian

Independence Party, but have not received a reply. I want to remove an entry from my membership in both parties during those years. 11/20/2019 In a year, the Inspectorate sent a proposal to the processor of the legal person's e-mail address iseseisvuspartei@iseseisvuspartei.ee: to terminate the publication of the applicant's data in the commercial register and to send a confirmation thereof no later than 29.11.2019. This was not followed by an answer. EXPRESSION OF THE PROCESSOR OF PERSONAL DATA: The controller of personal data has not exercised its right to submit explanations or objections. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: According to Article 4 (1) of the General Data Protection Regulation, personal data are any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identification number such as name, identity number, location, network identifier or one or more physical, physiological, genetic, mental, economic, cultural or social characteristics of that natural person. According to Article 4 (2) of the Regulation, the processing of personal data is an automated or non-automated operation or set of operations on personal data or sets thereof, such as collection, documentation, organization, structuring, storage, adaptation and modification, retrieval, reading, use, transmission, distribution or otherwise Disclosure, amalgamation or amalgamation, restriction, deletion or destruction by making available The board of a political party is responsible for maintaining the list of members of a political party, including making amendments thereto, submitting it to the register and the accuracy of the list (§ 8 (2), § 81). § 81 (1) of the PPA provides that the list of members of a political party shall be maintained by the management board of the political party at the registry department. Pursuant to paragraph 2, changes in the list of members of a political party shall be made by the board of the political party or a person authorized for that purpose by the board. In the present case, the applicant's full name and date of birth and the fact that the person has been a member of the Estonian Independence Party (including the Republican Party, whose direct successor is the Estonian Independence Party) have been disclosed. The Supervision Authority explains that any processing of personal data requires a basis arising from Article 6 of the General Regulation on the Protection of Personal Data. In this case, the person's consent can be obtained. The obligation to prove the existence of consent in the event of a dispute lies with the processor (petitioner). In the present case, the Inspectorate has not established whether consent has been obtained for the disclosure of the applicant's information and the Inspectorate assumes that it has confirmed in its complaint that it has not joined the party itself. The person has also stated in the complaint that he has approached the party but has not received a reply. The processor has not submitted any explanations or objections or complied with the proposal

following the proposal of the Inspectorate (to terminate the publication of the applicant's data in the commercial register and send a confirmation thereof). Accordingly, the disclosure of the applicant's personal data in the commercial register must be considered unlawful and the disclosure must be terminated accordingly. Article 17 (1) of the General Data Protection Regulation gives the data subject the right to request that the controller delete personal data concerning him or her without undue delay and that the controller is obliged to delete personal data without undue delay if the data have been processed unlawfully. Processing is considered illegal if there is no legal basis for it. under the authority of the Director-General