

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 Senior Inspector of the Data Protection Inspectorate Raiko Kaur Time and place of precept 08.09.2020, Tallinn Addressee of precept BB Trade Estonia OÜ (14814864) contact@thompsonstein.com gdpr@bitbay.net Contact person: Thompson & Stein OÜ (12979503) contact@thompsonstein.com Addressee responsible person Member of the Management Board

RESOLUTION: Personal data § 56 (1), (2) (8), § 58 (1) and Article 58 (1) (a) of the General Data Protection Regulation and taking into account clause (e) of the same paragraph 2.1.-1/20/724 sent for additional inquiry. We set the deadline for compliance with the precept as 22.09.2020. 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 by the specified term, the Data Protection Inspectorate shall impose a penalty 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 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: It follows from a complaint lodged through the cross-border system IMI that the complainant does not understand the processing of data through bitbay.net, including the legal basis and purpose for which it is necessary to process (including collect and store) copies of identity documents. According to the information on the bitbay.net website, BB Trade Estonia OÜ decides how personal data is processed. In connection with this, the Supervision Authority initiated supervision proceedings, in the course of which BB Trade Estonia OÜ

has replied to the Supervision Authority that the obligation to appoint a data protection specialist does not apply to them. However, there was no information on the basis of which this view was reached. The purpose of the inquiry is to obtain information as to whether or not BB Trade Estonia OÜ has the obligation to appoint a data protection specialist in accordance with the requirements set out in the General Data Protection Regulation. In case no. 2.1.-1/20/724, the Supervision Authority sent an inquiry to BB Trade Estonia OÜ on 10.08.2020, the deadline for replying to which was 24.08.2020. As part of the inquiry, the Inspectorate also drew attention to the imposition of a precept and a penalty payment if the Inspectorate's inquiry is not answered in time. The Inspectorate sent an inquiry to the e-mail address gdpr@bitbay.net, from which the Inspectorate has previously been answered. On 14.08.2020, BB Trade Estonia OÜ sent a letter to the Inspectorate from the e-mail address support@bitbay.net stating the following "Please write us a message in English. If you have any questions please check our FAQ <https://bitbay.net/en/helpdesk> ". In other words, BB Trade Estonia OÜ did not go into the content of the letter, but replied to the Inspectorate that the inquiry would be sent in English and additional information would be available on the company's website. On 17.08.2020, the Inspectorate sent a reply stating that the language of the administrative proceedings is Estonian and if translation of the document into English is necessary, BB Trade Estonia OÜ must do it itself. The Inspectorate sent this reply in English. 17.08.2020 BB Trade Estonia OÜ replied as follows: "You are in contact with customer support. We provide support to our clients in English. For official and institutional matters, please contact us at gdpr@bitbay.net. I have referred your case to the appropriate department. ' In other words, BB Trade Estonia OÜ indicated that the Inspectorate communicates with the customer service representative, who communicates with customers in English. It was also pointed out that official letters should be sent to gdpr@bitbay.net. It was also confirmed that the request was addressed to the relevant department.

Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 Therefore, based on the above, BB Trade Estonia OÜ has received an additional inquiry from the Inspectorate, but has not responded to it on time. In addition, we emphasize that the Inspectorate sent an additional inquiry to the e-mail address gdpr@bitbay.net and the remark that the Inspectorate is in contact with the customer service and should have sent a formal inquiry to the e-mail address gdpr@bitbat.net was not relevant. To date, the representative of BB Trade Estonia OÜ has not responded to the additional inquiry of the Inspectorate and has not contacted regarding the extension of the term for responding to the inquiry. The Supervision Authority has given BB Trade Estonia OÜ a reasonable time to respond, incl. 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.

GRUNDS FOR THE DATA PROTECTION INSPECTORATE: Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) of the General Data Protection Regulation, the Inspectorate has the right to request explanations and other information, including documents necessary for supervision. Taking into account the factual circumstances and the fact that answering the inquiry made within the supervision procedure of the administrative authority is mandatory, but BB Trade Estonia OÜ has not answered the additional inquiry of the Inspectorate on 10.08.2020, the Inspectorate considers that issuing a mandatory precept in this matter is necessary , including as soon as possible. If the company has problems in responding to the inspection by the set deadline, the company can explain to the supervisory authority which objective circumstances were the obstacle. However, simply not answering is not acceptable. / digitally signed / Raiko Kaur Senior Inspector on behalf of the Director General