

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.-6/20/13 Preceptor Data Protection Inspectorate time and place 07.04.2020, Tallinn Addressee of the precept xxx personal identification code: xxx address: xxx e-mail address: xxx RESOLUTION: § 56 (1), (2) (8), § 58 (1) of the Personal Data Protection Act and Article 58 (1) of the General Data Protection Regulation (a) and subject to subparagraph (e) of the same paragraph, I shall make a mandatory injunction: 1. Remove the xxx xxx photograph from the website or blur the xxx image in the photograph; 2. Stop listing xxx xxx as a debtor on the website. I set the deadline for compliance with the precept as 21.04.2020. 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. 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. 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. For this act Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 a natural person may be fined up to 20,000,000 euros and a legal person may be fined up to 20,000,000 euros or up to 4 percentage of its total worldwide annual turnover in the preceding business year, whichever is the greater. The Data Protection Inspectorate conducts extra-judicial proceedings against misdemeanors. FACTUAL FACTS: The Data Protection Inspectorate received xxx inquiries regarding personal data published on the xxx website. Based on the above, the Data Protection Inspectorate (Inspectorate) initiated a supervision procedure in which it was established that the website xxx has been registered by xxx. As part of the state supervision procedure, the Inspectorate xxx on 25.03.2020 made a proposal in case no. 2.1.-1/20/285. The deadline for replying to the proposal was 03.03.2020. Within the framework of the proposal, the Inspectorate also drew

attention to the possibility of imposing a precept and a penalty payment. The Inspectorate sent the proposal made on 25.03.2020 to the e-mail address xxx, which has been submitted to the Estonian Internet Foundation upon registration of the xxx domain name xxx. To date, xxx has not responded to the Inspectorate's proposals and has not contacted the administrative body to respond to the proposal. GROUNDS FOR THE DATA PROTECTION INSPECTORATE: First of all, we explain that a legal person does not have privacy and the related data do not fall within the scope of protection of the Personal Data Protection Act and the General Data Protection Regulation (IKÜM). However, the data of natural persons is in the field of protection of IKÜM, even in the case of representatives or employees of a legal person. There must be a legal basis for any disclosure of personal data. The legal bases are listed in Article 6 of the CISA. The processing of personal data (including disclosure) without a legal basis is prohibited. It appears from the complaint that the applicant did not consent to the disclosure of his data on that page. The burden of proving consent lies with the data controller. Even if your goal has been to disclose the debts of a legal entity, publishing a photo of a member of the board in connection with the debt is clearly excessive. In addition, the debt of a legal person may not be attributed to a private person (see Supreme Court Decisions No. 2-14-15038 and No. 3-2-1-67-10). As the complainant has not consented to the disclosure of his data and no other legal basis has been invoked in the disclosure, we order the removal of the xxx xxx photograph from the website or the blurring of the xxx image and the cessation of xxx's debtor listing on the above website. / digitally signed / on behalf of the Director - General