

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 the matter of personal data protection no. 2.1.-6/20

Preceptor Senior Inspector of the Data Protection Inspectorate Maria Muljarova Time and place of precept 06.03.2020, Tallinn

Addressee of the precept Responsible person of the addressee Contract Upholstery OÜ (12917656) Harju county, Raasiku

parish, Järsi village, Suurekivi, 75204 info@upholstery.ee andres@upholstery.ee Andres Killing Otto Mathias Berner Mikael

Aleksander Berner Valentina Killing Members of the Board RESOLUTION: § 56 (1), (2) (8), § 58 (1) and Article 58 (1) (a) of the

General Data Protection Regulation and subject to the same paragraph (e), (2) (c) and d the Inspectorate issues a mandatory

precept for compliance with: To forward to the Data Protection Inspectorate the data protection condition regulating the use of

professional e-mail which meet the conditions laid down in the General Data Protection Regulation. Also provide the

Inspectorate with an overview and explanations regarding the processing of XXXX personal data, which includes an incident

involving work-related e-mail. We set the deadline for compliance with the precept as 16.03.2020. The precept shall be

complied with by the deadline, including forwarding the required documents to the Data Protection Inspectorate's e-mail

address info@aki.ee. 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 MONEY WARNING: Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registry code 70004235 If the precept is not complied with by the specified term, the Data Protection Inspectorate shall

impose a precept on the addressee of the Personal Data Protection Act A penalty payment of 4,000 euros shall be applied for

failure to provide explanations regarding mail, and a penalty payment of 6,000 euros shall be imposed for failure to transmit the

rules and data protection conditions for the use of e-mail. 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 CIRCUMSTANCES:** The Data Protection Inspectorate received a XXXX complaint, according to which Contract Upholstery OÜ (hereinafter the employer) has changed the access to the complainant's e-mail box without notifying the person in advance. From the materials attached to the complaint, the employer's opinion is that the e-mail address XXX@XXX.XX provided to the employee for business use is a company-owned mailbox and the mailbox access had been changed so that the employer could process the entire contents of the mailbox before closing it. The complainant has requested the immediate closure of his professional e-mail box, which has been refused by his employer. On 20.01.2020, we forwarded an inquiry to Contract Upholstery OÜ in the matter of personal data protection, setting the deadline for replying as 03.02.2020, to which Contract Upholstery OÜ did not respond. We also sent an additional inquiry on 14.02.2020, setting a deadline for replying on 25.02.2020, to which no reply was received. As part of both inquiries, the Inspectorate also drew attention to the possibility of imposing a precept and a penalty payment. The data controller must ensure any transparency in the processing of personal data and take into account the reasonable expectations of data subjects. The principle of fair and transparent processing presupposes that the data subject is informed of the performance of the personal data processing operation and its purposes. The controller should provide the data subject with any additional information necessary to ensure fair and transparent processing, taking into account the specific circumstances and context of the processing of personal data. The principle of transparency presupposes the establishment of data protection conditions that meet the requirements set out in Articles 12 to 13 of the General Data Protection Regulation. With regard to inquiries sent by e-mail, we note that a document made available or transmitted electronically pursuant to § 27 (2) 3) of the Administrative Procedure Act (HMS) is deemed to have been served if the document or notice is sent to an e-mail address entered in the company's commercial register. @upholstery.ee. **FOUNDATIONS FOR THE DATA PROTECTION INSPECTORATE:** Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (1) (a) and (e) of the General Data Protection Regulation, the Data Protection Inspectorate has the right to order a representative of the controller to provide information necessary for the inspection. The Data Protection Inspectorate also has the right to obtain from the chief processor and the authorized processor access to all personal data and all information necessary for the performance of the tasks of the Inspectorate at Tatari tn 39/10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235. Pursuant to Article 58 (2) (c) and (e) of the General Data Protection Regulation, the Supervision Authority has the power to order the controller to comply with a data subject's request to exercise

his or her rights under the General Regulation. Taking into account the factual circumstances and the fact that answering the questions submitted within the administrative supervision procedure is obligatory and Contract Upholstery OÜ has not responded to the inquiries forwarded by the Data Protection Inspectorate, As regards the fact that no general data protection conditions have been published on the website of the data processor, the Supervision Authority finds that the issuance of a mandatory precept in the matter is necessary to eliminate the irregularity. Yours sincerely, / Signed digitally / Maria Muljarova

Senior Inspector Authorized by the Director General