

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.-6/21/10 Issuer of

the injunction Data Protection Inspectorate lawyer Sirgo Saar Time and place of the injunction 20.04.2021, Tallinn Addressee

of the injunction - personal data processor Mooni 73b, Tallinn, Harjumaa Mooni 26-1, Tallinn, Harjumaa Sinika 1a-11, Tallinn ,

Harjumaa Akadeemia tee 22-43, Tallinn, Harjumaa, e-mail XX Personal data processor responsible person XX RESOLUTION:

§ 56 subsection 1, subsection 2 clause 8, § 58 subsection 1 of the Personal Data Protection Act (IKÜ) and the General

Regulation on Personal Data Protection (IKÜM) point a of article 58, paragraph 1, and taking into account point e of the same

paragraph, the inspectorate issues a mandatory prescription for compliance: 1. Respond to the inquiry and proposal sent by

XX Data Protection Inspectorate 24.03.2021 No. 2.1.-1/21/393. The inspection sets the deadline for compliance with the order

as 30.04.2021. 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. 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 01.02.2021 regarding the installation of a surveillance camera at Mooni 73b, which is set

up on top of a tall post. 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 (filming of his windows). The address Mooni 73b is a garage box that belongs to XX. 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 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. In this case, it can be seen from the pictures attached by the complainant that it is a dome camera, the direction of which is unknown and which can presumably be adjusted and the image zoomed. 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. The Inspectorate noted that if the camera image also allows you to see a public road on which third parties are captured, the data subjects must to report the presence of a camera using a camera tag. To do this, it is necessary to generate a notification label. The Data Protection Inspectorate sent XX an inquiry and proposal on 24.03.2021, to which the addressee was obliged to respond on 04.05.2021. In the inquiry, the inspection asked the following: 1. To justify the purpose of installing the cameras. 2. To justify the legal basis for installing cameras. 3. How long is video recording data stored? 4. Please explain why it is necessary for the camera to be placed so high on the pole? What is that purpose? What is the purpose of a dome camera even though you are using another camera as well? 5. Have you uploaded surveillance camera recordings to any environment for public viewing? 6. Is it a dome camera that can be rotated? 7. Does the camera record video or is it a real-time monitoring camera? If recording, is it recorded on the computer's hard drive, or is there a subscription service for recording? 8. Transmit an excerpt from the camera as a picture of the area that is in the camera's field of view. Send the picture to info@aki.ee. 9. Pursuant to § 40 (1) of the Administrative Procedure Act, you have the right to submit your opinion and objections to the Data Protection Inspectorate. The inspectorate proposed XX to issue a screenshot of the camera installed to the inspectorate, i.e. an extract from the area that is within the camera's field of view. The inspection also proposed to change the angle of the cameras so that the properties, houses and windows of the neighboring houses are not in the field of view of the camera. In addition, the inspection asked to set the camera lower, if there is no clear justification for the camera being on the pole. The data processor was also obliged to generate a warning label about the surveillance camera, and it had to be forwarded to the inspection. XX has not responded to the inspection on time. As part of the inquiry, the inspectorate drew

attention to the imposition of an injunction and a fine in the event that the data processor does not respond to the inquiry on time. The inspection sent the inquiry to the e-mail address XX given in the population register. For the time being, XX has not responded to the inspection's inquiry or asked for an extension of time to respond. This order will also be sent by post.

PERSONAL DATA PROCESSOR'S EXPLANATION: The inspection asked XX to respond to an inquiry to which the camera owner has not responded in time. The inspection gave the data processor a reasonable time to respond. With this, the inspectorate has fulfilled its obligation in § 40 (1) of the Administrative Procedure Act to give the party to the procedure 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 considering 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. 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 it is mandatory to respond to the inquiry made as part of the supervisory procedure of the administrative body, but XX has not responded to the inspection's inquiries, the inspection considers that issuing a mandatory injunction is necessary in this case in order to find out the important circumstances of the supervisory matter. Sincerely, /digitally signed/ Sirgo Saar lawyer under the authority of the director general