

PRIVACY PROTECTION AND STATE TRANSPARENCY Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235 PRESCRIPTION-WARNING in case of personal data protection no. 2.1.-6/21/29 Prescription

author Raiko, lawyer of the Data Protection Inspectorate Kaur Time and place of making the injunction 29.11.2021, Tallinn

Recipient of the injunction responsible person Krediidiregister OÜ (12400621) art@krediidiregister.ee art@taust.ee board

member RESOLUTION: Section 56 subsection 1, subsection 2 clause 8 of the Personal Data Protection Act (IKS), On the

basis of § 58 (1) and points a and e of Article 58 (1) of the General Regulation on Personal Data Protection (IKÜM),

Andmekaitse Inspektsioon Krediidiregister OÜ issues a mandatory injunction to comply with: Provide Andmekaitse

Inspektsioon access for 14 days to personal data on the website www.taust.ee and all information that on the said website is.

For example, to provide the inspection with a user account and password to enable the above. We set 02.12.2021 as the

deadline for fulfilling the injunction. 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: You can contest this order within 30 days by

submitting either: - an appeal in accordance with the Administrative Procedure Act to the Data Protection Inspectorate or - an

appeal in accordance with the Administrative Court Procedure Code to the Tallinn Administrative Court (in this case, the

appeal in the same matter cannot be reviewed). Disputing the injunction does not stop the obligation to fulfill it or the

implementation of the measures necessary for fulfillment Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235. FINANCY WARNING: If the injunction is not complied with by the set deadline, the Data

Protection Inspectorate will impose a 10,000-euro fine on the basis of § 60 of the Personal Data Protection Act to the

addressee of the injunction. 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 (1) of the Personal Data Protection General Regulation may result in a misdemeanor proceeding based on §

70 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 out-of-court procedure for a misdemeanor is the Data Protection Inspectorate. FACTUAL FACTS: On 25.07.2017,

the Data Protection Inspectorate (inspection) started a self-initiated monitoring procedure (monitoring) on the basis of § 33 (5)

of the Personal Data Protection Act in force at the time, the purpose of which was to map the situation of personal data

processing in information portals. The aim of the conducted monitoring was to find out which personal data and on which legal basis information portals are collected and (re)disclosed, and how people are informed about aspects related to privacy. At the beginning of 2018, the inspectorate sent Krediidiregister OÜ an interim monitoring summary regarding the (re)disclosure of personal data in information portals, and we also drew attention to the fact that from the application of the General Regulation on the Protection of Personal Data (GPR), if necessary, the inspectorate will take measures to ensure the legal situation in accordance with the conditions stipulated in GPR. Based on this, we notified on 21.05.2019 of the supervision procedure initiated on the basis of § 56 (3) point 8 of the Personal Data Protection Act (IPS), the purpose of which was to check compliance with the requirements set forth in the Personal Data Protection Act. On 28.09.2020, we sent an inquiry to Krediidiregister OÜ, in which we noted: To a large extent, seeing personal data and thus checking compliance with requirements requires logging into Krediidiregister OÜ's website and purchasing a package, which is why the inspection has not had the opportunity to fully check the compliance of personal data processing. In order for the inspection to be able to check the compliance of Krediidiregister OÜ's data processing with the requirements of IKS and IKÜM as part of the supervision procedure, including to see to what extent and in what manner personal data is processed, based on IKS § 58 subsection 1 and IKÜM article 58 paragraph 1 point e, we would like to get access to all personal data and all information on the website www.taust.ee. The Data Protection Inspectorate has the right to request explanations and other information, including the submission of documents necessary for conducting the supervisory procedure,¹ therefore we ask you to submit the following information by October 16, 2020 at the latest: [...] 4. Ensure the inspectorate has access to all personal data and all information on the website www.taust.ee, which is on the said website. For example, to enable the above, to transmit the user account and password to the inspectorate for the duration of the supervision procedure. On 16.10.2020, Krediidiregister OÜ replied as follows: To create a user account, it is necessary to conclude a contract/agreement with AKI, which regulates different situations: for example, if during use, an AKI representative orders paid information (who covers the costs), which is a legitimate basis for viewing the data, what happens if for example, the information on payment failures of a private person is viewed without the existence of a legitimate interest. Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee Registry code 70004235 etc. Attached to this letter as separate documents is a printout of the identity card and company card, where you can see all the displayed information. The above provides an overview of what data and how it is displayed. It is a view that contains maximum information, i.e. such information is displayed only to the logged-in user (who has signed a contract or

made a one-time purchase). OÜ Krediidiregister estimates that the attached document provides a sufficient overview of the information displayed on the taust.ee page. On 18.11.2021, the inspection sent a repeated inquiry, from which we noted: 4.1. We explain that the Data Protection Inspectorate does not enter into contracts or other agreements with supervisory subjects for the performance of its supervisory tasks. We repeat what was stated in the inquiry sent on 28.09.2020: "For the most part, seeing personal data and thus checking compliance with requirements requires logging in to Krediidiregister OÜ's website and purchasing a package, which is why the inspection has not had the opportunity to fully check the correctness of personal data processing. In order for the inspection to be able to check the compliance of Krediidiregister OÜ's data processing with the requirements of IKS and IKÜM as part of the supervision procedure, including to see to what extent and in what manner personal data is processed, based on § 58 subsection 1 of IKS and article 58 paragraph 1 point e of IKÜM, we would like to get access to all personal data and all information on the website www.taust.ee." Based on the above, the inspection has the right to have access to all processed personal data, and Krediidiregister OÜ is obliged to allow this. In addition, we explain that the Data Protection Inspectorate has initiated a supervisory procedure with respect to Krediidiregister OÜ on the basis of § 56 (3) point 8 of the Personal Data Protection Act, and access to personal data is necessary to carry out the supervisory procedure - to check the correctness of personal data processing. 4.2. We also explain that it is not enough for the inspection to carry out the supervision procedure if you bring out which data components you process and send one sample. In order to carry out the supervision procedure, the inspection also needs to check whether the data processing actually meets the requirements set out in the IKÜM. For example, whether the court decisions related to the company contain information only about legal entities or do they also contain data of natural persons, whether the official announcements and court decisions on the private person's information card meet the purpose of creditworthiness assessment. The Data Protection Inspectorate has the right to request explanations and other information, including the submission of documents necessary for conducting the supervisory procedure,² therefore we ask you to submit the following information by December 18, 2020 at the latest: [...] 6. Ensure the inspectorate has access to all personal data on the website www.taust.ee and all information that on the said website is. For example, to enable the above, to transmit the user account and password to the inspectorate for the duration of the supervision procedure. EXPLANATION OF PERSONAL DATA PROCESSOR OÜ Krediidiregister has described the composition of the data it uses and has also provided excerpts to illustrate it. If the given examples are few and the Data Protection Inspectorate wants to make sure that the examples sent meet the reality and the requirements stipulated in the

IKÜM, we can arrange a physical or virtual meeting, where a representative of OÜ Krediidiregister will make the desired inquiries in the presence of a representative of the Data Protection Inspectorate. OÜ Krediidiregister continues to be of the opinion that the request of the Data Protection Inspectorate to obtain permanent (a vague limitation - the time of the supervision procedure) and comprehensive access to all data of all persons is a disproportionate interference in the privacy of all persons reflected in the database and is not justified by the general title of the investigation task. According to the same logic, the Data Protection Inspectorate may demand the immediate transfer of all databases of all Estonian companies citing the existence of a general authorization as the reason. Tatari tn 39 / 10134 Tallinn / 627 4135 / info@aki.ee / www.aki.ee

Registration code 70004235 OÜ Krediidiregister is of the opinion that such a right must be interpreted based on the legitimate interest of the data subject and be limited to the minimum necessary scope. If the Data Protection Inspectorate has a different opinion, we would like an explicit administrative act, after receiving which OÜ Krediidiregister can decide whether we have to comply with it or want to challenge it in an administrative court. We would like to draw your attention to the fact that for us, unjustified transfer of personal data to state authorities is also punishable. In addition, we continue to emphasize that we cannot provide general access if the Data Protection Inspectorate does not guarantee compensation for additional costs that may arise (paid inquiries, possible damage claims).

GROUND OF THE DATA PROTECTION INSPECTION: The Data Protection Inspectorate has initiated a self-initiated supervision procedure on the basis of § 56 subsection 3 point 8 of the IKS. According to § 58 (1) of the Personal Data Protection Act and Article 58 (1) points a and e of the General Regulation on Personal Data Protection, the inspectorate has the right to obtain access to all personal data and all information necessary to carry out the monitoring procedure and to issue an order to obtain this information. Since seeing personal data and thus checking compliance with the requirements of IKÜM requires logging in to the website www.taust.ee and purchasing a package, it is not possible for the inspectorate to check the correctness of personal data processing without access. The inspectorate wants to randomly check the entire data set on the website www.taust.ee. Therefore, in order to carry out the supervision procedure, it is inevitably necessary that the inspectorate has free access to all personal data. In addition, the party to the proceedings cannot prescribe the way in which the supervisory authority can perform its tasks or charge a fee for access to personal data. Krediidiregister OÜ can tell the data subjects that the inquiries were made by the Data Protection Inspectorate during the supervision procedure, that enabling the inquiries was Krediidiregister OÜ's obligation arising from the law, and that each data subject can request additional explanations from the inspection. Taking into account the factual

circumstances and the fact that Krediidiregister OÜ has not provided access to all the data on the website www.taust.ee, the inspectorate considers that issuing a mandatory injunction in this matter is necessary to check the legality of personal data processing. /signed digitally/ Raiko Kaur lawyer under the authority of the Director General