

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 Raiko Kaur Time and place of precept 17.12.2020, Tallinn Addressee of the precept Paigaldusmeister OÜ (12271616) info@paigaldusmeister.eu paigaldusmeister@gmail.com Person responsible for the addressee Member of the Management Board RESOLUTION: § 56 (1) (2) 8) of the Personal Data Protection Act , § 58 (1), § 10 and Article 58 (1) (d) and (2) (c), (d) and (f) of the General Regulation on the Protection of Personal Data (IKÜM), as well as taking into account Articles 5 and 6 of the IKÜM, Terminate the personal data related to the breach of the obligation of natural persons on the website www.paigaldusmeister.eu (information regarding the debt, name of the person, address (ss) disclosure. The personal data to be disclosed can be found here: <http://paigaldusmeister.eu/volglased/>. We set the deadline for compliance with the precept as 12.01.2021. 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 within the specified term, the Data Protection Inspectorate shall impose a penalty payment of 2,000 euros on the addressee of the precept pursuant to § 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: A complaint was registered with the Data Protection Inspectorate (Inspectorate) on 19.11.2020 no. Volga. Correspondence has also been submitted with the complaint, according to which Paigaldusmeister OÜ has replied to the complainant as follows: "Paigaldusmeister OÜ has published on its website the address of Kodumajutus to

whom the service has been provided at the request of you as a contact person. Your information is provided as a contact person and not as an individual. The home accommodation provider must meet certain legal requirements. I hope in good faith that this is also in your Home Accommodation. Unfortunately, you cannot and cannot comment on your wish to submit an invoice to you as an individual. As far as we know, Paigaldusmeister OÜ has not performed any services for you as a private individual. ". In view of the above, the Supervision Authority initiated supervision proceedings on the basis of clause 56 (3) 8) of the IKS. As part of the supervision procedure, on 27.11.2020 the Inspectorate made a proposal to Paigaldusmeister OÜ in personal data protection case no. 2.1.-1/20/4225, the content of which was as follows: "Remove personal data related to XXX , name, address). " The deadline for replying to the proposal was 11.12.2020. In the proposal, the Inspectorate also drew attention to the possibility of imposing a proposal and a penalty payment. The Inspectorate sent the proposal to the e-mail address [info@paigaldusmeister.eu](mailto:info@paigaldusmeister.eu) provided in the Commercial Register. With regard to documents sent by e-mail, we note that pursuant to clause 27 (2) 3) of the Administrative Procedure Act, a document made or transmitted electronically is deemed to have been delivered if the document or notice is delivered to an e-mail address entered in the company's commercial register. To date, the representative of Paigaldusmeister OÜ has not responded to the proposal of the Inspectorate and has not contacted regarding the extension of the term for responding to the proposal. Also, Paigaldusmeister OÜ has not removed personal data related to the breach of the obligation from its website. The Supervision Authority has given Paigaldusmeister OÜ a reasonable time to respond, incl. It has also been possible for the addressee of the proposal to write to the Inspectorate and justify it if the deadline for responding to the proposal is too short and The Inspectorate has thereby fulfilled the obligation arising from subsection 40 (1) of the Administrative Procedure Act to give the participant in the proceedings an opportunity to submit an opinion and objections on the matter before issuing the administrative act. Tatari tn 39/10134 Tallinn / 627 4135 / [info@aki.ee](mailto:info@aki.ee) / [www.aki.ee](http://www.aki.ee) Registry code 70004235. GROUNDS FOR DATA PROTECTION INSPECTION: Personal data is any information about an identified or identifiable natural person. An identifiable natural person is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as name, contact details (address) (see Article 4 (1) of the IIA). The following is published on the website of Paigaldusmeister OÜ <http://paigaldusmeister.eu/volglased/>: "Home accommodation provider XXX. Contact XXX ". Thus, in a specific case, Paigaldusmeister OÜ has disclosed the personal data of the complainant on its website. In order to assess whether the disclosure of the data relating to the complainant's debt is lawful, it must first be assessed whether it is a recognition of the debt of a legal person entered in the commercial register or a

recognition of a debt of a natural person. In the proposal sent to Paigaldusmeister OÜ (27.11.2020 no. 2.1.-1/20/4225), the Supervision Authority has performed the said analysis and found that in a specific case it is a matter of disclosing the debt data of a natural person. We also repeat the following in the above-mentioned proposal: 1. Disclosure of the debts of a legal person entered in the Commercial Register We note that there is nothing to prevent the disclosure of the debts of a legal person. However, if violations of the obligations of legal persons (especially debts) are to be disclosed together with the members of the management board, the decision of the Supreme Court<sup>1</sup> must be taken into account, which emphasized the obligation to take into account Unjust association with former members of the management board who do not have the opportunity to influence the payment or non-payment of the debt is not legal. The decision also emphasized that a person does not have to put up with the public association of his or her name in a negative context with another person if he or she does not actually have the opportunity to influence the other person's behavior. Here, we emphasize that in a situation where the data of a contact person is disclosed, it must also be assessed whether this contact person can influence the payment or non-payment of the debt of the legal entity, ie whether a specific contact person is also a member of the management board. With regard to the disclosure of the complainant's debt, your website reads as follows: "Debtors - Home Accommodation Provider XXX. Contact XXX. " It follows that it is in no way clear that this is a debt owed by a legal person. We emphasize that the fact that you provide / provided the service at a specific address does not mean that the natural person does not pay for and is not responsible for the service. It can also be seen from the materials of the complaint that the contract has been concluded with a private person and not with a legal entity. In addition, to the knowledge of the Inspectorate, the complainant does not have any connection with any legal entity that would allow him to represent the legal entity. In view of the above, the disclosure of the complainant's data is not related to the indebtedness of the legal person entered in the commercial register. Thus, the data processing requirements related to the indebtedness of a natural person must be followed when processing the data of the complainant. 2. Processing of data of a natural person in connection with a breach of an obligation According to the materials of the case, Paigaldusmeister OÜ publishes data on its website <http://paigaldusmeister.eu/volglased/> XXX, which contains information on the debt, the name of the person and the address related to him or her. It is therefore a matter of disclosing personal data relating to a breach of a debt relationship. 1 Judgment of the Civil Chamber of the Supreme Court of 21 December 2010 No. 3-2-1-67-10 (clause 23) Tatari tn 39/10134 Tallinn / 627 4135 / [info@aki.ee](mailto:info@aki.ee) / [www.aki.ee](http://www.aki.ee) Registry code 70004235 i and the CISA, including Article 6 of the CISA, that the processing of personal data is lawful only if it is carried out

on one of the grounds listed in Article 6 of the CISA. The burden of proof lies with the controller. Irrespective of the legal basis, the data controller is obliged to comply with, inter alia, the principles set out in Article 5 of the CISA, including paragraph 1 (a), (b) and (c): - the processing is lawful, fair and transparent to the person; - purpose limitation - personal data are collected for specified, explicit and legitimate purposes; - Collection of as little data as possible - personal data are relevant, relevant and limited to what is necessary for the purpose for which they are processed. Compliance with these obligations must be certified by the controller (see Article 5 (2) of the CCIP). Here, we explain that personal data may be processed only to the extent necessary to achieve the defined purposes, and it must be ensured that the purpose of data processing is ensured by measures that infringe the fundamental rights of the person as little as possible. To this end, the data controller must always assess in advance whether the processing of data (incl. Disclosure) is indispensable for the fulfillment of the purpose or whether it is possible to limit the purpose to less intrusive measures. However, in the opinion of the Supervision Authority, there is no legitimate aim that would justify the disclosure of debt data of natural persons to an unlimited circle of persons, ie also to those who do not need this information. In addition, § 10 of the ICS must be taken into account when processing personal data in connection with a breach of an obligation. The following follows from § 10 (1) where the controller or processor has verified the accuracy of the data transmitted and the legal basis for the transmission of the personal data and has registered the transmission. ". Based on the above, the disclosure of debtors' data on the website is prohibited and the transmission of data is permitted only if the conditions provided for in subsection 10 (1) of the APA are met. In addition, § 10 (2) of the IKS, which lays down conditions prohibiting the transfer of data, must be taken into account before the transfer of data. - Thus, in this case the requirements of the Personal Data Protection Act and the General Regulation on the Protection of Personal Data have been violated, due to which Paigaldusmeister OÜ has to remove the personal data of the complainant as an individual debtor (information on debt, name, address). Pursuant to § 58 (1) of the Personal Data Protection Act and Article 58 (2) (c) and (d) of the General Data Protection Regulation, the Supervision Authority has the right to order the controller to satisfy the data subject's requests regarding the rights comply with the provisions of the ICC in a certain way and for a certain period of time. The Inspectorate also has the right to impose a permanent restriction on the processing of personal data, including a ban on processing, in accordance with Article 58 (1) (f) of the CISA. Taking into account the factual circumstances and the fact that in a specific case the debt data of a natural person (information about the debt, name, address) are unlawfully disclosed, the Inspectorate considers that a mandatory precept in the matter is necessary to terminate the offense as soon as

possible. / digitally signed / Raiko Kaur, lawyer, authorized by the Director General