



Country or jurisdiction report

ESTONIA

Website: <http://www.dp.gov.ee>

The amendments of Personal Data Protection Act (PDPA) came into a force on 18th of February 2007, the amendments implicated provisions on the state secrecy – PDPA applies for processing of state secrets containing personal data. Also, the second new version of PDPA passed on 15th of February 2007 (and will come into force on 1st of January 2008) that brings along several amendments that are related to an implementation of the Directive 95/46/EC.

Since the 18th of February 2007 Estonian Data Protection Inspectorate is under the area of governance of the Ministry of Justice.

During the year 2006 there were several cases where joint effort in Estonian Data Protection Inspectorate was needed and an extensive public attention was deserved.

One of them was case called “Issuing of data from the register of persons liable to service in the Defense Forces”. Estonian Data Protection Inspectorate began a misdemeanor proceeding regarding the matter where a company called Mindworks Industries had concluded an agreement with the Northern Department of National Defense for development work regarding the register of persons liable to service in the Defense Forces and for its applications. As a result of this, the private limited company, pursuant to § 8 of the PDPA, acted as an authorised processor of personal data. In June of 2005, one of the employees of the authorised processor took with him from the then Northern Department of National Defense, upon completion of his duties, a USB memory stick on which was saved, in unencrypted form, data for 302 067 men.

It involved male citizens born between the years 1950 and 1987, or in other words the data of all persons liable for service in the Republic of Estonia military. The data contained personal identification codes, given and surnames, father’s names and place of residence.

The employee lost the above named memory stick, along with the data saved on it, in a public park in Tallinn.

The described loss was made possible because Mindworks Industries did not implement the required organisational, physical or information technology security measures prescribed by the PDPA for the processing of personal data.

In May of 2006, Estonian Data Protection Inspectorate prepared a proceeding-decision, with which a monetary find in the amount of 15 000 Estonian kroons (approx €1000) was assessed to Mindworks Industries for the violation of PDPA § 19 (1) 3), PDPA § 19 (2) 6) and 7) as well as PDPA § 20 (3).

During the last year, the officials of Estonian Data Protection Inspectorate have been participating in various national workgroups, for example electronic health and infectious disease observation workgroups, e-file, biometric workgroup etc. Electronic health system will be a whole state involving innovative and intelligent patient-centric system that enables collecting, saving and processing health information. It is an information and communication technology that assists and enhances the prevention, diagnosis, treatment, monitoring and management of health. Our officials have been involved as experts of data protection and technological security in this workgroup