



SA Poland

Ours: 17.05.2023 nr 2.1.-1/20/802-1095-3

## Article 60 Final Decision

### Notice of termination of the proceedings concerning the protection of personal data

Estonian Data Protection Inspectorate (Estonian DPI) received a complaint via IMI system (ref 116936) against a company that is registered in Estonia - ██████████ (Controller). *The Controller managed a so-called „social funding“ platform on the Internet. To withdraw money (for example as profit from invested funds) it was necessary to send scans of ID cards to the Controller prior to the withdrawal. The withdrawal was not possible without identifying the investor by means of ID card scans (ID card, passport). Along with many other people, the Complainant was an investor on the social funding platform that belonged to the Controller. The Controller ceased his activity overnight, in early January 2020, so the Complainant lost all control and access to his personal data, which he had provided to the Controller, especially the ID card scans.*

### The course of the proceedings

Estonian DPI has been in contact with Estonian Police and the Prosecutor's Office who are conducting criminal investigation against ██████████ regarding a possible investment fraud. According to the information received from the Prosecutor's Office in 2021, the only board member of ██████████ from 04.07.2018 – 13.02.2020 was ██████████ who was also the only founder and shareholder in the company. She has been prosecuted as a suspect regarding the management of the business, however no definitive conclusions have been drawn as to whether or not this person was a formal member of the board acting as a front and managing the company as a shadow person. In 2022 the Prosecutor's Office was still not able to give us any additional information about the criminal proceedings indicating that it is a voluminous international case and the proceedings can take a lot of time.

A bankruptcy of ██████████ was declared on 08.06.2020 and a bankruptcy trustee ██████████ (██████████) was appointed responsible for the company. However, the trustee is mostly in charge of the financial matters and may not have all the documentation and necessary data the company has collected. Andres Helmet has confirmed to Estonian DPI that apart from some e-mails he received from ██████████'s former investors that approached him regarding their claims, he does not possess any other personal data, neither does he know who might possess them.

We cannot impose any financial sanctions to the company in bankruptcy due to the Estonian Bankruptcy Act and its deadlines to send any claims. Also, it is possible that after the

proceedings are completed and criminal procedure finished, the company will cease to exist. If this happens, there is no data processor left and our proceedings would be concluded. Considering that the possible measures to clarify the circumstances in criminal proceedings are significantly more extensive than in the state supervision or misdemeanor proceedings of the Estonian DPI would be, it is not reasonable for us to proceed against this company. In addition, it would be unreasonable for several government institutions to hold proceedings over one company at the same time. Since the bankruptcy trustee has confirmed that he does not possess any personal data of the Controller and the criminal proceedings regarding [REDACTED] are still ongoing, it is unreasonable for Estonian DPI to continue with the supervisory proceedings against [REDACTED]

SA Poland has agreed with the termination of the proceedings due to practical expediency.

## **Conclusion**

**Considering all of the above, Estonian DPI will discontinue and terminate the supervisory proceedings due to practical expediency, as this case is being handled in criminal and bankruptcy proceedings. The decision is adopted under GDPR article 60 (7).**

For further questions regarding [REDACTED]'s case the bankruptcy trustee (contact above) or Prosecutor's Office ([info@prokuratuur.ee](mailto:info@prokuratuur.ee)) can be contacted.

Best regards

[REDACTED]

Lawyer  
authorized by Director General