

Eesti Pank



EESTI PANK GOVERNOR'S

REGULATION No 104

Tallinn, 3 December 2018

Establishment of the Codes of Conduct for Processing Personal Data at Eesti Pank
for Data Protection Officer of Eesti Pank

1. I hereby establish the Code of Conduct for Processing Personal Data at Eesti Pank (Annex 1) and the Code of Conduct for Data Protection Officer of Eesti Pank (Annex 2).
2. This regulation takes force on 1 January 2019.

A handwritten signature in blue ink, appearing to be 'Ardo Hansson', written in a cursive style.

Ardo Hansson
Governor

For the attention of:
Eesti Pank's Supervisory Board
Governor, Deputy Governors
All departments

The Code of Conduct for the Processing of Personal Data at Eesti Pank

1. The scope and purpose of the Code of Conduct

1.1. The Code of Conduct for the Processing of Personal Data (hereinafter 'this Code') establishes the principles of processing personal data, the duties of Eesti Pank and its staff members in processing personal data, security measures for the protection of personal data and the compliance monitoring procedure.

1.2. For the purposes of this Code, staff members of Eesti Pank includes the people working at Eesti Pank under employment contract, members of Eesti Pank's Executive Board and members of Eesti Pank's Supervisory Board.

1.3. The procedures for processing personal data under a contract for services or an authorisation agreement are set out in the relevant contracts.

1.4. Personal data means any data concerning an identified or identifiable natural person (the data subject); a natural person is identifiable if the person can be identified, directly or indirectly.

1.5. The processing of personal data means any operation or set of operations which is performed on personal data or on sets of personal data.

1.6. Eesti Pank may establish specific procedures for the processing of certain types of personal data (eg audio or video recordings, access logs, personnel data) where necessary. The principles established in this Code shall be adhered to when establishing such specific procedures.

1.7. In case of any contradiction between this Code and the EU General Data Protection Regulation (GDPR) or any legal acts implementing the GDPR, the General Data Protection Regulation or the implementing legal acts shall take precedence.

2. The purpose and principles of personal data processing

2.1. Eesti Pank shall process personal data insofar as it is necessary for achieving its objectives and performing its functions.

2.2. When processing personal data, Eesti Pank shall adhere to the following principles:

2.2.1. the data are processed lawfully, fairly and in a manner transparent for the data subject;

2.2.2. the data are collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

2.2.3. the data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

2.2.4. the data are accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

2.2.5. the data are kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

2.2.6. the data are processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

3. The data subjects whose personal data are processed by Eesti Pank

3.1. Eesti Pank processes the personal data of the following data subjects:

3.1.1 Eesti Pank's staff members,

3.1.2. applicants for jobs at Eesti Pank,

3.1.3. Eesti Pank's contract partners and their representatives,

3.1.4. visitors to Eesti Pank,

3.1.5. visitors to Eesti Pank's website,

3.1.6. persons making requests for explanation or information, other written submissions or enquiries to Eesti Pank,

3.1.7. customers of the museum shop,

3.1.8. persons caught on Eesti Pank's surveillance cameras,

3.1.9. statistical respondents or their representatives or statistical units for the purposes of official statistics.

3.2. Eesti Pank is entitled to process the personal data of data subjects not listed in clause 3.1 insofar as it is required for achieving its objectives and performing its functions as set out in the Eesti Pank Act.

4. Legal basis for processing personal data

Legal grounds for processing personal data may include legal acts, performance of contracts with data subjects or consent by the data subject.

5. Communication of personal data to third persons

5.1 Eesti Pank may communicate personal data to the following third persons without the consent of the data subject:

5.1.1. the persons to whom Eesti Pank is legally obliged to transmit personal data;

5.1.2. the persons in contractual relationship with Eesti Pank who process the personal data on behalf of Eesti Pank with a view to the purposes and/or functions set out in this Code.

6. Rights of data subjects and access to data

6.1. A data subject is entitled to obtain information on the processing of the personal data concerning the data subject. At the request of a data subject, Eesti Pank shall communicate the following to the data subject:

6.1.1. the personal data concerning the data subject;

6.1.2. the purposes of the processing of personal data;

- 6.1.3. the sources of personal data;
 - 6.1.4. the third persons or categories thereof to whom transfer of the personal data is permitted;
 - 6.1.5. the third persons to whom the personal data of the data subject have been transmitted;
 - 6.1.6. the name of the processor of the personal data or the processor's representative and the contact details of the processor of the personal data.
- 6.2. Where possible, personal data are issued in the form and manner requested by the data subject.
- 6.3. The processor of personal data is required to state the reasons for refusal to provide data or information. Eesti Pank shall notify the data subject to that effect within five working days after the date of receipt of the corresponding request.
- 6.4. Eesti Pank has the right to refuse to provide the information requested by the data subject if such provision of information may:
- 6.4.1. damage the rights and freedoms of another person;
 - 6.4.2. hinder the prevention of a criminal offence or apprehension of a criminal offender;
 - 6.4.3. complicate the ascertainment of truth in a criminal proceeding;
 - 6.4.4. in other cases provided by law.
- 6.5. A data subject has the right to demand the correction of inaccurate personal data from Eesti Pank.
- 6.6. If the processing of personal data is not permitted on the basis of law, the data subject has the right to demand:
- 6.6.1. that the disclosure be terminated or access to the personal data no longer enabled;
 - 6.6.2. termination of the processing of the personal data;
 - 6.6.3. deletion of the collected personal data.

7. The obligations of the processor of personal data

- 7.1. Eesti Pank's staff members who process personal data shall:
- 7.1.1. process the data in accordance with guidelines and for the purposes and pursuant to the terms and conditions set out in this Code and/or other relevant rules that may be established at Eesti Pank;
 - 7.1.2. familiarise themselves with the legal acts regulating the processing of personal data and, where necessary, participate in Eesti Pank's training activities relating to personal data protection;
 - 7.1.3. maintain the confidentiality of personal data which become known to them in the performance of their duties even after performance of their duties relating to the processing, or after termination of their employment or service relationships.
- 7.2. Eesti Pank shall:
- 7.2.1. ensure that personal data processing is organised and carried out in accordance with current legal provisions and that Eesti Pank's staff members involved in data processing receive proper training and guidance;

7.2.2. take adequate security measures to ensure the integrity, availability and confidentiality of personal data;

7.2.3. ensure that access to incomplete and/or inaccurate personal data is closed, and necessary measures are immediately taken for amendment or rectification thereof; and

7.2.4. delete any personal data deemed irrelevant to the set purposes within a reasonable time.

8. Security measures for personal data protection

8.1. The purpose of the security measures for personal data protection is to ensure:

8.1.1. the integrity of the data by protecting the data against any accidental or intentional unauthorised alteration;

8.1.2. the availability of the data by protecting the data against any accidental or intentional destruction and prevention of access to the data by the entitled persons;

8.1.3. the confidentiality of the data by protecting the data against unauthorised processing.

8.2. The personal data processed by Eesti Pank are stored as paper documents or in a digital form on data carriers and in a server accessible by unique user accounts.

9. Monitoring compliance and notification of breaches

9.1. Compliance with the principles set out in this Code is monitored by the Data Protection Officer in accordance with the Code of Conduct for the Data Protection Officer.

9.2. The monitoring activities may be carried out on a regular or emergency basis.

9.3. Regular monitoring is performed in accordance with the work plan approved by the Governor of Eesti Pank.

9.4. Emergency monitoring is performed in case of a suspected breach of personal data protection rules.

9.5. A staff member may report a breach or suspected breach of the rules set out in this Code of Conduct to the Data Protection Officer, who ensures the anonymity of the notifying person. The identity of the notifying person may be disclosed only if this person agrees in writing to such disclosure or in case the person has knowingly submitted false information.

9.6. The Data Protection Officer creates channels for reporting breaches of the rules set out in this Code and informs the staff of such channels.

9.7. After being informed of a breach of the rules, the Data Protection Officer starts an emergency monitoring procedure and informs the notifying person of the outcome of the procedure if possible.

Prepared by:



Marek Feldman
30. november 2018

Code of Conduct for the Data Protection Officer of Eesti Pank

1. General provisions

1.1. Data Protection Officer (DPO) is an independent, objective and advisory role for monitoring compliance with personal data protection rules.

1.2. The position of DPO is located in the Internal Audit Department.

2. Tasks

2.1. The primary task of the DPO is to monitor, in an independent and objective capacity, compliance with personal data protection rules.

2.2. Additionally, the DPO performs the following duties:

2.2.1. informs and counsels Eesti Pank's staff with regard to obligations arising from data protection rules;

2.2.2. increases the awareness of staff members and organises training activities relating to the protection of personal data;

2.2.3. provides advice where requested as regards the data protection impact assessment and monitors its performance;

2.2.4. cooperates with the Data Protection Inspectorate;

2.2.5. acts as the contact point for the Data Protection Inspectorate on issues relating to the processing of personal data;

2.2.6. conducts investigations into personal data breaches;

2.2.7. assesses the effectiveness of data protection rules and makes suggestions for improvement.

2.3. The DPO works according to the work plan approved by the Governor of Eesti Pank.

2.4. In cases where monitoring requires specialised knowledge, the DPO may propose the involvement of external experts.

2.5. In case of a potential breach of personal data protection rules, the DPO notifies the Governor of Eesti Pank of the potential breach and starts an investigation.

2.6. In case of personal data breaches and unauthorised disclosures that may jeopardise the rights and freedom of a natural person, the DPO will notify both the Governor and the Data Protection Inspectorate.

2.7. The DPO shall notify a staff member of any personal data breach or unauthorised disclosure that seriously jeopardises the rights and freedom of the staff member.

2.8. The DPO keeps a record of all breaches and unauthorised disclosures (including those that do not need reporting to the Data Protection Inspectorate).

3. Rights and responsibilities

3.1. The DPO is entitled:

3.1.1. to obtain the information and documents required for the performance of the DPO's duties from the members of the executive board and from all staff members;

3.1.2. to obtain the equipment necessary for the performance of the DPO's tasks and gain access to personal data and processing operations;

3.1.3. to request written explanations and reports required for monitoring.

3.2. The DPO must avoid conflicts of interest and may not participate in activities jeopardising the DPO's independence.

3.3. The DPO must be duly and promptly involved in all issues relating to personal data protection.

3.4. The DPO is responsible for the timely, efficient and effective performance of the DPO's tasks.

4. Organisation of work

4.1. In performing the tasks relating to personal data protection, the DPO reports to the Governor of Eesti Pank.

4.2. The DPO:

4.2.1. works in accordance with the Statute of Eesti Pank and this Code of Conduct;

4.2.2. compiles a work plan based on a risk analysis, presents it to the Executive Board for discussion and submits it to the Governor for approval;

4.2.3. reports to the Governor on a regular basis and to the Head of Department on a day-to-day basis.

4.3. The duties of the DPO are specified in the job description.

4.4. The DPO may perform other tasks provided they are not incompatible with the tasks of the DPO.

Prepared by:



Marek Feldman

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