

**RIK**

Centre of Registers and Information Systems

Bariş Bulut Gezer

Your ref

17.08.2024 No

Our ref

29.08.2024 No 2-1-1/2024/7307

Dear Sir or Madam

In response to your request regarding the disclosure of company owner information in the e-business register, we explain the following.

Article 6 paragraph 1 point (e) of the General Data Protection Regulation (EU) 2016/679 (hereinafter GDPR) allows the processing of personal data if the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. According to paragraph 3 of the same article, the basis for the processing of personal data referred to in point (e) of paragraph 1 is established either by Union law or by Member State law to which the controller is subject.

The legal basis for the collection and processing (including disclosure) of the company owner's information (name and personal identification code) in the Estonian commercial register derives from the Commercial Register Act (hereinafter the Act). In addition, the company data listed in § 12, § 13 and § 26 of the Act (articles of association or other foundation documents; annual reports etc) is also included in the public file of the commercial register.

According to § 2 (1) of the Act, the commercial register is a database belonging to the state information system and the purpose of maintaining such database is to collect, retain and disclose information on private legal persons founded pursuant to Estonian law, sole proprietors and branches of foreign companies operating in Estonia. § 30 of the Act states that the commercial register is public - everyone has the right to examine a registry card of the commercial register and the data and documents in a public file. So, the general idea behind a public commercial register is to publish all relevant legal relationships that legal persons engaging in business have. This is necessary to ensure trustworthiness of the business environment.

The re-use of this information is not restricted by law by natural persons or legal persons for commercial or non-commercial purposes other than the initial purpose within the public duties for which the information was obtained or produced. The company data including all personal data contained in the business register are open data based on the currently valid Public Information Act. Due to the general concept of open data, reuse should take place with as few restrictions as possible and free of charge. At the same time, disclosing the data does not mean that anything can be done with the data. The General Data Protection Regulation (GDPR) must be considered in order not to damage the privacy of natural persons. The business register has already restricted the access of search engines to the company owner's information. In addition, further restrictions are being placed on the download of open data that contains personal data.

If someone (company, organization) uses (discloses, processes) your personal data, this data re-user becomes the responsible processor. You can always contact the persons reusing personal data and exercise all rights related to your personal data, including the right to object to the processing of your

personal data and to request the deletion of the personal data for which there is no legal basis according to Article 6 of the GDPR. In addition, you have the right to appeal to the Data Protection Inspectorate if it should appear that the recipient of open data in the e-business register has further processed the received personal data for unlawful purposes.

Taking into consideration the above, we regret to inform you that we cannot make the company owner's information private nor remove the company data from the public file. However, we are conscious of the risks associated with the disclosure of personal information in the commercial register and the Estonian Ministry of Justice is currently in the process of renewing the data access regime of the commercial register. With additional questions, you can contact the Ministry of Justice, which is the controller of the e-business register.

Sincerely Yours,

/signed digitally/

Ave Liina Tennokese
Lawyer
Legal service team