



CHAMBER OF NOTARIES

Estonian Notaries and Data Protection

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New rights under GDPR?

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

Article 20

Right to data portability

1. The data subject shall have the right to receive the personal data concerning him or her, **which he or she has provided to a controller**, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

(a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1);

/.../

3. /.../ That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Article 6

Lawfulness of processing

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

/.../

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

/.../

(e) 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;

/.../

Article 17

Right to erasure ('right to be forgotten')

/.../

3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

/.../

(b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

/.../

(e) for the establishment, exercise or defence of legal claims.

When making the queries

Purposefulness and Minimalism—

Personal data will only be collected for lawful objectives and to the extent necessary for achieving determined purposes.

A person in silhouette stands in a field of tall grass, looking up at a starry night sky. A bright, glowing nebula is visible in the center of the sky. The overall scene is dark and atmospheric, with the person's silhouette and the grass in the foreground providing a sense of scale and perspective.

we are a digital society.

Less hassle means time well spent.

Two crucial elements of e- Estonia:

1. Electronic ID
(Mobile- ID)
2. X-road – secure data exchange platform connecting different information systems (incl. registers)

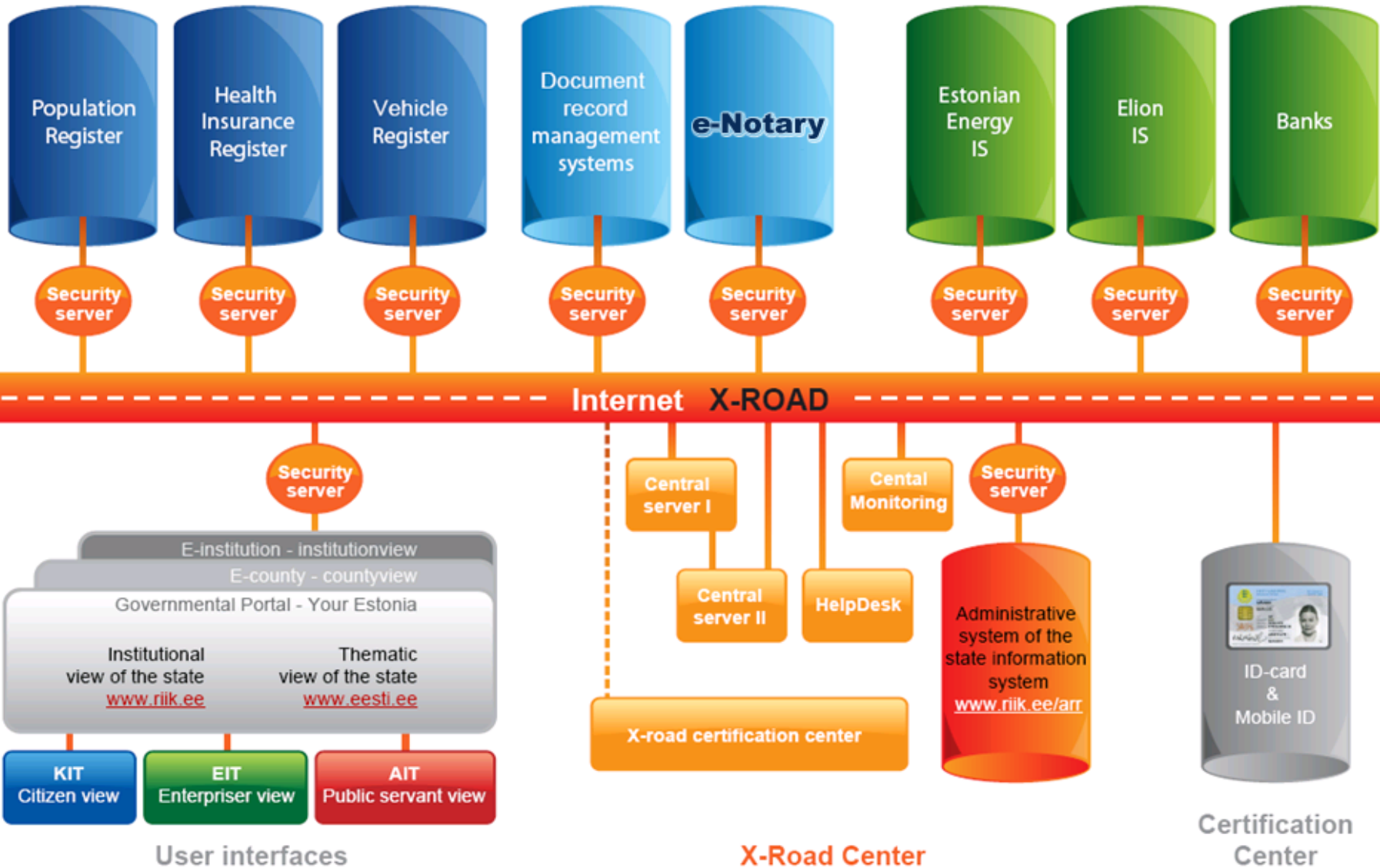
I D card

- Mandatory for all Estonian citizens (but can be given to foreigners too – e-residency);
- Serves as a regular (f2f) identification document + travel document;
- But also for online authentication to use e-State services;
- Giving digital signatures (equal to

Estonian information system

Public sector

Private sector



Citizen Portal (www.eesti.ee)

- Main channel to mediate e-services between a citizen and the government. Using the electronic ID the person can log in and find out what kind of data the government has collected on the citizen and who has accessed that data.
- The citizen can turn to Data Protection Inspectorate (DPI)

e- Notary

Owned by the Chamber of Notaries; the servers are administered by the Centre of Registers and Information Systems (Ministry of Justice); the latter also provides user support, trains users and develops the system

Insights on e-Notary

- Calendar (daily schedule)
- Contract templates
- Register queries (via X-road):
connected to 16 registers (Land Reg.,
Marital Property Reg., Population
Reg. etc.)
- Invoices and state fee management
- Digital signing and forwarding
electronic acts (via X-road)

Safety of e-Notary

- Designed to be used by notaries and their employees
- Access only with I D- card or Mobile- I D
- Data stored safely in central database kept by the Centre of Registers and Information Systems (Ministry of Justice)

GDPR – action plan

- naming a Data Protection Officer (most likely one for all notaries);
- when developing the newsystems, we will include the data protection mechanisms, where possible;
- making suggestions to state agencies responsible for developing and maintaining different IT-systems that the e-Notary is connected to;
- general impact assessment concerning the e-Notary program;
- guidelines for the notaries.

GDPR – act i on pl an

- Larger notary offices (starting from 3 notaries) should conclude their own impact assessment regarding the data outside the e-Notary (like the data of employees);
- all notary offices ought to draw up a record of processing activities (pursuant to Art 30) in electronic form (possibly an Excel file);
- reminding of the technical possibilities of the e-notary system;
- reminding of the principles of purposefulness and minimalism with several practical examples.



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Thank you!

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