

# Terms and Conditions for the Processing of Personal Data of the Trade Service of a Protected Customer

16.01.2023

## 1. General Information

- 1.1. In accordance with the provisions of Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as the Regulation), we hereby inform you of the terms and conditions for the processing of personal data in the provision of the trade service of a protected customer as defined in the Electricity Market Law and Cabinet Regulation No 345 of 01.06.2021 'Regulations Regarding the Trade Service of a Protected Customer'.
- 1.2. These Terms and Conditions for the Processing of Personal Data of the Trade Service of a Protected Customer (**T&Cs**) apply to Enefit SIA (**Enefit**) and any person who uses the services of Enefit.
- 1.3. The [Terms of Use of Enefit Customer Data](#) are applied to the provision of the trade service of a protected customer.
- 1.4. The responsible data controller is Eesti Energia AS, reg. No 10421629 (**Controller**), address: Lelle 22, Tallinn, Estonia. The authorised data processor is Enefit SIA, reg. No 40003824046, address: 1 Roberta Hirsas Street, Riga, LV-1045.
- 1.5. The purpose of data processing – providing and ensuring the Trade Service of Protected Customer

## 2. Rules for Data Processing

- 2.1. According to the provisions of the Electricity Market Law, a protected customer is a poor or low-income family (person), a large family, or a family (person) which takes care for a child with disability, or a person with the group I disability who uses electricity in his or her household for his or her own needs (for final consumption).
- 2.2. To comply with Cabinet Regulation No 345 of 01.06.2021 'Regulations Regarding the Trade Service of a Protected Customer', every month, we will provide information to the protected customer data information system, which is managed by the State Construction Control Bureau, on all valid contracts and applications of natural and legal persons for receiving the service, indicating the personal identity number, name, surname, contract number of the contracting party, personal identity number, name, surname of the protected customer registered for the contract, as well as the category of the protected customer linked to the contract and registered for the service, if known to us.
- 2.3. To ensure that you or the person you represent (**You**) as a protected customer are entitled to a reduction in the payment for the electricity used, the protected customer data information system will provide us with Your name, surname, personal identity number, details of the payment reduction granted to You and details of the contract number and address to which the payment reduction is to be applied.
- 2.4. If the contracting party to whose contract the payment reduction granted to You will be applied is a person other than You, then, upon receipt of Your application, we will process your name, surname, personal identity number, service address and contact details as well as the name, surname, personal identity number and contract number of the contracting party.
- 2.5. If you have provided information on the reasons why you should be granted a payment reduction, we will be informed of that too. If you make an application for another person, we will process Your name, surname, personal identity number and contact details to clearly identify and contact You on matters relating to Your application, as well as the name, surname, personal identity number, contact details and information on the contract number and address of the person to whom the payment reduction is to be applied.
- 2.6. If You contact us with an application or request, we will additionally process the information reflected in Your application.

## 3. Legal basis for processing and use of data

- 3.1. The legal basis for such data processing is the following:
  - Article 6(1)(c) of the Regulation – the processing of personal data is necessary to ensure the payment reduction of the protected customer provided for in the laws and regulations and to keep accounting records in accordance with the laws and regulations by processing information reflecting the information regarding the service received, billing information and the granted payment reduction.
  - Article 6(1)(f) of the Regulation, where the processing of personal data is necessary to enable us to defend our interests in the event of a dispute, for example, to prove that we have properly applied a payment reduction to you, and in cases where we will ensure the processing of an application for a trade service of a protected customer, submitted by an authorised person on behalf of the protected customer.

3.2. Your personal data will be processed by Enefit's employees in accordance with the scope of their professional duties, in compliance with the requirements set out in the personal data protection and other laws and regulations, as well as the requirements for processing personal data set out in the Controller's internal laws and regulations.

3.3. We may transfer and receive your personal data from the following persons, business partners and institutions:

- Every month, we will receive and transfer personal data in accordance with the provisions of the laws and regulations to the protected customer data information system managed by the State Construction Control Bureau, which ensures the granting and cancellation of protected customer status;
- the person You have indicated as the contracting party, to whom the payment reduction due to you will be applied (information included in the contracting party's invoice – Your name, surname, the service address and the amount of the payment reduction);
- the person on whose behalf You apply for the trade service of a protected customer;
- from the person who applies for the trade service of a protected customer on Your behalf;
- to outsourced service providers (processors) of the Controller and/or Enefit who are authorised to carry out certain data processing activities on behalf and under the supervision of the Controller and/or Enefit;
- in certain circumstances (for example, but not limited to, in the event of a complaint about the service), personal data may be transferred to law enforcement or supervisory authorities, the court, as well as to the Controller's processors – providers of legal services;
- state institutions to which the information specified in laws and regulations must be provided;
- audit service providers;
- other persons, if the transfer and/or receipt of such data is provided for by laws and regulations.

3.4. Personal data are not intended to be transferred to recipients outside the European Union or the European Economic Area.

#### 4. Storage of data

4.1. In case You have been granted a payment reduction of the protected customer, the information on this fact and the invoices issued shall be considered an essential part of the electricity sales contract and shall be kept for at least ten years after the termination of the contract.

4.2. In the event of a complaint or if the legal interest of the Controller has been affected, for example in the event of a dispute about the amount of services received, the relevant information may be retained until the dispute has been resolved, for example until a final court judgment has entered into effect.

#### 5. Rights of the data subject

5.1. *Right of access.* You have the right to access Your personal data and to obtain information from Enefit about the processing of Your personal data. You may request information about the processing of Your personal data using the contact details of the Controller if You do not find the information provided in these T&Cs sufficiently comprehensive.

5.2. *Right to rectification.* If you notice inaccuracies in Your personal data, You have the right to request that Enefit rectify the inaccurate personal data.

5.3. *Right to erasure.* You have the right to request that Enefit erases Your personal data, but please note that Your request may be fulfilled if:

- the personal data is no longer necessary in relation to the purposes for which it was processed as set out in the T&Cs;
- the personal data have been unlawfully processed;
- You have objected to the processing and Enefit's legitimate grounds do not override Your legitimate grounds;
- the personal data must be erased in accordance with the requirements of laws and regulations.

The right to erasure does not apply where Enefit is obliged to process personal data in accordance with laws and regulations or where processing is necessary for archiving, public interest or statistical purposes or for the establishment, exercise or defence of legal claims.

5.4. *Right to restriction of processing of Personal Data.* You have the right to request that Enefit restrict the processing of Your Personal Data if:

- You believe that the data is being processed unlawfully or is inaccurate (the restriction will operate while the challenge is pending);

- You believe that the processing is unlawful but You do not want to erase the personal data;
- You have objected to the processing pending the verification of whether Enefit's legitimate grounds override Your legitimate grounds;
- Enefit no longer needs Your data for a specific purpose but You require it to defend your legal interests and rights.

5.5. *Right to object to processing.* You have the right to object at any time to the processing of Your personal data based on legitimate interests as set out in the T&Cs. Enefit has the right to continue to process your personal data where Enefit demonstrates compelling legitimate grounds for the processing which override Your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

5.6. *Right to lodge a complaint.* You have the right to lodge a complaint with Enefit, as well as with the Data State Inspectorate if you believe that Enefit has violated your rights or failed to adequately protect your personal data. However, we kindly ask you to contact Enefit before contacting the Data Inspectorate.

## 6. Lodging a complaint

6.1. You may exercise all of the above rights by using the contact details for Enefit specified in these T&Cs, providing the following personal data in your request: name, surname, personal identity number, postal address (if you wish to receive a reply by registered letter) or e-mail address (if you wish to receive a reply to the e-mail address from which you sent your request).

6.2. Please submit your request in one of the following ways:

- send a application in a free form electronically to [info@enefit.lv](mailto:info@enefit.lv), signed with a secure electronic signature;
- send your signed application in a free form by post to: Enefit, 1 Roberta Hirsā Street, Riga, LV-1045.