

NEWS: ESTONIA

Estonian Supreme Court Asks the CJEU to Interpret Legality of Data Use in Criminal Proceedings

On 15 October 2019, the Court of Justice of the European Union heard the case “Prokuratuur” ([C-746/18](#)) concerning the access conditions to personal data relating to electronic communications and the use of such data in criminal proceedings. The Estonian Electronic Communications Act establishes that the electronic communications and Internet data shall be preserved for one year from the date of the communication, if such data are generated or processed in the course of provision of communication services.

The questions referred to the CJEU arose in connection with a theft committed in 2015, where the suspect was identified as being on the crime scene by using the suspect’s electronic communications data and information on the location of the use of mobile terminal equipment. The defence raised doubts about the proportionality of the amount and use of personal electronic communications data in criminal proceedings related to minor crimes. Before delivering a final verdict, the Supreme Court decided to request a preliminary ruling from the CJEU and the decision will likely have a profound effect on the access to data collected by electronic communications providers.

Estonian DPA Emphasises the Need to Update Video Surveillance Warning Signs

The Estonian Data Protection Authority publicly welcomes the soon to be adopted [European Data Protection Board’s new Guidelines 3/2019](#) on the processing of personal data through video devices. The new guidelines are to clarify the legal basis for carrying out video surveillance, disclosure of collected data to third parties, processing of special categories of data (for example biometric data), rights of the persons and transparency obligations.

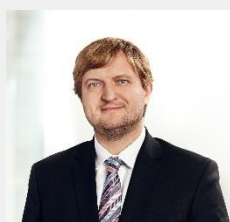
More specifically, the DPA draws companies’ attention to the updated requirements applicable to warning signs as part of the transparency obligation for informing persons of being subject to video surveillance. Such signs are mandatory as a first layer of information to be provided to the concerned persons. As the majority of the video surveillance warning signs in Estonia are not compliant with the updated guidelines, companies carrying out video surveillance are recommended to review and, if necessary, to update their signs.

Estonia Begins to Implement the Directive on Copyright in the Digital Single Market

In September 2019, the Estonian Ministry of Justice initiated implementation of the [Directive 2019/790 on Copyright in the Digital Single Market](#) by inviting interested groups to meetings to discuss amendments to the Estonian Copyright Act. The first meetings were held in September in relation to Articles 3 (text and data mining for the purposes of scientific research), 15 (Protection of press publications concerning online uses) and 17 (use of protected content by online content-sharing service providers) and in October in relation to Articles 5 (use of works and other subject matter in digital and cross-border teaching activities), 6 (preservation of cultural heritage) and 8-11 (Out-of-commerce works and other subject matter). Similar meetings have been planned for Articles 18-22 (fair remuneration in exploitation contracts of authors and performers).

It is very welcoming to see such an open approach to legislative drafting. The COBALT team is actively participating in this process.

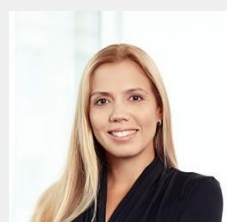
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