



## PRIVACY POLICY

Here you will find all the information regarding the data processing principles of Utilitas energy group (hereinafter Utilitas). The objective of Utilitas is to be a reliable partner that will respect your rights in the processing of personal data, and lead the way for the others on the market.

---

Definitions provide the meanings of the words and expressions that are capitalised and used frequently in this Privacy Policy.

### 1. DEFINITIONS

- 1.1 **Data Subject** is a natural person about whom Utilitas has got information or data enabling to identify the natural person. Data Subjects are, for example, the Clients, Visitors and cooperation partners, as well as the employees who are natural persons and whose personal data are held by Utilitas.
  - 1.2 **Privacy Policy** is this text which sets out the principles for Personal Data Processing by Utilitas.
  - 1.3 **Personal Data** is any information concerning an identified or identifiable natural person.
  - 1.4 **Personal Data Processing** is any operation or set of operations which is performed on the Personal Data of a Data Subject, such as collection, recording, organisation, structuring, storage, alteration and disclosure, enabling an access to, retrieval, consultation, use, transmission, cross-checks, alignment or combination, restriction, erasure or destruction of Personal Data, irrespective of the manner of performing these operations or the means exploited.
  - 1.5 **Client** is any natural or legal person that uses or has expressed a desire to use the Services of Utilitas.
  - 1.6 **Agreement** is the Service Agreement or any other agreement between Utilitas and the Client.
  - 1.7 **Terms of Use** set forth the general terms and conditions applied to the entry into an Agreement with Utilitas.
  - 1.8 **Website** means the websites of Utilitas, the list whereof is available here: <https://www.utilitas.ee/en/>.
  - 1.9 **Visitor** is any person using the Services or Website of Utilitas.
  - 1.10 **Child** is a person who is under 13 years of age in the context of Personal Data Processing upon provision of information society services in the Republic of Estonia.
  - 1.11 **Services** are any services and products offered by Utilitas.
-

- 
- 1.12 **Cookies** are the data files of the Website sometimes recorded in the device of a Visitor.
- 

**General Provisions tell you who the controller of Personal Data is and when the Privacy Policy applies.**

**2. GENERAL PROVISIONS**

- 2.1 Utilitas is an Estonian energy group comprising of the following companies:
- 2.1.1 OÜ Utilitas register code 12205523;
  - 2.1.2 AS Utilitas Tallinn register code 10811060;
  - 2.1.3 AS Utilitas Eesti register code 10419088;
  - 2.1.4 OÜ Utilitas Tallinna Elektri jaam register code 10938397.
- 2.2 Utilitas may process Personal Data as:
- (1) a controller, while determining the purposes and means of processing;
  - (2) a processor in accordance with the instructions from the controller; and
  - (3) a recipient to the extent to whom the Personal Data are transferred.
- 2.3 This Privacy Policy of Utilitas constitutes an inseparable part of the Agreement entered into between Utilitas and the Client.
- 2.4 The Privacy Policy shall apply to the Data Subjects, and the rights and obligations set out in the Privacy Policy shall be followed by all the employees and cooperation partners of Utilitas who come into contact with the Personal Data that are in the possession of Utilitas.
- 

**Here you will find the principles that are always followed by Utilitas while Processing your Personal Data.**

**3. PRINCIPLES**

- 3.1 Utilitas always considers the interests, rights and freedoms of Data Subjects in the processing of Personal Data.
- 3.2 The objective of Utilitas is to Process Personal Data responsibly, based on the best practice, with the aim of always being prepared to demonstrate the conformity of Personal Data Processing to the established purposes
- 3.3 All the processes, guidelines, operations and activities of Utilitas that are related to Personal Data Processing are based on the following principles:
- (1) **Lawfulness.** There is always a legal basis for the Processing of Personal Data, i.e. consent;
  - (2) **Fairness.** Personal Data Processing shall be fair, while providing a Data Subject with sufficient information and communication on how the Personal Data are Processed;
  - (3) **Transparency.** Personal Data Processing shall be transparent for the Data Subject, including via self-service opportunity. There are easy to understand explanations of why, how and when the Personal Data are processed (see section 12: Important Documents, Guidelines and Procedures).
  - (4) **Purposefulness.** Personal Data shall be collected for legitimate purposes which have been established precisely, clearly and shall not later be processed in any manner which is in conflict with these purposes;
  - (5) **Minimisation.** Personal Data shall be adequate, relevant and limited to what is necessary for the purpose of Processing the given Personal Data. Utilitas shall be guided by the principle of minimal Processing in Personal Data Processing, and as soon as the Personal Data are no longer necessary or needed for the purposes for which it was collected, the Personal Data shall be deleted;
  - (6) **Accuracy.** Personal Data shall be correct and shall be updated as necessary, and all reasonable measures shall be taken to ensure that Personal Data which are incorrect in the light of the purpose of Personal Data Processing
-

---

shall be deleted or corrected without delay. Utilitas has created a self-service, through which the Data Subject can, inter alia, check the accuracy of its data and, if necessary, correct it;

- (7) **Limit of storage.** Personal Data shall be stored in the format enabling the identification of Data Subjects only as long as it is necessary to achieve the purpose for which the Personal Data are processed. It means that in case Utilitas wishes to store the Personal Data for a longer period of time than necessary for the purpose of collecting the data, Utilitas shall anonymise the data in such manner that the Data Subject shall no longer be identifiable. Utilitas shall store the data that has been received by Utilitas via a Client relationship or any other similar relationship, in accordance with the best practice. Data processed on the basis of consent will generally be stored until the given consent is withdrawn;
- (8) **Reliability and confidentiality.** Personal Data Processing shall be carried out in the manner ensuring the adequate security of Personal Data, including their protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage, by taking reasonable technical or organisational measures. Utilitas has internal guidelines, rules for the employees, and separate agreements with every processor, stipulating the best practices, on-going risk assessment and adequate technical and organisational measures for Personal Data Processing;
- (9) **Data protection by design and by default.** Utilitas shall ensure that all the systems used shall meet the required technical criteria. The suitable data protection measures have been planned upon the renewal or design of every information or data system (e.g. the information systems and business processes are constructed using pseudonymisation and encryption).

3.4 Upon Personal Data Processing, Utilitas shall act with the purpose of always being capable of evidencing the conformity to the previously mentioned principles and additional information regarding the conformity to these principles can also be requested from Utilitas.

---

**Here you will find information on how we collect Personal Data.**

#### **4. COMPOSITION OF PERSONAL DATA**

- 4.1 Utilitas collects, inter alia, the following types of Personal Data:
- (1) the Personal Data disclosed to Utilitas by the Data Subject;
  - (2) the Personal Data generated as a result of the day-to-day communication between the Data Subject and Utilitas;
  - (3) the Personal Data manifestly made public by the Data Subject (e.g. in social media);
  - (4) the Personal Data generated upon consumption of Services (e.g. in the use of the self-service of Utilitas);
  - (5) the Personal Data generated as a result of visiting and using the Website (e.g. the time spent on the Website);
  - (6) the Personal Data received from third persons;
  - (7) the Personal Data created and combined by Utilitas (electronic correspondence or order history in the context of a client relationship).
-

---

**Here you will find out for which purposes and under which bases we can Process your Personal Data.**

**5. COMPOSITION, PURPOSES AND BASES FOR PROCESSING OF PERSONAL DATA**

- 5.1 Utilitas shall Process Personal Data only on the basis of consent or on any other legal basis. Legal bases for Processing of Personal Data include, but are not limited to, legitimate interests or an Agreement between the Data Subject and Utilitas.
- 5.2 Utilitas shall Process Personal Data on the basis of **consent** precisely within the limits, to the extent and for the purposes determined by the Data Subject. As for consents, Utilitas shall follow the principle that every consent shall be clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language. Consent may be given in writing or by electronic means or as an oral statement. A Data Subject shall give the consent freely, specifically, informedly and unambiguously, for example by ticking a box or by clicking a button.
- 5.3 **Upon entry into and performance of an Agreement**, Personal Data Processing may be additionally provided for in the specific Agreement, but Utilitas may Process Personal Data for the following Purposes:
- (1) in order to take steps at the request of the Data Subject prior to entering into the Agreement;
  - (2) to identify the Client to the extent required by due diligence;
  - (3) to perform the obligations to the Client regarding the provision of its Services;
  - (4) to communicate with the Client;
  - (5) to ensure the performance of the payment obligation of the Client;
  - (6) to submit, realise and defend claims.
- 5.4 **For the entry into an employment agreement**, the Processing of the Personal Data of a job applicant by Utilitas based on the entry into the agreement and legitimate interest shall include:
- (1) Processing of the data submitted by the job applicant to Utilitas for the purpose of entering into an employment agreement;
  - (2) Processing of the Personal Data received from the person indicated as the referee by the job applicant;
  - (3) Processing of the Personal Data collected from state databases and registers and public (social) media.
- In case a job applicant is not selected, Utilitas shall store the Personal Data collected for the entry into an employment contract for one year in order to make a job offer to the job applicant in case a suitable position becomes vacant. When the one year has passed from the submission of a job application, the Personal Data of the job applicant, who was not selected, shall be deleted. Data connected to participation in Utilitas' internship program shall be for the purpose of making a job offer stored for five years.
- 5.5 **Legitimate interest** means the interest of Utilitas in the management and direction of its business in order to be able to offer the best possible Services on the market. Utilitas shall Process Personal Data on a legal basis only after careful consideration in order to ascertain the legitimate interest of Utilitas, based on which the Personal Data Processing is necessary and is in compliance with the interests and rights of a Data Subject (after carrying out the so-called three-step test). In particular, Personal Data Processing may take place on the basis of a legitimate interest for the following purposes:
- (1) for ensuring a trust-based relationship with a client, for example Personal Data Processing that is strictly necessary to determine the ultimate

- 
- beneficiaries or to prevent fraud;
- (2) for the administration and analysing the client base to improve the availability, selection and quality of Services and products, and to make the best and more personalised offers to the Client upon the Client's consent;
  - (3) for the identifiers and Personal Data collected upon the use of websites, Utilitas' social media webpages, mobile applications and other Services. Utilitas shall use the collected data for web analysis or for the analysis of mobile and information society services, for ensuring and improving the functioning, for statistical purposes and for analysing the behaviour and using experience of Visitors and for providing better and more personalised Services;
  - (4) for the organisation of campaigns, including organisation of personalised and targeted campaigns, carrying out Client and Visitor satisfaction surveys, and measuring the effectiveness of the performed marketing activities;
  - (5) for analysing the behaviour of the Clients and Visitors in different sales channels and on Websites;
  - (6) for monitoring of the service. Utilitas may record the messages and instructions given in its premises as well as by means of communication (e-mail, telephone, etc.), as well as information and other operations carried out by Utilitas, and shall use those recordings as needed to evidence instructions or other operations;
  - (7) for network, information and cyber security considerations, for example for fighting against piracy and for ensuring the security of the Websites, as well as for the measures taken for making and storing backup copies;
  - (8) for corporate purposes, in particular for the financial management and for transferring Personal Data within the group for internal administrative purposes, including the Processing of the Clients' or employees' Personal Data;
  - (9) monitoring and analysis of consumer metering data to get an overview of consumption trends and provide feedback to customers;
  - (10) for the establishment, exercise or defence of legal claims;
  - (11) for informing the employee's closest person, Utilitas shall Process contact details of employee's closest persons provided to Utilitas by employee for cases of emergency (e.g. accident at work etc.);
  - (12) for ensuring the safety and security Utilitas shall use on its territory cameras that may record also sound.
- 5.6 **For performing a legal obligation**, Utilitas shall Process Personal Data to perform the obligations set forth by law or to exercise the uses permitted by law. Legal obligations derive, for example, from adhering to the rules of payment processing and prevention of money laundering.
- 5.7 In case Personal Data Processing is carried out for a **new purpose**, different from those for which the Personal Data were originally collected or is not based on the consent given by the Data Subject, Utilitas shall carefully assess the permissibility of such new Processing. In order to determine whether the Processing for the new purpose is in compliance with the purpose for which the Personal Data were originally collected, Utilitas shall take into consideration, inter alia, the following:
- (1) any link between the purposes for which the Personal Data were collected and the intended further purposes Processing;
  - (2) the context of collecting the Personal Data, in particular, regarding the relationship between the Data Subject and Utilitas;
  - (3) the nature of the Personal Data, in particular, whether any special categories
-

- 
- of Personal Data, or Personal Data related to criminal convictions and offences are processed;
  - (4) possible consequences of the intended further processing for the Data Subjects;
  - (5) existence of appropriate protection measures which may consist in, for example, encryption and pseudonymisation.
- 

**Here you will find information on when we may transfer your Personal Data to our cooperation partners.**

## **6. DISCLOSURE AND/OR TRANSFER OF CLIENT DATA TO THIRD PERSONS**

- 6.1 Utilitas cooperates with persons, to whom Utilitas may transfer data regarding the Data Subjects, including their Personal Data, in the context and for the purposes of co-operation.
- 6.2 Such third persons may be the persons within the same group with Utilitas, its advertising and marketing partners, companies carrying out client satisfaction surveys, debt collection agencies, credit registers, IT partners, persons, authorities and organisations intermediating or providing (electronic) mail services, provided that:
  - (1) the respective purpose and the Processing are lawful;
  - (2) the Personal Data Processing is carried out in accordance with the guidelines of Utilitas and on the basis of a valid agreement;
- 6.3 Utilitas shall transfer Personal Data to outside the European Union only if:
  - (1) European Commission has decided that there is sufficient protection in the respective country;
  - (2) if protection measures have been agreed upon by Utilitas (e.g. binding internal rules of the group or standard data protection clauses);
  - (3) the Data Subject has given explicit Consent for the transmission after Utilitas has informed the Data Subject of the potential risks associated with such transmission arising from the lack of a protection adequacy decision and the relevant safeguards;
  - (4) the transfer is clearly required by an agreement entered into with the Data Subject or on request of the Data Subject to implement pre-contractual measures;
  - (5) the transfer is necessary for the conclusion of an agreement between the controller and another natural or legal person in the interest of the Data Subject;
  - (6) the transfer is necessary for compelling reasons of public interest;
  - (7) the transfer is necessary for the preparation, presentation or protection of legal claims;
  - (8) the transfer is necessary to protect the essential interests of the Data Subject or other persons if the Data Subject is physically or legally incapable of giving Consent;
  - (9) the transfer is made from a register which, under Union or national law, is intended to inform the public and is open to inspection either to the general public or to anyone who can demonstrate a legitimate interest, but only to the extent that, as in the particular case, the conditions for access which are subject to Union or national law are met;
  - (10) the transfer is not repeated, it concerns only a limited number of Data Subjects, it is necessary for protecting the legitimate interests of Utilitas which are not overridden by the interests, rights or freedoms of the Data Subject, and if all the circumstances related to the transfer have been assessed and suitable protection measures have been established to protect the Personal Data, or if there is some other legal basis therefor. Utilitas shall



---

inform the Data Protection Inspectorate of the transfer based on a legitimate interest.

---

**Here you will find a description of how we will protect your Personal Data and where you can find information on the storage periods of Personal Data.**

## **7. SECURITY OF PERSONAL DATA PROCESSING**

- 7.1 Utilitas shall store the Personal Data strictly only for the minimum period required. The Personal Data with an expired storage period shall be destructed using the best practice and in accordance with the procedure established for this purpose by Utilitas.
  - 7.2 Utilitas has established guidelines and procedural rules for ensuring the security of Personal Data by both organisational and technical measures (see section 12: Important Documents, Guidelines and Procedures).
  - 7.3 In case of an incident related to Personal Data, Utilitas shall take all necessary measures to mitigate the consequences and hedge any relevant risks in the future. Inter alia, Utilitas shall register all the incidents and shall inform the Data Protection Inspectorate and the Data Subject directly (e.g. by email) or in public (e.g. via the news) in prescribed cases.
- 

**The Services of Utilitas are not targeting Children.**

## **8. PROCESSING OF THE PERSONAL DATA OF CHILDREN**

- 8.1 The Services of Utilitas, including the information society services, are not targeting Children.
  - 8.2 Utilitas does not knowingly collect any information on persons under 13 years of age, i.e. Children, and in case of any respective informed activity we shall act on the basis of the requests of a parent or guardian (including consent to send products to the name of a Child).
  - 8.3 In case Utilitas finds out that it has still collected Personal Data from a Child or regarding a Child, Utilitas shall use its best efforts to discontinue the Processing of the respective Personal Data.
- 

**Your Personal Data belongs to you, and here you will find information on the rights you have for protecting your Personal Data.**

## **9. RIGHTS OF DATA SUBJECTS**

- 9.1 Rights related to consent:
    - (1) A Data Subject will always be entitled to inform Utilitas about his or her wish to withdraw the consent for the Personal Data Processing.
    - (2) You will be able to change and withdraw your consents given to Utilitas in the Utilitas self-service or by contacting Utilitas. The contact details are set out in section 13 of this Privacy Policy.
  - 9.2 A Data Subject has also the following rights upon Personal Data Processing:
    - (1) **Right to receive information** i.e. the right of a Data Subject to receive information regarding the Personal Data collected about him or her.
    - (2) **Right of access to data** i.e. the right that, inter alia, includes the right of a Data Subject to a copy of the Processed Personal Data. The Client has the opportunity to use the self-service of Utilitas to be able to access collected Personal Data (see section 12: Important Documents, Guidelines and Procedures)
    - (3) **Right to rectification of inaccurate Personal Data.** A Data Subject has the possibility, inter alia, to correct incorrect data at the self-service of (see section 12: Important Documents, Guidelines and Procedures).
    - (4) **Right to erasure of data** i.e. in certain cases a Data Subject will be entitled to demand the deletion of Personal Data, for example if the Processing is
-

---

carried out only on the basis of a consent.

- (5) **Right to demand restriction of Personal Data Processing.** This right is created, inter alia, in case the Personal Data Processing is not permitted under law or if the Data Subject challenges the accuracy of the Personal Data. A Data Subject will be entitled to demand the restriction of the Personal Data Processing for a period enabling the processor to check the accuracy of the Personal Data or if the Personal Data Processing is unlawful but the Data Subject does not request the deletion of the Personal Data.
  - (6) **Right to data portability** i.e. a Data Subject shall have, in certain cases, the right to receive the Personal Data in a machine-readable format, and to take these data along or transfer them to another controller.
  - (7) **Rights related to automated Processing** mean, inter alia, that a Data Subject will have the right to object, on grounds relating to his or her particular situation, at any time to Processing of Personal Data concerning him or her, based on automated decision-making. For the avoidance of doubt - Utilitas may Process Personal Data for automated decision-making promoting its business (i.e. for segmentation of Visitors in marketing context, and for sending them personalised messages, in the context of commencement of an employment relationship, and in order to ensure that our employees shall adhere to our internal security regulations). Automated Processing may also include data collected from public sources. You have the right to avoid any decisions based on automated Personal Data Processing, if they can be classified as profiling;
  - (8) **Right to the assessment of a supervisory authority** on whether the Processing of the Personal Data of the Data Subject is lawful;
  - (9) **Compensation for damage** when there has been a violation of Data Subject's rights for which Utilitas is liable.
- 

**Here you will find information on how to receive explanations or how and to where a complaint should be filed.**

## **10. EXERCISING OF RIGHTS AND FILING OF COMPLAINTS**

### 10.1 Exercising of rights.

- (1) A Data Subject will be entitled to address Utilitas in case of any question, request or complaint related to Personal Data Processing by using contact information given in the section 13;
- (2) Utilitas encourages Data Subjects to use self-service of Utilitas to get first answers about their Personal Data (see section 12: Important Documents, Guidelines and Procedures).

### 10.2 Filing of complaints.

- (1) A Data Subject will be entitled to address a complaint to Utilitas and to the Data Protection Inspectorate or to a court if the Data Subject is of the opinion that his or her rights have been infringed in Personal Data Processing.
  - (2) The contact details of the Data Protection Inspectorate are available on the website of the Data Protection Inspectorate: <http://www.aki.ee/>.
-



---

Here you will find information on the types of Cookies or other technologies we use and how you can control the use of such technologies

## 11. COOKIES AND OTHER WEB TECHNOLOGIES

- 11.1 Utilitas may collect data regarding the Visitors of the Websites and other information society services by using Cookies for this purpose (i.e. small pieces of information stored by the Visitor's browser on the hard disk of the computer of any other device of the Visitor) or other similar technologies (e.g. IP address, equipment information, location information, AD identifiers) and process these data.
- 11.2 Utilitas uses the collected data to enable the provision of the Service in accordance with the habits of a Visitor or Client; to ensure the best Service quality; to inform the Visitor and Client about the contents and give recommendations; to update advertisements and make marketing efforts more efficient; and to facilitate logging in and protection of data. The collected data shall also be used for counting the Visitors and recording their using habits.
- 11.3 Utilitas uses session Cookies, persistent Cookies and advertising Cookies. A session Cookie is deleted automatically after every visit; persistent Cookies shall remain upon repeated use of the Website, advertising Cookies and third party Cookies are used by the Websites of the partners of Utilitas which are connected with the Website of Utilitas. Utilitas does not control the generation of those Cookies (or other third party tracking), therefore information on these Cookies can be obtained from third persons. Further information on Cookies is available in the explanatory materials (see section 12: Important Documents, Guidelines and Procedures).
- 11.4 As to the Cookies, Visitors agree with the use of Cookies on the Website, in information society service devices or the web browser.
- 11.5 Most of the web browsers allow Cookies. Without fully allowing Cookies, the functions of the Website are not available to a Visitor. The allowing or prohibiting Cookies and other similar technologies shall be under the control of a Visitor via the settings of the Visitor's own web browser, settings of the information society service and platforms for making such privacy more efficient (see section 12: Important Documents, Guidelines and Procedures).

---

Here we set out all the documents, procedures and registers, through which you will be able to exercise your rights in the best way, and know how we store and Process your Personal Data.

## 12. IMPORTANT DOCUMENTS, GUIDELINES AND PROCEDURES

- 12.1 The Privacy Policy of Utilitas shall be implemented on the basis of the following documents, guidelines and procedures:
- (1) [The self-service](#), through which a Data Subject will be able to access to his or her Personal Data held by Utilitas, correct and change them, and exercise other rights deriving from law and this Privacy Policy;
  - (2) [All About Cookies](#) (*in English*): Descriptions of cookies and other web technologies used by Utilitas;
  - (3) [Your Online Choices](#); [About Ads](#); [Network Advertising](#), (*in English*): the platform of controlling and monitoring of cookies and other web technologies, where Data Subjects themselves can change and control how their Personal Data are used and collected.

---

**Here you will find our contact details.**

**13. CONTACT DETAILS AND INFORMATION**

13.1 The contact details of Utilitas that are important for a Data Subject Regarding Personal Data issues, Utilitas can be contacted by e-mail [andmekaitse@utilitas.ee](mailto:andmekaitse@utilitas.ee).

---

**Here you will find information on the validity of and amendments to the Privacy Policy.**

**14. OTHER TERMS AND CONDITIONS**

14.1 Utilitas will be entitled to unilaterally amend this Privacy Policy. Utilitas shall inform Data Subjects about amendments on the website of Utilitas, by e-mail or by other means.

14.2 The latest amendments and entry into force of the Privacy Policy:

Publication	In force for	Main amendments
<b>24.05.2018</b>	<b>25.05.2018</b>	v1 – first version
<b>14.11.2018</b>	<b>15.11.2018</b>	storage period and conditions of the data of job applicants and interns specified in section 5.4; section 5.5 (3) specified; sections 5.5 (11) and (12) added

---