

KVKK - GDPR Newsletter

APRIL 2021



Decision Summaries News KVKK & GDPR Reviews Of the Month;

The Dutch Data Protection Authority fines Booking.com for the delay in reporting the data breach

01. The Dutch DPA has imposed a fine of €475.000 to Booking.com for 22 days to report the data breach regarding the illegal access to the personal data of 4109 customers, including financial data of 283 customers, to the Authority by exceeding the legal period of 72 hours regulated by GDPR. The Decision stated that the data breach had occurred through hotel staff with Booking.com. You can find the details of the Decision [here](#).

Pierre Fabre Dermokozmetik Ltd. Şti. Data Breach Notification

02. You can find the [details](#) of the data breach notification regarding the cyber-attack to Pierre Fabre Dermokozmetik Ltd. Şti.'s headquarters in France, and the employees, users, customers and potential customers were affected.

Pierre Fabre İlaç A.Ş. Data Breach Notification

03. You can find the [details](#) of data breach notification regarding the cyber-attack to Pierre Fabre İlaç A.Ş.'s headquarters in France, and the employees, users, customers and potential customers were affected.

Sine İtiryat Par. Tem. Ür. Gıd. İnş. Mim. Müh. İth. İhr. ve Tic. Data Breach Notification

04. You can find the [details](#) of the data breach notification regarding the illegal access to the personal data of not only customers and users but also employees of Sine İtiryat Par. Tem. Ür. Gıd. İnş. Mim. Müh. İth. İhr. ve Tic. A.Ş. due to a cyber-attack through the company's system files. It was noticed when the data controller encountered an access barrier.

Karacabay Turizm San. Ve Dış Tic. Ltd. Şti. Data Breach Notification

05. You can find the [details](#) of the data breach notification regarding the attack from ransomware that occurred on Karacabay Turizm San. Ve Dış Tic. Ltd. Şti.'s servers in which the database and backups were located, and both the employees and customers were affected.



Yapı ve Kredi Bankası A.Ş. Data Breach Notification

- 06.** You can find the [details](#) of the data breach notification regarding the letter sent to the data controller of the Banks Association of Turkey. The investigation had started regarding the employee of Yapı ve Kredi Bankası A.Ş. sharing the personal data with unauthorized third parties by using the defined authority in contravention duties.

Akademisyen Yayınevi Kitabevi Dağıtım Bilgisayar Tercümanlık İth. İhr. Tic. A.Ş. Data Breach Notification

- 07.** You can find the [details](#) of the data breach notification regarding the illegal access of cyber attackers to the personal data obtained from the corporate website database of Akademisyen Yayınevi Kitabevi Dağıtım Bilgisayar Tercümanlık İth. İhr. Tic. A.Ş. in which the violation was detected since the aforementioned website not working due to deletion of system files.

DLSY Adi Ortaklığı (Daelim İnşaat Geliştirme AŞ, Limak İnşaat Sanayi ve Ticaret A.Ş., SKEC Anadolu Mühendislik ve İnşaat Ltd. Şti., SK Engineering & Construction Co. Ltd. ve Yapı Merkezi İnşaat ve Sanayi A.Ş.) Data Breach Notification

- 08.** You can find the [details](#) of the data breach notification regarding the attack to some encrypted servers and files of the company from the attackers. Approximately 20,000 people, including employees, employee relatives and subcontractor employees, were affected from this violation. Also, their personal data belonging to associations, foundations, union memberships, health information, and criminal status may have been illegally obtained.



Summary of the Decision regarding the “transmission of the maintenance fee debt information of the data subject to the landlord by the housing estate management”

- 09.** After receiving an SMS from the landlord, stating that maintenance fee was not paid regularly, the data subject made a complaint to the Authority and requested that the necessary actions should be taken within the scope of the Law regarding the site management sharing the personal data illegally and without any clarification or consent. As a result of the investigation, the Authority has stated that the landlord and tenant are jointly and severally responsible for the joint expenses and delay compensation in accordance with Article 22 of the Turkish Condominium Ownership Law No. 634. Therefore, it is in the interest of both the landlord and the site management to be aware of whether the landlord has paid their share of common expenses of the apartment. Therefore, it has decided that the aforementioned data processing was carried out within the scope of the establishment, exercise, or protection of a right Article 5 of Law No. 6698, and based on these, there were no actions to be taken about the complaint within the scope of the Law. You can find the details of the Decision from the [link](#).

Summary of the Decision regarding the “request to access to the phone call records made by the data subject with the purpose of establishing a subscription agreement with the data controller”

- 10.** In the complaint submitted by the data subject to the Authority regarding the request of the voice recordings made with themselves from the data controller's Registered Electronic Mail ("KEP") address due to the disagreement they had experienced during the service procurement, it has been stated that the data controller did not returned to the data subject within 30 days by stating that the voice recordings could not be provided. The data subject requested to the Authority to be investigate within the scope of the Law.

In the data controller's defense, the data controller stated that the aforementioned request was not made to the Registered Electronic Mail ("KEP") where applications for personal data were made, processing the data subject's data based on the subscription agreement, also the voice recordings of the conversations between customer services and subscribers could be used by customers for different purposes, since the rights of the customer services employee should be observed, therefore the interviews can only be shared within the framework of the requests made by the competent judicial and administrative authorities.

As a result of these allegations, the Authority has stated that the relevant phone calls were accepted as electronic contracts within the scope of the Law No. 6563 on the Regulation of Electronic Commerce and therefore personal data can be processed within the scope of the Law, and the data should be accessed by taking the data security obligations of the data controller into account. Consequently, the Authority has decided that data controller should share the transcripts of the voice recordings with the data subject by taking measures such as removing or masking the personal data of others, if any.

In addition, the Authority has instructed the data controller to make the necessary arrangements within the scope of the Law so that the applications can be transmitted through the Registered Electronic Mail ("KEP") address of the data controller instead of the Registered Electronic Mail ("KEP") address of the parent company. You can find the details of the Decision from the [link](#).

Summary of the Decision regarding the "illegal data processing by the data controller company that took over the company where the data subject was a former employee"

11. In the complaint submitted to the Authority, the data subject claimed that the company of which the data subject was a former employee, was transferred to another company with all its debts, duties, and obligations, but without any clarification was given to data subject during the obtaining of their personal data including the health data. The data subject requested that the necessary action should be taken against the data controller within scope of the Law.

As a result of the investigations, the Authority stated that the personal data of the data subject was processed in 2014-2015 and the Turkish Personal Data Protection Law No.6698 entered into force as of 07.04.2016, therefore, fulfill the disclosure obligation of company is not possible. In addition, the employer processed data for legal reasons within the scope of the Law in terms of organizing employees' personnel files and since it is possible for the workplace doctor to process health data provided that the provision specified in the Law regarding the processing of health data and also the adequate measures determined by the Authority in accordance with the decision dated 31/10/2018 and numbered 2018/10.

Authority has decided that there was no action to be taken because no concrete evidence was found regarding the claim that the personal data of the data subject was processed illegally. You can find the details of the Decision from the [link](#).

Security Investigation and Archive Research Law

12. The Supreme Court, in the file numbered E.2018/163 dated 02/19/2020, objected to obtain and use personal data as a result of the security investigation and archive research without including the relevant basic principles and safeguards in the Law and decided to cancel the relevant rule on the grounds that it is incompatible with Articles 13 and 20 of the Supreme (You can find the relevant decision [here](#)).

On 17/04/2021, the Law on Security Investigation and Archive Research was published in the Official Gazette No. 31457. The Law has regulated the basic principles regarding the security investigation and archive research and the use of the data to be obtained, whom the research will be conducted, what the information and documents to be the subject of the research are, how this information will be used, which authorities will conduct the investigation and research, the establishment and working procedures and principles of the Evaluation Commission, data security, storage and deletion periods of personal data. You can find the relevant Law [here](#).

The Dutch Data Protection Authority

13. The Municipality of Enschede contracted with a company to setting up a system that mobile phones can be counted through Wi-Fi signals to measure how crowded the city center was. Within that period, each phone was registered separately and given a unique code by using sensors. As a result of the investigations, The Dutch DPA has fined the municipality of Enschede €600,000 on the aforementioned application could allow unnecessary tracking of individuals, thus violating the GDPR provisions although the DPA found no evidence. You can find the details of Decision [here](#).



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Should you have any requests for the English translation of the announcements and decisions of the Turkish DPA, please contact us.

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