

# KVKK - GDPR Newsletter

## MAY 2021



# Decision Summaries News KVKK & GDPR Reviews Of the Month;

## Summary of the Decision Regarding the “Internet Services Provided by Municipalities”

**01.** Various complaints have been conveyed to the Board, stating that there is an application that allows inquiries only with ID number on the property tax and declaration information pages on the website of some municipalities. The subject has been examined within the scope of the Law on the Turkish Personal Data Protection No. 6698. You can find the detailed information about the Decision including Ministry of Environment and Urbanization, and the Union of Municipalities of Turkey about the mentioned municipalities and instruct the Municipalities to prefer methods that can ensure two-step authentication instead of applications that provide access to debt or real estate information of individuals by entering only a single information [here](#).

## Summary of the Decision Regarding the “Unlawful Sharing of the Personal Data of the Data Subject With a Mobile Application by the Data Controller Company That Provides the Site Management Service”

**02.** In the complaint submitted by the data subject to the Authority, it is stated that the company responsible for the management of the site that the data subject is a resident of, shared his/her phone number with a mobile application used within the scope of management services without his/her consent and requested the implementation of necessary sanctions to be applied within the scope of the Turkish Personal Data Protection Law No. 6698 (“KVKK”). You can find the detailed information about the Decision that the Company Providing Management Services has the title of data controller, and a penalty of 100.000 TRY has been imposed [here](#).

## Summary of the Decision Regarding “Notification by an Insurance Company About the Condition of Making the Service Subject to Explicit Consent”

**03.** In the notice sent to the Board, it is understood that the data subject has signed an individual private pension agreement with an insurance company and when trying to access the policy information from the company’s website, a confirmation box is presented and consent to processing of personal data is required, and no action could be taken if tick box is not checked. The data subject stated that it is against the law to be compelled to give explicit consent, it has been requested that necessary action be taken within the scope of KVKK No. 6698. You can find the detailed information about the Decision on imposing an administrative fine of 250,000 TRY about the Company and regulating the obligation to inform in accordance with the Law [here](#).



## Summary of the Decision Regarding the “About a Hospital’s Data Breach Notification”

**04.** According to the data breach notification submitted to the Board by a data controller hospital, the data breach occurred when the files belonging to the patients of the hospital physician were taken out by some hospital staff upon his instruction, 789 patients were affected by the breach, and all but one of the employees who were involved in the breach before the breach was detected, are concerned about the protection of personal data. It was stated that he received training and that the reason for reporting the breach 25 days after detection was that it was prevented because the relevant files were caught by the hospital management while they were being taken out of the hospital. The Authority has decided to impose an administrative fine of 450,000 TRY on the data controller for not taking the necessary measures to ensure data security and 150.000 TRY for not making the data breach notification within 72 hours.

You can find the detailed information about the Decision [here](#).

## Bulut Elektromarket Bilgi Teknolojileri ve Dış Tic. A.Ş. (Data Breach Notification)

**05.** As a result of the cyber-attack on the systems of the data controller, as a result of the examinations made in systems, it was determined that the personal data was accessed illegally by the unauthorized third parties. It has been reported to the Board that the data subject groups affected by the breach are employees and customers. You can find detailed information about the data breach notification [here](#).

## ClearVoiceResearch.com, LLC Data Breach Notification

**06.** It was reported to the Board that as a result of the cyber-attack on the database of the data controller, unauthorized third parties accessed personal data unlawfully, the breach was detected by receiving an e-mail, and the data subject groups affected by the breach were the employees. You can find detailed information about the data breach notification [here](#).



## E-Data Teknoloji Pazarlama Anonim Şirketi (Data Breach Notification)

**07.** As a result of the cyber-attack on the database of the data controller, it has been determined that unauthorized third parties have illegally accessed personal data. It has been reported to the Board that the number of data subjects affected by the breach is 721. You can find detailed information about the data breach notification [here](#).

## Eliptik Yazılım ve Ticaret A.Ş. (BtcTurk) Data Breach Notification

**08.** It has been reported to the Board that as a result of the cyber-attack on the systems of the data controller, unauthorized third parties accessed personal data unlawfully, that the data controller was informed about the incident by being tagged in the related posts on the subject on social media platforms and started an investigation on the subject, and that the number of data subjects affected by the breach was 516,954. You can find detailed information about the data breach notification [here](#).

## Pakten Sağlık Ürünleri Sanayi ve Ticaret A.Ş. (onlemmarket.com) Data Breach Notification

**09.** As a result of the cyber-attack on the database of the data controller, unauthorized third parties accessed personal data unlawfully, and data breach was detected by sending a message with a ransom demand by the attackers. It has been reported to the Board that the data subject groups affected by the breach are the customers. You can find detailed information about the data breach notification [here](#).

## Rahmet Ragıp Kuğu (Certified Public Accountant) Data Breach Notification

**10.** As a result of the cyber-attack on the systems of the data controller, it has been determined that unauthorized third parties have illegally accessed personal data. It has been reported to the Board that the data subject groups affected by the breach are employees, users, customers, and potential customers. You can find detailed information about the data breach notification [here](#).

## The Italian Data Protection Authority: Major Critical Issues for Vaccination Pass

**11.** The Italian DPA stated that the decree that was recently adopted by the Italian government introducing the so-called 'green pass', or vaccination pass, is fraught with major criticalities to undermine the arrangements to lift travelling bans during the pandemic urgent measures are accordingly required to protect rights and freedoms of natural persons.

Firstly, the Italian DPA highlights that the so-called 'Italy Reopens' decree does not provide a suitable legal basis to introduce and regulate a nationwide green pass. In addition, it has been argued that it does not include adequate measures on data protection including not assessing large-scale risks to individuals' rights and freedoms.

Furthermore, contrary to the requirements laid down in the EU General Data Protection Regulation, the decree does not specify the purposes of the processing of health data and paves the way in this manner to future applications that are potentially in conflict with GDPR according to the Authority. In addition, no mention is made of the controller of the processing at issue, which is in breach of the transparency principle and prevents exercise of data subjects' rights.

The Italian DPA has offered its cooperation to the government in order to overcome the criticalities in question.

You can find the details of the News [here](#).

## Icelandic Data Protection Authority Has Decided to Impose Administrative Fine on InfoMentor

**12.** The Icelandic DPA decided to impose an administrative fine of 23,100 EUR on InfoMentor Company, on the grounds that the Mentor system used by the institutions working with children, etc., did not provide appropriate protection for personal data and access was provided to unauthorized third parties.

You can find the details of the Decision [here](#).

## Norwegian Data Protection Authority Intent to Issue EUR 2,500,000 Fine on Disqus Inc.

**13.** The Norwegian DPA has declared that they intend to issue an administrative fine of 2,500,000 EUR on Disqus Inc. (Disqus) for not complying with the GDPR rules on accountability, lawfulness, and transparency.

As a result of the investigations, it has been determined that the Disqus is illegally tracking visitors to Norwegian websites using the Disqus plugin and the data obtained in this way is shared with third-party advertising partners.

You can find the details of the Decision [here](#).



## Finnish Data Protection Authority Has Decided to Impose Administrative Fine on ParkkiPate

**14.** Finnish DPA has imposed an administrative fine of 75,000 EUR on ParkkiPate for processing personal data in violation of data protection legislation. The violations concerned a failure to realize the rights of the data subject, shortcomings in limiting the storage period of data, and practices related to identifying data subjects who apply to access or erasure of their personal data.

You can find the details of the Decision [here](#).

## Dutch Data Protection Authority Has Decided to Impose Administrative Fine on Freedom Party (“PVV Overijssel”)

**15.** The Dutch DPA has imposed a fine of 7,500 EUR on the Freedom Party (“PVV”) for failing to report a data breach to the DPA, which contains information about people’s political opinions.

You can find the details of the Decision [here](#).

## Dutch Data Protection Authority Has Decided to Impose Administrative Fine on LocateFamily.com

**16.** The Dutch DPA has imposed a fine of 525,000 EUR on a website called Locatefamily.com for publishing people’s addresses, phone numbers without their consent and for not having a representative in the EU.

You can find the details of the Decision [here](#).



## Norwegian Data Protection A Has Decided to Impose Administrative Fine on Asker Municipality

**17.** The Norwegian DPA has decided to impose a fine of 100,000 EUR on Asker Municipality on the grounds that the council correspondence logs which contain personal data such as name, surname and national identity that need to be protected, was made accessible to unauthorized third parties on its website.

You can find the details of the Decision [here](#).

## Norwegian Data Protection Authority Has Decided to Impose Administrative Fine on a Company

**18.** A company has been imposed a fine of 25,000 EUR for illegal forwarding of an employee’s e-mails. The name of the company has been withheld from public disclosure to protect the identities of its employees.

You can find the details of the Decision [here](#).

## The Norwegian Data Protection Authority Has Decided to Impose Administrative Fine on Ålesund Municipality

**19.** At two schools in Ålesund, teachers required pupils to download the fitness app called Strava for use during physical education lessons. The pupils were then given tasks, while the teachers used the app’s tracking function to check that all the pupils had completed the tasks set. The use of the tracking function must be considered processing of personal data relating to the individual pupil. Therefore, the Norwegian DPA has imposed an administrative fine of 5,000 EUR on Ålesund municipality.

You can find the details of Decision [here](#).

## Norwegian Data Protection Authority Has Decided to Impose Administrative Fine on Basaren Drift AS

**20.** Norwegian DPA, in their investigation of a complaint relating to CCTV using of a restaurant's premises, concluded that restaurant monitors the premises round-the-clock including employees and restaurant guests without legal basis.

Norwegian DPA decided to impose an administrative fine of 20,000 EUR on the grounds that the business was monitoring the area for longer periods of time with CCTV cameras in a way that would interfere with people's freedoms.

In addition, the Norwegian DPA has concluded that the business did not provide adequate information about the CCTV surveillance and that its written procedures were inadequate.

You can find the details of the Decision [here](#).

## Norwegian Data Protection Authority Has Decided to Impose Administrative Fine on Miljø- og Kvalitetsledelse AS

**21.** Miljø- og Kvalitetsledelse operates a car wash. When a payment terminal was vandalized, recordings and data from the cash wash's CCTV camera system were sent to the employer of the person the company believed had committed the vandalism. The Norwegian Data Protection Authority has imposed an administrative fine of 3,500 EUR on Miljø- og Kvalitetsledelse AS for illegal distribution of personal data from camera recordings. The infringement occurred before the GDPR went into effect, the fine was therefore imposed at the level practiced under previous legislation.

You can find the details of the Decision [here](#).



## Spanish Data Protection Authority Has Decided to Impose Administrative Fine on EPD Comercializadora, S.A.U.

**22.** The AEPD concludes that EPD COMERCIALIZADORA, S.A.U has not adopted technical and organizational measures to verify whether a person who hires its services on behalf of another natural person has authorization to carry out the contracting or to verify whether, who acts on behalf of another natural person to consent to processing of other personal data on their behalf. Therefore, it has been decided to impose an administrative fine of 500,000 EUR on the EPD Comercializadora S.A.U, which processes personal data for profiling in order to send its own and third parties' commercial messages and personalized offers during the service process.

In addition, the Spanish DPA has decided to impose an administrative fine of 1,000,000 EUR due to the fact that company documents do not provide sufficient information to the data subject about the data controller activities and the legal basis of the data processing activities, in addition, some procedures regarding the services of the company do not comply with the GDPR.

You can find the details of the Decision [here](#).

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


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