

# KVKK - GDPR Newsletter

## AUGUST 2021











### Summary of the Decision Regarding the “Data Breach Notification of a Data Controller Operating in the Personal Care Sector”

**15.** In the notification submitted to the Authority, it is stated that third parties have accessed the member accounts on the website of the data controller by trying e-mail addresses and passwords obtained from external sources.

As a result of the investigation carried out by the Authority, it is determined that failed login attempts during the access to the accounts are not noticed by the data controller.

Based on these evaluations, the Authority has decided to impose an administrative fine of 210,000 TRY on the data controller.

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

### Summary of the Decision Regarding the “Data Breach Notification of a Data Controller Operating in the Pharmaceutical Industry”

**16.** In the notification submitted to the Authority, it is stated that a cyber-attack occurred on the systems containing personal data of the data controller operating in the pharmaceutical industry.

As a result of the investigation carried out by the Authority, it is determined that adequate measures regarding backing up the data and no operations are carried out to ensure personal data security such as risk analysis, closing security gaps.

Based on these evaluations, the Authority has decided to impose an administrative fine of 125,000 TRY on the data controller.

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



### Summary of the Decision Regarding the “Data Breach Notification of a Data Controller Providing Corporate Software Service”

**17.** In the notification submitted to the Authority, it is stated that the systems of the data controller providing corporate software service containing personal data are accessed by password spraying attack.

As a result of the investigation carried out by the Authority, it is determined that the necessary security audits are not carried out in a timely manner, the required applications are not activated to create password awareness of the users, and an excessive amount of data is stored on a shared drive by the data controller.

Based on these evaluations, the Authority has decided to impose an administrative fine of 125,000 TRY on the data controller.

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

### Summary of the Decision “Data Breach Notification of an Insurance Company”

**18.** In the notification submitted to the Authority, it is stated that the files containing personal data belonging to an insurance company are sent to the wrong recipients due to an error in the service provider which data controller receives information system support services.

As a result of the investigation carried out by the Authority, it is determined that the necessary audits and follow-up mechanisms are not properly operated by the company.

Based on these evaluations, the Authority has decided to impose an administrative fine of 30,000 TRY on the data controller company.

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

## Summary of the Decision Regarding the “Data Breach Notification of a Data Controller Providing Online Grocery Shopping Service”

**19.** In the notification submitted to the Authority, it is stated that personal data is sent to third parties due to an error made by an employee of the data controller providing grocery shopping services while sending an e-mail.

As a result of the investigation carried out by the Authority, it is determined that the risk of negative consequences of the breach is low, and the e-mails subject to the breach are destroyed by the recipients.

Based on these evaluations, the Authority has decided that there is no action to be taken against the data controller within the scope of the Law.

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

## Summary of the Decision Regarding the “Data Breach Notification of a Data Controller Operating in the Energy Sector”

**20.** In the notification submitted to the Authority, it is stated that it is noticed that the personal data of the members of the platform used in the company are in a file open to employees in the systems of the data controller operating in the energy sector.

As a result of the investigation carried out by the Authority, it is determined that only two employees are affected by the breach, and confirmation regarding personal data that would not be shared is received from the employees who had access to the relevant file.

Based on these evaluations, the Authority has decided to instruct the data controller to be more careful about submitting sufficient information to the Authority, such as when the breach occurred and the possible consequences of the breach during the breach notifications.

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



## Summary of the Constitutional Court Decision Numbered 2018/14040 and Dated 30.06.2021

**21.** In the application made to the Constitutional Court, it is stated that the right to request the protection of personal data within the scope of the right to respect for private life is violated by keeping internet traffic information for more than the period determined by the legislation and sending it to the judicial authority.

As a result of the examination carried out by the Constitutional Court, it is determined that the application made by the data subject is rejected by the Office of the Chief Public Prosecutor on the grounds that decision of non-prosecution, the activity subject to the application cannot be the subject of a criminal proceeding because it is carried out by legal entities, the data subject also does not have any claim that legal entity employees have individual responsibility, it will not be possible to provide compensation for the personal damages claimed by the data subject by a criminal proceeding in this direction.

Based on these evaluations, Constitutional Court has decided to reject the application on the grounds that there still is an effective legal remedy at administrative and civil courts, in other words, the domestic remedies are not exhausted regarding the allegations of the data subject.

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

## Timurlar Sigorta Aracılık Hizmetleri Ltd. Şti. Data Breach Notification

**22.** As a result of the cyber-attack on the data controller's systems, it is determined that the personal data is illegally accessed by unauthorized third parties.

You can find detailed information about the data breach notification [here](#).

### Motor Trend Group LLC Data Breach Notification

**23.** As a result of the cyber-attack on the data controller's systems, it is determined that the personal data is illegally accessed by unauthorized third parties.

You can find detailed information about the data breach notification [here](#).

### Oriflame Kozmetik Ürünleri Ticaret Limited Şirketi Data Breach Notification

**24.** As a result of the trojan virus attack on the data controller's systems, it is determined that the personal data is illegally accessed by unauthorized third parties.

You can find detailed information about the data breach notification [here](#).

### Subway International B.V. Data Breach Notification

**25.** It is determined that the SQL database containing personal data of the data controller is illegally accessed by the unauthorized third parties.

You can find detailed information about the data breach notification [here](#).

### Pied Piper Fansub (piedpiperfb.com) Data Breach Notification

**26.** It is determined that the personal data in the systems of the data controller is illegally accessed by unauthorized third parties.

You can find detailed information about the data breach notification [here](#).



### Sinoz Kozmetik Sanayi Ticaret AŞ Data Breach Notification

**27.** During the update made on the systems of the data controller, it is determined that data leakage occurred through the open port, and unauthorized third parties are illegally accessed personal data.

You can find detailed information about the data breach notification [here](#).

### China Personal Information Protection Law Will Be Enforced on November 1, 2021

**28.** The long-awaited China Personal Information Protection Law (hereinafter referred to as "PIPL" has been passed by the Standing Committee of the National People's Congress of the People's Republic of China on August 20, 2021, to enter into force on November 1, 2021. The PIPL mainly regulates how personal data will be collected, used, processed, shared, and transferred abroad by companies processing personal data in the People's Republic of China. The PIPL, which determines the legal framework in these areas, complements the local data protection regime previously established by the China Cybersecurity Law and national regulations. When the current legal structure of China is examined, it is seen that the legal and technical measures regarding the protection of personal data and data security are implemented through various laws, complex regulations, and guidelines containing non-binding compliance standards. Herein, the PPIL possesses the title of the first comprehensive and national level regulation regarding personal data, and it is important as it contains various legally binding compliance standards rather than "recommended practices."

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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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