

KVKK - GDPR Newsletter

DECEMBER 2021



Decision Summaries News KVKK & GDPR Reviews Of the Month;

Summary of the Decision Numbered 2021/548 Regarding the “Obtaining and Processing of Data Subject’s Phone Number and Calling Without Their Consent by a Digital Platform Dealer Under the Name of a Campaign”

01. In the complaint petition submitted to the Authority, it is stated that the data subject is constantly called by a call center, and advertising is made through the aforementioned calls for the platform membership.

As a result of the investigation carried out by the Authority, it is determined that the data controller complained of not storing the data subject’s personal data in their systems, and the calls are made by the dealer beyond the data controller’s knowledge.

Based on these evaluations, the Authority has decided to impose an administrative fine on the dealer identified as the data controller by it.

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

Summary of the Decision Numbered 2021/584 Regarding the “Unlawful Processing of Personal Data of the Data Subject by a Company Operating in the Field of Insurance and Personal Pensions”

02. In the complaint petition submitted to the Authority, it is stated that messages are sent to the data subject’s mobile phone by a company operating in the field of insurance and personal pensions, even though they have no affiliation.

As a result of the investigation carried out by the Authority, it is determined that the processing of the data subject’s personal data by sending messages for advertising, marketing, and informing is carried out without relying on any processing basis specified in the Law.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the Authority has decided to instruct the data controller to destroy the data subject’s personal data.

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



Summary of the Decision Numbered 2021/242 Regarding the “Sharing the Data Subject’s Personal Data with the Third Parties by a Tour Company”

03. In the complaint petition submitted to the Authority, it is stated that the data subject has purchased a holiday package from the tour company. The personal data obtained in this process is transferred to a third person by the company, and the mentioned personal data is presented to the court by the third person.

As a result of the investigation carried out by the Authority, it is determined that the documents regarding accommodation are sent only to the data subject's e-mail address based on examination of logs, and the viewing performed by the data controller employees are occurred after the date of presentation to the court.

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

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

Summary of the Decision Numbered 2021/241 Regarding the “Rejection of the Deceased’s Legal Heir’s Request for Access to the Insurance Policy by the Insurance Company”

04. In the petition submitted to the Authority, the complainant states that the request of the delivery of the policy for the determination of the payment amount for the life insurance of the deceased spouse is rejected by the data controller.

As a result of the investigation carried out by the Authority, it has been determined that the personality ends with death, in this context, the heirs become the data subject in terms of beneficiaries of the relevant policy, and based on this, the “document summarizing the policy” is legally given to the complaint by the data controller.

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

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

Summary of the Decision Numbered 2021/230 Regarding the “Obtaining the Personal Data of the Data Subject by Inquiring the Ex-Spouse Who Works as a Public Institution Personnel and Sharing it with the Judicial Authorities”

05. In the complaint petition submitted to the Authority, it is stated that the salary information of the data subject is inquired by the ex-spouse, who worked as a public institution personnel and presented it to the court.

As a result of the examination carried out by the Authority, it has been determined that the data subject’s personal data has been processed unlawfully, and the provisions of personal data security have not been complied with.

Based on these evaluations, the Authority has decided to instruct the data controller to take action against the mentioned personnel in accordance with the disciplinary provisions and to prevent access to personal data in an unlawful manner.

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

Summary of the Decision Numbered 2021/572 Regarding the “Use of the Data Subject’s Photograph by the School of which Data Subject is a Student”

06. In the complaint petition submitted to the Authority, it is stated that the photographs of a student are taken by the school and published in brochures for commercial purposes.

As a result of the investigations carried out by the Authority, the explicit consent text sent by the school is approved, yet the request for the deletion of personal data submitted by the data subject in the annex of the complaint petition is not fulfilled.

Based on these evaluations, the Authority has decided to instruct the data controller to blur or destroy the image of the data subject in the photograph.

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



Summary of the Decision Numbered 2021/228 Regarding the “The Unlawful Processing of the Personal Data of the Data Subject in the Proceedings of the Enforcement Proceedings and Sending Messages Regarding the Enforcement File to the Phone Number of Data Subject by the Law Office”

07. In the complaint petition, it is stated a law office sent messages to the phone number of the data subject about the enforcement file, to which the data subject is not affiliated.

As a result of the investigations carried out by the Authority, it has been determined that the data subject was a partner of the debtor company, and the personal data processing activity is in compliance with the law due to the enforcement proceedings carried out by the relevant law office. However, it has also been determined that the information regarding the data subject’s partnership has ended is announced in the Trade Registry Gazette.

Based on these evaluations, the Authority has decided to impose an administrative fine on the law office.

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

Summary of the Decision Numbered 2021/545 Regarding the “Sending Messages to Mobile Phone of the Data Subject for Advertising Purposes by the Data Controller”

08. In the complaint petition submitted to the Authority, it is stated that the data controller hospital sent messages to the data subject’s phone number for advertising and marketing purposes.

As a result of the investigations carried out by the Authority, it has been determined that contrary to the claims of the data controller, the relevant messages are sent and the data subject applied to the data controller in this regard.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the data controller has been instructed to exercise due diligence in the applications of the data subject and to destroy the relevant personal data.

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

Summary of the Decision Numbered 2021/217 Regarding the “Processing the Mobile Phone Number Information of the Data Subject by an Educational Institution without any Data Processing Conditions and Sending an SMS with Advertisement Content”

09. In the complaint petition submitted to the Authority, it is stated that an educational institution sent messages to the mobile phone of the data subject for advertising purposes.

As a result of the investigations carried out by the Authority, it has been determined that the relevant data processing activity is conducted based on the personal data and obtained consents through the survey company, by the company which has a copyright agreement with the aforementioned educational institution, in this regard, the consents obtained by survey company are invalid.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller company. In addition, it has been decided to initiate an ex officio investigation against the survey company.

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



Summary of the Decision Numbered 2021/424 Regarding the “The Allegation on a Bank, Asset Management Company and Three Lawyers Has Processed Personal Data of a Non-Borrower Data Subject and Began Enforcement Proceedings”

10. In the complaint petition submitted to the Authority, it is stated that the asset management company and three lawyers have initiated enforcement proceedings against the data subject through the authorized office, on the grounds that the data subject owed money to a bank to which no transaction had been executed.

As a result of investigations carried out by the Authority, it has been determined that the data subject is mistakenly confused with another person by the bank, and this is corrected following the application of the data subject in 2017, yet the updates regarding the fact that the data subject is not a real debtor are not reflected in the relevant registrations (UYAP, TBB risk center) by the asset management company. In addition, it has been determined by the Authority that the lawyers subject to the complaint are not the data controller.

Based on these evaluations, the Authority has decided that there is no action to be taken against the bank and the lawyers yet impose an administrative fine on the asset management company. In addition, the asset management company has been instructed to update the relevant registrations.

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



Summary of the Decision Numbered 2021/205 Regarding the “Unlawful Processing of Personal Data of the Data Subject by the Data Controller Employer in the Dismissal Process”

11. In the complaint petition submitted to the Authority, it is stated that the employment contract of the data subject is terminated by the data controller, in this process, the work computer is taken without permission, the data subject’s e-mails are examined, and the e-mail account is closed, in addition, the personal hard disk containing data subjects personal data including bank information is taken by the data controller.

As a result of investigations carried out by the Authority, it has been determined that taking back the computer and preventing access to the e-mail account are not a violation of the Law, and there is no information or document proving that personal hard disk is examined.

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

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

Summary of the Decision Numbered 2021/85 Regarding the “Response Given by the Data Controller to the Application of the Data Subject within the Scope of Article 11 of the Law”

12. In the complaint petition submitted to the Authority, it is stated that the clarification text has not been presented by the data controller to the data subject in the newsletter registration processes.

As a result of investigations carried out by the Authority, it has been determined that there is no clarification text in accordance with the Law on the relevant website, and the existing texts cannot be identified within this scope.

Based on these evaluations, the Authority has decided to instruct the data controller to eliminate the mentioned violations.

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

Summary of the Decision Numbered 2021/79 Regarding the “Sharing the Data of the Data Subject with Relatives by the Data Controller Bank”

13. In the complaint petition submitted to the Authority, it is stated that the data subject’s relatives are called regarding the credit card debt by the data controller bank.

As a result of the investigations carried out by the Authority, it has been determined that the processing of the contact information of the data subject’s relatives obtained through the Risk Center is illegal.

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

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

Summary of the Decision Numbered 2021/422 Regarding the “Personal Data Processing Activity by Sharing the Photographs of the Data Subject in Social Media Account of the Data Controller”

14. In the complaint petition submitted to the Authority, it is stated that photographs of the data subject who worked as a pilates instructor for, are published on social media by the data controller after the termination of the business relationship.

As a result of the investigations carried out by the Authority, it has been determined that the explicit consent of the data subject is not obtained by the data controller, and the photographs are not deleted based on the data subject’s request.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller and instructed that all photographs be removed from the social media account and destroyed.

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



Summary of the Decision Numbered 2021/361 Regarding the “A Bank’s Sending Promotional Messages to the Data Subject Via Mobile Applications Without Consent”

15. In the complaint petition submitted to the Authority, it is stated that promotional messages are sent to the mobile phone of the data subject by the bank, of which data subject is an employee who gets their salary via bank, the data subject made written and verbal application for deletion of the personal data, following this, the all of the bank account and credit cards are canceled.

As a result of the investigations carried out by the Authority, it has been determined that the preference for receiving electronic messages in the services provided by the bank is regulated to be automatically approved contrary to the legislation.

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

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

Summary of the Decision Numbered 2021/78 Regarding the “Storing Passport Photographs of Customers During Product Sale by a Data Controller Providing Telecommunication Services”

16. In the complaint petition submitted by the Authority, it is stated that the customers' passports are photographed without the customers' explicit consent while selling prepaid lines by the data controller providing the telecommunication service, and they are shared with third parties and employee's WhatsApp group.

As a result of the investigations carried out by the Authority, it has been determined that the necessary technical and administrative measures have not been taken to ensure the appropriate level of security to prevent the unlawful processing of personal data by the data controller.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller and notify the Chief Public Prosecutor's Office about the persons responsible for the violations within the scope of the Turkish Penal Code.

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



Summary of the Decision Numbered 2021/32 Regarding the “Inquiring of Data Subject’s Personal Data in the Data Controller Bank Without Data Subject’s Knowledge”

17. In the complaint petition submitted to the Authority, it is stated that the data subject's personal data is inquired by the spouse who works in the bank and presented to the divorce case file.

As a result of the investigations carried out by the Authority, it has been determined that no document proving that all administrative and technical measures have been taken by the bank has been presented, and no data breach notification has been made despite the bank's condemnation of the employee.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller and instruct to forward the supporting documents. In addition, it has been decided to inform the data subject that a notification can be made to the Office of the Chief Public Prosecutor on the person who has unlawfully obtained the personal data.

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

Summary of the Decision Numbered 2021/358 Regarding the “Sending SMS to the Data Subject by a bank and Failure to Fulfill the Application of the Data Subject to Destroy the Personal Data”

18. In the complaint petition submitted to the Authority, it was stated that the relationship between the data controller and the data subject was established in 2003, and various messages were sent by the bank even though no transactions had been executed by the data subject since the mentioned date.

As a result of the investigations carried out by the Authority, it has been determined that no documents proving that the messages sent are related to promotion, and the presented messages contain the purpose of legal informing.

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

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

Summary of the Decision Numbered 2021/333 Regarding the “Transferring Personal Data of Data Subject to Third Parties and not Fulfilling Obligation of Clarification by Insurance Company”

19. In the complaint petition submitted to the Authority, it is stated that the personal data of the data subject who has a traffic accident is transferred to third parties by the insurance company responsible, and the obligation of clarification regarding this matter is not fulfilled.

As a result of the investigations carried out by the Authority, it has been determined that the controller's clarification text is not clearly indicated on which data processing condition the personal data is processed.

Based on these evaluations, the Authority has decided to instruct the data controller to respond to the applications in accordance with the legislation and to correct the deficiencies in the clarification text.

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

Summary of the Decision Numbered 2021/603 Regarding the “Sending the Orders Given by the Data Subject on the Internet Shopping Page with a Request for Delivery to the Workplace Address Even Not Specified by the data Controller Shipping Company”

20. In the complaint petition submitted to the Authority, it is stated that a cargo sent with a request for the delivery to the home address is delivered to the workplace address of the data subject.

As a result of investigations carried out by the Authority, it has been determined that the relevant data processing activity violates the data security provisions.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the data controller has been instructed to take the utmost care regarding finalizing the applications of the data subjects.

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



Summary of the Decision Numbered 2021/664 Regarding the “Personal Data Including Bank Information of Data Subject in the Invoice Issued by a Company Distributing Natural Gas”

21. In the complaint petition submitted to the Authority, it is stated that a company providing natural gas distribution services has included the bank information on which data subjects payment orders in the invoices.

As a result of the investigations carried out by the Authority, it has been determined that the bank information has been removed from all invoices by the company based on the data subject's request, and the data subject has not suffered any right violations in this regard.

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

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

Summary of the Decision Numbered 2021/666 Regarding the “The Unlawful Seizure of Personal Data in the Birth Certificate of the Complainant’s Newborn Baby from a Data Controller Operating as a Private Hospital by Third Parties”

22. In the complaint petition submitted to the Authority, it is stated that the information of the complainant’s newborn child registered in the hospital’s systems is obtained unlawfully by the ex-spouse, who is divorced.

As a result of the investigations carried out by the Authority, it is determined that the hospital has not responded to the relevant application, in addition, necessary administrative and technical measures have not been taken.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the data controller is instructed to respond to the application made by the data subject in accordance with the Law.

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



Summary of the Decision Numbered 2021/670 Regarding the “Continuation of the Processing of Personal Data by Data Controller Bank After the Negative Finalization of the Job Application of Data Subject”

23. In the complaint petition submitted to the Authority, it is stated that the request regarding deletion of the resume information of the data subject is rejected by the bank to which the job application is made.

As a result of the investigations carried out by the Authority, it has been determined that the relevant personal data cannot be stored and should be destroyed on the grounds of the legitimate interest of the data controller.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the data controller is instructed to destroy the personal data of other persons whose job applications are rejected.

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

Summary of the Decision Numbered 2021/850 Regarding the “Using Identity Information by Photographing”

27. In the complaint petition submitted to the Authority, the complainant states that during the phone operator transfer process, a photograph of the identity card is taken by the employee of the telecommunication company.

As a result of the investigations carried out by the Authority, it has been determined that taking identity image is in accordance with the relevant legislation, and the technical and administrative measures taken within the scope of the application used by the data controller for registration are sufficient.

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

Summary of the Decision Numbered 2021/859 Regarding the “Processing Personal Data of the Data Subject by Taking a Photograph of the Data Subject’s ID via a Mobile Phone to Create the Internet Service Subscription by a Company Official Who Comes to the Data Subject’s House to Provide Internet Service Subscription”

28. In the complaint petition submitted to the Authority, it is stated that the company officials who provided internet service pointed out that a photograph of the ID card should be taken.

As a result of investigations carried out by the Authority, it has been determined that the practice of taking an identity photo for the conclusion of the subscription agreement is an obligation in accordance with the Consumer Rights Regulation on the Electronic Communication Sector.

Based on these evaluations, the Authority has decided that there is no action to be taken in this regard.

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



Summary of the Decision Numbered 2021/889 Regarding the “Recording and Publishing the Competitions in which the Data Subject Involved Without Consent by a Sports Facility”

29. In the complaint petition submitted to the Authority, it is stated that the data controller has recorded and published images in the sports facilities, yet the consent of the data subjects is not obtained in this regard.

As a result of the investigations carried out by the Authority, it has been determined that the data controller does not have any supporting information and documents proving that explicit consent has been obtained from the data subjects.

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

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

Summary of the Decision Numbered 2021/909 Regarding the “Submitting the Data of the Data Subject to the Enforcement Directorate by the Data Controller Lawyer within the Scope of the Enforcement Proceedings Regarding the Debt of the Data Subject’s Sibling”

30. In the complaint petition submitted to the Authority, it is stated that the address and personal data of the data subject are shared with the Enforcement Directorate, within the scope of the enforcement proceeding executed by the data controller lawyer for the data subject’s sibling.

Based on these evaluations, the Authority has decided that there is no action to be taken for the data controller.

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

Public Announcement on Personal Data Breaches within the Scope of the Turkish Penal Code on Promise of Job dated December 7, 2021

35. It is stated by the Authority that numerous complaints are reported regarding that the data subjects apply to job advertisements from various platforms, and the parties to whom the application is made asked for their identity card photos, in addition, subsequently, these parties could not be reached. Hence, their identity information is in the hands of fraudsters.

It has been stated by the Authority that since this issue is related to the matters falling within the jurisdiction of the judicial authorities pursuant to Article 15 of the Law, the data subjects should apply to the judiciary to execute the necessary legal proceedings in this regard.

You can find the public announcement [here](#).

Public Announcement on Data Protection Officer Concept dated December 10, 2022

36. It has been stated by the Authority that the Data Protection Officer, which is included in the General Data Protection Regulation, but not included in our national legislation, and the person to be given a Data Data Protection Officer in Turkish Law Certificate in accordance with the Communiqué differ from each other.

You can find the public announcement [here](#).



Public Announcement on the Processing of Personal Data by Sending Verification Codes via SMS to Data Subjects During Shopping in Stores dated December 17, 2021

37. It has been stated by the Authority that many complaints are submitted by the data subjects regarding SMS verification code is sent to the data subjects' mobile phones in the stores since it is necessary for completing the payments and updating the information, and commercial messages are sent to them.

As a result of the investigations carried out by the Authority, it has been stated that the purpose of the SMS to be sent to the phones should be notified to the data subjects, and explicit consent of them should be obtained.

You can find the public announcement [here](#).

GoDaddy.com, LLC Data Breach Notification

38. As a result of the cyber-attack on the data controller's systems, it has been determined that unauthorized third parties have illegally accessed the personal data of the users.

You can find the details of the data breach notification [here](#).

T.C. İstanbul Kültür Üniversitesi Data Breach Notification

39. It has been determined that a data breach is occurred as a result of the seizure of the computer password used by the university employee with unauthorized third parties.

You can find the details of the data breach notification [here](#).

Eureko Sigorta AŞ Data Breach Notification

40. It has been determined that the files belonging to the data controller are sent to unauthorized parties due to a systematic error.

You can find the details of the data breach notification [here](#).

Norwegian Data Protection Authority Has Decided to Impose an Administrative Fine on Grindr

41. As a result of the investigation carried out by the Norwegian DPA based on the complaint submitted by the Norwegian Consumer Council, it has been determined that Grindr has disclosed the user data for behavioral advertising to third parties without a legal basis. In addition, it has been stated that consents obtained by the data controller regarding sharing the personal data with advertising partners are not valid, and the obligation to inform is not fulfilled in this regard.

Based on these evaluations, the Authority has decided to impose an administrative fine of 6,500.000 EUR on the data controller.

You can find the detail of the 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.


Prepared By


 Civan Güneş


 Onur Saygın

 Şeyma Kaplan

 Ece Melis Erkoçak

 Öykü Selenay Solmaz

 Onur İzli

 Selin Malkoç



Address

Astoria Towers
Kempinski Residences
Şişli / İstanbul

Telephone & Fax

Telephone: + 90 212 244 92 22
Fax: + 90 212 244 92 21

Web

E-mail: ask@cottgroup.com
Website: www.cottgroup.com
Website: www.verisistem.com

Follow Us on Social Media...

