

KVKK & GDPR

NEWSLETTER

Monthly Newsletter

JANUARY 2022



JANUARY

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01

“Draft Guideline on Cookies Applications” Published by the Personal Data Protection Authority

The Draft Guideline on Cookie Applications was published by Turkish Personal Data Protection Authority on January 11, 2022, to create a guide document for both data processors and data controllers.

In the Draft Guideline, examinations are carried out regarding the types of cookies, and evaluations are made on whether cookies require explicit consent or not by categorizing them as Criteria A and Criteria B.

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

02

“False Facts About the Personal Data Protection Law – 2” Guideline Has Been Published by the Turkish Personal Data Protection Authority

“False Facts About the Personal Data Protection Law – 2” Guide was published by Turkish Personal Data Protection Authority on January 3, 2022. Several examples regarding the practice are situated in the Guide.

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

03

Summary of the Decision Numbered 2021/1210 Regarding the “Calling and Sending SMS to the Mobile Phone Number of The Data Subject to Inform About Digiturk Campaigns”

In the notification submitted to the Authority, it is stated that the campaign information is sent to the mobile phone number of the data subject without the consent of Digiturk. As a result of the investigations carried out by the Authority, it is determined that Digiturk and Digiturk dealer do not act as the data controller in mentioned case, and the campaign information

subject to the complaint is submitted to the phone number obtained through the derivation method by the company providing subcontractor call center service to the dealer. In addition, it has been stated by the Authority that there is no evidence that the company providing the call center service has obtained explicit consent from the data subjects.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller. In addition, the parties are instructed to define the roles of the data controller and data processor with open provisions in the agreements.

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

04

The Decision Relating with Automobile Renting Industry Has Been Published by Turkish Data Protection Authority

As a result of the investigation carried out by the Authority based on notices, it has been stated that the software provided by the software firms to the automobile renting companies and the negative experiences of the rent holders during their automobile rental period and the comments of the automobile rental companies for the next renting processes can be viewed by another automobile renting companies in the rental situation, and the lessor is not aware of the processing of this knowledge.



The concept of joint data controller which hasn't been defined in Turkish Personal Data Protection Law numbered 6698 but defined in [General Data Protection Regulation](#) and stating that software companies are joint data controllers and are responsible for the data processing activities in the Decision for the first time.

You can find the detail of the Decision [here](#), and you can find the detailed article [here](#).

05

Public Announcement on Registration in the Data Controllers Registry

The “Public Announcement on Registration in the Data Controllers Registry” has been published by the Personal Data Protection Authority on January 4, 2022.

In the Public Announcement, the Authority reminded the data controllers that [VERBIS registrations](#) should be prepared based on the Personal Data Processing Inventory, and the registration will not remove their other obligations within the scope of the Law.

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

06

Norwegian Data Protection Authority Has Decided to Impose an Administrative Fine on Warsaw University of Technology

As a result of the investigation carried out by the Polish DPA based on the notification of data breach, it has been determined that an unauthorized person from the information technology network of the

Warsaw University of Technology has sourced a database containing personal data of students and lecturers.

In addition, it is stated that the necessary technical and administrative measures regarding the protection of personal data are not implemented, especially “privacy by design.”

Based on these evaluations, the Authority has decided to impose an administrative fine of 9,900 EUR on the data controller.

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

07

The Sanction Board of the Office of the Data Protection Ombudsman in Finland Has Decided to Impose an Administrative Fine on Psychotherapy Center Vastaamo

As a result of the investigation carried out by the Sanction Board of the Data Protection Ombudsman Office based on the attack notification against the database of the data controller, it has been determined that Vastamoo's patients' data has been disappeared. In addition, it is stated that the basic measures are not implemented by the data controller to ensure the security of personal data in the Decision.

Based on these evaluations, the Board has decided to impose an administrative fine of 608,000 EUR on the data controller.

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

08

Wiesbaden Administrative Court Has Decided to Impose an Interim Injunction on Cookie Bot Firm named Cybot

As a result of the investigation carried out by the Wiesbaden Administrative Court based on the claim of data subject against Cookie Bot firm named Cybot, it has been determined that Cybot, which is the cloud provider of the platform used by Rhein-Main University to store users' cookie preferences on the website is a United States of America ("USA") centered company. In addition, it has been determined that the transferring of "IP address" and "user key" to the USA-centered company has been processed without clarification and written consent of the data subject in the court decision.

Based on these evaluations, due to the Administrative Court has decided, it was a violation of the right to personal data processing legally, it has been decided to impose an interim injunction on the data controller.

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

09

Regulation on Remote Identification Methods for Leasing, Factoring, Financing, and Savings Financing Companies ("Regulation") Published by Banking Regulation and Supervision Agency ("BDDK")

As per the Regulation, issues regarding remote identification are regulated for establishing distance contracts with new customers of financial leasing, factoring, financing, and savings finance companies.

Here in, it is stated in the Regulation that the customer representative should be trained periodically on the

remote identification process at least once a year and after each amendment, including the legislation regarding the protection of personal data.

You can find the Regulation [here](#).



10

Logo Yazılım Sanayi ve Ticaret A.Ş. Data Breach Notification

It has been determined that unauthorized third parties have illegally accessed the data controller's systems.

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

11

Industries S.p.A. Data Breach Notification

It has been determined that ransomware attacks are carried out on the systems of the data controller, and despite the immediate reaction to the attack by the data controller, some data in the systems is encrypted, and that may have leaked.

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

12

Moncler İstanbul Giyim ve Tekstil Ticaret Ltd. Şti. Data Breach Notification

It has been determined that the systems of Industries S.p.A, the parent company to which the data controller is affiliated, are attacked with ransomware, some data in the systems are encrypted and may have leaked.

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

13

Pizza Restaurantları A.Ş. (Dominos Pizza) Data Breach Notification

It has been determined that unauthorized third parties have illegally accessed the systems of the data controller, and 180,000 customers have been affected by the breach.

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



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Notification!

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