

KVKK & GDPR

NEWSLETTER

Monthly Newsletter

FEBRUARY 2022





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01

Summary of the Decision Numbered 2021/1324 Regarding the “Data Breach Notification of Yemek Sepeti Elektronik İletişim Perakende Gıda Lojistik A.Ş”

In the data breach notification submitted to the Authority, it was stated that a web application server belonging to the data controller was accessed, and as a result of unauthorized access, 21,504,083 Yemek Sepeti users were affected from breach.

As a result of the investigation carried out by the Authority, it is determined that the penetration tests were not carried out effectively by data controller, the delay in the intervention was an indication that the existing risks and threats are not well determined by the data controller, and that the data controller did not take adequate administrative and technical measure.

Based on these evaluations, the Authority has decided to impose an administrative fine of 1,900,000 TRY on the data controller.

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

02

Summary of the Decision Numbered 2022/13 Regarding the “Sharing of Exam Result Document by a Local Newspaper Website Without the Explicit Consent of the Data Subject”

In the complaint petition submitted to the Authority, it is stated that the exam result document, which contains the personal data of the data subjects, was shared by the local news website without its explicit consent.

As a result of the investigation carried out by the Authority, it is determined that the news about the name, surname, photograph, education program and placement score of the data subject has been removed from the website of the data controller.

Based on these evaluations, the Authority has decided to impose an administrative fine on the data controller, taking into account the mitigating factor that the personal data has been removed from the website of the data controller.

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



03

Principal Decisions Published by The Turkish Data Protection Authority

The previously published Principal Decisions was published again by Turkish Personal Data Protection Authority on February 18, 2022. The published document contains all the decisions published so far, and these decisions in the document serve as a precedent for the enforcement of the law.

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

04

Public Announcement Regarding Procedures and Principles Regarding the Issuance of the Certificate of Participation dated February 11, 2022

The Communiqué on the Procedures and Principles Regarding the Personnel Certification Mechanism was published in the Official Gazette dated December 6, 2021 and numbered 31681. In the third paragraph of Article 5 titled “General principles” of the Communiqué, “The procedures and principles regarding the participation certificate shall be determined and announced by the Authority.” statement was included. In this direction, the procedures and principles regarding the participation certificate have been determined by the Turkish Personal Data Protection Authority Decision dated December 23, 2021 and numbered 2021/1296 published on the website of KVKK.

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

05

Public Announcement on Technical and Administrative Measures Recommended to be Taken by Data Controllers Regarding User Security dated February 15, 2022

It is stated by the Authority that, the user account information (username and passwords) used to log in to the websites of data controllers operating in various sectors such as finance, e-commerce, social media and gaming are publicly published on some websites.

It has been stated by the Authority that the data controller is obliged to take all necessary technical and administrative measures to ensure the security level in accordance with Article 12 of the Law.

In this regard, it has been recommended that the data controllers take appropriate technical and administrative measures by evaluating their own risk assessment below;

- Establishing two factor authentication (“2FA”) and presenting them to their users as an alternative security measure from the membership application stage,
- In the event of logging in on different devices apart from devices which provide frequent access to the users’ accounts, the login information can be sent via e-mail/sms etc. ensuring the relevant people are forwarded to their contact addresses.

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

06

Regulation on the Protection and Processing of Data Within Social Security Institution (“Regulation”) Published by Social Security Insurance (“SSI”)

The Regulation on the Protection and Processing of Data Within Social Security Institution (“SSI”) (“Regulation”) entered into force after being published in the Official Gazette dated February 19, 2022 and No. 31755. With the Regulation, issues regarding protection of personal data within SSI are regulated dated February 19, 2022 and numbered 31755.

Here in, important issues regarding the processing, protection and transferring of personal data with third parties is amended in the Regulation.

You can access further information on the subject through [our article](#) published on our website.

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

07

Constitutional Court Has Decided to Termination of Employment Contract Due to WhatsApp Correspondence Is a Breach of Respect of Privacy and Freedom of Communication

It has been determined that with the Turkish Constitutional Court Decision application numbered 2018/34548 and dated November 28, 2021 the constitutional right of the employee whose employment agreement is terminated due to WhatsApp correspondence is a breach of respect of privacy and freedom of communication.

It is stated by the Constitutional Court, the reason for the breach is that although employees have not been notified so as not to use the work computers for personal correspondence, it has been a reason for termination by employer.

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





08

KVKK Administrative Fines Calculated According to Revaluation Rate

In accordance with the General Communiqué on Tax Procedures Law published in the Official Gazette dated November 27, 2021 and numbered 31672, the revaluation rate was determined as % 36,20 (thirty-six comma twenty) for 2021. Accordingly, the amounts of administrative fines stipulated in Personal Data Protection Law for 2022 year are updated.

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



09

Hellenic Data Protection Authority Has Decided to Impose an Administrative Fine on Cosmote S.A. and OTE S.A.

As a result of the investigation carried out by the Hellenic DPA based on the attack notification against the database it has been determined that Cosmote S.A was found responsible for poor data protection impact assessment, poor anonymization, inadequate security measures.

Based on these evaluations, the Authority has decided to impose an administrative fine of 6,000,000 EUR and impose a sanction of stopping the processing and destroying the data on the data controller. Moreover, Board has decided to impose an administrative fine of 3,250,000 EUR on Ote S.A.

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

10

Swedish Data Protection Authority Has Decided to Impose an Administrative Fine on Region Uppsala

As a result of the investigation carried out by the Swedish DPA based on the two notifications of data breach, it has been determined that

sensitive personal data and social security numbers of patient to the relevant healthcare administrations researchers and doctors within the region sent via the unencoded "e-mail.

Based on these evaluations, the Authority has decided to impose an administrative fine of 1,900,000 SEK on the region of Uppsala.

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

11

Hungarian Data Protection Authority Has Decided to Impose and Administrative Fine on Car Manufacturer

As a result of the investigation carried out by the Hungarian DPA based on the claim of data subject, it has been determined that a satisfaction measurement was sent by a third party on behalf of car manufacturer and then reminder sent. The application of the data subject was rejected by Authority because the data subject applied to the third party who sent the satisfaction measurement instead of the data controller car manufacturer.

In addition, it has been stated that according to the information provided, although the data could also be transmitted to the car manufacturer, the information was still obtained through anonymous statistics by Authority.

Based on these evaluations of car service, the Authority has decided to impose an administrative fine of 14,000 EUR on the data controller.

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

12

AEDP Has Decided to Impose an Administrative Fine on Caixabank & Payments & Consumer EFC, EP, S.A.U

As a result of the investigation carried out by the AEDP based on several indications that there might be an incorrect practice in relation to the automated profiling and decision making of the controller in the context of its commercial activity, it has been determined that Caixabank & Payments & Consumer EFC, EP, S.A.U was found responsible for lack of consent for commercial profiling.

Based on these evaluations, the Board has decided to impose an administrative fine of 3,000,000 EUR and make the data processing activities comply with GDPR within 6 months on the data controller.

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





13

Italian Data Protection Authority Has Decided to Impose an Administrative Fine on Enel Energia

As a result of the investigation carried out by Italian DPA based on hundreds of complaints by users, it has been determined that unsolicited promotional calls were without consent of data subjects.

In addition, it is stated that the requests for access their personal data object to processing for marketing purposes was delayed or missing altogether. Based on these evaluations, the Authority has decided to impose an administrative fine of 25,513,977 million EUR on the data controller.

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

15

Finnish Data Protection Authority Has Decided to Impose an Administrative Fine on Travel Agency

As a result of the investigation carried out by the Authority based on a claim of data subject, it has been determined that the data controller has not fulfilled the data subject's request relating with the erasing the data. In addition, it is stated that forms included the customer's name, contact details and passport number and it has been neglected data protection duty by data controller. Based on these evaluations, the Authority has decided to impose an administrative fine of 6,500 EUR on the data controller. You can find the detail of the Decision

[here](#).

14

The Sanction Board of the Data Protection Ombudsman Has Decided to Impose an Administrative Fine on Finnish Motor Insurers' Centre

As a result of the investigation carried out by the Authority, The Office of the Data Protection Ombudsman has decided that the data controller has violated GDPR by requesting the patient records of claimants instead of requesting information necessary for claims handling.

Based on these evaluations, the Board has decided to impose an administrative fine of 52,000 EUR on the data controller.

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

16

Polish Data Protection Authority Has Decided to Impose an Administrative Fine on Pactum Poland Sp. Z O.O.

As a result of the investigation by the Polish DPA based on a claim of data subject, it has been requested from the data controller to respond to the notifications received. Polish DPA has decided that there was a lack of cooperation of the data controller since the data controller only accepted one of the other notifications sent to her/him and did not respond to the any notifications and it has decided to impose an administrative fine of 4,000 EUR on Pactum Poland SP. Z O.O. You can find the detail of the Decision [here](#).

17

Saudi Arabia Has Issued Its First Comprehensive National Personal Data Protection Law

Saudi Arabia's Personal Data Protection Law ("The PDPL") is implemented by Royal Decree M/19 of 9/2/1443H (16 September 2021) approving Resolution No. 98 dated 7/2/1443H (14 September 2021). It was published in the Official Gazette on September 24, 2021.

The PDPL marks the introduction of Saudi Arabia's first data protection law. In particular, the PDPL will take effect on March 23, 2022 with the executive regulations supplementing the law also to be issued within this period, and the implementing decree of the law provides for an 18-month transition period for data controllers to achieve compliance with the new law from the date of its publication in the Official Gazette.

Administrative and criminal liabilities are also regulated in the PDPL. Saudi Data and Artificial Intelligence Authority (SDAIA) has been designated as the competent authority for a limited time period.



18

Arı İnovasyon ve Bilim Eğitim Hizmetleri Anonim Şirketi (İTÜ ETA Vakfı Doğa Koleji) Data Breach Notification

It has been determined that unauthorized third parties accessed the authorized person relating with systems of data controller's and 79.997 people has been affected from data breach.

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

19

T.C. Acıbadem Mehmet Ali Aydınlar University Data Breach Notification

It has been determined that the systems of data controller were attacked with ransomware and access to the servers were limited.

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

20

Şişli Municipality Data Breach Notification

It has been determined that fiber attacked by installing ransomware on the servers and the systems of the data controller, and that the server and files were encrypted.

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

21

Kentyol Kent Hizmetleri A.Ş. Data Breach Notification

It has been determined that a fiber attack occurred by installing ransomware on the server and clients of the data controller. After the attack, it was determined that the server and files were encrypted and 2100 people were affected by the data breach.

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

22

Kent Konut İnşaat ve Sanayi Ticaret A.Ş. Data Breach Notification

It has been determined that the servers of data controller has been attacked with ransomware and denial of service (DoS-DDoS) and 1000 people has been affected from the breach.

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



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Notification!

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