

KVKK & GDPR

NEWSLETTER

Monthly Newsletter

MARCH 2022



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01

Constitutional Court Has Decided that Doctor Spouse's Access to the Pre-Marriage Personal Health Data Is a Violation of the Right to Request the Protection of Personal Data

According to Turkish Constitutional Court Decision application numbered 2019/20473 and dated 18.03.2022, it has been determined that it is a breach of right to demand the protection of personal data in Turkish Constitution is violated. The applicant filed a complaint against her husband with the allegation that he had committed the crimes of misconduct, violation of privacy, unlawful seizure and sharing of personal data due to the fact that her husband seized the hospital records about her and presented them to the court as evidence. Turkish Constitutional Court emphasized that the applicant did not disclose the information about her treatment before marriage to her husband before, at the same time, there was no explicit consent to give this personal data to third parties, including the spouse. Turkish Constitutional Court, with the above and the detailed reasons in the decision, decided that the applicant's right to demand the protection of personal data, which is enshrined under Article 20 of the Turkish Constitution, has been violated.

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

02

Polish Data Protection Authority Has Decided to Impose an Administrative Fine on Santander Bank Polska S.A.

As a result of the investigation carried out by Polish DPA regarding the unauthorized access of the former employee on data controller's systems even though the former employee's employment contract was terminated, it has been determined that the former employee of the data controller had unauthorized access to the Electronic Services Platform for multiple times.

In addition, it is stated that by the Authority that the former employee's data controller has access to the Electronic Services Platform is a high-risk breach of data privacy.

Based on these evaluations, the Authority has decided to impose an administrative fine of 120,000 EUR on the data controller.

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





03

Italian Data Protection Authority Has Decided to Impose an Administrative Fine on Clearview AI Inc.

As a result of the investigation carried out by Italian DPA based on the press reports, it has been determined data controller violates the GDPR because of processing of personal data, including biometric and geolocation data obtained through facial recognition products offered to its customers by the data controller, without an appropriate legal basis.

Based on these evaluations, the Authority has decided to impose an administrative fine of 20,000,000 EUR on the data controller. Additionally, the Italian SA:

1- Imposed a ban on any further collection by web scraping techniques, images and the relevant metadata concerning people in Italy and on further processing of the standard and biometric data that are handled by the data controller via its facial recognition system that concerns people in Italy.

2- Ordered deletion of the data processed through the data controller's facial recognition system concerning people in Italy, including biometric data.

3- Ordered the data controller to appoint a representative to be located on the territory of the European Union.

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

04

Finnish Data Protection Authority Has Decided to Impose an Administrative Fine on Medical Clinic

As a result of the investigation carried out by the Finnish DPA regarding the claim of the data controller health critic, it has been determined that the data controller was found responsible for implement the customer's right to inspect their own data in accordance with the GDPR and inform its customers in an adequate manner about the processing of personal data, or to what extent it acted as the controller for patient records generated in its operations. Based on these evaluations, the Authority has decided to impose an administrative fine of 5,000 EUR.

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

05

Polish Data Protection Authority Has Decided to Impose an Administrative Fine on Fortum Marketing and Sales Polska S.A.

As a result of the investigation carried out by the Polish DPA based on the data breach notification, it has been determined that Fortum Marketing and Sales Polska S.A. was found responsible for failing implement the appropriate technical and organizational measures to ensure personal data security and failing to verify the processor. Based on these evaluations, the Authority has decided to impose an administrative fine of 1,080,000 EUR to data controller and 55,000 EUR on processor.

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

06

Irish Data Protection Authority Has Decided to Impose an Administrative Fine on Meta (Facebook) Platform

As a result of the investigation carried out by the Irish DPA based on the data breach notifications, it has been determined that Meta (Facebook) Platform was found responsible for failing of the appropriate technical and organizational measures that demonstrates the security measures which was applied in practice to protect European Union users' data.

Based on these evaluations, the Authority has decided to impose an administrative fine of 17,000,000 EUR.

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

07

Greek Data Protection Authority Has Decided to Impose an Administrative Fine on a Private Education Institution

As a result of the investigation carried out by the Greek DPA based on the data breach notifications by the teacher working in the institution it has been determined that the private education institution was found responsible for the continuous monitoring of the courses via Zoom despite the teacher's complaints violates the GDPR because of complainant's right of objection is not fulfilled and the legal basis of the monitoring is not specified.

Based on these evaluations, the Authority has decided to impose an administrative fine of 2,000 EUR.

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





08

Dutch Data Protection Authority Has Decided to Impose an Administrative Fine on DPG Media Magazines

As a result of the investigation carried out by the Dutch DPA based on the various complaints it has been determined that DPG Media Magazines was found responsible for the violation of GDPR for requesting a copy of identity document from people who want to view their data or want their data deleted.

Besides, in the decision it is stated that the data breach is no longer committed after the takeover of the company, due to the fact that the identity of the people requesting their access to their data is being confirmed by sending verification e-mail.

Based on these evaluations, the Authority has decided to impose an administrative fine of 525,000 EUR.

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

10

Spanish Data Protection Authority Has Decided to Impose an Administrative Fine on Orange Espagne

As a result of the investigation carried out by the Spanish DPA based on the data breach notifications it has been determined that Orange Espagne was found responsible for sharing of duplicate SIM cards with third parties

09

Spanish Data Protection Authority Has Decided to Impose an Administrative Fine on Orange Espana Virtual

As a result of the investigation carried out by the Spanish DPA based on the data breach notifications it has been determined that Orange Espana Virtual was found responsible for sharing of duplicate SIM cards with third parties, meaning that the personal data of subscribers including bank account information is shared with third parties, thus violating the GDPR.

Based on these evaluations, the Authority has decided to impose an administrative fine of 70,000 EUR.

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



other than subscribers meaning the personal data of subscribers including bank account information is shared with third parties, thus violating the GDPR.

Based on these evaluations, the Authority has decided to impose an administrative fine of 700,000 EUR.

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

11

Spanish Data Protection Authority Has Decided to Impose an Administrative Fine on Xfera Moviles

As a result of the investigation carried out by the Spanish DPA based on the data breach notifications it has been determined that Xfera Moviles was found responsible for sharing of duplicate SIM cards with third parties other than subscribers meaning the personal data of subscribers including bank account information is shared with third parties, thus violating the GDPR.

Based on these evaluations, the Authority has decided to impose an administrative fine of 200,000 EUR.

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

12

Spanish Data Protection Authority Has Decided to Impose an Administrative Fine on Vodafone Espana

As a result of the investigation carried out by the Spanish DPA based on the data breach notifications it has been determined that Vodafone Espana was found responsible for sharing of duplicate SIM cards with third parties other than subscribers meaning the personal data of subscribers including bank account information is shared with third parties, thus violating the GDPR.

Based on these evaluations, the Authority has decided to impose an administrative fine of 3,940,000 EUR.

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



13

Martı İleri Teknoloji A.Ş. Data Breach Notification

It has been determined that due to the unauthorized access to the data controller systems, data was seized by third parties.

It has been stated that the investigations regarding the source of the breach and the method are in progress, the number of people affected by the data breach and the method of the data breach have not been determined yet.

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

14

Yonca Sağlık Hizmetleri Ltd. Şti. Data Breach Notification

It has been determined that a cyber-attack has been carried out on the systems of the data controller and that the data has been seized by unauthorized third party(s) and that the breach has been learned by an e-mail sent to the personnel working as an IT manager.

It has been stated that people affected by the data breach were employees and patients, 500,000 number of people and estimated 2,500,000 number of records affected by the data breach.

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



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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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