

KVKK & GDPR

NEWSLETTER

Monthly Newsletter

APRIL 2022



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01

Decision on Payment and Debt Inquiry Services of Municipalities by the Turkish Data Protection Authority

The decision regarding with payment and debt inquiry services of municipalities has been published by Turkish Data Protection Authority (“Authority”) in the Official Gazette dated April 29, 2022 and numbered 31824.

According to the decision, it was stated that municipalities should use membership and password or two-factor authentication in real estate tax payment/fast payment and debt inquiry services and this requirement is counted among the administrative and technical measures that the data controller must take within the scope of the Turkish Data Protection Law (“KVKK”).

It is explained that the action will be taken against data controllers who act opposite to the decision of the Authority in accordance with the penalty provision of the KVKK.

You can find details about the subject in our article [here](#) and the decision [here](#). (In Turkish).

02

Draft on the Data Governance Act (“DGA”) Published by European Parliament

With the DGA published by European Parliament, it is aimed to increase the reliability of data intermediaries in order to encourage the sharing and reuse of data in artificial intelligence, production, health and many other categories within the European Union.

It is expected to be finalized enactment date of DGA, which was published April 6, 2022.

You can find the draft of DGA [here](#).



03

Turkish Constitutional Court Has Decided to Fingerprint Tracking Is a Violation of Rights

According to Turkish Constitutional Court Decision application No. 2018/11988 and dated March 3, 2022, it has been determined that it is a breach of right to demand the protection of personal data within the scope of respect of private life in Turkish Constitution is violated.

Turkish Constitutional Court Decision states that; fingerprint data is sensitive personal data, there should be a legal regulation in the law in order to process sensitive personal data without explicit consent, since there is no such legal regulation in the Law, it is not possible to control working hours with the fingerprint system and it has been concluded that the intervention subject to the application does not meet the legality principle.

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 details about the subject in our article [here](#).



04

Public Announcement Regarding VERBIS Registration dated April 21, 2022

Administrative sanctions have been initiated against data controllers who are found to have not fulfilled their obligation to register and notify due to the expiry of deadline (December 31, 2021) for data controllers who are obliged to register with the Data Controllers Registry Information System ("VERBIS") have been determined by the Turkish Personal Data Protection Authority Decision dated April 21, 2022 and published on the website of Turkish DPA.

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

05

The Swedish Authority for Privacy Protection (IMY) Has Decided to Impose an Administrative Fine on Klarna Bank AB

As a result of the investigation carried out by The Swedish Authority for Privacy Protection based on the data breach notification it has been determined that Klarna Bank AB was found responsible for violation of GDPR by not fulfilled the basic principle of transparency and the data subjects' right to information.

Based on these evaluations, the Authority has decided to impose an administrative fine of 724,000 EUR on the data controller.

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

06

Irish Data Protection Authority Has Decided to Impose an Administrative Fine on Bank of Ireland Group

As a result of the investigation carried out by the Irish DPA based on the various complaints it has been determined that Bank of Ireland Group was found responsible for violation of GDPR due to its failure to fulfill its duties, which is taking the appropriate technical and organizational measures to provide a level of security commensurate with the degree of risk when transferring the data of the data subjects and accidental change of data by the institution to which the data is transferred, but failure to notify the data subjects and the DPA.

Based on these evaluations, the Authority has decided to impose an administrative fine of 463,000 EUR on the data controller.

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

07

Danish Data Protection Authority Has Proposed to Impose an Administrative Fine on Danske Bank

As a result of the investigation carried out by the Danish DPA and Danish Police together based on the bank's self-notification, it has been determined that Danske Bank was found responsible for violation of GDPR because the bank in more than 400 systems has not been able to document whether rules have been laid down for deletion and storage of personal data, or whether manual deletion of personal data.

Based on these evaluations, the Authority has proposed to impose an administrative fine of 1,300,000 EUR on the data controller.

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



08

Belgium Data Protection Authority Has Decided to Impose an Administrative Fine on Brussels South Charleroi Airport

As a result of the investigation carried out by the Belgium DPA based on the data breach notification, it has been determined that Brussels South Charleroi Airport was found responsible for violation of GDPR because of processing sensitive personal data (health data) by making temperature controls of the travelers at the airport and by doing this process within the scope the Protocol prepared by the Ministry of Mobility, which is not in compliance with the GDPR and not considered a legal data processing criterion.

Based on these evaluations, the Authority has decided to impose an administrative fine of 100,000 EUR and impose a reprimand on the data controller.

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

10

Yıldızlar Yatırım Holding AŞ, Yıldız Demir Çelik Sanayi AŞ, Yıldız Entegre Ağaç Sanayi AŞ, İstanbul Gübre Sanayi AŞ (İGSAŞ) Data Breach Notification

It has been determined in a ransom note left to demand ransom money in the area where the file server is located, that the systems of the data controller were seized by anonymous

09

Belgium Data Protection Authority Has Decided to Impose an Administrative Fine on Brussels Airport Company and Ambuce Rescue Team

As a result of the ex officio investigation carried out by the Belgium DPA and Ambuce Rescue Team who is running the process, it has been determined that data controllers was found responsible for violation of GDPR because of processing sensitive personal data (health data) by making temperature controls of the travelers at the airport and by doing this process within the scope the Protocol prepared by the Ministry of Mobility, which is not in compliance with the GDPR and not considered a legal data processing criterion.

Based on these evaluations, the Authority has decided to impose an administrative fine of 200,000 EUR on Brussels Airport Company and 20,000 EUR on Ambuce Rescue Team and impose a reprimand on both data controllers.

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

cyber-attackers and that the servers of the data controllers were encrypted, and all files were unusable and inaccessible. The personal data categories, groups of related persons and number of persons affected by the violation were not included in the notification and it is stated that the intervention and analysis studies is continuing.

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

13

Magna Ventures Yazılım ve Teknoloji Girişimleri Ticaret A.Ş. Data Breach Notification

It has been determined that the Poda Mobil software, which is offered in the special application area in different regions, has been captured by unauthorized people and the database password is seized by persons who gain unauthorized access to the system.

It has been stated that members who affected by the violation is 7,823 people.

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

14

Paketman E-Ticaret Sanayi Ticaret A.Ş. Data Breach Notification

It has been determined that the data controller has been hacked into the database system; identity, contact and location information is captured by the attacker and then ransom is demanded.

It has been stated that estimated number of users affected by the breach is 1,362.

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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