

KVKK & GDPR

NEWSLETTER

Monthly Newsletter

NOVEMBER 2022



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01

Administrative Fines to be Applied within the Scope of KVKK in 2023 According to the Revaluation Rate

Pursuant to duplicated Article 298 of Tax Procedure Law, revaluation rate has been published in the Official Gazette numbered 32023 and dated 24.11.2022. Revaluation rate announced in the rate of 122,93% (one hundred twenty two comma ninety three) for 2023.

According to the rate, the administrative fines in Article 18 of the Turkish Personal Data Protection Law ("KVKK") numbered 6698 shall be imposed in 2023 as in the following amounts:

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



In Case Disclosure Obligation is Contradicted	In Case of Breach Of Data Security Obligations
2022	2022
13,393 TRY - 267,886 TRY	40,183 TRY - 2,678.866 TRY
2023 (According to Revaluation Rate):	2023 (According to Revaluation Rate):
29,852 TRY - 597,191 TRY	89,571 TRY - 5,971,989 TRY
In Case of Contradiction With The Decisions of The Board	In Case of Breach of VERBIS Registration Obligation and Notification
2022	2022
66,972 TRY - 2,678.866 TRY	53,576 TRY - 2,678.866 TRY
2023 (According to Revaluation Rate):	2023 (According to Revaluation Rate):
149,285 TRY - 5,971,989 TRY	119,428 TRY - 5,971,989 TRY

02

Constitutional Court Decides on The Texture of Personal Messages of The Employee

The Constitutional Court Decision published on the Official Gazette dated November 15, 2022 and numbered 32014 included the concept of personal data.

Due to the insulting messages of the employee on the company phone about other colleagues, the employment contract was terminated by the employer with a valid reason. According to the employee's claim, the contents of the messages are personal data and were obtained unlawfully by the employer. According to the employer's claim, since it is a company phone, the messages of the employee on the company phone were obtained in accordance with the law, since the device was a company device.

The employer has informed the employee that the phone used by the employee, belonging to the employer, should only be used for business purposes. However, it has been determined that the employer has the authority to examine and inspect the mobile phone allocated for the use of the employee, that there are limits to the scope of use and that the sanction to be applied to the employee in case these limits are exceeded is not clearly regulated.

Therefore, the employer's authority to examine and inspect the communication tool handed over to the employee for his use, and the fact that he has not been enlightened about the sanction that will apply in the event that the communication tool is used contrary to its purpose, violates both the result of illegally obtaining personal data and the confidentiality of the employee's private life and communication as a conclusion.

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

03

The Slovenian Supervisory Authority Has Decided to Disproportionate

As a result of the investigation carried out based on the investigation carried out by the Slovenian Supervisory Authority ("The Authority"); It has been stated by the data controller that the continuous, systematic and automatic GPS recording and data processing of its employees violates the European Data Protection Regulation ("GDPR"). Processing of employee data by continuous, systematic and automatic GPS tracking; it has decided that there is no legitimate purpose, stating that it violates the principles of "processing is necessary for the purposes of the legitimate interests and "data minimization". Based on these evaluations, the Authority has decided the controller to stop processing the data of employees that were collected by continuous, systematic and automatic GPS tracking.

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

04

Aliza Otelcilik Turizm ve Tic. A.Ş. Data Breach Notification

It has been determined that data programs related to human resources, accounting and customer records have been deleted As a result of the cyber attack onto the systems of the data controller. It has been stated that the identity, communication, location, personnel, legal action, customer transaction, transaction security, finance, professional experience, marketing information, criminal conviction and security measures data of the persons affected by the violation were obtained by unauthorized third parties.

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

05

Pamukkale Belediyesi Data Breach Notification

It has been determined that a SQL attack was attempted on the website of the data controller and the aid tables for the tradesmen and scholars in the website database were seized.

It has been stated that the relevant groups of people affected by the violation are students and tradesfolk.

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

06

Shangai Moonton Technology Co Ltd Data Breach Notification

It has been determined that the violation occurred when the personal information of the users of the discussion forum site related to the game called Mobile Legends, operated by the data controller, was shared on a website without permission.

It has been stated that the number of users affected by the data breach is 3,375.

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



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Notification!

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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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