

# **KVKK & GDPR NEWSLETTER**

Monthly Newsletter

**APRIL - MAY 2023**

**No : 2023 / 04 - 44**



## Decision Summaries • KVKK-GDPR Reviews • Data Breach Notifications •

# 01

### **Summary of Decision No. 2022/107 of the Personal Data Protection Board on the Notification of the Data Subject Regarding the Processing of the Mobile Phone Number of the Data Subject by a Savings Finance Company without Any Data Processing Conditions and the Sending of SMS with Advertising Content to the Relevant Number**

In the complaint petition submitted to the Turkish DPA, it was stated that SMS was sent to the person concerned a few times by a savings finance company and that the person concerned does not have explicit consent to the processing of mobile phone data.

As a result of the investigation carried out by the Turkish DPA, it has been determined that the data processing activities were not in accordance with the law due to the relationship between the parties and that there was no explicit consent of the Data Subject regarding the data of the Data Subject transferred to the Electronic Message Management System by the data controller.

Based on these evaluations, the Turkish DPA has decided that to pay an administrative fine of 75,000.00 TRY due to the failure to take the necessary technical and administrative measures against the data controller.

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

# 02

### **Summary of Decision No. 2022/249 of the Personal Data Protection Board on the Notification of the Data Subject Regarding the Transfer of Data by the Technology Company Abroad**

In the complaint petition submitted to the Turkish DPA, it is stated that the data subject concerned is a member of the technology company's system over the internet, that there is an information about the transfer abroad in the clarification text while being a member, but the data subject does not have explicit consent to the transfer of his data abroad.

As a result of the investigation carried out by the Turkish DPA, it has been determined that the explicit consent for the transfer abroad was not obtained by the data controller and that the Commitment Letter that adequate protection was provided in the country where the data transfer would be made was not submitted to the Authority, and that the data transfer activities were not in accordance with the law for these reasons.

Based on these evaluations, the Authority has decided to pay an administrative fine of 950,000.00 TRY due to the unlawful transfer of data abroad by the data controller.

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

# 03

## Summary of the Decision No. 2022/277 of the Personal Data Protection Board Regarding the Receipt of the Cargo Package of the Relevant Person by the Third Party

In the complaint petition submitted to Turkish DPA, it was stated that the person concerned delivered the device to the retail chain branch for repair, the device was shipped by the retail chain branch to be sent to the distributor company to be repaired, but the delivery was made to a different third party.

As a result of the investigation carried out by Turkish DPA, It has been determined that the transactions carried out by the store are in accordance with the law and that the cargo company does not have the title of data controller or data processor for the erroneous cargo delivery process.

Based on these evaluations, the Turkish DPA has decided that there is no action to be taken about the data controller store with the warning that there should be a minimum level of personal data in the cargo packages, and that there is no action to be taken because the cargo company is not the data controller or data processor.

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

## Summary of the Decision No. 2022/325 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sending of E-Invoices Issued on Behalf of an Entity Unrelated to the Data Subject to the E-Mail Address of the Data Subject

# 04

In the complaint petition submitted to the Turkish DPA, it was stated that invoices are issued by a marketing company on behalf of the market were sent to the Data Subject via e-mail.

As a result of the investigation carried out by the Turkish DPA, It has been determined that the authorized dealer had complained to Turkish DPA about the marketing company with which it had signed the first contract, that the person who issued the invoice subject to the complaint had been dismissed as of November 2018, that the information about the last sellers had been recorded in the distribution information system named DBS, and that the e-mail address of a grocery store served by the data processor had been mistakenly recorded the e-mail address of the data subject.

Based on these evaluations, the Authority has decided that the first marketing company that made the complaint does not have any responsibility and that there is no action to be taken under the Law by reminding that the necessary confirmation systems should be established for the sending of e-mails due to the fact that the second marketing company sending the e-mail was inadvertently sent due to the similarity of the relevant e-mail address.

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

# 05

## Summary of the Decision No. 2022/328 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sending of the Notice Containing the Personal Data of the Data Subject to Other Employees by the Data Controller Providing Payroll Services

In the complaint petition submitted to Turkish DPA, it was stated that a warning letter was sent to him by the person concerned and the data controller sent to him and that the notice sent was sent to seven other people besides himself and that the identity number and address data were shared unlawfully in the notice.

As a result of the investigation carried out by the Turkish DPA, it has been determined that the personal data of the persons to whom a warning letter has been issued by the relevant company have been processed unlawfully.

Based on these evaluations, Turkish DPA has decided that the data controller to pay an administrative fine of 100,000.00 TRY due to the sharing of the personal data of the data subject with other employees along with seven other employees.

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

# 06

## Summary of the Decision No. 2022/489 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of the Documents Containing the Personal Data of the Data Subject with the Lawyer of the Association and the Transfer of the Lawyer to the Bar Association

In the complaint petition submitted to the Authority, it was stated that the person concerned has a legal consultancy relationship with the union having a public legal personality, that he was called by another lawyer for the termination of the Attorney Agreement and that his personal data was processed unlawfully.

As a result of the investigation carried out by the Turkish DPA, it has been determined by the association that data processing is mandatory for the establishment, use or protection of a right to share the data of the data subject.

Based on these evaluations, the Authority has decided that there is no action to be taken within the scope of the Law regarding the complaint of the data subject about the Union since the actions taken by the data controller is necessary for compliance with a legal obligation to which the data controller is subject.

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

# 07

## **Summary of the Decision No. 2022/491 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Publication of the Photographs of the Data Subject Working as a Model for a Clothing Shop by the Data Controller without the Explicit Consent in After the Termination of the Employment Relationship**

In the complaint petition submitted to the Turkish DPA, it was stated that despite the termination of the employment relationship with the data controller, where the data controller works as a catalog model by a clothing shop of the data controller, the photographs continue to be published on the internet addresses of the data controller without his/her explicit consent.

As a result of the investigation carried out by Turkish DPA, It has been determined that there is an unwritten contract arising from the employment relationship between the complainant and the data controller, that the personal data processing activities are connected with the performance of the contract and that there are processing activities in accordance with the law.

Based on these evaluations, Turkish DPA has decided that there is no action to be taken within the scope of the Law since the data processing activities carried out by the data controller are related to the parties of a contract is necessary, provided that it is directly related to the establishment or performance of the contract.

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

## **Summary of the Decision No. 2022/545 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the Personal Data of the Data Subject by the Data Controller Bank Where the Personal Data of the Data Subject Does Not Have an Account without Fulfilling the Disclosure Obligation and Without Obtaining His/Her Explicit Consent**

# 08

In the complaint petition submitted to the Turkish DPA, it was stated that the personal data of the data subject concerned is processed by the data controller bank without his/her explicit consent and that the data controller application of the Data Subject is not responded to in accordance with the law.

As a result of the investigation carried out by the Turkish DPA, although there is a deficiency in the clarification text, it has been determined that the data controller has fulfilled the disclosure obligation in accordance with the law and that the Data Subject application has not been responded to in accordance with the law.

Based on these evaluations, the Authority has decided that the data controller has fulfilled its obligation to clarify, but to be warned to eliminate the deficiencies and to show the utmost care and attention to respond to the applications of the data subject.

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

# 09

## **Summary of the Decision No. 2022/630 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of Photographs of the Data Subject Taken During the Surgery on the Social Media Account of a Doctor Working in the Hospital of the Data Controller**

In the complaint petition submitted to the Authority, it was stated during the rhinoplasty performed in the hospital, it was stated that photographs taken without explicit consent of the data subject when he/she was unconscious were shared for advertising purposes on the social media account of the doctor working in the hospital responsible for the data and performing the operation.

As a result of the investigation carried out by Turkish DPA, it has been determined that the data of the data subject has been shared unlawfully.

Based on these evaluations, Turkish DPA has decided that the data controller to pay an administrative fine of 75,000.00 TRY due to unlawful data processing and sharing activities.

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

## **Summary of the Decision No. 2022/594 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the Personal Data of the Data Subject by the Data Controller, Where the Personal Data Subject Does Not Have an Account, Without Fulfilling the Obligation to Inform and Without Obtaining His/her Explicit Consent**

In the complaint petition submitted to Turkish DPA, It is stated that the results of the addictive substance test, which is a special quality personal data, sent by a private health institution that is the data controller without the explicit consent of the data subject to the e-mail address of a third party in charge of the workplace of the data subject and that the special categories of personal data were transferred unlawfully.

As a result of the investigation carried out by Turkish DPA, considering that the third party is the employer, it was determined that the special quality personal data sent to the e-mail address of the person in question and sent without checking whether the workplace with the obligation of confidentiality belonged to the physician

Turkish DPA has decided that the data controller to pay an administrative fine of 75,000.00 TRY taking into account the fact that the health data of the persons having the nature of personal data of special nature are processed in the relevant data processing activity and that the data controller provides health services in many provinces with approximately 600 employees.

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

# 10

# 11

## **Summary of the Decision No. 2022/653 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Request for the Notification of the Credit Card and Mobile Phone Information of the Data Subject from the Data Controller Providing Online Shopping Service**

In the complaint petition submitted to Turkish DPA, the data subject concerned; It was stated that although the information regarding the credit card and communication data entered into the application of the online shopping platform that the data controller company provides service is requested, it is rejected by the data controller, but this information can be shared with the data subject if the prosecutor's decision is found.

As a result of the investigation carried out by Turkish DPA, It has been determined that the credit card information of the data subject is kept within the mobile payment technology provider contact company and that the phone number notified for the delivery of the orders placed from the membership account of the data subject should be provided to the data subject through identity verification systems.

Based on these evaluations, the Authority has decided that instruct the data controller to establish verification systems.

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

## **Summary of Decision No. 2022/655 of the Personal Data Protection Board on the Complaint of the Person Concerned about the Unlawful Processing of the Personal Data of the Data Subject who are the Members of the Board of Directors of the liquidated Company by the Lawyer Responsible for the Data by Sending and Calling Text Messages within the scope of the Company Debt**

In the complaint petition submitted to Turkish DPA, the data subject concerned; it was stated that due to a debt allegedly belonging to the limited liability company that has been liquidated and in which the data subjects are partners, the data controller lawyer and the employees within the body communicate with the data subjects via sending text messages and calls and that their personal data are processed in this context, and that the data of the data controller lawyer is processed unlawfully.

As a result of the investigation carried out by Turkish DPA, it has been determined that the data controller lawyer has processed the data of the data subject in accordance with the legislation for the purpose of collecting the receivables of the client with whom the proxy relationship is in accordance with the Legal Profession Act and other legislation. Based on these evaluations, the Authority has decided that there is no action to be taken within the scope of the Law since the data processing activities of the data controller lawyer are mandatory for the fulfillment of the legal obligation arising from the proxy relationship and the data processing is mandatory for the establishment, use or protection of the creditor's right to legal remedies.

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

# 12

# 13

## **Summary of the Decision No. 2022/774 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sending of the Order Information of the Third Party Who Purchases from an E-Commerce Site to the E-Mail Address of the Data Controller**

In the complaint petition submitted to Turkish DPA, it was stated that personal data belonging to the third party are also included in his/her e-mail address, order information of a third-party shopping from an e-commerce site is sent and although he informs the data controller through all communication channels about taking security measures to prevent data breach.

As a result of the investigation carried out by Turkish DPA, It has been determined that the application made by the data controller has been responded to by the data controller within the legal periods, and that the personal data has been processed unlawfully by sending an e-mail regarding the order information to the data subject who is a third party unrelated to the sales contract without establishing the verification systems of the data controller.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 120,000.00 TRY due to unlawful data processing activities.

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

## **Summary of Decision No. 2022/776 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the Personal Data of the Child by a Marketing Company Responsible for the Processing of the Child's Personal Data by Sending a Promotional Brochure without the Explicit Consent of the Parent**

# 14

In the complaint petition submitted to Turkish DPA, it was stated that a promotional brochure was sent to the 8-year-old child (the data subject) by the real person who is a free entrepreneur for a product belonging to the marketing company, an application was made to the marketing company about how the personal data of the Data Subject was accessed, and no information was given as a result of the application.

As a result of the investigation carried out by Turkish DPA, It has been determined that there is a contract between the marketing company and the free entrepreneur, that the relationship between the company and the free entrepreneur is not a dependent relationship such as representation, employee-employer relationship and that the free entrepreneur is a party to an independent contract, and that when these provisions are taken into consideration, the natural person free entrepreneur acts independently of the company in the personal data processing activity within the scope of marketing and in this context, the free entrepreneur real person and that the data processing activities are unlawful.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 30,000.00 TRY due to unlawful data processing activities.

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



# 15

## **Summary of the Decision No. 2022/787 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the Telephone Number of the Data Subject by the Data Controller Selling Household Goods by Contacting for the Debt of a Third Person**

In the complaint petition submitted to Turkish DPA, it was stated that the person concerned was called by the data controller selling household goods, a message was sent to his mobile phone the next day, in the message, enforcement proceedings were started against him for the purpose of collecting the debt arising from the contract between him and the company, it was determined that the debt had not been paid until today despite the payment order sent within the scope of the follow-up, and the written application containing the deletion request made to the data controller was not answered.

As a result of the investigation carried out by Turkish DPA, it has been determined that the telephone number, which is the personal data of the data subject, has been processed contrary to the conditions of processing the personal data.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 200,000.00 TRY due to unlawful data processing activities.

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

## **Summary of Decision No. 2022/790 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Transfer of the Health Data of the Person Concerned by a University Hospital to the Respondent Public Institution Based on His Request to Constitute the Basis for an Administrative Case**

# 16

In the complaint petition submitted to Turkish DPA, it was stated that some information was requested from the university hospital by the public institution, but the relevant information was not accurate and up to date, so a complaint was made.

As a result of the investigation carried out by Turkish DPA, it has been determined that the health data, which is the special quality personal data related to the data subject, has been transferred to the public institution in violation of KVKK even though the explicit consent of the data subject was not available, and that the hospital responsible for the data has not fulfilled its obligation to take all necessary technical and administrative measures regarding the security of the personal data.

Based on these evaluations, the Authority has decided that the data processing activities of the data controller are unlawful and therefore the responsible persons should be processed in accordance with the disciplinary provisions and the Board to be informed about the transaction carried out.

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

## Summary of the Decision No. 2022/798 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of the Information That the Data Subject Has Made an Employment Interview with a Company and the Content of the Interview with the Current Workplace by the Company

In the complaint petition submitted to Turkish DPA, it was stated that the data subject is invited to an another company for a job interview while he is currently working in the company and the job interview is held, and that the data controller company that made the job interview has made many statements about the company that the data subject is currently working for, which may damage the reputation of the data subject. It has been stated that an application was made to the data controller, who made a job interview, by obtaining information about whether the personal data was processed by the person concerned, with whom the personal data was shared, and to request compensation for pecuniary and non-pecuniary damages and deletion of personal data, but no response was given within the legal period.

As a result of the investigation carried out by Turkish DPA, It was determined by the data controller that the information that the Data Subject had a job interview with them and that the information that the Data Subject had made many statements about the workplace where the Data Subject was currently working was illegally transferred to the company where the Data Subject worked.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 100,000.00 TRY due to unlawful data processing activities.

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

## Summary of Decision No. 2022/853 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the E-mail Address of the Data Subject by a Legal Betting Platform and the Sending of the Personal Data of a Member to the E-Mail Address of the Data Subject in the Third-Party Position

In the complaint petition submitted to Turkish DPA, it was stated that e-mails were sent to his personal e-mail account by a betting site, and that he applied to the data controller and requested that if any information belonging to his person was processed, they should be destroyed immediately.

As a result of the examination carried out by the Authority; it has been determined that data processing activities have been carried out by the data controller contrary to the general principles and have been shared with the data subject in the position of "third party" without any legal conditions.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 250,000.00 TRY due to unlawful data processing activities.

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

# 19

## **Summary Of Decision No. 2022/861 Of the Personal Data Protection Board On The Complaint Of The Data Subject Regarding The Processing Of The Workplace E-Mail Obtained From The Searches Made On The Internet Search Engines Of The Data Subject By Sending Commercial Electronic Messages Without The Explicit Consent Of A Marketing Company That Is The Data Controller**

In the complaint petition submitted to Turkish DPA, It was stated that an e-mail was sent by the data controller despite the fact that it did not have any connection, the data controller was asked how the relevant data was obtained, the personal data was requested to be destroyed and the information was requested to be informed about the destroyed information, but in the reply given by the data controller, only the e-mail address and information were deleted from the records, and no information was given about where the data was obtained.

As a result of the examination carried out by the Authority; It has been determined that data processing activities are carried out by the data controller without the formation of conditions.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 150,000.00 TRY due to unlawful data processing activities.

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

## **Summary Of Decision No. 2022/863 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of Personal Data By Calling the Data Subject By Phone Without Fulfilling the Clarification Obligation of a Bank's Customer Service And Without Obtaining His Explicit Consent**

# 20

In the complaint petition submitted to Turkish DPA, it was stated that the data subject sent money from his account in another bank to an account belonging to a third party in the data controller bank, that he did not give his consent to be contacted afterwards and that he was called by the data controller bank on the same day for promotional purposes even though no clarification was made to him, and that an application was made to the data controller bank but no response was made within the legal period.

As a result of the examination carried out by the Authority; it has been determined that it was processed on the basis of the legal processing requirement "expressly stipulated in the law".

Based on these evaluations, the Authority has decided that there is no action to be taken against the data controller bank, since it is considered that the data of the data subject is processed on the basis of the legal processing condition "expressly stipulated in the law".

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

# 21

## Summary of the Decision No. 2022/896 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of the Judicial Correspondence Information Containing the Personal Data of the Data Subject with the Brother by the Former Data Controller Former Employer

In the complaint petition submitted to Turkish DPA, it was stated that there is a business relationship between the data subject and the data controller in the period until the date of termination of the business contract for a justified reason, that no clarification has been made regarding the data processed by the data controller in this direction and that explicit consent has not been obtained, that the judicial correspondence in which the name of the data subject is mentioned is shared with the third party, and that although an application has been made to the data controller, no response has been received.

As a result of the examination carried out by the Authority; it has been determined that there is a business relationship between the data subject and the data controller, that it is processed on the basis of the legal processing condition “ expressly stipulated in the law “, and that the transfer of the data to the third party without the explicit consent of the data subject is unlawful.

Based on these evaluations, the Authority has decided that the data controller will pay an administrative fine of 150,000.00 TRY due to the fact that the data of the data subject is processed on the basis of the legal processing condition “ expressly stipulated in the law “ but the data is shared with third parties without the explicit consent of the person concerned.

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

## Summary of Decision No. 2022/902 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding The Processing of Personal Data By Sending a Short Message for Marketing Purposes Without The Explicit Consent of the Data Subject

In the complaint petition submitted to Turkish DPA, by the person concerned; it was stated that no commercial activity is carried out with the data controller company, that messages are sent without fulfilling the disclosure obligation and without obtaining their explicit consent, that in the response to the application made to the data controller, a text message is sent by the Data Subject due to the fact that the Data Subject has made purchases from the market places by apologizing for the mistake and that the necessary corrections have been made after the application. As a result of the examination carried out by the Authority; it was determined that the relevant data were processed unlawfully and the data breach was not reported to the Authority.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 30,000.00 TRY due to the unlawful processing of the data of the Data Subject and the failure to take the necessary measures.

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

# 22

# 23

## **Summary of the Decision No. 2022/923 of the Personal Data Protection Board on the Complaint of the Person Concerned Regarding the Complaint of the Person Concerned Regarding the Processing of the Telephone Number of the Data Subject by the Doctor Leaving the Hospital Where the Patient Is Treated by Sending SMS**

In the complaint petition submitted to Turkish DPA, it was stated that the doctor who was previously examined in a hospital left the hospital and opened a private practice and subsequently sent an SMS to the mobile phone number of the person concerned for advertising purposes, the doctor and the hospital were consulted, the doctor received his data for the purpose of checking his health status in his reply, and in the response of the hospital, instead of giving specific information about the personal data he applied for, a general and non-specific answer was given.

As a result of the examination carried out by the Authority; it has been determined that the telephone number of the person concerned has been processed unlawfully.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 100,000.00 TRY due to the unlawful processing of the data of the data subject and the failure to take the necessary measures.

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

## **Summary of the Decision No. 2022/925 of the Personal Data Protection Board Regarding the Complaint of the Data Subject Regarding the Sending of E-Invoices of Other Subscribers to the E-Mail Address of the Data Subject**

In the complaint petition submitted to Turkish DPA, it was stated that he had previously complained to the Authority about the telecommunication company being the data controller due to the sending of e-invoices belonging to another subscriber to his/her e-mail address, and in this context, it was decided to take technical and administrative measures against the telecommunication company of the data controller and to pay an administrative fine, but the e-invoices belonging to different persons were sent to her/him.

As a result of the examination carried out by the Authority; it was determined that unlawful data was processed by the data controller and security measures were not taken.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 200,000.00 TRY due to the unlawful processing of the data of the Data Subject and the failure to take the necessary measures.

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

# 24

# 25

## **Summary of the Decision No. 2022/1072 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Complaint Regarding the Processing of the E-Mail Address of the Data Subject's Personal Data by Sending Messages for Advertising Purposes**

In the complaint petition submitted to Turkish DPA, it was stated that he received an e-mail from a person who is alleged to be an employee of a pharmaceutical company, and that the e-mail address was shared through pharmaceutical warehouses by contacting the data controller about how the e-mail address was obtained.

As a result of the examination carried out by the Authority; it has been determined that the explicit consent of the data subject has not been obtained and in this context, personal data have been processed unlawfully by sending unauthorized advertising content to the e-mail address of the Data Subject.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 50,000.00 TRY due to the unlawful processing of the data of the Data Subject and the failure to take the necessary measures.

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

## **Summary of the Decision No. 2022/1147 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Complaint Regarding the Continuation of the Processing of the Personal Data of the Data Subject by the Employer after the Termination of the Employment Contract**

# 26

In the complaint petition submitted to Turkish DPA, it was stated that during the pandemic period, the image of the data controller company in the live broadcasts carried out over social media for the customers was used for advertising and marketing purposes on TV advertisements, on the website of the data controller company, on social media accounts and in printed materials for promotion, and that he was not enlightened about the use of his image in this way and his explicit consent was not obtained.

As a result of the examination carried out by the Authority; it was determined that the explicit consent of the data subject was not obtained and in this context, the data of the data subject was processed unlawfully after the termination of the employment contract.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 250,000.00 TRY due to the unlawful processing of the data of the Data Subject and the failure to take the necessary measures.

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

# 27

## Summary of the Decision No. 2022/1201 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Complaint of the Data Subject Request to Remove from the Index the Results Obtained in the Search Engine with the Name and Surname an Advertisement Accessible from the Official Gazette

In the complaint petition submitted to Turkish DPA, it was stated that when the search is made through the search engine of the data controller with the name of the data controller, a page of the Official Gazette is reached, the data controller is applied with a request to remove the relevant data within the scope of the right to be forgotten and the data controller decides that the content cannot be blocked.

As a result of the examination carried out by the Authority; it has been decided to instruct the data controller to remove it from the index in a way that cannot be associated with the name and surname of the person concerned with the assessment that it is out of date, although the information contained in the content is a confirmation that the person concerned has been acquitted by a court decision, it may cause prejudice about the person concerned, the content has not been published by the person concerned himself, and the content does not contain the data processed within the scope of journalistic activity.

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

# 28

## Summary of the Decision No. 2022/1249 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of the Images Recorded by the Security Camera at the Exchange Office with the News Agencies

In the complaint petition submitted to Turkish DPA, it was stated that, the image of the data subject obtained security camera, was used on news websites although he was not clarified about the use of his footage in this way and his explicit consent was not obtained.

As a result of the examination carried out by the Institution; It has been determined that the data controller has been illuminated by hanging a sign in the exchange office and that the data processing is mandatory for the legitimate interests of the data controller, provided that it does not harm the fundamental rights and freedoms of the data subject.

Based on these evaluations, the Authority has decided not to take any action against the data controller since the data of the data subject is processed in accordance with the law.

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

# 29

## **Summary of the Decision No. 2022/1281 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of the Debtor's Debt Information with the Son of the Debtor by the Data Controller Lawyer Due to the Enforcement Proceedings and the Unlawful Processing of the Debtor's Son's Telephone Number with whom the Debt Information Is Shared with Him**

In the complaint petition submitted to Turkish DPA, it was stated that the legal transaction and financial information of the debtor was shared with his son who is a third party without his explicit consent, on the other hand, the phone number of the debtor's son, whose debt information was shared with him, was obtained and used unlawfully, and that the application made by the Data Subjects to the data controller lawyer was not answered despite being notified by the data controller.

As a result of the examination carried out by the Institution; In the file subject to the complaint, it was determined that the debtor's son was also a party to the foreclosure report and in this context, it could not be proved that the data was processed unlawfully.

Based on these evaluations, the Authority has decided not to take any action against the data controller since the data of the data subject is processed in accordance with the law.

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

## **Summary of the Decision No. 2023/67 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sending of the Money Transfers and Account Information of the Data Subject to the Third Party's E-Mail by a Bank**

# 30

In the complaint petition submitted to Turkish DPA, it was stated that the statements and instant account movements belonging to the data controller are sent to the third party by the bank and that the data controller does not fulfill the clarification obligation in this regard.

As a result of the examination carried out by the Institution; It was determined that the e-mail address subject to the complaint was first shared with the bank by the representative of the company in which the person concerned was a partner, and then the person concerned approved the e-mail address in question included in the form submitted to him during the private pension application by signing the form.

Based on these evaluations, the Authority has decided not to take any action against the data controller since the data of the data subject is processed in accordance with the law.

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



# 31

## **Summary of the Decision No. 2022/1357 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of the Blood Group Data of Special Quality Personal Data by the Data Controller, who is the Gym Operator, without the Explicit Consent of the Data Subject**

In the complaint petition submitted to Turkish DPA, it was stated that the data controller, who is the operator of a sports hall, processes the health data, biometric data and camera images of the people who receive services from the gym, but no explicit consent has been obtained regarding these issues.

As a result of the examination carried out by the Institution; It has been determined that the data controller does not carry out data processing activities in accordance with the law. included in the form submitted to him during the private pension application by signing the form.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 100,000.00 TRY due to the legal processing of the data of the data subject.

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

# 32

## **Summary of the Decision No. 2022/1358 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Failure to Submit Clarification and Explicit Consent Texts Regarding the Cookies on a Website**

In the complaint petition submitted to Turkish DPA, it was stated that users are not enlightened about the cookie processing processes and explicit consent is not obtained for non-mandatory cookies, identity and contact information is requested but clarification and explicit consent texts are not presented, and although an application is made to the relevant company, an adequate response is not obtained

As a result of the examination carried out by the Institution; it has been determined that the data controller does not carry out data processing activities in accordance with the law.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 300,000.00 TRY due to the legal processing of the data of the data subject.

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

# 33

## Summary of the Decision No. 2023/4 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Unlawful Sharing of Personal Data by a Cargo Company Due to a Cross-Barcoding Error

In the complaint petition submitted to Turkish DPA, it was stated that the cargo belonging to another person with name similarity, address and contact information was delivered to it by the cargo company and that this situation occurred due to a cross-barcoding error by the cargo company.

As a result of the examination carried out by Turkish DPA; it was determined that the data controller did not carry out the data processing activities in accordance with the law and the data breach was not reported to the Authority.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 75,000.00 TRY due to the legal processing of the data of the data subject.

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

# 34

## Summary of Decision No. 2023/78 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sending of the Debt Information of the Data Subject as a Text Message to the Corporate Numbers of the Company in which the Data Subject is a Partner

In the complaint petition submitted to Turkish DPA, it was stated that as a result of the cancellation of the contract made between the data subject and the GSM operator data controller regarding the mobile internet line by the data subject, a debt was issued to the party, the GSM operator authorized a law partnership for the collection of the debt, and a text message regarding the debt information was sent by the attorney partnership to four different phone numbers belonging to the company in which the data subject is a partner, only the surname of the data subject was masked.

As a result of the examination carried out by the Authority; it has been determined that the GSM operator, the data controller, has not carried out data processing activities in accordance with the law.

Based on these evaluations, the Authority has decided that the GSM operator data controller to pay an administrative fine of 85,000.00 TRY due to the legal processing of the data of the data subject.

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

# 35

## **Summary of Decision No. 2023/86 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of Personal Data by Monitoring, Accessing and Storing the Content in the Corporate E-mail Address Allocated by the Data Controller to Its Employees**

In the complaint petition submitted to Turkish DPA, it was stated that the employment contract of the person concerned in the data controller company has been terminated and the reason for the termination is that the phone call with another employee of the company has been secretly recorded and sent to the personal e-mail address and the e-mail address of his lawyer.

As a result of the examination carried out by the Authority; it has been determined that the processing of the data of the data subject by e-mail audit is in accordance with the law and that the data controller should be contacted first for voice recording.

Based on these evaluations, the Authority has decided that there is no action to be taken because the data of the person concerned should be processed in accordance with the law by e-mail audit and the data controller should be contacted first regarding the voice recording.

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

# 36

## **Summary of Decision No. 2023/224 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Sharing of Personal Data by Sharing the Video of the Assembly Meeting from the Social Media Account of a Municipality**

In the complaint petition submitted to Turkish DPA, in the video of the ordinary council meeting shared from the social media account of a district municipality, it was stated that their personal data was processed unlawfully, an application was made to the municipality in this regard, but the answer was received that there was no violation of rights.

As a result of the examination carried out by the Authority; it has been determined that the meetings of the assembly can be recorded in accordance with the legislation and therefore the legal obligation is fulfilled and the data processing activities are in accordance with the law.

Based on these evaluations, the Authority has decided not to take any action against the data controller since the data of the data subject is processed in accordance with the law.

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

# 37

## Summary of Decision No. 2023/437 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Processing of Personal Data by Sending a Text Message to the Debtor Subject by an Attorney Partnership

In the complaint petition submitted to Turkish DPA, it was stated that the personal data processing activities carried out by an attorney partnership within the scope of the subscription relationship between the company and the data subject, which it is the representative, by sending text messages and voice recordings to the data subject five times without clarification, are unlawful.

As a result of the examination carried out by the Authority; it has been determined that the meetings of the assembly can be recorded in accordance with the legislation and therefore the legal obligation is fulfilled and the data processing activities are in accordance with the law.

Based on these evaluations, the Authority has decided not to take any action against the data controller since the data of the data subject is processed in accordance with the law.

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

# 38

## Summary of the Decision No. 2023/426 of the Personal Data Protection Board on the Complaint of the Data Subject Regarding the Request of e-Government Passwords from the Data Subjects by the Company Offering the Opportunity to Shop with Consumer Financing Credit

In the complaint petition submitted to the Authority, It was stated that the e-Government password was requested from the Company that offers shopping opportunities with consumer financing credit when the television was purchased with the promissory note and that it is known that e-Government passwords were obtained from many citizens other than the complaint himself.

As a result of the examination carried out by the Institution; It has been determined that there is an opportunity to access many personal data by accessing e-Government passwords by the data controller and that personal data is processed unlawfully without any conditions.

Based on these evaluations, the Authority has decided that the data controller to pay an administrative fine of 400,000.00 TRY due to the legal processing of the data of the data subject.

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

# 39

## Berlin Data Protection Authority Has Decided to Impose an Administrative Fine on a Bank

As a result of the investigation carried out by Berlin DPA based on the complaint of data subject it has been determined that the bank was found responsible due to informing its customers about the main reasons for a credit card request's rejection by using the applicant's individual case information in violation of the GDPR.

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

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

# 40

## French Data Protection Authority Has Decided to Impose an Administrative Fine on Doctissimo

As a result of the investigation carried out by French DPA based on the complaint by the Privacy International Association, it has been determined that the bank was found responsible for four breaches in particular concerning the duration of data retention, the collection of health data via online tests, the security of data as well as the ways cookies were deposited on the terminal of users.

Based on these evaluations, the Authority has decided to impose an administrative fine of 280,000 EUR on the data controller.

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

# 41

## Croatian Data Protection Authority Has Decided to Impose an Administrative Fine on B2 Kapital

As a result of the investigation carried out by Croatian DPA based on the anonymous complaint, it has been determined that the data controller was found responsible since didn't inform data subjects, in an accurate and clear manner, about the processing of their personal data through the notification ( privacy policy) on the processing of personal data. It is caused nontransparent data processing.

Based on these evaluations, the Authority has decided to impose an administrative fine of 2,265,000.00 EUR on the data controller.

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

# 42

## French Data Protection Authority Has Decided to Impose an Administrative Fine on on CLEARVIEW AI

As a result of the investigation carried out by French DPA, it has been determined that the data controller was found responsible due to collects photographs from a wide range of websites, including social networks, and sells access to its database of images of people through a search engine in which an individual can be searched using a photograph without any legal basis for that data processing activity.

In a decision of 17 October 2022, the French SA imposed a fine of 20 million euros and ordered the company not to collect and process data on individuals located in France without any legal basis, and to delete the data of these individuals, after responding to requests for access it received.

Based on these evaluations, the Authority has decided to impose an administrative fine of 5,200,000.00 EUR on the data controller due to overdue penalty payment.

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

# 43

## Beytıp Sağlık Hizmetleri Ltd. Şti Data Breach Notification

It has been determined that the program in which the records of all medical matters related to the patients and their relatives who were processed within the medical center were kept and some of the computers that were accessed to the program could not be opened, and that the network and information system to which these computers were connected were entered by unknown persons without permission.

It has been stated that the personal data affected by the breach are identity, contact, personnel, legal transaction, customer transaction, transaction security, risk management, finance, marketing, visual and audio records, racial and ethnic origin, and health information.

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

# 44

## Boyner Büyük Mağazacılık Anonim Şirketi Data Breach Notification

It has been determined that the data controller uses messaging services for sending commercial e-mail message such as SMS and MMS. This messaging service is carried out through the SMS sending panel created on the website owned by the data processor.

It has been stated that 3,055.907 people has been affected by the breach.

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

# 45

## Trabzonspor Sportif Yatırım ve Futbol İşletmeciliği Ticaret A.Ş. Data Breach Notification

It has been determined that the servers of the data controller are encrypted as a result of the cyber attack suffered.

It has been stated that employees, users, students and customers, and potential customers were affected by the breach.

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



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