

KVKK & GDPR NEWSLETTER

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01

Karakaya Kuruyemiş Gıda Tarım Ürünleri İnş. Taah. Turz. Teks. Sanayi ve Ticaret Limited Şirketi Data Breach Notification

The data controller, Karakaya Kuruyemiş Gıda Tarım Ürünleri İnş. Taah. Turz. Teks. Sanayi ve Ticaret Limited Şirketi, has reported to the Board that the company's data was locked as a result of a cyber-attack. The breach occurred on 10.06.2024 and was detected on 11.06.2024. The categories of personal data affected by the breach include identity, contact, location, personnel, customer transaction, transaction security, risk management, finance, marketing, visual and audio records. The special categories of personal data affected are race and ethnic origin, health information, criminal convictions, and security measures. The number of individuals affected by the breach is determined to be 200. The affected groups include employees, users, and customers.

Details of the data breach notification can be found [here](#). (In Turkish)

02

Adnan Özen İnşaat Taah. Enerji Turizm Tic. ve San. A.Ş. Data Breach Notification

Adnan Özen İnşaat Taah. Enerji Turizm Tic. ve San. AŞ has reported a data breach to the Board, stating that the company's data was breached due to a leak in the Application Programming Interface (API) of the car rental reservation website (<https://dokay.com.tr>). The breach was detected on June 26, 2024, through an email sent to the company personnel.

The categories of personal data affected by the breach include identity (name, surname, Turkish ID number), contact (address, phone number, email address), and customer transaction (reservation date, rental period, and rental fee) information. There are no special categories of personal data involved. It has been stated that the number of affected individuals is 185, but there are approximately 12,000 customers' personal data in the database. Technical investigations regarding the breach are ongoing. The affected groups include customers and potential customers.

Details of the data breach notification can be found [here](#). (In Turkish)



03

Uber Technologies Inc Data Breach Notification

Uber Technologies Inc. has reported a data breach to the Board following the receipt of an email from an individual who expressed an intention to publicly disclose personal data that may have originated from Uber. The date of the breach and the source of the breach have not yet been determined, and investigations are ongoing. Uber users (passengers, food orderers, drivers, delivery persons) have been affected by the breach.

The categories of personal data affected by the breach include:

- Screenshots of Uber users' (passengers, food orderers) data containing names, email addresses, phone numbers, profile pictures, registration dates, and rating information.
- For drivers and delivery persons on the Uber platform, the data presumed to be affected by the breach include documents such as driver's licenses, insurance, ID cards, vehicle registrations, and documents pertaining to duty of care checks as seen in the screenshots.

The exact personal data affected is currently unknown, and the number of affected individuals has not yet been determined.

Details of the data breach notification can be found [here](#). (In Turkish)

04

Creditwest Faktoring A.Ş. Data Breach Notification

Creditwest Faktoring A.Ş has reported a data breach to the Board, indicating that the company's data was breached as a result of an attack on the data controller's servers. The breach was detected as a result of a SOC monitoring alert. The breach began and ended on June 27, 2024.

The categories of personal data affected by the breach include identity, contact, location, personel, and customer transaction information. There are no special categories of personal data involved. The number of affected individuals has not yet been determined, and the affected groups include employees and customers.

Details of the data breach notification can be found [here](#). (In Turkish)

05

Güneş Ekspres Havacılık A.Ş. (SunExpress) Veri İhlal Bildirimi Data Breach Notification

Güneş Ekspres Havacılık A.Ş. (SunExpress) has reported a data breach to the Board, stating that a cyber attacker gained unauthorized access to the campaign management platform used by the data controller by obtaining the login credentials of an executive account and sent phishing emails through this account. The breach occurred on 15.07.2024 and was detected on the same day.

Details of the data breach notification can be found [here](#). (In Turkish)



06

Administrative Fines Imposed on Data Controllers Who Did Not Fulfill VERBİS Registration and Notification Obligations

Article 16 of the Personal Data Protection Law No. 6698 (the Law) mandates that data controllers register with the Data Controllers' Registry (VERBİS). According to the Provisional Article 1 of the Law, all data controllers must fulfill this obligation within the period determined and announced by the Personal Data Protection Board (the Board). Pursuant to the Board's decision dated 11.03.2021 and numbered 2021/238, all data controllers not covered by the exemption were expected to complete their registration and notification obligations to the Registry by 31.12.2021.

According to Article 18 of the Law, administrative fines ranging from 20,000 Turkish liras to 1,000,000 Turkish liras may be imposed on data controllers who do not comply with the VERBİS registration and notification obligations. In accordance with the third paragraph of the same article, disciplinary actions are taken against those who violate this obligation in public institutions and organizations, as well as professional organizations with the status of public institutions, and the results are reported to the Board.

In this context, it has been determined that approximately 130,600 data controllers have the obligation to register and notify the Registry. However, it has been identified that approximately 16,350 of these data controllers have not fulfilled their obligations. Following investigations by the Board, administrative fines were imposed based on an algorithm table prepared according to the total annual financial balance sheet assets.

As of 01.08.2024, a total of **503,935,000 TRY** in administrative fines has been issued to domestic and foreign real and legal person data controllers who have not fulfilled their obligations. Disciplinary provisions have also been applied to public institutions and organizations, as well as professional organizations with the status of public institutions.

The Board strongly reminds data controllers to show due diligence in fulfilling their Registry registration and notification obligations and to act in compliance with the Law. Accordingly, fulfilling these obligations is of great importance for the protection of personal data.

Details can be found [here](#). (In Turkish)

07

Information Note on the Condition of Personal Data Processing as Prescribed by Law

Article 20 of the Constitution of the Republic of Türkiye states that everyone has the right to demand respect for their private and family life and that privacy of private life cannot be violated. With the amendment made in 2010, the right to the protection of personal data was recognized, and this right includes being informed about personal data concerning oneself, accessing such data, and requesting the correction or deletion of such data. Personal data can only be processed in cases prescribed by law or with the explicit consent of the individual. Article 13 of the Constitution emphasizes that fundamental rights and freedoms can only be restricted by law and based on the reasons specified in the relevant articles of the Constitution, and these restrictions must comply with the requirements of the democratic social order and the secular Republic.

The Personal Data Protection Law No. 6698 (KVKK) imposes an obligation to take necessary technical and administrative measures to prevent unlawful processing and access to personal data and to ensure the protection of personal data. In case personal data is obtained by others through unlawful means, the data controller must notify the concerned individual and the Board as soon as possible; this period has been set at a maximum of 72 hours. Generally, explicit consent of the individual is required for the processing of personal data, but such data cannot be processed outside of the exceptions specified by law.

On the other hand, decisions of the Constitutional Court emphasize that the legislature cannot delegate its authority to the executive concerning regulations on the protection of personal data, and fundamental rights and freedoms can only be restricted by law. This summary includes the main principles and regulations on the protection of personal data under the Constitution of the Republic of Turkey and the KVKK.

Details can be found [here](#). (In Turkish)



08

Standard Contracts and Binding Corporate Rules

With the amendments made to Article 9 of the Personal Data Protection Law No. 6698 (KVKK), “standard contracts” and “binding corporate rules” are stipulated as methods to ensure appropriate safeguards for data controllers and data processors in the transfer of personal data abroad. These amendments specify that companies within a group of undertakings engaged in joint economic activities can transfer personal data abroad with binding corporate rules approved by the Personal Data Protection Board.

Additionally, personal data can be transferred abroad using standard contracts announced by the Personal Data Protection Board. This method, which has been implemented in the European Union for a long time, includes aspects such as specific data categories, purposes of data transfer, recipient groups, and technical-administrative measures. It is mandatory to notify the Personal Data Protection Board within 5 business days from the signing of standard contracts. Otherwise, administrative fines ranging from **50,000 to 1,000,000 TRY** will be imposed.

In cases where there is no adequacy decision, data transfer can be carried out using standard contracts if one of the conditions specified in Articles 5 and 6 of the KVKK is present. These new regulations facilitate data transfer processes abroad, ensuring that international data transfers occur securely and within a legal framework.

Details can be found [here](#).



09

Amendments to the Law on the Protection of Personal Data

Recent amendments to the Law No. 6698 on the Protection of Personal Data (KVKK) have introduced various innovations and regulations for data controllers and data processors. Within the scope of these changes, appropriate safeguards such as “standard contracts” and “binding corporate rules” are envisaged for the transfer of personal data abroad. Companies within a group of undertakings engaged in joint economic activities will be able to transfer personal data abroad through binding corporate rules approved by the Board. Additionally, personal data can also be transferred abroad using standard contracts announced by the Board. These contracts cover issues such as data categories, transfer purposes, recipient groups, and technical-administrative measures. The standard contracts must be notified to the Board within 5 business days from the date of signing; otherwise, administrative fines ranging from 50,000 to 1,000,000 TL will be imposed.

The amendments to the KVKK foresee stricter administrative fines for data controllers and data processors. Specifically, data controllers who fail to comply with the obligations of registration and notification to VERBIS may face administrative fines ranging from **20,000 to 1,000,000 Turkish Liras**. Additionally, disciplinary provisions will be applied to public institutions and organizations, as well as professional organizations with public institution status. Obligations regarding data security have also been increased, requiring the necessary technical and administrative measures to prevent the unlawful processing and access to personal data. In the event that personal data is unlawfully obtained by others, the data controller must notify the concerned individuals and the Board as soon as possible, with this period being set at a maximum of 72 hours.

Decisions of the Constitutional Court emphasize that the legislative cannot delegate authority to the executive regarding regulations on the protection of personal data, and that fundamental rights and freedoms can only be restricted by law. In this context, the amendments have been made in compliance with the Constitution and aim to protect fundamental rights. These changes bring significant innovations for data controllers and data processors in the processes of protecting and processing personal data, ensuring the secure and legal transfer of personal data at an international level.

Details can be found [here](#).



Notification!

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