

KVKK & GDPR NEWSLETTER

Monthly Newsletter

DECEMBER 2024

No : 2024 / 12 - 58

01

Karadeniz Holding A.Ş. Data Breach Notification

Karadeniz Holding A.Ş. has notified the Personal Data Protection Authority of a suspected data breach caused by a cyberattack. While the start and end dates of the breach remain uncertain, it was detected during routine security checks on December 10, 2024. The breach was discovered during investigations conducted after an internet outage on the relevant date.

The categories of personal data affected by the breach and the number of affected individuals have not yet been determined, and work on this matter is ongoing.

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

02

Anıl Özel Sağlık Hizmetleri Turizm Ticaret Limited Şirketi (Özel Hisar Tıp Merkezi) Data Breach Notification

In the notification submitted by Anıl Özel Sağlık Hizmetleri Turizm Ticaret Limited Şirketi to the Board, it was stated that the data breach occurred between November 22, 2024, and November 24, 2024, as a result of a cyberattack and was detected by the data controller on December 2, 2024. The notification indicated that the number of individuals and records affected by the breach has not yet been determined and that the health and identity data of employees and patients were involved in the breach. It was also noted that the concerned individuals could obtain information about the data breach via the data controller's website and physical desks.

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



03

Application of Administrative Offenses in Terms of Time Under the Amendments to Law No. 6698 on the Protection of Personal Data Made on March 2, 2024

The Personal Data Protection Authority (KVKK) published an Information Note ("Information Note") on December 19, 2024, regarding the Temporal Application of Misdemeanors within the Scope of the Amendments Made to the Personal Data Protection Law No. 6698 on March 2, 2024. The points addressed in the Information Note are as follows:

A. The Law Applicable to Decisions of the Board on the Processing of Special Categories of Personal Data After June 1, 2024

1. Misdemeanors Committed Before the Amendment to the Law:

- If the misdemeanor occurs as an instantaneous act and the act took place before the amendment to the law, the law more favorable to the individual shall apply.

2. Continuous Misdemeanors Starting Before the Amendment to the Law:

- If the continuous misdemeanor began before the amendment to the law and the complaint was filed before the amendment, the law more favorable to the individual shall apply.

- If the complaint was filed after the amendment to the law, the provisions of the new law shall apply.

3. Continuous Misdemeanors Continuing After the Amendment to the Law:

- If the continuous misdemeanor began before the amendment but continued after the amendment, and the complaint was filed during the period governed by the new law, the law more favorable to the individual or the new law shall apply, based on the date the act ended.

- If the act ended after the amendment, the provisions of the new law shall apply.

B. The Law Applicable to Board Decisions Regarding Cross-Border Transfers Based on Explicit Consent After June 1, 2024

With the amendment made to Article 9 of the Law on June 1, 2024, it has been regulated that the transition period for data transfers abroad based on the explicit consent of the data subjects will continue until September 1, 2024. After the completion of the transition period, the practice of transfers based on explicit consent will cease under the new legal provisions. During this process:

1. Complaints Filed Before the Amendment:

- If instantaneous or continuous acts began, were completed, or complaints were filed before the amendment, the law more favorable to the individual shall apply.

2. Complaints Filed During the Transition Period (June 1, 2024 – September 1, 2024):

- If a continuous act began before the amendment, continued during the transition period, and the complaint was filed within the transition period, the law more favorable to the individual shall apply if the act ended before September 1, 2024.

- If the act ended or continued after the amendment, the provisions of the new law shall apply.

3. Complaints Filed After the Transition Period:

- If a continuous act began before the amendment, continued, and the complaint was filed after the transition period, the provisions of the new law shall apply if the act is terminated by a decision of the Board after the amendment date.

- If the act occurred after the amendment, the provisions of the new law shall apply.

Access the detailed information note through the following [link](#). (In Turkish)



04

Decision of the Competition Authority on Google Reklamcılık ve Pazarlama Ltd. Şti., Google International LLC, Google LLC, Google Ireland Limited, and Alphabet Inc.

The Competition Board has determined that the economic entity consisting of Google Reklamcılık ve Pazarlama Ltd. Şti., Google International LLC, Google LLC, Google Ireland Limited, and Alphabet Inc. violated Article 6 of the Law No. 4054 on the Protection of Competition in the online advertising technology services market. Specifically, it was found that Google abused its dominance in the publisher ad server services market by providing an unfair advantage to its own supply-side platform (SSP). As a result, an administrative fine of 2,607,563,963.59 TRY was imposed on Google, and it was required to ensure conditions for third-party SSPs that are no less favorable than those applied to its own services. Google has the right to appeal the decision in court within 60 days.

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

05

Turkish Competition Board Has Decided to Impose an Administrative Fine on Meta Platforms, Inc.

The Turkish Competition Board ("the Board") initiated an investigation on November 23, 2023, regarding allegations that Meta Platforms, Inc.'s data integration practices between the Threads and Instagram applications violated Article 6 of Law No. 4054 on the Protection of Competition. The investigation revealed that Meta had combined user data obtained from Instagram and Threads applications, creating anti-competitive effects and acting in violation of obligations previously imposed by the Board. Accordingly, a provisional measure decision was adopted on February 8, 2024, prohibiting the combination of data collected through the Threads application with data from Instagram. However, Meta's failure to comply with the provisional measure resulted in an administrative fine of 335 million Turkish Liras.

Subsequently, Meta submitted a new commitment text to the Board on October 30, 2024, aiming to address the competition concerns. The commitment stated that, upon the re-launch of the Threads application in Turkey, user data collected from Threads would not be combined with Instagram data without explicit consent. Additionally, it was noted that users would be able to use Threads by creating a standalone profile without the requirement of an Instagram account. On November 23, 2024, the Competition Board concluded that the commitments offered by Meta were adequate to address the identified competition concerns, feasible for implementation in a short time, and effective. Accordingly, the commitments were rendered binding for Meta, and the ongoing investigation was terminated.

You can find more information [here](#). (In Turkish)

06

Finnish Data Protection Authority (SA) Has Decided to Impose an Administrative Fine on Posti

The Finnish Data Protection Authority (SA) conducted an investigation into Posti's practices related to the creation of electronic mailboxes and the processing of personal data. This investigation was initiated following complaints about letters being forwarded to Posti's online service without customer consent.

During the inspection, it was found that Posti automatically created electronic mailboxes for customers without their request and linked these mailboxes to a broader set of services. Customers were unable to opt out of using the electronic mailbox, nor could they deactivate the mailbox without discontinuing other services.

The Finnish SA determined that the services requested by customers could be provided without requiring the creation of an electronic mailbox. Furthermore, it was revealed that customers were not adequately informed about the activation of these electronic mailboxes. The service also included technical configurations that did not meet data protection requirements, such as automatically enabled selectors and pre-checked consent boxes.

As a result of these violations, the Finnish SA imposed a €2.4 million administrative fine on Posti for unlawful data processing under Articles 5 and 6.1 of the GDPR. Additionally, Posti was issued a warning for insufficient customer notifications under Article 13 of the GDPR and ordered to rectify its unlawful practices. The Data Protection Authority also instructed Posti to design its services to ensure that only the necessary personal data is processed, in accordance with Article 25 of the GDPR.

You can find more information [here](#).



07

Italian Data Protection Authority Has Decided the Parental Consent Required for Photos of Children Under 14

The Italian Data Protection Authority (Garante) has stated that parental consent from both parents is mandatory for sharing photos of children under the age of 14 on social media. This decision was made following a complaint by a mother regarding her ex-husband sharing an unauthorized photo of their son on Facebook.

The Authority emphasized that even in cases of joint custody, consent from both parents is required, and social media is considered a “public space.” The father was warned and instructed to report the measures taken to comply with the decision within 30 days.

According to Italian law, children aged 14 and above can decide for themselves whether their photos can be shared. However, for children under this age, parental consent is essential. This decision serves as a significant precedent in protecting children’s privacy.

You can find more information [here](#).

08

Proposal for a Minimum Age Law Draft for Social Media from Australia

In Australia, the 2024 Online Safety Amendment (Social Media Minimum Age) Act is planned to introduce a minimum age limit for social media platforms. Platforms are required to take measures to verify users’ ages. This regulation is stated to aim at enhancing the online safety of children, but concerns have been raised about how privacy rights will be protected. It has been emphasized by Privacy Commissioner Carly Kind that social media must be made safer for children. The new regulation is expected to be supported by the Australian Privacy Code, including specific provisions for children’s privacy.

You can find more information [here](#).

09

ICO Has Decided to Impose Fines on Companies Violating Data Protection Laws

Two companies in the United Kingdom have been fined for violating data protection laws. Investigations revealed that both companies infringed upon individuals' privacy rights by making unsolicited marketing calls. These violations were found to have targeted individuals registered with the Telephone Preference Service (TPS), who had opted out of receiving such calls.

The investigations further uncovered that the companies attempted to conceal their identities through various methods while making these calls and avoided cooperating during the inquiry process. As a result of the violations, a total fine of £290,000 was imposed, and enforcement orders were issued to halt the unlawful activities.

The Information Commissioner's Office (ICO) emphasized its commitment to combating such violations and affirmed that it would continue to take deterrent measures to safeguard individuals' personal data.

You can find more information [here](#).

10

Markerstudy Insurance Services Limited Data Breach Notification

Markerstudy Insurance Services Limited (MISL) has reported a data breach caused by an employee unlawfully accessing personal data to The Information Commissioner's Office (ICO). The breach was discovered through an internal investigation and affected personal data categories include customer information, details of accident claims, and insurance policy records. The company has stated that the exact number of individuals and records affected has not yet been determined. Affected groups include current and former customers.

Following the incident, MISL established a dedicated phone line and email address to manage inquiries from customers and reported the situation to the relevant regulatory authority. Additionally, a search of the suspected employee's home confirmed the misuse of personal data.

You can find more information [here](#).

11

Opinion on Artificial Intelligence and Personal Data Published by the European Data Protection Board (EDPB)

On December 18, 2024, an opinion on the use of personal data in the development and implementation of artificial intelligence (AI) models was adopted by the European Data Protection Board (EDPB). This opinion addresses issues related to anonymity, the evaluation of legitimate interest as a legal basis, and the status of AI models developed with unlawfully processed personal data.

Regarding anonymity, it was stated that for an AI model to be considered anonymous, conditions must be met to prevent individuals from being identified or data from being extracted from the model. Concerning the use of legitimate interest as a legal basis, it was emphasized that a three-step test should be applied. Additionally, it was underlined that an AI model developed with unlawfully processed personal data could lead to legal issues unless anonymization is ensured.

This opinion was prepared by the EDPB at the request of the Irish Data Protection Authority to support regulatory alignment across Europe. During its preparation, stakeholder events were organized, and collaboration with the EU AI Office was undertaken.

The opinion is intended to contribute to the ethical and safe development of AI technologies.

You can find more information [here](#).



12

Irish Data Protection Commission Has Decided to Impose an Administrative Fine on Meta Platforms Ireland Limited

The Irish Data Protection Commission (DPC) has issued two separate decisions against Meta Platforms Ireland Limited (MPIL), imposing a total administrative fine of €251 million. These decisions were made following investigations initiated by the DPC in response to a data breach reported in September 2018.

The data breach in question affected approximately 29 million Facebook users worldwide, including 3 million users located within the EU/EEA region. During the breach, users' names, email addresses, phone numbers, location data, workplace information, dates of birth, religious beliefs, gender, timeline posts, group memberships, and personal data related to children were exposed to unauthorized parties. The breach was reportedly caused by the misuse of Facebook user tokens.

The decisions identified shortcomings in the reporting and documentation of the data breach. Additionally, it was found that data protection principles were not sufficiently integrated into the design of processing systems, and the obligation to ensure that only necessary data was processed by default was not fulfilled. These deficiencies were deemed violations of the General Data Protection Regulation (GDPR).

As a result of these findings, Meta was issued reprimands and fined a total of €251 million for various violations.

You can find more information [here](#).



13

Dutch Data Protection Authority Has Decided to Impose an Administrative Fine on Netflix

Netflix was fined €4.75 million by the Dutch Data Protection Authority (Dutch DPA) for failing to provide sufficient and clear information to its customers regarding the processing of their personal data between 2018 and 2020. The company's privacy notices were found to lack clarity about the purposes of data processing, the legal bases for processing, the sharing of data with third parties, and data transfers outside of Europe. Additionally, there was insufficient explanation regarding the duration of data retention and the security measures in place for data processing.

The investigation, initiated by the Dutch DPA in 2019, was triggered by complaints from an Austrian privacy organization, None of Your Business (noyb). Since Netflix's European headquarters is located in the Netherlands, the investigation was conducted by the Dutch authority in coordination with other European data protection authorities.

Aleid Wolfsen, the Chair of the Dutch DPA, emphasized that it is a fundamental obligation for a company to provide its customers with clear and understandable information about how their personal data is processed. It was noted that Netflix had failed to meet this obligation, which constitutes a violation of the General Data Protection Regulation (GDPR).

You can find more information [here](#).



2024 Annual Activity Information Note of the Turkish Personal Data Protection Authority Has Been Published

The 2024 Annual Activity Bulletin of the Personal Data Protection Authority (KVKK) was published on the Authority's website on December 30, 2024. Key topics addressed in the relevant Information Note are as follows:

1. Statistics and Breach Notifications:

- Of 8.186 complaints, reports, and applications, 6.958 were concluded.
- 281 data breach notifications were received, 63 of which were disclosed to the public.
- A total of 552.668.000 TL in administrative fines were imposed.
- 1.345 standard contracts were reported to the Authority, and 3 commitments were approved for international data transfers.

2. Legislation and Regulations:

- On July 10, 2024, the "Regulation on Procedures and Principles for International Transfer of Personal Data" was published.
- Standard contract models (e.g., Data Controller-to-Data Controller, Data Controller-to-Data Processor) were developed, and the "Standard Contract Notification Module" was launched.
- "Binding Corporate Rules" were introduced for multinational corporate groups.

3. Publications and Guides:

- Important guides, such as the "Guide on the Processing of Turkish Republic Identification Numbers" and the "Guide on Personal Data Protection in Election Activities," were published.
- Various information notes, including the "Deepfake Information Note" and the "Information Note on Chatbots (ChatGPT Example)," were released.
- Sectoral guide studies continue in areas such as education, healthcare, and employment.



4. Awareness Activities:

- The “KVKK at Schools Project” raised online security and personal data awareness among students.
- The “Learning About Personal Data with Verican” comic book series was published for children.
- The “Personal Data Protection Volunteers Training Project” was organized for law faculty students.

5. International Collaborations:

- Collaborations were established with the TRNC, Kyrgyzstan, and European Data Protection Authorities.
- Participation in international events such as the “Global Privacy Assembly” and the “European Data Protection Authorities Conference” was ensured.
- The “Data Protection Authorities Consultation Meeting” was held in Istanbul.

You can find more information [here](#). (In Turkish)





Notification!

Contents provided in this article serve to informative purpose only. The article is confidential and property of CottGroup® and all of its affiliated legal entities. Quoting any of the contents without credit being given to the source is strictly prohibited. Regardless of having all the precautions and importance put in the preparation of this article, CottGroup® and its member companies cannot be held liable of the application or interpretation of the information provided. It is strictly advised to consult a professional for the application of the above-mentioned subject.

Please consult your client representative if you are a customer of CottGroup® or consult a relevant party or an expert prior to taking any action in regards to the above content.

Should you have any requests for the English translation of the announcements and decisions of the Turkish DPA, please contact us.

Prepared by



Taylan Günel



Kumsal Başyurt



Berfin Erdoğan



Civan Güneş



Mustafa İvgin



Özcan Bavagir



Birzer Şakar



Adress : Astoria Towers Kempinski Residences
Büyükdere Cad. No:127 B Blok Kat:8 34394
Şişli / İstanbul

Telephone : +90 212 244 92 22

Fax : +90 212 244 92 21



E-mail : ask@cottgroup.com

Website : www.cottgroup.com

Website : www.verisistem.com

Follow us on Social Media...

