

**MEMORANDUM**

**Circular No** : 2017/02

**Subject** : “Personal Data Protection”

In today’s world, where technologization and digitalization are developing with remarkable rapidness, personal information/data (such as personal name, surname, date of birth, telephone numbers) has become easily accessible at digital platforms. For this reason, legal regulations for personal data protection have emerged as a need.

‘**The Code of Personal Data Protection Numbered 6698**’ is prepared to meet with this need and entered into force on 7 April 2016. In this Code, procedures and principles concerning the use and processing of personal data and sanctions in case of their violations are determined.

**The data that have been processed before the effectiveness date which is 7 April 2016 shall be complied with the provisions of this Law until 07 April 2018.**

The Code hereby incurs some civil and criminal liabilities towards third parties, in respect of their hired employees, vendors, customers or any other persons whose personal data is being digitally or manually registered and used for whatsoever reason. Very briefly, the Code refers to the following:

1. “**Personal data**” is defined as “**any information** relating to an identified or identifiable **natural person**”. Accordingly, “personal data” includes all information that make the data subject identifiable, including name, surname, date of birth, telephone number, address, motor vehicle number plate, banking information, information regarding person’s health status, social security number, voice or video recording.
2. Operations performed upon personal data such as collection, recording, storage, alteration, adaptation, disclosure and sharing are collectively referred to as “the processing of personal data” and stipulated to certain procedures under this Code.
3. Personal data shall be processed in a manner compatible with law. Therefore, the person whose data is being subject to this process shall be be duly informed and his/her explicit consent shall be obtained.
4. Natural or legal entities who determines the purposes and means of personal data processing, and who is also responsible for establishing and managing the “Data Entry System” shall be referred to as “Data Supervisor” under the Code.
5. In case of violation, the code provides for an administrative fine in amount of **5.000 Turkish Liras** up to **1.000.000 Turkish Liras** and prison sentence **from 1 to 4 years**.
6. The Code also provides for the establishment of the Board of Personal Data Protection and stipulates to keep a Data Supervisor Registry under the supervision of this Board. All data supervisors shall be registered into this Registry. Nevertheless since the aforementioned Communiqu  is still in the form of a draft, we will be informing you in more detail when the aforementioned Communiqu  enters into force.

Kindest Regards,

**TILEGAL LAW FIRM**