

ICDPPC Global Privacy and Data Protection Awards

2018

Entry Form

Deadline 29 June 2018

To submit an entry to the ICDPPC Global Privacy and Data Protection Awards please complete and email this form to ExCoSecretariat@icdppc.org no later than 29 June 2018.

Note: ICDPPC member authorities can submit as many entries as they wish but a separate form should be used for each different entry. Please complete the entry in English.

1. Contact details for this entry:

- a. Name and email address of person completing this form:
- b. Name of Data Protection or Privacy Authority: Turkish Data Protection Authority

2. Eligibility: By submitting this entry I confirm that:

- a. The Authority is a member of the International Conference of Data Protection and Privacy Commissioners.
- b. The initiative described in this entry was undertaken since the last edition.
- c. I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the ICDPPC Secretariat.

3. Please indicate which **category or categories you wish to enter (delete those that do not apply; you can enter multiple categories):**

Dispute resolution and enforcement

4. Description of the initiative

- a. Please provide a brief summary of the initiative (no more than 75 words):

Resolution on Protection of Personal Data on the Web Sites Providing Guidance Service / Applications

As it is understood that the data processing activities without data subjects' consent is widespread within the guidance services, it has been decided by Resolution No. 2017/61 of 21/12/2017 of Personal Data Protection Board to inform the public about that data processing activities of internet sites/mobile applications which share information without legal grounds shall be stopped immediately, and that if the information is obtained that the mentioned internet sites/applications does not end their activities, this issue shall be notified to the authorized organizations in order to prevent the access to the services and to the Chief Public Prosecutor by taking into account that the personal data may have been obtained contrary to law and that legal action shall be initiated for the persons who do not abide by this Resolution.

b. Please provide a full description of the initiative (no more than 350 words):

As a result of the examination of the notices submitted to our Authority regarding processing of phone numbers of persons without their consent by a web site providing guidance service; a legal action has been initiated against website which is subject matter of notice by reaching the conclusion that there was no protocol with the GSM operators regarding site services or with the institutions operating similarly and providing the unknown number services and that data were collected via various internet sites or social media applications without explicit consent of the data subjects.

In the research conducted by our Authority about the ones which process data within the guidance services, it has been determined that there are many applications and websites that collect the personal data via various applications or social media accounts without explicit consent of data subjects and share these data and that give service to access to the phone number information when a name is queried and to access the name information when the phone number is queried and to find out how people are registered in the phone book of others.

As it is understood that mentioned violation is widespread, it has been decided by Resolution No. 2017/61 of 21/12/2017 of Personal Data Protection Board;

- that it is essential to stop immediately the data processing activities carried out by internet sites and mobile applications which share communication information of data subjects without the support of the Law on the Protection of Personal Data and related legislation in accordance with paragraph 7 of Article 15 of the Law,

- that necessary applications before the authorized institutions shall be made in order to prevent the access to these internet sites/applications if the information is obtained that the mentioned internet sites/applications does not end their activities and that this issue shall be notified to the Chief Public Prosecutor for establishing of the necessary legal actions in accordance with Article 136 of Law of Criminal Procedure for the purpose of giving information to the public opinion by taking into account that the personal data may have been obtained contrary to law, in the frame of article 136, which is related to “Unlawful Acquisition or disclosure of data”, of Turkish Criminal Code No:5237.

- that this Resolution taken in accordance with paragraph (6) of the Article 15 of the Law shall be published in the Official Gazette and the website of the Authority and legal action shall be initiated for the persons who do not abide by this resolution within the scope of Article 18 of the Law.

As a matter of fact, following the publication of the subject matter Resolution, notices have been sent to our Authority regarding similar internet sites and applications which are operating in this sense and the necessary legal actions have been initiated in order to prevent the victimization of our citizens by initiating necessary examinations within the scope of these notices

- c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

The number of web sites and mobile applications, which serve in the form of phone number inquiry from name or in the form of name inquiry from phone number, is increasing day by day and these applications are widely used in society. Such applications often access the information stored in the phones of the persons who download the application to their phone and transfer the information to their databases so that the phone numbers together with the names of the persons registered in the phone book will be inquisitive to other people using the application. In this case, however, the persons, who are registered in the phone book of the person who downloaded the application, are not informed that their personal data, telephone numbers are shared with third parties in connection with their names and also they do not have the consent regarding the sharing. This sharing of phone numbers with people without their knowledge and consent creates social unrest, causes exposure of people to unwanted calls and in this way personal rights are harmed in various ways.

In case the violation is found to be common on the basis of the complaint or ex officio, the Board has authority to take a Resolution in accordance with paragraph 6 of Article 15 of Personal Data Protection Law No. 6698. Within this framework, as it is understood that there are many applications and websites that collect the personal data via various applications or social media accounts without explicit consent of data subjects and share these data and that give service to access to the phone number information when a name is queried and to access the name information when the phone number is queried and to find out how people are registered in the phone book of others; our Authority has taken an immediate action and decided that activities of internet sites/mobile applications which share information without legal grounds shall be stopped immediately, and that if the information is obtained that the mentioned internet sites/applications does not end their activities, this issue shall be notified to the authorized organizations in order to prevent the access to the services and to the Chief Public Prosecutor by taking into account that the personal data may have been obtained contrary to law and that legal action shall be initiated for the persons who do not abide by this Resolution.

The Resolution taken to create awareness in public and to inform our citizens about the mentioned services has been announced to the public on the official website of our Authority and published in the Official Gazette dated 2/01/2018 and numbered 30312. In this way, measures have been taken to prevent the seizure of our citizens' personal data without their consent and sharing with third parties, thus preventing the victimization of many people.

- d. Include a photograph or image if you wish (note this will help illustrate the description of the entry on the ICDPPC website; the image can be pasted into the entry or send as an attachment or a link may be provided):

- e. Please provide the most relevant link on the authority's website to the initiative (if applicable)
(The website content does not need to be in English):

For the related Resolution which has been published on the official website of
our Authority:

<https://kvkk.gov.tr/Icerik/4214/Kurul-Kararlari>

For the related Resolution which has been published in the Official Gazette:

<http://www.resmigazete.gov.tr/eskiler/2018/01/20180125-12.pdf>

- f. Please provide any other relevant links that you wish that help explain the initiative or its impact
or success (e.g. links to news reports or articles):