



AMENDMENTS TO THE TURKISH PERSONAL DATA PROTECTION LAW

Within the scope of the Human Rights Action Plan and the Medium Term Program and Economic Reforms Action Plan, the goal of completing the harmonization process of the Personal Data Protection Law No. 6698 ("KVKK") with the General Data Protection Regulation ("GDPR") has been determined.

In this regard, important changes regarding the Personal Data Protection Law were published in the Official Gazette dated March 12, 2024.

An adaptation period has also been determined and June 1, 2024 is foreseen as the effective date for the changes.

Purpose of Change



Amended KVKK Articles and Their Equivalents in GDPR

Topic Title	KVKK Article Number	GDPR Article Number
Processing of Special Categories Of Personal Data	<ul style="list-style-type: none"> • KVKK art.6 	<ul style="list-style-type: none"> • GDPR art.9
Transfer of Personal Data Abroad	<ul style="list-style-type: none"> • KVKK art.9 	<ul style="list-style-type: none"> • GDPR art.44 • GDPR art.45 • GDPR art.46 • GDPR art.47 • GDPR art.48 • GDPR art.49 • GDPR art.50

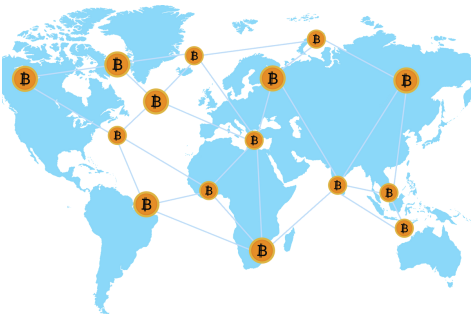
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Special Categories of Personal Data



- The legal grounds for processing special categories of personal data have been expanded, and the restrictive legal regime regarding health data has been abolished.
- Processing of special categories of personal data, including health data, has been allowed in certain circumstances: when explicitly provided for by laws, when necessary for the establishment, exercise, or protection of a right, when required for employment, occupational health and safety, social security, fulfillment of legal obligations in the fields of social services and assistance, or when directed towards members of foundations, associations, and other nonprofit organizations.

Data Transfer Abroad



- New methods have been introduced regarding the transfer of personal data abroad, which in practice largely depended on explicit consent.
- It is now possible to transfer personal data abroad, subject to the existence of one of the legal reasons stipulated within the scope of the KVKK and the existence of an adequacy decision regarding the international organization, country or sector to which the personal data will be transferred.
- Standard contractual clauses, as a common method of data transfer abroad within the scope of GDPR, have also been included in KVKK. In order to use this method, the following conditions must be met: a) One of the conditions specified in Articles 5 and 6 is met and the data subject has the opportunity to exercise his rights and take effective legal remedies in the country where the data will be transferred. b) The SCC must be notified to the Authority within five days from the signing of the contract. If this notification is not made, a fine of TRY 50.000 to TRY 1.000.000 TL is imposed on the data controller and data processors.
- Similar to the GDPR, occasional legal basis have also been added in KVKK. In this context, transfer based on explicit consent will have an exceptional nature.
- The provision regarding the transfer of personal data abroad based on explicit consent will be in force until September 1, 2024 as a transitional period.

Appeal Against Board Decisions



- Administrative fines imposed by the Board will be appealed in administrative courts instead of peace criminal courts. This change has led to appeals being evaluated by a panel of three judges instead of a single judge.
- Applications pending in peace criminal courts as of June 1, 2024, will continue to be heard by these courts.