

REPUBLIC OF TURKEY
PERSONAL DATA PROTECTION LAW

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CHAPTER ONE

Purpose, Scope and Definitions

Aim

ARTICLE 1 - (1) The purpose of this Law is to protect the fundamental rights and freedoms of individuals, especially the right to privacy, in the processing of personal data and to regulate the obligations of real and legal persons who process personal data and the procedures and principles they must comply with.

Scope

ARTICLE 2 - (1) The provisions of this Law shall apply to natural persons whose personal data are processed and to natural and legal persons who process these data by fully or partially automatic means or non-automatic means provided that they are part of any data recording system.

Definitions

ARTICLE 3 - (1) In the implementation of this Law;

- a) Explicit consent: Consent based on information and expressed with free will on a specific subject,
- b) Anonymization: Making personal data in a way that it cannot be associated with an identified or identifiable natural person, even when matched with other data.
- c) President: President of the Personal Data Protection Authority,
- ç) Relevant person: The natural person whose personal data is processed,
- d) Personal data: Any information relating to an identified or identifiable natural person,
- e) Processing of personal data: Any operation performed on personal data, such as obtaining, recording, storing, preserving, changing, reorganizing, disclosing, transferring, taking over, making available, classifying or preventing the use of personal data, in whole or in part, by automatic means or non-automatic means provided that it is part of any data recording system,
- f) Board: Personal Data Protection Board,
- g) Institution: Personal Data Protection Institution,
- g) Data processor: The natural or legal person who processes personal data on behalf of the data controller based on the authority granted to him,

recording system in which personal data is structured and processed according to certain criteria ,

i) Data controller: The natural or legal person who determines the purposes and means of processing personal data and is responsible for the establishment and management of the data recording system,
expresses .

CHAPTER TWO

Processing of Personal Data

General principles

ARTICLE 4 - (1) Personal data can only be processed in accordance with the procedures and principles stipulated in this Law and other laws.

(2) The following principles must be adhered to when processing personal data:

- a) Compliance with law and rules of honesty.
- b) Being accurate and up-to-date when necessary.
- c) Processing for specified, clear and legitimate purposes.
- c) Being connected, limited and proportionate to the purpose for which they are processed.
- d) Preservation for the period required by the relevant legislation or for the purpose for which they are processed.

Conditions for processing personal data

ARTICLE 5 - (1) Personal data cannot be processed without the explicit consent of the person concerned.

(2) If one of the following conditions is met, it is possible to process personal data without the explicit consent of the relevant person:

- a) It is clearly stated in the laws.
- b) If it is necessary for the protection of the life or physical integrity of the person or another person who is unable to give his consent due to a physical impossibility or whose consent is not legally valid.
- c) It is necessary to process personal data of the parties to a contract, provided that it is directly related to the establishment or performance of a contract.
- c) It is mandatory for the data controller to fulfill its legal obligations.
- d) It has been made public by the relevant person himself.
- e) Data processing is mandatory for the establishment, exercise or protection of a right.
- f) Data processing is mandatory for the legitimate interests of the data controller, provided that it does not harm the fundamental rights and freedoms of the relevant person.

Conditions for processing special personal data

ARTICLE 6 - (1) Data regarding individuals' race, ethnic origin, political opinion, philosophical belief, religion, sect or other belief, appearance and dress, membership in associations, foundations or unions, health, sexual life, criminal convictions and security measures, as well as biometric and genetic data are special personal data.

(2) (**Repealed: 2/3/2024-7499/33 art.)**

(3) (**Amended: 2/3/2024-7499/33 art.)** Processing of special personal data is prohibited. However, the processing of these data;

- a) The explicit consent of the relevant person,
- b) It is clearly stated in the laws,
- c) If the person is unable to give his consent due to a physical impossibility or if his consent is not legally valid, it is necessary to protect his own life or the physical integrity of another person,
- c) It is in accordance with the personal data made public by the relevant person and the will to make it public,
- d) It is mandatory for the establishment, use or protection of a right,
- e) It is necessary for the protection of public health, preventive medicine, medical diagnosis, treatment and care services, and the planning, management and financing of health services by persons under the obligation of confidentiality or by authorized institutions and organizations,
- f) It is mandatory to fulfill legal obligations in the fields of employment, occupational health and safety, social security, social services and social assistance,
- g) To be directed to current or former members and affiliates of foundations, associations and other non-profit organizations or formations established for political, philosophical, religious or union purposes, or to persons who are in regular contact with these organizations and formations, provided that it complies with the legislation and purposes to which they are subject, is limited to their fields of activity and is not disclosed to third parties. in case of .

(4) In the processing of special personal data, it is also necessary to take adequate measures determined by the Board.

Deletion, destruction or anonymization of personal data

ARTICLE 7 - (1) Although processed in accordance with the provisions of this Law and other relevant laws, if the reasons requiring processing are eliminated, personal data shall be deleted, destroyed or made anonymous by the data controller ex officio or upon the request of the relevant person.

(2) The provisions of other laws regarding the deletion, destruction or anonymization of personal data are reserved.

(3) The procedures and principles regarding the deletion, destruction or anonymization

of personal data are regulated by regulation.

Transfer of personal data

ARTICLE 8 - (1) Personal data cannot be transferred without the explicit consent of the relevant person.

(2) Personal data;

a) In the second paragraph of Article 5,

b) Provided that adequate measures are taken, in the third paragraph of Article 6 ,

If one of the specified conditions is met, it may be transferred without the explicit consent of the relevant person.

(3) The provisions of other laws regarding the transfer of personal data are reserved.

Transfer of personal data abroad

ARTICLE 9- (Amended: 2/3/2024-7499/34 art.)

Articles 5 and 6 is met and if there is an adequacy decision regarding the country to which the transfer will be made, the sectors within the country or international organisations.

(2) The adequacy decision is made by the Board and published in the Official Gazette . If necessary, the Board obtains the opinions of the relevant institutions and organizations. The adequacy decision is evaluated at least once every four years. As a result of the evaluation or in other cases deemed necessary, the Board may change, suspend or revoke the adequacy decision with future effect.

(3) When making adequacy decisions, the following issues are primarily taken into consideration:

a) Reciprocity regarding the transfer of personal data between the country to which personal data will be transferred, sectors within the country or international organizations and Türkiye.

b) The relevant legislation and practice of the country to which the personal data will be transferred and the rules of the international organization to which the personal data will be transferred.

c) The existence of an independent and effective data protection authority in the country to which the personal data will be transferred or to which the international organization is subject, and the availability of administrative and judicial remedies.

c) Whether the country or international organization to which the personal data will be transferred is a party to international agreements or a member of international organizations regarding the protection of personal data.

d) Whether the country or international organization to which personal data will be transferred is a member of global or regional organizations to which Türkiye is a member.

e) International agreements to which Türkiye is a party.

(4) In the absence of an adequacy decision, personal data may be transferred abroad by

data controllers and data processors, provided that one of the conditions specified in Articles 5 and 6 is present, the relevant person has the opportunity to exercise his/her rights and apply for effective legal remedies in the country to which the transfer will be made, and if one of the appropriate safeguards specified below is provided by the parties:

a) Existence of an agreement that is not an international contract between public institutions and organizations or international organizations abroad and public institutions and organizations or professional organizations with public institution status in Türkiye, and permission for transfer by the Board.

The existence of binding company rules approved by the Board, which contain provisions regarding the protection of personal data, with which the companies within the group of undertakings engaged in joint economic activities are obliged to comply .

c) The existence of a standard contract declared by the Board, which includes matters such as data categories, purposes of data transfer, recipients and recipient groups, technical and administrative measures to be taken by the data recipient, and additional measures taken for special personal data.

c) The existence of a written commitment containing provisions that will provide adequate protection and the transfer must be permitted by the Board.

(5) The standard contract is notified to the Authority by the data controller or data processor within five working days after its signature.

(6) In the absence of an adequacy decision and failure to provide any of the appropriate safeguards stipulated in the fourth paragraph, data controllers and data processors may transfer personal data abroad only if one of the following situations occurs, provided that it is incidental:

a) The relevant person gives explicit consent to the transfer, provided that he/she is informed about the possible risks.

b) The transfer is necessary for the performance of a contract between the data subject and the data controller or for the implementation of pre-contractual measures taken at the request of the data subject.

c) The transfer is necessary for the establishment or performance of a contract between the data controller and another natural or legal person for the benefit of the relevant person.

c) The transfer is necessary for a superior public benefit.

d) The transfer of personal data is mandatory for the establishment, exercise or protection of a right.

e) If the transfer of personal data is necessary to protect the life or physical integrity of the person or another person who is unable to give his consent due to a de facto impossibility or whose consent is not legally valid.

f) Transferring information from a registry that is open to the public or to persons with a legitimate interest, provided that the conditions required for accessing the registry in the relevant legislation are met and the person with a legitimate interest requests it.

(7) Subparagraphs (a), (b) and (c) of the sixth paragraph do not apply to the activities of

public institutions and organizations subject to public law.

(8) The safeguards in this Law shall be provided and the provisions of this article shall be applied for the subsequent transfers of personal data transferred abroad by the data controller and data processors and for transfers to international organisations.

(9) Personal data may be transferred abroad only with the permission of the Board, after consulting the relevant public institution or organization, in cases where the interests of Türkiye or the relevant person would be seriously harmed, without prejudice to the provisions of international agreements.

(10) The provisions of other laws regarding the transfer of personal data abroad are reserved.

(11) The procedures and principles regarding the implementation of this article are regulated by regulations.

CHAPTER THREE

Rights and Obligations

Data controller's obligation to inform

ARTICLE 10 - (1) While obtaining personal data, the data controller or the person authorized by him shall inform the relevant persons;

- a) The identity of the data controller and its representative, if any,
 - b) The purpose for which personal data will be processed,
 - c) To whom and for what purpose the processed personal data can be transferred,
 - c) The method and legal reason for collecting personal data,
 - d) Other rights listed in Article 11,
- is obliged to provide information on this matter .

Rights of the person concerned

ARTICLE 11 - (1) Everyone may apply to the data controller and obtain information regarding himself/herself;

- a) Learning whether personal data is being processed,
- b) Requesting information regarding the processing of personal data,
- c) To learn the purpose of processing personal data and whether they are used in accordance with their purpose ,
- ç) To know the third parties to whom personal data is transferred, either domestically or abroad,
- d) Request correction of personal data in case it is processed incompletely or incorrectly,
- e) Request the deletion or destruction of personal data within the framework of the conditions set forth in Article 7 ,
- f) To request that the operations carried out in accordance with clauses (d) and (e) be notified to third parties to whom personal data has been transferred,
- g) To object to the emergence of a result to the detriment of the person himself/herself,

by means of analysis of the processed data exclusively through automatic systems,

g) To request compensation in case of damages due to unlawful processing of personal data, the rights .

Obligations regarding data security

ARTICLE 12 - (1) Data controller;

a) To prevent the unlawful processing of personal data,

b) To prevent unlawful access to personal data,

c) To ensure the protection of personal data,

It must take all necessary technical and administrative measures to ensure an appropriate level of security .

by another natural or legal person , the data controller is jointly responsible with these persons for taking the measures specified in the first paragraph.

(3) The data controller must carry out or have carried out the necessary audits in his/her own institution or organisation in order to ensure the implementation of the provisions of this Law.

(4) Data controllers and data processors cannot disclose the personal data they have learned to anyone else in violation of the provisions of this Law and cannot use it for purposes other than processing. This obligation continues after they leave office.

(5) If the processed personal data is obtained by others through illegal means, the data controller shall notify the relevant person and the Board of this situation as soon as possible. If necessary, the Board may announce this situation on its own website or by any other method it deems appropriate.

CHAPTER FOUR

Application, Complaint and Data Controllers Registry

Application to the data controller

ARTICLE 13 - (1) The relevant person shall submit his/her requests regarding the implementation of this Law to the data controller in writing or through other methods determined by the Board.

(2) The data controller shall finalize the requests included in the application free of charge as soon as possible and within thirty days at the latest, depending on the nature of the request. However, if the transaction requires an additional cost, the fee in the tariff determined by the Board may be charged.

(3) The data controller accepts the request or rejects it by explaining the reason and notifies the relevant person in writing or electronically. If the request in the application is accepted, the data controller shall fulfill the necessary. If the application is caused by the data controller's mistake, the fee received shall be refunded to the relevant person.

Complaint to the Board

ARTICLE 14 - (1) In cases where the application is rejected, the response is found insufficient or the application is not responded to in a timely manner, the relevant person may lodge a complaint with the Board within thirty days from the date on which he/she learns of the response of the data controller and, in any case, within sixty days from the date of application.

(2) A complaint cannot be filed before exhausting the remedies in accordance with Article 13 .

(3) Those whose personal rights have been violated reserve the right to compensation in accordance with general provisions.

Procedures and principles of investigation upon complaint or ex officio

ARTICLE 15 - (1) The Board shall conduct the necessary investigation on matters within its scope of duty, upon a complaint or upon learning of an alleged violation.

Article 6 of the Law No. 3071 on the Use of the Right to Petition, dated 1/11/1984, will not be taken into consideration.

(3) Except for information and documents that are state secrets, the data controller must send the information and documents requested by the Board regarding the subject of the investigation within fifteen days and, if necessary, provide the opportunity for on-site investigation.

(4) Upon complaint, the Board examines the request and provides a response to the relevant parties. If no response is given within sixty days from the date of the complaint, the request is deemed to be rejected.

(5) If the existence of a violation is determined as a result of the investigation conducted upon complaint or ex officio, the Board decides that the illegalities detected should be remedied by the data controller and notifies the relevant parties. This decision shall be implemented without delay and within thirty days at the latest from the notification.

(6) If, as a result of a complaint or ex officio investigation, it is determined that the violation is widespread, the Board shall take a principle decision on the matter and publish this decision. Before taking a principle decision, the Board may also obtain the opinions of relevant institutions and organizations if necessary.

(7) The Board may decide to suspend data processing or transfer of data abroad in cases where irreparable or impossible damages occur and where there is a clear unlawfulness.

Data Controllers Registry

ARTICLE 16 - (1) The Data Controllers Registry is kept publicly by the Presidency under the supervision of the Board.

(2) Natural and legal persons who process personal data must register with the Data Controllers Registry before starting to process data. However, the Board may grant an exception to the obligation to register with the Data Controllers Registry, taking into account objective criteria to be determined by the Board, such as the nature and number of personal data

processed, whether data processing is based on law or whether it is transferred to third parties.

(3) Application for registration to the Data Controllers Registry is made with a notification containing the following:

- a) Identity and address information of the data controller and its representative, if any.
- b) The purpose for which personal data will be processed.
- c) Explanations about the data subject group or groups and the data categories belonging to these persons.

c) Recipients or recipient groups to whom personal data may be transferred.

d) Personal data intended to be transferred to foreign countries.

e) Measures taken regarding personal data security.

f) The maximum period necessary for the purpose for which personal data is processed.

(4) Any changes in the information provided in accordance with the third paragraph shall be immediately reported to the Presidency.

(5) Other procedures and principles regarding the Data Controllers Registry are regulated by regulation.

CHAPTER FIVE

Crimes and Misdemeanors

Crimes

ARTICLE 17 - (1) Regarding crimes related to personal data, Law No. 5237 dated 26/9/2004 The provisions of Articles 135 to 140 of the Turkish Penal Code shall apply.

(2) Those who do not delete or anonymize personal data in violation of Article 7 of this Law shall be penalized in accordance with Article 138 of Law No. 5237 .

Misdemeanors¹

ARTICLE 18 - (1) Of this Law;

a) A fine of 5,000 Turkish Lira to 100,000 Turkish Lira for those who fail to fulfill the obligation to inform as stipulated in Article 10,

b) A fine of 15,000 Turkish Lira to 1,000,000 Turkish Lira for those who do not fulfill their obligations regarding data security as stipulated in Article 12 ,

c) Fines ranging from 25,000 Turkish Lira to 1,000,000 Turkish Lira for those who fail to comply with the decisions made by the Board in accordance with Article 15,

ç) A fine of 20,000 Turkish lira to 1,000,000 Turkish lira for those who act in breach of the obligation to register with the Data Controllers Registry and to notify, as stipulated in Article 16 ,

d) **(Added: 2/3/2024-7499/35 art.)** A fine of 50,000 Turkish lira to 1,000,000 Turkish lira for those who do not fulfill the notification obligation stipulated in the fifth paragraph of

¹With Article 35 of Law No. 7499 dated 2/3/2024, a paragraph was added to this article after the second paragraph and the other paragraphs were renumbered accordingly.

Article 9,

administrative fines are imposed.

(2) (**Amended: 2/3/2024-7499/35 art.)** The administrative fines stipulated in subparagraphs (a), (b), (c) and (ç) of the first paragraph shall be applied to the data controller, while the administrative fines stipulated in subparagraph (d) shall be applied to the data controller or to the real persons and private law legal entities who process data.

(3) (**Added: 2/3/2024-7499/35 art.)** A lawsuit can be filed in the administrative courts against the administrative fines imposed by the Board.

(4) If the acts listed in the first paragraph are committed within public institutions and organizations or professional organizations with the status of a public institution, upon notification by the Board, disciplinary action will be taken against the civil servants and other public officials working in the relevant public institutions and organizations and those working in professional organizations with the status of a public institution, and the results will be reported to the Board.

CHAPTER SIX

Personal Data Protection Authority and Organization

Personal Data Protection Authority

ARTICLE 19 - (1) The Personal Data Protection Authority, which has administrative and financial autonomy and public legal personality, has been established to carry out the duties assigned by this Law.

(2) The institution is related to the minister appointed by the President.²

(3) The headquarters of the institution is in Ankara.

(4) The institution consists of the Board and the Presidency. The decision-making body of the institution is the Board.

Duties of the institution

ARTICLE 20 - (1) The duties of the Institution are as follows:

a) To follow the practices and developments in the legislation, to make evaluations and recommendations, to conduct research and examinations or to have them conducted, within the scope of its duties.

b) To cooperate with public institutions and organizations, non-governmental organizations, professional organizations or universities on issues within its scope of duty, when necessary.

c) To monitor and evaluate international developments regarding personal data, to cooperate with international organizations on issues falling within its scope of duty, and to participate in meetings.

²With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrase "with the Prime Ministry" in this paragraph has been changed to "with the minister to be assigned by the President".

c) To submit the annual activity report to the Presidency and the Turkish Grand National Assembly Human Rights Investigation Commission (...) ³.

d) To fulfill other duties assigned by law.

Personal Data Protection Board

ARTICLE 21 - (1) The Board shall independently perform and use the duties and powers granted by this Law and other legislation under its own responsibility. No organ, authority, office or person may give orders or instructions, make recommendations or suggestions to the Board regarding matters falling within its scope of duty.

(2) The Board consists of nine members. Five members of the Board are elected by the Turkish Grand National Assembly and four members by the President. ⁴

(3) The following conditions are required to become a member of the Board:

a) To have knowledge and experience in the matters within the scope of the institution's duties.

To have the qualifications specified in subparagraphs (1), (4), (5), (6) and (7) of paragraph (A) of the first paragraph of Article 48 of the Civil Servants Law No. 657 dated 14/7/1965 .

c) Not to be a member of any political party.

c) Having received at least a four-year undergraduate degree.

d) (**Repealed: 2/7/2018-KHK-703/163 art.)**

(4) (**Repealed: 2/7/2018-KHK-703/163 art.)**

(5) The Turkish Grand National Assembly elects members to the Board in the following manner:

a) For the election, candidates are nominated twice the number of members, which will be determined in proportion to the number of members of the political party groups, and the members of the Board are elected by the General Assembly of the Turkish Grand National Assembly from among these candidates, based on the number of members for each political party group. However, discussions and decisions cannot be made in the political party groups on who to vote for in the elections to be held in the Turkish Grand National Assembly.

b) The election of the Board members shall be made within ten days after the determination and announcement of the candidates. A combined ballot paper shall be prepared in separate lists for the candidates nominated by the political party groups. Votes shall be cast by marking the special place opposite the names of the candidates. Votes cast in excess of the number of members to be elected to the Board from the quotas determined by the political party groups in accordance with the second paragraph shall be deemed invalid.

³With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrase "and to the Prime Ministry" in this clause has been abolished.

⁴With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrase "two members of the President, two members of the Council of Ministers" in the second paragraph of this article was changed to "four members of the President".

c) Provided that there is a quorum, the candidate receiving the most votes in the election will be elected for the same number of vacant seats.

ç) Two months before the end of the term of office of the members; in case of a vacancy in the membership for any reason, an election shall be held by the same method within one month from the date of the vacancy or from the end of the recess if the Turkish Grand National Assembly is in recess on the date of the vacancy. In these elections, the distribution of the vacant memberships to the political party groups shall be made by taking into account the number of members elected from the quota of political party groups in the first election and the current ratio of political party groups.

(6) In the event that one of the members elected by the President (...) ⁵ends his/her term of office forty-five days before the end of his/her term of office or for any reason, the situation shall be notified to the Presidency (...) by the Institution within fifteen days ⁵A new member election shall be held one month before the end of the term of office of the members. In the event that a vacancy occurs for any reason before the end of the term of office, the election shall be held within fifteen days of the notification.

(7) The Board elects the President and Vice President from among its members. The President of the Board is also the President of the Institution.

(8) The term of office of the Board members is four years. A member whose term has expired may be re-elected. The person elected to replace a member whose term of office has ended for any reason before the end of his term of office shall complete the remaining term of the member he was elected to replace.

(9) The elected members swear an oath before the First Presidency of the Supreme Court of Appeals as follows: "I swear upon my honour and dignity that I will perform my duties in accordance with the Constitution and the laws, with complete impartiality, honesty, fairness and justice." Applications to the Supreme Court of Appeals for an oath are considered urgent matters.

(10) Unless based on a special law, Board members cannot undertake any official or private duty other than the performance of their official duties on the Board, cannot be a manager in associations, foundations, cooperatives or similar places, cannot engage in trade, cannot engage in freelance activities, cannot act as arbitrators or experts. However, Board members may publish for scientific purposes, give lectures and conferences, and receive royalties and lecture and conference fees arising from these, provided that they do not disrupt their primary duties.

(11) Investigations into crimes allegedly committed by members due to their duties are conducted in accordance with the Law No. 4483 on the Trial of Civil Servants and Other Public

⁵With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrases "or the Council of Ministers" and "or the Prime Ministry to be submitted to the Council of Ministers" in this paragraph were removed from the text of the article.

Officials, dated ⁶2/12/1999 , and permission for investigation into these is given by the President.

(12) The provisions of Law No. 657 shall apply in any disciplinary investigation or prosecution against Board members.

(13) Board members cannot be dismissed from their duties for any reason before their term expires. Board members;

a) It is later understood that they do not meet the requirements for selection,

b) The conviction decision against them for crimes committed in relation to their duties becomes final,

c) It is definitely determined by a health board report that they cannot perform their duties,

c) It is determined that they have not attended their duties without permission, excuse and for a period of fifteen days without interruption or for a total of thirty days in a year,

d) It is determined that they have not attended a total of three Board meetings in a month, or a total of ten Board meetings in a year, without permission or excuse.

In such cases, their membership is terminated by the decision of the Board.

(14) Those elected as members of the Board shall have their previous duties terminated as long as they serve on the Board. Those elected as members while they were public servants shall be appointed to a position appropriate to their qualifications by the competent authority within one month, provided that they do not lose the conditions for entry into the civil service, in the event that their term of office expires or they request to resign and apply to their former institution within thirty days. Until the appointment is made, all kinds of payments they receive shall continue to be paid by the Institution. Those elected as members who do not work in a public institution and whose duty ends as stated above shall continue to be paid all kinds of payments they receive by the Institution until they start any duty or job, and the payment to be made by the Institution to those whose membership ends in this way shall not exceed three months. The periods they spend in the Institution shall be deemed to have been spent in their previous institution or organization in terms of their personal rights and other rights.

Duties and powers of the Board

ARTICLE 22 - (1) The duties and powers of the Board are as follows:

a) To ensure that personal data is processed in accordance with fundamental rights and freedoms.

b) To decide on the complaints of those who claim that their rights regarding personal data have been violated.

c) To examine whether personal data is processed in accordance with the law, upon complaint or upon learning of a violation claim, and to take temporary measures in this regard

⁶With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrase "Prime Minister" in this paragraph was changed to "President".

when necessary.

- c) To determine the adequate measures required for the processing of special personal data.
- d) To ensure that the Data Controllers Registry is kept.
- e) To carry out the necessary regulatory procedures regarding the Board's area of responsibility and the functioning of the Institution.
- f) To take regulatory action to determine obligations regarding data security.
- g) To take regulatory action regarding the duties, authorities and responsibilities of the data controller and its representative.
- g) To decide on the administrative sanctions provided for in this Law.
- h) To express opinions on draft legislation prepared by other institutions and organizations that contain provisions regarding personal data.
- i) To decide on the strategic plan of the institution, to determine its aims and objectives, service quality standards and performance criteria.
- i) To discuss and decide on the budget proposal prepared in accordance with the institution's strategic plan and its goals and objectives.
- j) To approve and publish draft reports prepared on the institution's performance, financial situation, annual activities and required issues.
- k) To discuss and decide on proposals regarding the purchase, sale and rental of real estate.
- l) To fulfill other duties assigned by law.

Working principles of the Board

ARTICLE 23 - (1) The President determines the meeting days and agenda of the Board. The President may call the Board to an extraordinary meeting when necessary.

(2) The Board meets with at least six members, including the chairman, and takes decisions with the absolute majority of the total number of members. Board members cannot abstain from voting.

(3) Board members cannot attend meetings and vote on matters concerning themselves, their blood relatives up to the third degree, their in-laws up to the second degree, their adopted children, and their spouses, even if the marriage bond between them has been terminated.

(4) Board members cannot disclose the secrets they learn about the relevant persons and third parties during their work to anyone other than the legally authorized authorities and cannot use them for their own benefit. This obligation continues even after they leave office.

(5) The proceedings discussed in the Board are recorded in the minutes. Decisions and the reasons for dissenting votes, if any, are recorded within fifteen days from the date of the decision. The Board announces the decisions it deems necessary to the public.

(6) Unless otherwise agreed, the discussions at the Board meetings are confidential.

(7) The working procedures and principles of the Board, the writing of decisions and

other matters are regulated by regulations.

Minister

ARTICLE 24 - (1) The President, as the head of the Board and the Institution, is the highest authority of the Institution and organizes and executes the Institution's services in accordance with the legislation, the Institution's objectives and policies, strategic plan, performance criteria and service quality standards and ensures coordination between service units.

(2) The President is responsible for the general management and representation of the Institution. This responsibility includes the duties and powers of organizing, executing, supervising, evaluating and, when necessary, announcing the Institution's work to the public.

(3) The duties of the President are as follows:

- a) To manage the Board meetings.
 - b) To ensure that the Board's decisions are notified and those deemed necessary by the Board are announced to the public and to monitor their implementation.
 - c) To appoint the Vice President, department heads and the staff of the Institution.
 - c) To finalize the suggestions from the service units and submit them to the Board.
 - d) To ensure the implementation of the strategic plan and to establish human resources and work policies in line with service quality standards.
 - e) To prepare the annual budget and financial tables of the Institution in accordance with the determined strategies, annual goals and targets.
 - f) To ensure coordination so that the board and service units work in a harmonious, efficient, disciplined and orderly manner.
 - g) To manage the institution's relations with other organizations.
 - g) To determine the duties and areas of authority of the personnel authorized to sign on behalf of the Head of the Institution.
 - h) To perform other duties related to the management and operation of the institution.
- (4) In the absence of the President of the Institution, the Vice President shall act as the President.

Formation and duties of the Presidency

ARTICLE 25 - (1) The Presidency consists of the Vice President and service units. The Presidency carries out the duties listed in the fourth paragraph through service units organized as department heads. The number of department heads cannot exceed seven.

(2) A Vice President is appointed by the President to assist him in his duties regarding the Institution.

(3) The Vice President and department heads are appointed by the President from among individuals who have graduated from at least a four-year higher education institution and have served in public service for ten years.

(4) The duties of the Presidency are as follows:

- a) To keep the Data Controllers Registry.
 - b) To carry out the office and secretarial operations of the Institution and the Board.
 - c) To represent the Institution through lawyers in lawsuits and enforcement proceedings to which the Institution is a party, to follow up on cases or have them followed up, and to provide legal services.
 - c) To carry out the personnel affairs of the Board members and those working in the Institution.
 - d) To perform the duties assigned to the financial service and strategy development units by law.
 - e) To ensure the establishment and use of the information system in order to carry out the institution's work and transactions.
 - f) To prepare draft reports on the annual activities of the Board or on necessary issues and submit them to the Board.
 - g) To prepare the strategic plan draft of the institution.
 - g) To determine the personnel policy of the institution, to prepare and implement the career and training plans of the personnel.
 - h) To carry out personnel appointment, transfer, discipline, performance, promotion, retirement and similar procedures.
 - i) To determine the ethical rules to be followed by the personnel and to provide the necessary training.
 - i) To carry out all kinds of purchasing, leasing, maintenance, repair, construction, archive, health, social and similar services required by the Institution within the framework of the Public Financial Management and Control Law No. 5018 dated 10/12/2003.
 - j) To keep records of the movable and immovable properties of the institution.
 - k) To perform other duties assigned by the Board or the President.
- (5) Service units and their working procedures and principles are determined by the regulation put into effect by the President upon the proposal of the Institution, in accordance with the field of activity, duties and authorities specified in this Law.⁷

Personal Data Protection Specialist and expert assistants

ARTICLE 26 - (1) Personal Data Protection Specialist and Personal Data Protection Assistant Specialist may be employed in the institution. Among these, those appointed to the Personal Data Protection Specialist position within the framework of additional article 41 of Law No. 657 shall be promoted one grade only once.

Provisions regarding personnel and their personal rights

ARTICLE 27 - (1) The personnel of the Institution are subject to Law No. 657 except for the matters regulated by this Law.

(2) Payments made to the Board Chairman and members and the Institution staff within the scope of financial and social rights determined in accordance with the additional article 11

⁷With Article 163 of the Decree Law No. 703 dated 2/7/2018, the phrase "by the decision of the Council of Ministers" in this paragraph was changed to "by the President".

of the Decree Law No. 375 dated 27/6/1989 shall be made within the framework of the same procedures and principles. Payments made to the comparable staff that are not subject to tax and other legal deductions shall not be subject to tax and other deductions according to this Law.

(3) The Board Chairman and members and the Institution personnel are subject to the provisions of subparagraph (c) of the first paragraph of Article 4 of the Social Insurance and General Health Insurance Law No. 5510 dated 31/5/2006. The Board Chairman and members and the Institution personnel are considered equal to the personnel determined as peers in terms of retirement rights. Of those who were appointed as the Board Chairman and members while insured within the scope of subparagraph (c) of the first paragraph of Article 4 of Law No. 5510, whose duties have ended or who wish to resign from these duties, the service periods spent in these duties are taken into account in determining their acquired rights, salaries, degrees and grades. Of these, the periods spent in these duties by those who fall within the scope of the temporary article 4 of Law No. 5510 during their duties are evaluated as the period for which the position compensation and representation compensation must be paid. In public institutions and organizations, those who are insured within the scope of subparagraph (a) of the first paragraph of Article 4 of Law No. 5510 and are appointed as Board Chair and members, severance of their ties with their previous institutions and organizations does not require payment of severance pay or termination of employment compensation. In such cases, the service periods for which severance pay or termination of employment compensation should be paid are combined with the service periods spent as Board Chair and Board member and are evaluated as the period for which retirement bonus will be paid.

(4) Civil servants and other public servants working in public administrations within the scope of central government, social security institutions, local administrations, administrations affiliated to local administrations, local administration unions, revolving capital organizations, funds established by law, organizations with public legal personality, organizations with more than fifty percent of their capital belonging to the public, economic state enterprises and public economic organizations and their affiliated partnerships and institutions may be temporarily assigned to the Institution with the consent of their institutions, and judges and prosecutors with their own consent, provided that their salaries, allowances, all kinds of raises and compensations and other financial and social rights and aids are paid by their institutions. The Institution's requests in this regard are primarily finalized by the relevant institutions and organizations. Personnel assigned in this manner are considered to be on paid leave from their institutions. While these personnel are on leave, their civil service, interests and personal rights continue, and these periods are taken into account in their promotions and retirements, and their promotions are made on time without the need for any other process. The periods spent by those assigned within the scope of this article in the Institution shall be deemed to have been spent in their own institutions. The number of those assigned in this manner shall not exceed ten percent of the total number of Personal Data Protection Specialists and Personal Data Protection Assistant Specialists, and the assignment period shall not exceed two years. However, if

necessary, this period may be extended in one-year periods.⁸

(5) The titles and numbers of the staff to be employed in the institution are shown in the attached table (I). Changes in titles and degrees, addition of new titles and cancellation of vacant positions are made by the decision of the Board, provided that they are limited to the positions in the tables annexed to the Decree Law No. 190 on General Staff and Procedure, dated 13/12/1983, not to exceed the total number of positions.

CHAPTER SEVEN

Miscellaneous Provisions

Exceptions

ARTICLE 28 - (1) The provisions of this Law shall not apply in the following cases:

a) Personal data is processed by real persons within the scope of activities related to themselves or their family members living in the same residence, provided that they are not disclosed to third parties and that obligations regarding data security are complied with.

b) Processing of personal data by making them anonymous through official statistics for purposes such as research, planning and statistics.

c) Processing of personal data for artistic, historical, literary or scientific purposes or within the scope of freedom of expression, provided that it does not violate national defence, national security, public safety, public order, economic security, privacy or personal rights or does not constitute a crime.

c) Processing of personal data within the scope of preventive, protective and intelligence activities carried out by public institutions and organizations authorized by law to ensure national defense, national security, public safety, public order or economic security .

d) Processing of personal data by judicial authorities or enforcement authorities in relation to investigation, prosecution, trial or execution proceedings.

Article 11, which regulates the rights of the data subject, excluding the right to claim compensation for damages, and Article 16 , which regulates the obligation to register with the Data Controllers Registry , shall not apply in the following cases:

a) Processing of personal data is necessary for the prevention of crime or criminal investigation.

b) Processing of personal data made public by the relevant person.

c) Personal data processing is necessary for the performance of supervisory or regulatory duties or disciplinary investigation or prosecution by authorized public institutions and organizations and professional organizations with the status of public institutions, based on the authority granted by law.

c) Personal data processing is necessary to protect the economic and financial interests of the State in relation to budget, tax and financial matters.

⁸With Article 119 of Law No. 7061 dated 28/11/2017, the phrase "judges and prosecutors, with their own consent" was added after the phrase "other public officials, with the consent of their institutions" in this paragraph.

The institution's budget and revenues

ARTICLE 29 - (1) The budget of the institution is prepared and accepted in accordance with the procedures and principles determined in Law No. 5018.

(2) The income of the institution is as follows:

- a) Treasury aid to be provided from the general budget.
- b) Income obtained from movable and immovable properties belonging to the institution.
- c) Donations and aid received.
- c) Income obtained from the evaluation of their income.
- d) Other income.

Amended and added provisions

ARTICLE 30- (1) (It is related to Law No. 5018 dated 10/12/2003 and has been replaced.)

(2) to (5) - (Related to Law No. 5237 dated 26/9/2004 and replaced by the same.)

(6) (Health Services Fundamental Law No. 3359 dated 7/5/1987 is related to and has been processed in its place .)

(7) (Decree Law No. 663 on the Organization and Duties of the Ministry of Health and its Affiliated Institutions dated 11/10/2011 is related to and has been processed in its place.)

Regulations

ARTICLE 31 - (1) Regulations regarding the implementation of this Law are put into effect by the Institution.

Transitional provisions

TEMPORARY ARTICLE 1 - (1) Within six months from the date of publication of this Law, the members of the Board shall be elected and the Presidency organization shall be established in accordance with the procedure set forth in Article 21.

(2) Data controllers must register with the Data Controllers Registry within the period determined and announced by the Board.

(3) Personal data processed before the date of publication of this Law shall be brought into compliance with the provisions of this Law within two years from the date of publication. Personal data found to be in violation of the provisions of this Law shall be immediately deleted, destroyed or made anonymous. However, consents obtained in accordance with the law before the date of publication of this Law shall be deemed to be in compliance with this Law unless a contrary declaration of intent is made within one year.

(4) The regulations foreseen in this Law shall come into force within one year from the date of publication of this Law.

(5) Within one year from the date of publication of this Law, a high-level executive is

appointed to ensure coordination regarding the implementation of this Law in public institutions and organizations and is reported to the Presidency.

(6) The first elected President, the Vice President and two members chosen by lot shall serve for six years; the other five members shall serve for four years.

(7) Until the budget is allocated to the institution;

a) The expenses of the institution are covered by the Prime Ministry budget.

b) All necessary support services such as buildings, vehicles, equipment, furnishings and hardware are provided by the Prime Ministry in order for the institution to perform its services.

(8) Secretarial services are carried out by the Prime Ministry until the service units of the institution become operational.

TEMPORARY ARTICLE 2- (Added: 28/11/2017-7061/120 art.)

(1) Graduates of political sciences, economics and administrative sciences, economics, law and business faculties that provide at least a four-year undergraduate education, electronics, electrical-electronics, electronics and communication, computer, information systems engineering departments of engineering faculties or higher education institutions in Turkey and abroad whose equivalence is accepted by the Council of Higher Education; those who have been appointed to the cadres belonging to the central organizations of institutions related to the titles specified in subparagraph (11) of paragraph (A) of the section titled “Common Provisions” of Article 36 of Law No. 657 after entering the profession through a special competitive exam and taking a special proficiency exam, and those who have served in these cadres for at least two years excluding unpaid leave periods, and those who are in faculty positions, may be appointed as Personal Data Protection Specialists within one year from the date of entry into force of this article, provided that they have received at least seventy points from the Foreign Language Proficiency Level Determination Exam and have not turned forty as of the date of appointment. The number of people to be appointed in this way cannot exceed fifteen.

TEMPORARY ARTICLE 3- (Added: 2/3/2024-7499/36 art.)

(1) The first paragraph of Article 9, before it was amended by the Law establishing this article, shall continue to be applied until 1/9/2024, together with the amended version of the article that entered into force.

(2) Applications that are being heard by the criminal judgeships of peace as of 1/6/2024 will continue to be heard by these judgeships.

Force

ARTICLE 32 - (1) Of this Law;

Six months after the date of publication of articles 8, 9, 11, 13 , 14 , 15, 16 , 17 and 18 ,

b) Other articles on the date of publication,

into force .

Executive

ARTICLE 33 - (1) The Council of Ministers shall execute the provisions of this Law.

TABLE NO. (I)
PERSONAL DATA PROTECTION AGENCY STAFF LIST

CLASS	TITLE	DEGREE	TOTAL
GİH	Vice President	1	1
GİH	Head of Department	1	7
GİH	Legal Advisor	1	1
GİH	Legal Advisor	3	3
AH	Lawyer	6	4
GİH	Personal Data Protection Specialist	5	10
GİH	Personal Data Protection Specialist	7	20
GİH	Personal Data Protection Assistant Specialist	9	60
GİH	Financial Services Specialist	6	2
GİH	Financial Services Assistant Specialist	9	2
GİH	Officer	5	5
GİH	Officer	7	5
GİH	Officer	9	5
GİH	Officer	11	5
GİH	Officer	13	5
GİH	Computer Operator	7	5
GİH	Data Preparation and Control Operator	6	5
GİH	Data Preparation and Control Operator	7	5
GİH	Data Preparation and Control Operator	8	5
GİH	Data Preparation and Control Operator	9	5
GİH	Data Preparation and Control Operator	10	5
GİH	Secretary	5	3
GİH	Secretary	8	7
GİH	Switchboard Officer	9	1
GİH	Chauffeur	11	4
TH	Technician	6	3
YH	Assistant Technician	9	2
YH	Servant	11	10
	TOTAL		195

6698 OR THE PROVISIONS CANCELLED BY THE CONSTITUTIONAL COURT

Number of the Amending Law/Decree Law/Cancelling Constitutional Court Decision	Amended or Cancelled Articles of Law No. 6698	Date of Entry into Force
7061	27, Temporary Article 2	5/12/2017
Decree Law/703	19, 20, 21, 25	On 24/6/2018 together The Grand National Assembly of Turkey And Presidency elections as a result The President's and drinking on duty started on date (9/7/2018)
7499	6, 9, 18, Temporary Article 3	1/6/2024