

EXERCISE OF DATA SUBJECT'S RIGHT UNDER THE PERSONAL DATA PROTECTION LAW

In accordance with the Protection of Personal Data Law No. 6698 ("Law"), this Information Notice contains information regarding the exercise of data subject's rights under the law. In this scope, the Communiqué published by the Personal Data Protection Board ("Board") on the basis of Article 13 of the Law shall be taken into consideration.

Data Subject's Rights

Pursuant to Article 11 of the Law, by applying to the data controller data subject is entitled to:

- Learn whether or not personal data is being processed,
- Request further information about processing if personal data relating to him/her is being processed
- Learn the purpose of processing of personal data and whether personal data is being used consistently with the purpose,
- Know the third parties at home or abroad to whom personal data is transferred
- Request rectification of personal data if processed incompletely or inaccurately,
- Request erasure or destruction of personal data within the framework of the conditions stipulated in Article 7 of the Law
- Request notification of the rectification, erasure or destruction to the third parties to whom personal data has been transferred,
- Object to the processing, exclusively by automatic means of his personal data, which leads to an unfavorable consequence for the data subject,
- Request compensation for the damage arising from the unlawful processing of his/her personal data.

The Principles and Procedures for the Request to Data Subject

The Communiqué ("Communiqué") on the Principles and Procedures for the Request to Data Controller published by the Board in the Official Gazette dated March 10, 2018 contains explanations on how the application shall be made. According to this;

By saying that "Data subjects may make requests to data controllers within the scope of their rights specified in Article 11 of the Law, in writing or by registered electronic mail (KEP) address, secured electronic signature, mobile signature or by the e-mail address which has been previously recorded in the data controller's system or by means of a software or application designed for purposes of this request" it states how the application shall be made.

The same communiqué also specifies the minimum elements that shall be included in the request. According to this, the request shall include the following **minimum elements**; Name, surname and signature of the applicant, if the request is made in writing; For Turkish Citizens, TC identity number; for foreigners, nationality, passport number or identity number if available; Residential and business address subject to the notification, electronic mail address, telephone, fax number subject to notification if available, subject of demand.

Again, one of the issues stated in the relevant communiqué **is from what date the requisition considered to be submitted**. In Article 5 of the Communiqué, this matter is divided into two and explained as follows:

EXERCISE OF DATA SUBJECT'S RIGHT UNDER THE PERSONAL DATA PROTECTION LAW

In written request, the request date is the date that the document is notified to data controller or to its representative; in the case that the requests are made by other methods, requisition date is the date when the request is delivered to data controller.

Procedures and Principles to be followed in Response to Request

The Data controller is obliged to take necessary organizational and technical measures to conclude the requests to be made by data subject within the scope of the Communiqué, effectively and in accordance with norms of lawfulness and fairness. In addition, as stated in the Communiqué, the data controller shall take the necessary actions on the request to be made by data subject by acting on the request or refusing it together with justified grounds and shall notify the data subject within 30 (thirty) days at latest, as specified in the Law. It should be stated that the maximum determined period is 30 days and the request shall be concluded positively or negatively as within the shortest time according to the concrete request. Otherwise, it is possible for the Board to impose an administrative fine for just this reason.

The data controller shall notify the data subject in writing or electronically regarding the decision for the request made by any means. The minimum elements that should be included in the letter of response to be sent to the data subject are set out in the Communiqué. Accordingly, the letter of response shall include the following; Information regarding data controller or its representative, the requester's name and surname, for Turkish citizens, TR identity number; for foreigners nationality, passport number or identity number if available, residential and business address subject to the notification, electronic mail address, telephone and fax numbers subject to notification if available, subject of demand, explanations of data controllers regarding the request,

Fee Required for Responding to Request

In accordance with the second paragraph of Article 13 of the Law, the data controller shall concludes the demands set forth in the request within the shortest time by taking into account the nature of the demand and at the latest within thirty days and **free of charge**. However, if process requires additional costs, fees laid down by the Board may be charged. As it can be understood from the enforcement of the law, it is essential to meet the requests free of charge. However, fees may be charged for responding of the request within the scope of the conditions stated by the Board in the Communiqué: The following provisions regarding fees are included in the Communiqué: "If the request of the data subject is to be responded in writing, no fee will be charged up to ten pages. 1 Turkish Lira may be charged per page over ten pages. In cases where the request is responded by means of recording medium like CD, flash memory, fee to be charged by data controller cannot exceed the cost of the recording medium. "

It should be noted here that, as stated in the last paragraph of Article 13 of the Law, if the request is made due to the fault of the data controller, the fee is refunded to data subject.