

PERSONAL DATA PROTECTION AND PROCESSING POLICY

1. OBJECTIVE

The objective of this policy is to provide information adopted for personal data processing and the protection of personal data that are conducted by our University, in accordance with the law on Protection Persona Data (LPPD) No:6698 published in the Official Gazette dated April 7, 2016 and numbered 29677 and related legislation, to Ensure and audit processes that require personal data to be processed in-house, to raise awareness about a lawful personal data processing in the units involved in the personal data processing and in this regard, to instil a sense of responsibility and to ensure that the persons whose personal data has been processed by our University and, in particular, our students, graduates, prospective employees, officials and visitors, as well as the employees, shareholders and officials of the intuition that we are in collaboration with and third parties are informed as appropriate in respect and through the course of the personal data processing activities, and accordingly, ensures transparency.

2. SCOPE

The scope of applicability of this Policy encompasses the personal data of prospective students , students, graduates, prospective employees , employees, former employees, officials, visitors, and participants of our University, and the employees and shareholders, the officers of various institutions / organizations such as the supply companies we cooperate, as well as any other third party, which are processed automatically or through non-automatic means as a part of any data recording system.

The matters we stated in this policy may cover all of these groups, which are considered according to their type as well as may cover some groups entirely or partially such as supplier company employee.

3. DEFINITIONS

In case a different term is used instead of the term related to a change to be made in the relevant legislation or decisions in the terms defined in the legislation or regulatory body decisions or if the relevant term is assigned a different meaning, the modified version of the aforementioned terms shall be taken account in the implementation of this policy from the effective date of the change without any need for an additional change by our university. The terms used in this policy are used to express the following meanings;

**EU** : European Union

**Constitution** : The Constitution of Republic of Turkey which was published as Law No. 2709 dated November 7, 1982 and published in the Official Gazette dated November 9, 1982 and numbered 17863.

**Explicit consent** : Consent relating to a specific subject, based on being informed and expressed with free will.

**Making Anonymous** : It means that the personal data is changed in such a way that it loses its personal data quality and this situation is irrevocable E.g.: Using techniques such as masking, aggregation, data corruption etc. to transform personal data into such a state in which it cannot be associated with a real person.

**Application Form** : Application Form Regarding Applications Made to the Data Officer by the Data Subject (Personal Data Owner) in accordance with the Law on Protection of Personal Data No.6698, which is including the application of personal data owners to exercise their rights and is explaining the method of the application which can be accessed on the <https://www.maltepe.edu.tr/en/personal-data-protection-law> within the scope of the policy,

**Candidate Employee** : Natural persons who applied for a job at our university, sending their CV or via other means.

**Disposal** : The deletion, disposal or anonymization of personal data;

**Institutions / organizations we cooperate with:** Employees, shareholders and officials of the institutions with which our university has all kinds of business relations (such as business partner, supplier, but not limited to), including the shareholders and officials of these institutions,

**Business Partner** : Defines parties with which our University builds business partnership as it conducts its activities;

**Attendee** : Natural persons who participate in the events, courses or trainings organized by the school;

**Processing of Personal Data** : Any kind of operation executed with personal data, such as recording, storing, preserving, altering, rearranging, disclosing, transferring, taking over, obtaining, classifying or blocking the use of personal data through completely or partially automatic ways or non-automatic ways with the condition that they are part of a data recording system;

**Personal Data** : Any information related to the identified or identifiable natural person. For example, name-surname, Turkish Republic Identity Number, Phone number, e-mail, contact address etc.

**Personal Data Owner/Subject** : Natural person whose personal data is processed. For example; Employees, students and visitors;

**Personal data storage and disposal policy:** means the policy which data controllers issues as a basis for erasure, destruction and anonymization of personal data and determination of maximum storage period for the purpose for which personal data are processed;

**PDP (KVK) Law** : Personal Data Protection Law No.6698, dated March 24, 2016, published in the Official Gazette dated April 7, 2016 and numbered 29677;

**PDP (KVK) Commission** : Maltepe University Personal Data Protection Commission, which is obliged to ensure compliance with the Personal Data Protection Law, PDP Board decisions and the relevant legislation provisions of our university and to the implementation of the regulated policies and the necessary audits;

**PDP Board/Regulatory Board** : Personal Data Protection Board;

**PDP Institution/Regulatory Institution** : Personal Data Protection Authority

**Periodical disposal:** : The deletion, disposal or anonymization, which shall be conducted automatically on a periodical and recurrent basis as specified within the personal data storage and disposal policy in the cases, where all of the requirements for the processing of personal data as set forth within the Code cease to be satisfied;

**Policy** : Maltepe University Policy on Data Protection and Processing;

**Special Categories of Personal Data** : Personal data relating to the race, ethnic origin, political opinion, philosophical belief, religion, religious sect or other belief, appearance, membership to associations, foundations or trade-unions, data concerning health, sexual life, criminal convictions and security measures, and the biometric and genetic data;

**Rector** : The Rector of Maltepe University

**Instruction** : Short, simple, comprehensible written documents that explain the steps of how to do an activity and / or work and support the procedures

**Supplier** : Defines parties who provide services to our University on a contract basis in accordance with the University's orders and instructions while carrying out Institution's activities.

**Turkish Code of Obligations** : Turkish Code of Obligations numbered 6098 dated January 11, 2011; published in Official Gazette numbered 27836 dated February 4, 2011.

**Turkish Penal Code** : Turkish Penal Code dated September 26, 2004 numbered 5237; published in the Official Gazette dated October 12, 2004 and numbered 25611

**Turkish Commercial Code:** Turkish Commercial Code Numbered 6102 dated January 13, 2011; published in the Official Gazette dated February 14, 2011 and numbered 27846;

**University/ Our University:** Maltepe University

**University Official** : The rector of Maltepe

**Third Person** : Natural persons that are not defined differently within the scope of the policy and whose personal data are processed within the scope of the policy (For example, companions, family members and relatives).

**Data Processor** : is a natural or legal person who processes personal data based on the authority granted by and on behalf of the data controller.

**Data Controller** : The person who determines the processing purposes and channels of personal data and manages the space where data is being systematically kept (data recording system).

**Visitor** : Natural persons who visit the physical premises of our university for various purposes or visit our website.

## **4. IMPLEMENTATION**

### **4.1. BASIC PRINCIPLES**

The protection of personal data is a human right that is protected at the Constitutional level, but it is one of the most sensitive issues of our University. Our university collects personal data from a wide variety of data groups such as students, alumni, visitors, employees, business partners, suppliers within the framework of its activities, and ensures the processing and storing of these personal data in accordance with the provisions of the legislation in force and the decisions of the PDP Authority, which is the regulatory body operating in this field. In this context, it is among our priority values to create a permanent awareness among our employees and other persons related to our University within the framework of respect for the right to protect personal data, which is a human right.

We carry out all our personal data processing activities to be carried out within our university in accordance with all the terms and conditions stipulated in the current legislation and the general principles of the law especially the following principles;

- a. Lawfulness and fairness
- b. Being accurate and kept up to date where necessary.
- c. Being processed for specified, explicit and legitimate purposes.
- d. Being relevant, limited and proportionate to the purposes for which they are processed.
- e. Being stored for the period laid down by relevant legislation or the period required for the purpose for which the personal data are processed.
- f. Taking necessary administrative and technical precautions for the storage of personal data
- g. Showing the necessary sensitivity in line with the rules stipulated in the processing special categories of personal data that is taken under special protection due to its nature.
- h. Informing personal data owners when required by legislation and obtaining their express consent if deemed necessary.
- i. Taking necessary administrative and technical measures for the transfer of personal data, within this framework, auditing the data processing of third parties to whom data had been transferred in accordance with the relevant legislation and regulatory body decisions,

Although requesting the protection of personal data is a vested right by the Constitution of Turkey, It is our principle to show the utmost care as a university, to ensure that this right is exercised in accordance with its essence.

#### **4.2. LEGAL BASES ON PROCESSING PERSONAL DATA**

Our University processes personal data based on one or more of the conditions in the 5/2 of the PDP Law in accordance with Article 20 of the Constitution and Article 5 of the PDP Law, although it varies depending on the nature of the personal data processed and the data processing period,

- a) It is explicitly provided for by the laws (e.g. keeping employee's personal information as required by law.),
- b) It is mandatory for the protection of life or to prevent the physical injury of a person, in cases where that person cannot express consent or whose consent is legally invalid due to physical disability (e.g. the missing person's location information.)
- c) Processing of personal data belonging to the parties of a contract is necessary provided that it is directly related to the conclusion or fulfilment of that contract. (E.g. for the company to record the address information of the data subject.)
- ç) It is mandatory for the controller to fulfil its legal obligations. (E.g. sharing information during special audits in areas such as banking, energy and capital markets.)
- d) The data is made manifestly public by the data subject. (E.g. for the person who wants to sell his/her house to should give the contact information in the sales advertisement.)
- e) Data processing is mandatory for the establishment, exercise or protection of any right (e.g. keeping the necessary information of an employee who has resigned from employment during limitation of action.)
- f) It is mandatory for the legitimate interests of the controller, provided that such processing shall not violate the fundamental rights and freedoms of the data subjects. (E.g. data processing to apply rewards and bonuses that increase employee loyalty.)

Explicit consent shall be obtained in cases where it is understood that our personal data processing activity does not fall into any of the conditions mentioned here, but this personal data processing is considered necessary and measured.

in cases where it is understood that the personal data subject to processing is special categories of personal data other than those, which are related to health and sexual life, may be processed without seeking the explicit consent of the concerned person according to article 6 of the Law. The data related to health and sexual life may be processed without the explicit consent of the concerned person only by such persons or competent authorities, who or which are bound by confidentiality obligation, for the purpose of the protection of public health, preventive medicine, medical diagnosis, performance of treatment and healthcare services and the planning and management of healthcare services and the financing of the same.

#### **4.3. DATA SECURITY CONSIDIRATIONS**

The data controller is obliged to take all necessary technical and organizational measures to provide an appropriate level of security for the purposes of:

- a) Preventing unlawful processing of personal data,
- b) Preventing unlawful access to personal data,
- c) Ensuring protection of personal data.

Our University takes the necessary legal, technical and administrative measures in accordance with the obligation stated in this article to ensure the security of personal data that is subject to processing activities. Although not limited to those stated and will be carried forward depending on current developments, the measures taken by our University can be summarized as follows:

**4.3.1.** Our university takes technical and administrative measures according to technological means and application costs to ensure that personal data are processed in accordance with the law. Employees are informed that they can neither disclose the personal data they have learned to third parties in violation of the provisions of the PDD Law nor may it make use of this knowledge beyond the level of processing and that not to make third parties to have an access to personal and that the obligation continues after their resignation, as well. In this respect, awareness trainings have been organized regularly and get their commitments if deemed necessary.

**4.3.2.** Our university acts sensitively in the protection of personal data of special categories of data, which are determined as "special category" by the PDP Law and processed in accordance with the law. In this context, the technical and administrative measures taken by our university to protect personal data are carefully implemented in terms of special categories of personal data and necessary audits are provided.

**4.3.3.** Our University takes technical and administrative measures according to the nature of the data, technological means and application costs in order to prevent imprudent or unauthorized disclosure, access, transfer or otherwise illegal access of personal data. Our university raises awareness in the eyes of data processing institutions such as business partners and suppliers, to whom personal data has been transferred, to prevent unlawful processing of personal data, to prevent unlawful access to data, and to ensure the legal protection of data, and imposes a contractual obligation accordance with the nature of the activities they carry out.

**4.3.4.** The Personal Data Protection Commission has been established within our university In order to audit our personal data processing activities at our university and to comply with the relevant legislation and regulatory body decisions and to ensure the continuity of this compliance and to make the necessary updates

**4.3.5.** Our university takes technical and administrative measures according to technological means and application costs to conserve personal data in secure media, to avoid the disposal, disappearance and transformation of personal data and the processes performed are recorded.

**4.3.6.** Our university carries out or orders to be carried out necessary audit done in accordance with Article 12 of the PDP Law. These audit results are reported to the relevant unit chiefs and the PDP Commission within the scope of the internal operation of the University, and the PDP Commission ensures that new measures are taken within the framework of the suggestions and instructions of the PDP Commission, or the necessary activities are carried out to improve the measures taken

**4.3.7.** Our university operates a system where data owners can exercise their rights and get response in the most effective way, according to Article 11 of PDP Law.

**4.3.8.** Our University operates the system that ensures reporting to the Personal Data Protection Committee and the owner of personal data in cases where the personal data are obtained through illegal means by third persons after they were originally processed in accordance with the article 12 of the Law on the Protection of Personal Data in the shortest possible time.

**4.3.9.** Our university has established a personal data storage and destruction policy in accordance with Article 7 of PDP Law and the Regulation on the Deletion, Destruction or Anonymization of Personal Data published in the Official Gazette dated 28.10.2017 and numbered 30224.

#### **4.4. ENLIGHTENING AND INFORMING THE PERSONAL DATA SUBJECT**

Our university ensures that the data subjects are informed in compliance with the content of the data processing activity by various means in accordance with Article 10 of the PDP Law and Article 4 of the Communiqué on Principles and Procedures to Be Followed in Fulfilment of the Obligation to Inform. The issues stipulated in the relevant articles in the lighting are listed below:

- a) The identity of our university, which is the data controller,
- b) For what purpose we process / can process personal data,
- c) To whom and for what purpose we can transfer personal data,

ç) Our collection methods of personal data and legal reasons,

d) The others rights of the data owner / subject, which are listed in Article 11 of the Law and specified in article 4.6 of this policy.

Obligation to inform is fulfilled in accordance with Article 10 of the PDP Law at the latest during the acquisition of personal data. In cases where personal data are not obtained directly from data subjects; the obligation to inform in accordance with Article 6 of the Communiqué on Principles and Procedures to Be Followed in Fulfilment of the Obligation to inform shall be fulfilled:

a) within a reasonable time following the obtainment of the personal data,

b) at the first instance of communication in case personal data are used to communicate with the data subject,

c) at the time of the first transfer of personal data at the latest in case personal data are to be transferred.

The purpose of publishing this policy on the website <https://www.maltepe.edu.tr/en/personal-data-protection-law>, which can be easily accessed by data subjects, is to ensure the transparency of our University's personal data processing activities and therefore to contribute to the protection the right to protection of personal data in accordance with the essence of the right.

#### **4.5. TRANSFER OF PERSONAL DATA**

Our university is able to transfer the personal data and the special categories of personal data of the data subject to third parties by taking the necessary security measures in accordance with the purposes of processing the personal data which is obtained and processed pursuant the law. In this respect, our University acts in accordance with the provisions of Article 8 of the PDP Law.

Although the countries with adequate levels of data protection are yet to be announced by the Board, in cases of when the explicit consent of the data owner is obtained or, there is lack of adequate protection, the data controllers in both Turkey and the relevant foreign country must undertake adequate protection in writing and have the consent of the PDP Board and use one of the appropriate method of approval of the PDP. If the aforementioned safe country list is announced by the PDP Board (Foreign Countries with Adequate Protection), this option can also be preferred as a method, and as far as possible, the data subject is informed about which method is preferred at the stage of data collection. In this context, our university acts in accordance with the regulations stipulated in the 9th article of the PDP Law.

#### **4.6. PROTECTING THE RIGHTS OF THE DATA SUBJECT; CREATING CHANNELS THAT WILL TRANSFER THESE RIGHTS TO OUR UNIVERSITY AND EVALUATION OF DATA SUBJECTS 'DEMANDS**

The rights of the data subject are regulated in Article 11 of the PDP Law, and the rights that can be used by contacting the data controller are as follows:

a) To learn whether or personal is processed,

b) If processed, to request information about such processing,

c) To inquire the reason for why their personal data are processed and whether or not their data have been used for the intended purposes,

ç) To know the third persons to whom their personal data have been disclosed at home or abroad,

d) To request correction if there is anything incomplete or incorrect regarding their personal data,

e) Within the framework of the conditions specified in Article 7 of the Law (even if such data have been processed in accordance with the provisions of the PDP Law and other relevant laws, in a case where the reasons for the processing such data are no longer valid,) requesting the erasure or destruction of personal data

f) To Request that the process carried out pursuant to subparagraphs (d) and (e) to be notified to the third party to whom the personal data is transmitted,

g) To object to any negative consequences that might arise out of or in connection with an analysis performed on the processed personal data, using exclusively automated systems

ğ) To demand compensation as per effective laws for any losses incurred due to the illegal processing of their personal data.

The necessary channels have been created in accordance with Article 13 of the PDP Law in order to evaluate the requests to be submitted to our University by the personal data owners or the data subjects and to provide the necessary information to the personal data owners and internal operation is carried out by the PDP Commission, and the necessary legal, administrative and technical arrangements are also made through the aforementioned commission.

The application methods stipulated under this article are organized as follows:

.... You can submit your request to exercise any of the above mentioned rights to the following address: "T.C Maltepe Üniversitesi, Marmara Eğitim Köyü 34857 Maltepe/İSTANBUL with a written explanation containing your explanations regarding the right they wish to use, by stating which of the rights specified in Article 11 of the PDP Law is related to the use on your request along with the related information for your identification, a complete and signed copy of the Data Subject Application Form on our website ([www.maltepe.edu.tr](http://www.maltepe.edu.tr)) in person or via notary, or by e-mailing to [kvkk@maltepe.edu.tr](mailto:kvkk@maltepe.edu.tr) or send it with secure e-signature through the following e-mail: [maltepeuniversitesi@hs01.kep.tr](mailto:maltepeuniversitesi@hs01.kep.tr) and by other means specified in the [Communique On The Principles And Procedures For The Request To Data Controller](#).

Guiding explanations for the requester have been announced on the website of our university <https://www.maltepe.edu.tr/en/personal-data-protection-law> stating that In order to submit an application by the means stipulated here, the requester must submit the supporting documents relating the information of her/his identification to our University through her/his preferred channel and in addition this, she/he must explain what the allegations are and which of the rights she/he wishes to use in the application document.

The procedure to be followed by our University in case of a request within the scope of the explained is as follows:

In accordance with the legal regulations, the requests submitted by the data owners or the data subjects to our University with one of the methods mentioned above, are evaluated within the shortest time by taking into account the nature of the request and at the latest within thirty days and free of charge.

In cases where it is understood that the necessary information and documents are communicated for a sound evaluation in the first examination, the applicant shall be informed immediately in writing.

However in cases where it is understood that the action requires an extra cost, data subject shall be informed regarding this issue immediately after understanding the situation and it shall be stated that the data subject must cover this cost, taking into account the current tariffs published by the PDP Authority. If the demandant does not cover this cost, requests shall be evaluated and responded at the point of whether they can be met for free. If it is not possible, a written reply shall be sent to the demandant.

As a result of the evaluation of the demandant's request, in cases where it is understood that the demand is found admissible, necessary arrangements shall be made immediately and necessary measures shall be taken to minimize the possible damages that may arise from the alleged violation.

#### **4.7. DISPOSAL OF PERSONAL DATA**

When the personal data processing conditions cease to exist, which are processed within the framework of the legal reasons specified in Article 4.2 of this policy, the personal data must be disposed by Deletion, Destruction And Anonymization Of Personal Data , either ex officio or upon request of the data subject.

We act in accordance with the basic principles stated in the article 4.1 and the technical and administrative measures to be taken to protect these personal data, the provisions of the relevant legislation, decisions of the Board, and personal data retention and destruction policy while deleting, destructing or anonymizing personal data.

Audits are carried out within our university at the latest every 3 months by our university within the framework of the calendar arranged by the PDP Commission. In the light of the reports issued as a result of these regular audits, disposal of personal data shall be carried out automatically on a periodical basis where all of the requirements for the processing of personal data cease to be satisfied.

In the event a personal data subject files a request, the request shall be evaluated immediately without waiting for the upcoming auditing period and within thirty days at the latest and if deemed necessary, personal data shall be destroyed within the same period with the appropriate method and the requestor is notified of the result.

In the event that the data destroyed within the scope of this article has been transferred to third parties at any time, it is ensured that these third parties are also informed regarding the operations carried out and that the third parties take the necessary actions.

All operations relating to erasure, destruction and anonymization of personal data shall be recorded by issuing the report, whose sample is in ANNEX-1, and those records shall be stored for minimum three years excluding other legal obligations.

Unless resolved otherwise by the PDP Board, our University, acting at its discretion, shall delete, dispose of or anonymize the personal data as it deems appropriate on its own motion. In the event of destruction upon the request of the concerned person, it's reasoning for such selection shall be explained to the concerned person. If all of the requirements for the processing of personal data have not ceased to be satisfied; our University may reject such request, explaining the reasons for such rejection, and the rejection shall be communicated to the concerned requester by an appropriate means.

Anonymous data obtained by performing the destruction process as anonymization of personal data can be used by our University for purposes such as using for statistical purposes stipulated by the PDP Law.

In this context, our University takes necessary technical and administrative measures within the University in order to fulfil its related obligation; it has developed the necessary functioning mechanisms in this regard; In order to comply with these obligations, relevant business units are trained, assigned and their awareness is expanded within the framework of the planning and decisions taken by the PDP Commission.

## **5. METHOD**

### **5.1. IMPLEMENTING OF THE POLICY AND LEGISLATION**

The decisions of the regulatory institutions are applied in the personal data processing activities carried out by our university to the extent that they comply with the provisions of the legislation in force and their quality. In the event that any provision or decisions specified in this policy are incompatible, the rules most favourable to personal data subjects are taken into account.

### **5.2. DATE OF EFFECTIVENESS**

This policy regulated by our university entered into force on March 10, 2018. If some of the articles in this policy are changed partially or completely, the relevant change shall be effective as of the date of publication. This policy is published on <https://www.maltepe.edu.tr/en/personal-data-protection-law>, and changes are published in the same way. A copy of the policy shall be delivered to the relevant person physically or electronically upon request.



### **5.3. RELATION BETWEEN UNIVERSITY POLICY ON PROTECTION AND PROCESSING OF PERSONAL DATA AND OTHER POLICIES AND INTERNAL DIRECTIVES**

Our university, the principles set forth with this policy ensures its implementation within the University by the policy set forth for the enforcement of the relevant principles. By establishing a connection with the policy set forth on the protection of personal data and other policies, procedures and internal directives of our University in other fields, compatibility between set forth policy and the processes that the university operates with different policies, procedures and internal directives for the similar purposes is also ensured. In cases where it is understood that there is incompatibility in any way, this policy is taken into consideration as a priority in matters to be applied regarding personal data.

### **5.4. REVISION**

This policy shall be reviewed by the PDP Commission every year in January and July, and the changes and updates shall be published on <https://www.maltepe.edu.tr/en/personal-data-protection-law> by the approval of the Rectorate.

### **5.5. REVISION AND APPROVAL TABLE**

Appendix: