

Data Protection & Cybersecurity

Guideline and the Board Decision on Processing Turkish ID Numbers

The Personal Data Protection Authority has released a guideline after the decision of the Personal Data Protection Board. This guideline focuses on the processing of Turkish ID numbers, particularly when other methods can be used to identify individuals. Even though the Authority considers direct processing as non-compliant with the Personal Data Protection Law, the guideline aims to provide clear methods and principles for handling Turkish ID numbers to ensure lawful processing under the law.

The Board reviewed the use of Turkish ID numbers, focusing on a situation where a data controller offers meal card services through a mobile app. The Board highlighted that, although Turkish ID numbers are generally considered personal data, they have a special importance, exceeding that of other personal data categories. This is because a data breach involving Turkish ID numbers could potentially cause more harm to the individuals affected.

The Board's decision emphasized that achieving the same goal could be done by using different personal data, which would be less restrictive on individuals' rights, making the processing of Turkish ID numbers unnecessary. The Board found the processing of Turkish ID numbers to be against the general principles outlined in the law, specifically the principles of relevance, limitation, and proportionality in handling personal data. This decision is crucial for following these principles, preventing unnecessary risks, and safeguarding the rights and privacy of data subjects.

Even though Turkish ID numbers are not considered sensitive data according to the law, the Guideline underscores their importance. This is because there is a risk of revealing other personal information linked to these ID numbers during processing, as indicated by the Board. The Guideline emphasizes following the general principles in the law, emphasizing that processing data should only be for its intended purpose. It advises against including irrelevant or potentially useful data for future needs.

The Authority disapproves of directly handling Turkish ID numbers, pointing out issues with relevance,

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limitation, and proportionality in data processing. The Guideline states that directly processing Turkish ID numbers is seen as excessive, especially when less invasive methods like using phone numbers in mobile apps are an option. The Guideline suggests considering alternative, less intrusive methods for identification purposes.

The Guideline offers a detailed plan for data subjects, data controllers, and data processors, giving guidance on situations explicitly governed by existing laws. Handling Turkish ID numbers requires a careful approach. For instance, one situation where direct processing is needed is outlined in the Turkish Commercial Code, which mandates shareholders to show their Turkish ID cards at company general assembly meetings.

Overall, the Authority aims to guide data subjects, controllers, and processors, stressing the importance of informed decision-making when dealing with Turkish ID numbers. The Authority, through the Guideline, emphasizes that not considering proportionality and necessity in the direct processing of Turkish ID numbers may go against established data protection principles.



Practice Area News

Announcement Regarding Transfer of Turkish Citizens' Financial Data Abroad. The Authority announced that **transfer of Turkish citizens' financial data abroad** without explicit consent or permission of the Authority is in compliance with the Law as Turkey and other OECD countries are parties to the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information.

Recommendations for Protecting Privacy in Mobile Applications. By issuing **Recommendations for Protecting Privacy in Mobile Applications**, the Authority aims to raise awareness about how data is handled in apps. Acknowledging that people often store personal data on their mobile devices for extended periods, the guidelines provide advice on protecting the privacy of this information.

In the Firm

- We are very pleased to announce the recent promotions at our firm:
 - Gökçe İldiri Coşgüner, Partner – M&A
 - Begüm Biçer İlikay, Counsel – Dispute Resolution, Ethics and Compliance
 - Aslıhan Balcı, Managing Associate – Corporate and Commercial
 - Rami Arda Yörükoğlu, Managing Associate – Employment, Dispute Resolution, Personal Data Privacy
 - İrem Cansu Demircioğlu, Senior Associate – Banking, Finance and Capital Markets, M&A

We congratulate our colleagues on these well-deserved achievements.

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Gökçe İldiri Coşgüner

Begüm Biçer İlikay

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