

Client Alert

Turkey | March 2026

The Personal Data Protection Board Published Principle Decision Requiring Separate Documents for Data Privacy Notices and Explicit Consent

The Personal Data Protection Board ("**Board**") published its Principle Decision dated 18 February 2026 and numbered 2026/347 ("**Principle Decision**") considering the frequent errors made by data controllers in fulfilling their obligations to inform and to obtain explicit consent through data privacy notices and explicit consent texts. The Principle Decision reaffirms that the obligation to inform and the obligation to obtain explicit consent are distinct obligations and must therefore be fulfilled through separate documents. The Principle Decision was published in the Official Gazette dated 24 March 2026 as well as on the official website of the Personal Data Protection Authority.

The Board highlights the following key points in the Principle Decision:

- Data privacy notices and explicit consent texts must **not** be presented to data subjects as a single, intertwined document.
- If both documents are provided on the same page, each must have a clearly stated heading, be placed one after the other, and allow data subjects to provide separate statements for each obligation.
- Since the purpose of the obligation is to inform data subjects of data processing activities, data privacy notices must **not** be signed with statements implying "approval/consent".
- Both data privacy notices and explicit consent texts must be tailored to the data controller's activities and prepared specifically for the relevant controller.
- Data privacy notices must be drafted in clear, comprehensible, and plain language; complex or overly lengthy texts should be avoided.
- Data privacy notices must not contain misleading or inaccurate information.
- Data privacy notices must explicitly set out the personal data categories, the purposes of processing, and the legal grounds for processing.

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- The obligation to inform must be fulfilled **before** any data processing activity is carried out.
- Explicit consent must **not** be obtained where there is no data processing activity that requires such consent.

Although the Board had previously addressed many of these issues in various decisions, challenges arising from practice, such as improper consent-collection methods or excessively complicated text formats, continued to be widely observed. With the Principle Decision, the Board aims to eliminate these recurring mistakes in practice.

Accordingly, data controllers should review compliance documents relating to personal data and promptly ensure compliance with the obligations expressly set out in the Principle Decision, thereby avoiding the risk of administrative fines.

Please feel free to contact us if you need further information on this matter.