

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter

DATA TRANSFER

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Regulation on the Procedures and Principles Regarding the Transfer of Personal Data Abroad

- *Official Gazette dated July 10, 2024 and numbered 32598*

The Regulation on the Procedures and Principles Regarding the Transfer of Personal Data Abroad regulates the transfer of personal data abroad within the framework of Article 9 of the Personal Data Protection Law No. 6698. This Regulation states that the transfer of personal data abroad by data controllers and data processors is only possible under certain conditions. For personal data to be transferred abroad, the country or international organizations to which the personal data will be transferred must have an adequacy decision or appropriate safeguards must be provided. These safeguards can be provided through mechanisms such as international conventions, binding corporate rules, or agreements between the country concerned and Turkey.

The Regulation also emphasizes that data processors must act in compliance with the instructions of the data controller and take the necessary security measures when transferring personal data abroad. In addition, in case of transfer abroad, it is also necessary to fulfill the commitments to protect the rights of the data subjects and to ensure the necessary legal processes. In this framework, the Regulation provides a comprehensive regulation to ensure security and protection in the transfer of personal data abroad by emphasizing the Board's supervision and authorization authority.

Public Announcement by the Personal Data Protection Authority on Documents Regarding Standard Contracts and Binding Corporate Rules



According to the July 10, 2024 public announcement, the Personal Data Protection Authority has introduced new regulations for standard contractual texts and binding company rules to be used for the transfer of personal data abroad within the framework of the amendments to the Personal Data Protection Law No. 6698. These regulations include certain standard contractual texts and binding corporate rules, as well as application forms and auxiliary guidelines, and were adopted in accordance with the procedures established by the Personal Data Protection Board. These steps aim to ensure the security and protection of personal data in the process of their international transfer.

Data Breach Notification - Uber Technologies Inc.

According to the data breach notification sent by Uber Technologies Inc. to the Personal Data Protection Board, on July 2, 2024, an e-mail sent by a person who may have originated from Uber revealed an intention to make personal data publicly available. It is not yet clear when and how the breach occurred and investigations are ongoing. Uber users (passengers and/or people ordering food), drivers, and/or people making deliveries were affected. The data affected by the data breach is believed to include users' names, email addresses, phone numbers, profile photos, registration dates and rating information, and drivers' documents such as driver's license, insurance, identification, and vehicle registration. However, the full list of affected personal data and the number of people affected by the breach is currently unknown. With the decision of the Personal Data Protection Board dated July 10, 2024, it was decided to announce this data breach on the website of the Authority.

Communiqué Amending the Communiqué on National Occupational Standards (No: 2024/4) and (No: 2024/10)

- 07 July 2024 dated and 32595 numbered Official Gazette



The amendments are as follows:

Communiqué No: 2024/4

The amendments made in this communiqué include the updating of national occupational standards for various occupational groups. The definitions of occupations, required competencies and on-the-job training requirements have been revised. These amendments aim to make occupational standards more up-to-date and in line with market needs.

Communiqué No: 2024/10

In this Communiqué, changes have been made especially in the processes of monitoring and auditing occupational standards. The rules to be followed in the practice of professions and the penalties to be applied in case of violation of these rules have been redefined. It is also aimed to harmonize occupational standards with national and international standards.

These amendments aim to increase professional competencies and to ensure that professions are practiced in a more organized manner.

Amendment to the Regulation on Administrative Fines to be imposed according to the Law on Cappadocia Area

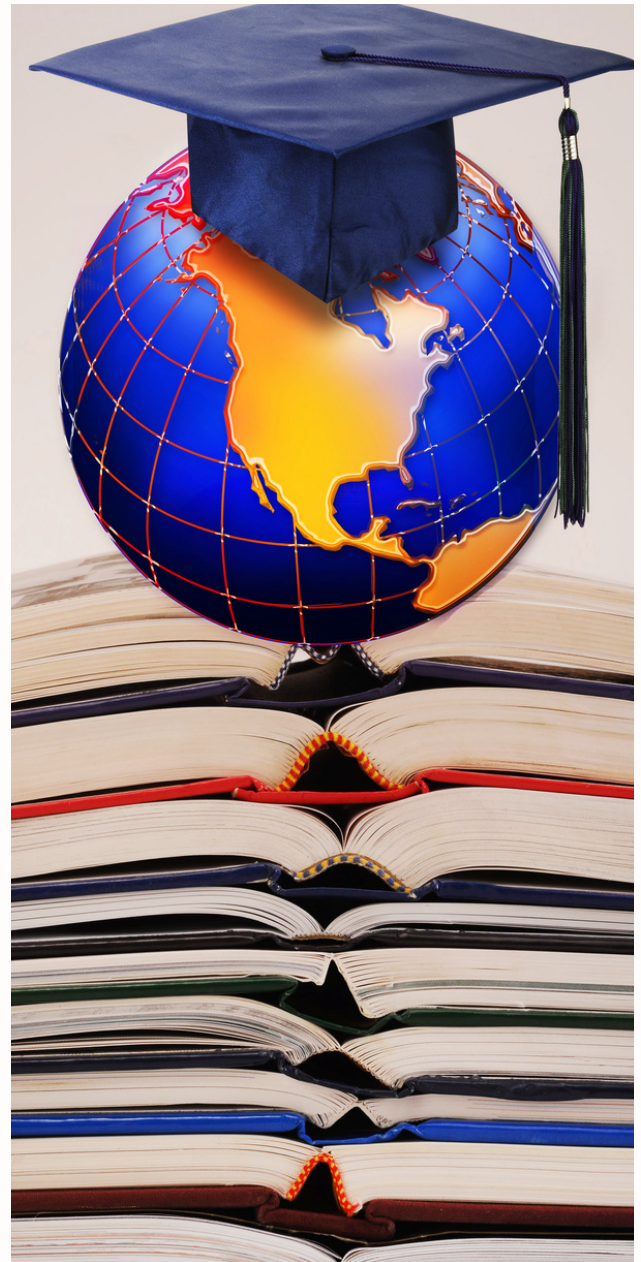
- 06 July 2024 dated and 32594 numbered Official Gazette



The Regulation on the Implementation of Administrative Fines to be imposed under the Law on the Cappadocia Area regulates the acts for which administrative fines will be imposed and the procedures and principles of these fines by Law No. 7174 on the Cappadocia Area. This regulation is related to the determination of prohibited acts within the borders of the Cappadocia Area and the application of fines. Violations can be detected by methods such as photographs, films, and satellite images. Administrative sanction decisions can be appealed to the criminal courts of peace within fifteen days. In addition, the penalties for the acts committed within the borders of the Cappadocia Area within the scope of the Forestry Law, Environmental Law, Mining Law, Land Hunting Law, and Fisheries Law are doubled. Detection and punishment procedures are carried out in line with the methods specified in the relevant regulations. The tables attached to the Regulation are repealed.

Ministry of National Education Equivalency Regulation

- Official Gazette dated July 09, 2024 and numbered 32597



The purpose of the Regulation is to regulate the equivalence procedures of education certificates and diplomas obtained from international primary and secondary private education institutions in Turkey and primary and secondary education institutions abroad. These procedures are carried out through the e-Equivalency module by submitting the original documents at equivalency centers in Turkey and abroad. The Regulation also deals in detail with issues such as document issuance, revocation of equivalence, and objection process within the framework of the relevant laws.

7519 Amendments to the Turkish Civil Aviation Law, Certain Laws and Decree Law No. 655

- *Official Gazette dated July 09, 2024 and numbered 32597*



Ports Law

- Article 10 of the Law on Ports was amended by authorizing the Ministry of Transport and Infrastructure to determine and supervise port services fees. The new articles stipulate that pilotage and towage services should be carried out in maritime jurisdictions and that these services should be provided and supervised by the principle of independence and impartiality in the public interest. In addition, fees to be collected from ship owners for greenhouse gas emissions will be transferred to the general budget to be used in green maritime projects. The procedures and principles regarding the implementation of the Law will be determined by regulations to be issued by the President and the Ministry. Amendments to Law No. 4922 expand the inspection procedures and scope of ships.

Forestry Law and Additional Articles

- In state forests within the borders of metropolitan municipalities, facilities required for loading and unloading operations on highways may be established with permission. Permission may be granted with a fee for afforestation and in case of leasing, 50% of the revenues are transferred to the General Directorate of Forestry.
- In airport/airport permit areas in state forests, permission may be granted free of charge for facilities to meet the essential needs of passengers. In the case of the operation of the facilities with the build-operate-transfer model, no fee other than the afforestation fee is charged.
- Free of charge permission may also be granted for facilities to be constructed by the State Railways of the Republic of Turkey.

Turkish Civil Aviation Law

- The Directorate General of Civil Aviation supervises civil aviation activities at home and abroad and requires the provision of necessary information and documents.
- In order to ensure aviation security, passengers and goods may be checked at airports and aircraft. Security measures may also be carried out by private security guards.
- Developments around airports that may jeopardize aviation safety are prohibited. Necessary measures may be taken in such cases.
- Regulations are made regarding the use of civilian unmanned aerial vehicle (UAV) systems and flight permits. Penalties are imposed for unauthorized UAV flights.

Turkish International Ship Registry Law

- Registration fees are not charged for company mergers, divisions and changes in ship registration through inheritance.
- Some fees are waived or reduced for ships and yachts that do not use fossil fuels.
- Law on General Directorate of Highways
- Service facilities such as freight transfer centers have been added.

Turkish Commercial Code

- Compulsory insurance rates for ships on international voyages were increased.

Postal Services Law

- Costs for universal postal services will be reported monthly and advance payments can be made.
- Personnel employment and disciplinary penalties at PTT have been regulated. Disciplinary penalties to be applied to PTT personnel were determined by Law No. 657.
- Arrangements have been made for suspension from duty and disciplinary procedures.

Transportation and Infrastructure Law

- Some regulations were introduced in the fields of aviation, space, rail systems and maritime. Working time and out-of-hours service fees were regulated.