



Law On The Protection Of Personal Data



We care about the
security of your
personal data



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1. Introduction

The constitution of the Republic of Turkey has secured the fundamental rights of individuals with many provisions and has brought new assurances day by day. With the constitutional amendment made with the Law No. 5982 in 2010, an additional paragraph was added to the 20th article of the Constitution, and personal data gained a constitutional assurance within the scope of the "right to privacy and protection of private life". The provision "Everyone has the right to demand the protection of their personal data. This right; It also includes being informed about the personal data about the person, accessing these data, requesting their correction or deletion, and learning whether they are used for their purposes. Personal data can only be processed in cases stipulated by law or with the explicit consent of the person. The principles and procedures regarding the protection of personal data are regulated by law" is included in the mentioned paragraph. According to the aforementioned Constitutional provision;

- Everyone has the right to demand the protection of their personal data.
- In this sense, individuals basically have the right to demand that necessary measures be taken to prevent the personal data about them from falling into the hands of irrelevant third parties.
- This right also includes being informed about the personal data about the person, accessing these data, requesting their correction or deletion, and learning whether they are used in line with their purposes. In this sense, individuals have the right to learn which personal data is used for what purpose, and they also have the right to request that this situation be corrected or that their data be deleted if there is any inaccuracy in the personal data.
- Personal data can only be processed in cases stipulated by law or with the explicit consent of the person. It is not possible to process personal data if there is no legal regulation or if the individual does not have a clear declaration of intent to process his personal data.



2. Purpose and Scope

With the policy, all kinds of administrative and technical measures will be taken for the processing and protection of personal data processed within the Hayrat Humanitarian Aid Association, employees and partners will be informed about the LPPD (Law on the Protection of Personal Data) processes, and an appropriate and effective inspection mechanism will be established.

3. Definitions

3.1. Explicit Consent: Freely given specific and informed consent;

3.2. Anonymization: Rendering personal data by no means identified or identifiable with a natural person even by linking with other data;

3.3. Data subject: Natural person whose personal data are processed;

3.4. Personal Data: Any information relating to an identified or identifiable natural person;

3.5. Processing of personal data: Any operation which is performed upon personal data such as collection, recording, storage, preservation, alteration, adaptation, disclosure, transfer, retrieval, making available for collection, categorization or blocking its use by wholly or partly automatic means or otherwise than by automatic means which form part of a filing system;

3.6. Data processor: Natural or legal person who processes personal data based on the authority granted by and on behalf of the data controller;

3.7. Filing system: Any recording system through which personal data are processed by structuring according to specific criteria;

3.8. Data controller: Natural or legal person who determines the purposes and means of the processing of personal data, and who is responsible for establishment and management of the filing system.



4. Principles for Processing Personal Data

Personal data processed by our Association are processed in accordance with LPPD and relevant legislation. The below principles shall be complied with when processing personal data:

- Being in conformity with the law and good faith;
- Being accurate and if necessary, up to date;
- Being processed for specified, explicit, and legitimate purposes;
- Being stored only for the time designated by relevant legislation or necessitated by the purpose for which data are collected.

5. Conditions for Processing of Personal Data

Article 5 of LPPD regulates the processing conditions of personal data. The processes of processing personal data by our association are processed in accordance with the following conditions specified in LPPD. However, in cases where it is mandatory to process personal data in accordance with the provisions of the legislation, even without the explicit consent of the data subject, data processing activities will be considered lawful, provided that other necessary criteria are met.

"Personal data may be processed without obtaining the explicit consent of the data subject if one of the below conditions exists:

- a) It is expressly permitted by any law;
- b) It is necessary in order to protect the life or physical integrity of the data subject or another person where the data subject is physically or legally incapable of giving consent;
- c) It is necessary to process the personal data of parties of a contract, provided that the processing is directly related to the execution or performance of the contract;
- ç) It is necessary for compliance with a legal obligation which the controller is subject to;
- d) The relevant information is revealed to the public by the data subject herself/himself;
- e) It is necessary for the institution, usage, or protection of a right;
- f) It is necessary for the legitimate interests of the data controller, provided that the fundamental rights and freedoms of the data subject are not harmed.



6. Conditions for Processing of Special Categories of Personal Data

In addition to the processing of personal data, LPPD regulates the processing of special categories of personal data with a separate article. Pursuant to the provision of the aforementioned article data relating to, ethnic origin, political opinions, philosophical beliefs, religion, sect or other beliefs, appearance and dressing, membership of association, foundation or trade-union, health, sexual life, criminal conviction and security measures, and biometrics and genetics are special categories of personal data and it is prohibited to process special categories of personal data without obtaining the explicit consent of the data subject. Our Association meticulously determines and classifies the personal data in this status.

7. Transfer of Personal Data

7.1. Transfer of Personal Data inside Turkey

Personal data cannot be transferred to third parties inside Turkey without the explicit consent of the data subject. The transfer of personal data to third parties is supposed to comply with various conditions. The main rule is the explicit consent of the data subject, but in cases where the data subject does not have explicit consent for the transfer of personal data inside Turkey, it is possible to transfer personal data to third parties under the conditions regulated by paragraph 2 of Article 5 of the LPPD.

7.2. Transfer of Personal Data Abroad

Pursuant to Article 9 of the LPPD, personal data cannot be transferred abroad without the explicit consent of the data subject, as a main rule. For this reason, obtaining the explicit consent of the data subject will be the basic principle for the transfer of personal data abroad by our Association. In cases where the data subject does not have his explicit consent to transfer his personal data abroad, it is possible to transfer personal data abroad to third parties under the conditions regulated by paragraph 2 of Article 5 of the LPPD, taking into account the safe country list to be published by the Personal Data Protection Board. Pursuant to Article 9 of the LPPD, in order to transfer personal data abroad, there are supposed to be adequate protection in the country to which the data will be transferred.



8. Deletion, Destruction, and Anonymization of Personal Data

According to Article 7 of the Law on Protection of Personal Data No. 6698 "Personal data that is processed in accordance with this Law or relevant other laws shall be deleted, destroyed or anonymised either ex officio or upon request by the data subject in case the reasons necessitating their processing cease to exist." the personal data processed in line with the Association's personal data processing inventory are deleted, destroyed or anonymized according to their status provided that a complaint is made to the Board and this request is approved by the Board in cases where the contract between the parties, which is the basis for processing personal data, is not valid, spontaneous termination, termination or reversal of the contract, never established; the disappearance of the purpose requiring the processing of personal data; amending or repealing the provisions of the relevant legislation, which are the basis for processing personal data; determining that the processing of personal data is against the law or the rule of good faith; withdrawing the consent of the person whose personal data is processed upon consent; the application of the person concerned regarding the processing of personal data within the framework of his rights in subparagraphs (e) and (f) of paragraph 1 of Article 11 of the Law is accepted by the data controller, although the maximum period for keeping personal data has passed, there are no conditions to justify keeping personal data for a longer period of time; elimination of the conditions requiring the processing of personal data determined by the relevant articles of the law; the data controller rejects the application made by the data subject to the request for the deletion or destruction of his personal data; the answer given by data controller is insufficient or he does not respond within the time stipulated in the Law.

8.1. Methods for Deletion of Personal Data

8.1.2. Personal Data in Paper Media

Personal data in the paper environment are deleted using the blackout method. The blackening process is done by cutting the personal data that is wanted to be blacked out or, if this is not possible, making it invisible to the subject users by using fixed ink, which is irreversible and cannot be read with technological solutions.



8.1.3. Office Files on the Central Server

It is performed by deleting the file with the delete command in the operating system or by removing the access rights of the subject user on the file or the folder where the file is located.

8.1.4. Personal Data in Flash-Based Media

Personal data in flash-based storage media are deleted by using software that is suitable for these settings.

8.2. Methods for Destruction of Personal Data

8.2.1. De-magnetizing

By using the de-magnetization method, the data in the magnetic media is rendered to unreadable and corrupted. By using this process, personal data stored with magnetic media for the company is destroyed.

8.2.2. Paper Media

By paper shredding or clipping machines, personal data in the paper media are divided into small pieces, horizontally or vertically, in a way that cannot be reassembled, so that the data cannot be understood.

9. Rights of Data Subject

Pursuant of Article 11 of Law; everyone, in connection with herself/himself, has the right to;

- a) Learn whether or not her/his personal data have been processed;
- b) Request information as to processing if her/his data have been processed;
- c) Learn the purpose of processing of the personal data and whether data are used in accordance with their purpose;
- ç) Know the third parties in the country or abroad to whom personal data have been transferred;
- d) Request rectification in case personal data are processed incompletely or inaccurately;



- e) Request deletion or destruction of personal data within the framework of the conditions set forth under article 7;
- f) Request notification of the operations made as per indents (d) and (e) to third parties to whom personal data have been transferred;
- g) Object to occurrence of any result that is to her/his detriment by means of analysis of personal data exclusively through automated systems;
- ğ) Request compensation for the damages in case the person incurs damages due to unlawful processing of personal data by applying to the data controller.