

Re : Registration Date to VERBIS is Extended!

Date : September 2019

According to Article 16 of the Data Protection Law numbered 6698 (the “DPL”), every data controller is obliged to register with Data Controller’s Registry via online IT system created only for this purpose, namely Data Controller’s Registry Information System (“VERBIS”) prior to processing personal data.

The Content of the Registry

Data controllers shall first establish a written inventory¹ in order to comply with the following:

- Identity and contact information of the contact person or representative along with the other information requested by the Turkish Data Protection Authority (the “DPA”) within the application form
- Purposes for which personal data will be processed,
- Data subject groups and explanations regarding the data categories in relation to those persons,
- Recipient groups to whom personal data may be transferred,
- Personal data which is envisaged to be transferred abroad,
- Data security measures implemented by the data controller,
- The maximum period **(i)** necessitated by the purposes for which personal data are processed or **(ii)** designated by the legislation.

¹ Data Processing Inventory (“Data Inventory”) has been defined as an inventory prepared and detailed by the data controllers by way of associating their personal data processing activities with their processing purposes, data categories, recipient groups, and data subject groups. The data inventory is also required to include the maximum period for data processing and the data security measures implemented by the controller.

Who Shall Apply for This Registration?

Every data controller is obliged to comply with the registration requirement as per Article 16 of the DPL, save for certain exemptions, which can be set by the DPA.

In this context, the Data Protection Board has resolved² on that data controllers, which do not have the following criteria are exempted from registration:

Any data controller, which fulfills the following criteria all together at the same time are exempted from the registration obligation:

- a) Employing less than 50 personnel annually,
- b) Having a total annual balance sheet below TRY 25,000,00,
- c) Not to processing any sensitive data as the main area of activity.

These three conditions must be fulfilled together. In the absence of any of them, data controllers shall not be deemed exempted from the registration requirement.

Extension

According to the Personal Data Protection Board's decision dated 3 September 2019 and numbered 2019/265, it has been decided to extend the period to **31 December 2019**³ for data controllers, which fulfills the following criteria:

- a) Employing more than 50 personnel annually,
- b) Having a total annual balance sheet above TRY 25,000,00,
- c) Any data controller located outside of Turkey.

Legal Consequences of Non-Registration

According to the Article 18 of the DPL, non- registration with VERBIS is subject to administrative fines **ranging from TRY 20,000 (USD 3,500) to TRY 1,000,000 (USD 175,000)**.

Should you require any further clarification, please do not hesitate to contact us.

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² Data Protection Board's decision no 2018/87

³ The previous timeframe was until 30 September 2019.