

## **VERBIS (Data Controllers' Registry System)**

### **Registration Requirement in Turkey for Non- Resident Data Controllers**

In recent years, Turkey has rapidly been enacting data protection legislations under the European Union Harmonization Process. Turkey enacted the Personal Data Protection Law no. 6698 (hereinafter referred to as "the Law") on 7 April 2016. The Regulation on the Data Controllers' Registry, The Regulation on Deletion, Removal and Anonymization of Personal Data and the Communiqué on the Procedures and Principles to be followed for the Fulfilment of the Obligation to Inform was entered into force following the Law and the Turkish Personal Data Protection Board has been publishing its decisions.

Turkish data protection legislation has brought many crucial obligations for data controllers including non-resident legal entities and real persons depending on the characteristics of their activities in Turkey.

If non-resident legal entities and real persons are considered as data controllers pursuant to the Law, compliance only with the GDPR would not be sufficient, and they also need to fulfil their obligations regulated under the

Law and other relevant regulations and to comply with the Law.

Pursuant to both the article 16/2 of the Law and the article 5/b of the Regulation on the Data Controllers' Registry; non-resident data controllers shall be registered to VERBIS by their representatives who will be assigned by non-residing data controllers themselves. Non-resident data controller's representative should be a legal entity located in Turkey or a real person who is a Turkish citizen and the data controller's representative shall assign a contact person who will responsible for communication with the Turkish Personal Data Protection Board and the Personal Data Protection Authority and shall notify the contact person's identifying and address information during registration to VERBIS.



During registration to VERBIS; data controllers are required to notify Turkish Personal Data Protection Board and the

Personal Data Protection Authority of the data subject groups and the data subjects and recipient or recipient groups which data may be transferred to, the purposes of data processing, personal data which may be transferred abroad, the maximum time for processing personal data and the data security measures taken during and after data processing.

There are also exceptions of enrolling in VERBIS. Data controllers that are excluded of registration are as follows; the ones who process personal data only in non-automated ways, as part of any data recording system, lawyers who practice law pursuant to the Attorneys' Act no. 1136, mediators and legal entities, or data controllers whose annual number of employees is less than 50, whose total assets on their statutory balance sheet do not exceed TRY 25,000,000 and who do not process special categories of personal data within the scope of their main field of activity. However, if non-resident data controllers are not included in the scope of the exceptions determined by the Turkish Personal Data Protection Board, they are required to be registered to VERBIS.

Pursuant to the resolution numbered 2019/387 of Turkish Personal Data

Protection Board, current registration deadlines are as follows;

- **For the non-resident data controllers (both legal entities and real persons) is 30 June 2020**
- For the data controllers whose annual number of employees is more than 50 or whose total assets on their statutory balance sheet exceeds TRY 25,000,000 is 30 June 2020
- For the data controllers whose annual number of employees is less than 50, whose total assets on their statutory balance sheet do not exceed TRY 25,000,000 and who do not process special categories of personal data within the scope of their main field of activity is 30 September 2020
- For the data controllers who are governmental institutions and organizations is 31 December 2020

The fines in case of infringement;

The data controllers who fail to fulfil the notification and registration obligations may face with administrative fines up to TRY 1.802.641 (approximately € 270.413 or \$ 302.250)<sup>1</sup>

---

<sup>1</sup> Based on the exchange rates dated 7 January 2020