BİÇER GÜNER

Attorneys-at-Law

Bimonthly Data Protection and Privacy Bulletin

JULY 2025

Latest News from Türkiye and the World!

📌 **Developments in Türkiye**

- **Administrative fines regarding the protection of personal data will now be served digitally via the e-notification system**
    - The Personal Data Protection Authority ("Authority") has announced that administrative fines imposed on data controllers will now be notified through the e-notification system of the Turkish Revenue Administration. Under this system, notifications will be sent to the registered e-notification address of the data controller and will be deemed officially served on the fifth day following the dispatch date. However, for data controllers who are not registered taxpayers or whose tax registration has been cancelled, notifications will continue to be made in accordance with the provisions of Law No. 7201 on Notifications.
- **The Authority publishes the decision against obtaining explicit consent via SMS confirmation codes**
    - In its newly published **principle decision**, the Personal Data Protection Board ("Board") clearly stated that obtaining consent or permission for commercial electronic messages through SMS verification codes during membership, payment, or registration processes is not legally valid. The decision emphasized that such practices undermine the freedom of consent and do not fulfil the conditions for lawful data processing.
    - You may access our information note on the principle decision **here**.

- **Constitutional Court rules that fingerprint tracking and communication monitoring of employees violate fundamental rights**

    - The Constitutional Court ruled that tracking employees' entry and exit times via fingerprint systems violates the individual's right to the protection of personal data. Additionally, the Court held that reviewing an employee's private messages on company phones or corporate email accounts without prior notice constitutes a violation of the right to privacy and freedom of communication. The lack of clear and prior information was deemed an infringement of constitutional rights.

- **FCIB issues first suspicious transaction reporting guidelines for regulated professional groups**

    - The Financial Crimes Investigation Board (FCIB) has published sector-specific suspicious transaction reporting guidelines for obligated parties within the scope of Law No. 5549 on the Prevention of Laundering Proceeds of Crime. The guidelines target professions such as lawyers, notaries, certified public accountants, independent audit firms, e-commerce intermediary service providers, insurance and reinsurance brokers, and investment partnerships. These documents aim to explain the procedures that obligated parties must follow in detecting suspicious transactions, using concrete examples.

- **Advertising Board fines Google for misleading “₺0 trial” campaign for YouTube Premium**
  - The Advertising Board under the Ministry of Trade reviewed the “Try for ₺0 for 1 month” campaign offered within the YouTube Premium service. The investigation found that the offer was misleading due to the preselected “Individual” subscription plan, the requirement to enter payment card information for the trial, and the automatic activation of the subscription. The Advertising Board deemed the practice deceptive and unfair and imposed an administrative fine of TRY 863,580 on Google, while also ordering the suspension of the ads.
  - You may access our information note on the Advertising Board’s decisions here

- **Advertising Board imposes TRY 3.5 million fine for fake engagement and visibility manipulation**
    - Investigations revealed that paid services were being offered on some digital platforms for fake likes, comments, followers, and favorites to artificially boost the visibility of products and services. Such manipulations were detected on platforms like Trendyol and Dolap, as well as in fake reviews on Google Maps and fraudulent app downloads and ratings on Apple Store and Google Play. The Advertising Board imposed approximately TRY 3.5 million in total administrative fines for these deceptive practices.
    - You may access our information note on the Advertising Board's decisions here.

- **Turkish Competition Authority fines Google TRY 355 million for anti-competitive new design features**
  - Despite previous obligations imposed on Google, the Competition Authority found that the company had developed new interface designs that continued to hinder competition by steering users away from rival services. Accordingly, the Competition Authority imposed an administrative fine of TRY 355,143,671.89 on Google.
- **Ankara Chief Public Prosecutor’s Office launches investigation into Grok, X’s AI tool**
  - The Ankara Chief Public Prosecutor’s Office has announced the launch of a criminal investigation regarding certain content generated by Grok, the AI-powered tool of the X platform. The investigation is based on allegations that the content insulted religious values, defamed the President, and violated Law No. 5816 on Crimes Committed Against Atatürk.

- **CCIIE releases 2025 Action Plan covering PDPL-GDPR alignment and AI oversight**
    - The 2025 Action Plan published by the Coordination Council for the Improvement of the Investment Environment ("CCIIE") outlines strategic goals and regulatory approaches regarding the enhanced alignment of the Law on the Protection of Personal Data No. 6698 with the GDPR, the oversight of artificial intelligence applications in terms of data protection, digital human resources management, cloud computing solutions, and cybersecurity.
- **Authority updates its Guidelines on Cookie Practices**
    - The Authority has updated its 2022 Guidelines on Cookie Practices. The updated version provides practical suggestions for data controllers processing personal data via cookies on desktop and mobile websites and web applications. It elaborates on the legal requirements concerning consent, data subject notification, types of cookies, and legal compliance principles. The guide also includes visual examples of good and bad practices.

🌍 Global Developments

- **ISO and IEC publish standard to assess societal impact of AI systems**
    - The International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) have released ISO/IEC 42005:2025, a new standard to assess the societal impact of AI systems on individuals, organizations, and society. The standard provides a methodological framework to manage AI systems responsibly and in accordance with transparency, accountability, and human rights. It also introduces tools such as certification, auditing, and impact assessments.
- **EDPB adopts final guidelines on data transfers to public authorities in third countries**
    - The European Data Protection Board (EDPB) has adopted the final version of the "Guidelines 02/2024 on Article 48 GDPR," clarifying how controllers should respond to requests for personal data by public authorities in third countries. The guidelines emphasize protecting fundamental rights and outline procedures to follow in case of legal conflicts between national laws and the GDPR.

- **Florida court blocks social media restrictions for minors on free speech grounds**
    - A district court in Florida has temporarily blocked the new state law that bans social media use for individuals under 14 and requires parental consent for those aged 14–15, citing a potential violation of freedom of expression. The court noted that social media platforms are a critical means of expression for youth and the law's broad restrictions may be unconstitutional. This decision has reignited the debate on balancing constitutional rights and child protection policies.
- **EPRS updates implementation timeline and guidance for the EU AI Act**
    - The European Parliamentary Research Service (EPRS) has released an updated implementation roadmap and technical guidance on the EU Artificial Intelligence Act. The Guidelines outline step-by-step compliance timelines and requirements for both general-purpose and high-risk AI systems.

- **Deadline for TikTok’s divestiture extended by 90 days in the U.S.**

    - U.S. President Donald Trump has once again extended the deadline granted to ByteDance, the parent company of TikTok, to divest the platform. Under the “Protecting Americans from Foreign Adversary Controlled Applications Act” dated March 14, 2024, ByteDance was ordered to sell TikTok due to concerns that China-based applications posed a risk of transferring U.S. citizens’ data to the Chinese government. Despite ByteDance’s objections, the U.S. Supreme Court ruled on January 17, 2025, that the Act was constitutional on national security grounds. With the latest extension, the deadline for ByteDance to divest TikTok’s U.S. operations has been prolonged by another 90 days; however, if ByteDance fails to comply, a nationwide ban on TikTok may be imposed.

- **EU publishes final version of the General-Purpose AI Code of Practice**
    - The European Commission has published the final version of the voluntary General-Purpose AI Code of Practice, which aims to facilitate the transition of companies operating in the field of general-purpose AI systems to the EU Artificial Intelligence Act. Although not legally binding, the Code promotes best practices in line with transparency, ethical principles, and responsible innovation. It is designed to help companies establish risk-based systems and strengthen cooperation with regulators ahead of the AI Act's entry into force.
- **European Commission releases technical guidance for general-purpose AI models**
    - The European Commission has published the final technical guidance outlining the obligations for providers of general-purpose AI models under the EU Artificial Intelligence Act. This guidance provides detailed explanations on model documentation, testing procedures, risk mitigation measures, cybersecurity requirements, and reporting mechanisms. The Commission emphasizes that the guidance is complementary to the General-Purpose AI Code of Practice.

- **European Commission issues guidance on online child safety and launches pilot for age verification**
    - The European Commission has published a comprehensive guidance document under the Digital Services Act aimed at enhancing online safety for child users. The guidance recommends various technical and administrative measures, including algorithmic filtering of harmful content for children, restrictions on screenshots, and the pilot testing of age verification mechanisms. It also underscores the importance of configuring default privacy settings on platforms to offer higher levels of protection for children.
    - Additionally, the Commission has launched a pilot initiative on age verification methods in five selected countries: Denmark, France, Greece, Italy, and Spain. The initiative uses an open-source and technically interoperable "age verification blueprint" that enables users to prove they are over 18 without sharing personal information such as identity or date of birth with service providers. Instead, one-time and untraceable verification mechanisms will be employed.

- **Japan adopts voluntary AI law**
    - Japan has enacted its first national legislation on artificial intelligence, embracing a “soft law” approach that prioritizes innovation and operates on a voluntary basis. The law does not impose binding sanctions, but instead encourages businesses to develop responsible AI systems grounded in respect for human rights, ethical principles, transparency, and multi-stakeholder collaboration. A Cabinet-level AI Strategy Headquarters will be established to guide policy development and coordination. The law also grants the government the authority to publicly disclose the names of companies involved in criminal AI-related activities, promoting social accountability through transparency. Public education and awareness-raising initiatives are among the law’s core objectives to enhance societal understanding of AI.

- **EDPB introduces new initiatives to simplify GDPR compliance for SMEs**
    - Following its meeting in Helsinki, the European Data Protection Board (EDPB) announced new initiatives aimed at simplifying GDPR compliance processes for micro, small, and medium-sized enterprises. These initiatives include the development of practical tools such as standardized breach notification forms, ready-to-use templates, checklists, and FAQs. Emphasizing user-friendliness, clarity, and accessibility, the EDPB stated that these tools are intended to reduce the compliance burden on businesses and make GDPR more practicable.
    - The Board also announced plans to enhance consistency among national data protection authorities through the publication of precedent-style case summaries, regular updates to national guidance documents, and the development of shared methodologies. In addition, the EDPB aims to issue joint guidance with other regulatory bodies and foster cross-auditing cooperation. These measures are designed to strengthen regulatory coherence, protect fundamental rights, and contribute to a more secure and competitive digital market across Europe.

- **UK introduces gradual entry into force of data protection reforms**
    - The United Kingdom has enacted a comprehensive reform of its data protection framework through the Data Use and Access Act, set to be phased in over the course of one year starting from June 2025. The reform introduces significant amendments to the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA), and the Privacy and Electronic Communications Regulations (PECR). The legislative overhaul is designed to facilitate international data flows, promote research and innovation, and reduce compliance burdens on businesses.
    - Key provisions include the adoption of a more flexible "broad consent" model for scientific research, and the recognition of legitimate interest as an additional legal basis for certain automated decision-making processes. The reforms also remove the requirement for explicit consent for certain categories of cookies and allow non-profit organisations to send direct marketing emails to donors under a "soft opt-in" mechanism. A presumption of compatibility has been introduced for data re-use, and electronic complaints systems have been made mandatory to streamline data subject complaints. Moreover, the Information Commissioner's Office (ICO) has been granted expanded powers, enabling it to enforce compliance and impose sanctions more effectively.

- **EU Extends UK Data Transfer Adequacy Decisions by Six Months**
    - The European Commission has announced a six-month extension of the adequacy decisions that permit the transfer of personal data from the European Union to the United Kingdom, now valid until 27 December 2025. The extension was adopted to allow the Commission to assess whether the recently enacted UK Data Use and Access Act, along with forthcoming regulatory changes, continues to ensure an adequate level of protection for personal data.
    - The Commission stated that the core safeguards underpinning the original 2021 adequacy decisions remain valid during this assessment period. This ensures the uninterrupted flow of data, supporting both trade and cross-border cooperation. Based on its evaluation, the Commission will determine whether the adequacy decisions should be renewed on a permanent basis.

Contact

Burçak Kurt Biçer
Managing Partner
burcak.bicer@bicerguner.com

Uğurkan Şeber
Managing Asssociate
ugurkan.seber@bicerguner.com

Doğaç Karakurt
Associate
dogac.karakurt@bicerguner.com

BİÇER GÜNER

Attorneys-at-Law