

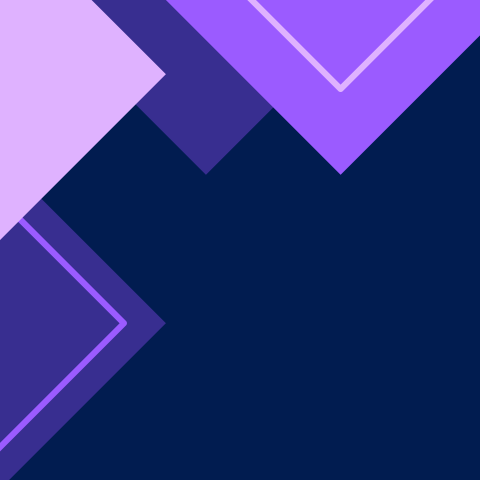
BİÇER GÜNER

Attorneys-at-Law

PRINCIPLE DECISION ON SMS VERIFICATION CODES AND COMMERCIAL ELECTRONIC MESSAGES

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The Personal Data Protection Board's ("**Board**") Principle Decision dated 10 June 2025 and numbered 2025/1072 ("**Decision**") was published in the Official Gazette dated 26 June 2025 and numbered 32938. The Decision examines the practice of processing personal data through the transmission of verification codes via SMS during the provision of products and services within the scope of the Law on the Protection of Personal Data numbered 6698 ("**DP Law**") and imposes significant obligations on data controllers.



In line with the public announcements previously published by the Board, the Decision emphasizes, in particular, the obligation to provide data subjects with proper information, the necessity that explicit consent must be obtained based on free will, and the requirement to separate different data processing activities from one another.

In this context:

- The purpose of the SMS containing the verification code, as well as the consequences of providing such a code, must be clearly and intelligibly communicated to the data subject by the authorized personnel of the data controller, and such information must also be included in the content of the SMS messages.
 - It is unlawful to obtain a single consent for different types of data processing activities such as membership approval, consent for the processing of personal data, and consent to receive commercial electronic messages. Instead, separate explicit consents must be obtained from the data subject for each activity.
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- It is underlined that explicit consent must not be presented as a mandatory prerequisite for the completion of the provision of a product or service, and that such a practice would render the consent invalid.
- The process of obtaining consent should preferably be carried out after the product or service has been delivered, and it must be explicitly stated that the service will still be provided even if the code is not shared. Furthermore, it must be clearly communicated that the data subject may withdraw or change their preferences at any time.
- Periodic training and awareness-raising activities must be conducted for the personnel involved in these processes. It is further noted that any failure to comply with these obligations may lead to administrative sanctions under Article 18 of DP Law.

The Board's Decision requires that practices related to obtaining consent for the delivery of commercial electronic messages be re-evaluated in light of the provisions of DP Law concerning explicit consent, the information obligation, and the technical and administrative measures to be taken by data controllers.

Contact



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



Uğurkan Şeber
Managing Associate
ugurkan.seber@bicerguner.com



İrem Efe
Associate
irem.efeb@bicerguner.com