

Personal Data Protection Board Decision Regarding Data Controller's Processing of Personal Data from Business Email Account Without Express Consent

16 Mar 2021

The Personal Data Protection Board ("**Board**") issued a decision, dated 27 January 2020, and numbered 2020/50, regarding a data controller's processing of personal data from a business email account without express consent.

In the instant case, certain personal data of petitioner-data-subject ("**Petitioner**") contained in Petitioner's business email account were processed by a data controller without Petitioner's express consent. Petitioner was a partner in the business that maintained the email account.

As a response to Petitioner's complaint, the data controller claimed processed Petitioner's personal data in furtherance of a criminal case against petitioner being prosecuted in trial court at the time of processing; and transmitted data only to the trial court and the public prosecutor's office.

The Board ruled in favor of the data controller, finding that, notwithstanding the express consent - of either Petitioner, the business, or both - requirement, the processing was lawful under Article 28 of the Personal Data Protection Law numbered 6698 because it was in furtherance of prosecution of a pending criminal suit against Petitioner.

A summary of the decision discussed is available at the following [link](#). (Only available in Turkish)

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