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The Constitutional Court Ruled that the Application Regarding the Retention of the Applicant's Personal Data, Internet Traffic Records, is Unacceptable due to the Failure to Exhaust the Legal Remedies

30 Sep 2021

The Constitutional Court evaluated complainant's ("**Complainant**") application where regarding the retention of internet traffic records longer than envisaged by law. The Constitutional Court decided that legal remedies had not been exhausted and the claim was inadmissible, on the grounds that the applicant's claim of victimization in the application could be claimed in civil courts and compensation could be claimed.

In a 2017 lower court proceeding, Complainant's mobile internet traffic logs for 2014-2015 were requested from complainant's internet service provider operators and Information and Communication Technologies Authority (the "**ISPs and ICTA**"). The ISPs and the ICTA produced the logs and, thereafter, complainant filed a complaint with the office of the public prosecutor alleging that the production violated the Law on Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publications numbered 5651 (the "**Law**").
 Complainant contended that under the Law, records such as those requested by the lower court could not be retained legally by the ISPs and the ICTA for more than two years, and that Complainant's logs were over two years old at the time of the lower court's production request. The prosecutor declined to prosecute, and Complainant applied to the Constitutional Court for relief.

The Constitutional Court dismissed the said application finding civil remedies appropriate to redress the alleged violations.

The full text of the Court's decision dated 30 June 2021 and numbered 2018/14040, published in Official Gazette dated 24 August 2021 and numbered 31578, is available at this link. (Only available in Turkish)

Related Practices

- Privacy and Data Protection

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