

Turkey Ratifies Supervisory Authority and Transborder Data Flow Aspects of the International Convention on Automatic Processing of Personal Data

17 May 2016

In 1981, Turkey signed the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data ("**Convention**") at Strasbourg. In 2001, an amendment Protocol was added to the Convention, specifically addressing supervisory authorities and transborder data flows ("**Protocol**"). In February 2016, Turkey ratified the 1981 Convention into local legislation (more) and it has also now ratified the additional 2001 Protocol.

Ratification Law No. 6705 Regarding Additional Protocol To The Convention For The Protection Of Individuals With Regard To Automatic Processing Of Personal Data Regarding Supervisory Authorities And Transborder Data Flows ("**Ratification Law**") was published in Official Gazette number 29703.

Supervisory Authorities

The Protocol requires each signatory country to establish one or more authorities, responsible for ensuring compliance with the Convention's measures in domestic law, as well as give effect to the General Provisions and Basic Principles for Data Protection.

Supervisory Authorities hold investigatory and intervention powers. They should operate independently and will hear claims about processing of personal data. Decisions can be appealed through the courts.

Supervisory Authorities should be able to apply to the judicial authorities where domestic law is breached and should co-operate with other Supervisory Authorities to the extent necessary.

Transborder flows of personal data

The Protocol requires signatory country to only transfer personal data to a recipient which is subject to the jurisdiction of a State/organization that is not Party to the Convention if that State/organization ensures an adequate level of protection for the data.

Parties can allow for personal data transfers if:

- The transfer is for the data subject's specific interests.
- Public interests are more important.
- The responsible data controller provides contractual safeguards for the transfer and these are found adequate by the competent authorities according to domestic law.

The Ratification Law does not accept a clause in the Protocol stating that The Republic of Cyprus is represented by the Greek Cypriot Administration of Southern Cyprus in any manner, nor that the Protocol establishes any obligation to contact The Republic of Cyprus.

Please see the [link](#) for the full text of the Ratification Law (only available in Turkish).

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