

Turkish Constitutional Court Rules that Absent a Legitimate Purpose Recognized by the Data Protection Law numbered 6698, Nonconsensual Publication of a Parliamentarian Applicant's Personal Data via Twitter Violated Constitutional Privacy Right

3 Sep 2021

In a decision numbered 2018/24439, dated 15 June 2021, the Turkish Constitutional Court Ruled that absent a legitimate purpose recognized by the Data Protection Law numbered 6698 (the "**DP Law**"), the nonconsensual publication via Twitter of a parliamentarian applicant's (the "**Petitioner**") data including T.C. Number and signature (collectively, the "**Data**") violated his constitutional right to privacy.

Respondent (the "**Respondent**"), a former mayor of Ankara, on his public Twitter page alleged that Petitioner participated in an illegal water supply network, and posted images of certain general assembly minutes displaying the Data. Petitioner sued.

The Court of First Instance ruled against Petitioner, finding that publication of the Data via Twitter constituted severe criticism only, and being a public figure Petitioner must tolerate severe criticism. The first instance court was silent on the issue of whether Data's publication violated Petitioner's constitutional right to privacy. Thereupon, Petitioner appealed to the Constitutional Court.

The Court of First Instance ruled against Petitioner, finding that publication of the Data via Twitter constituted severe criticism only, and being a public figure Petitioner must tolerate severe criticism. The first instance court was silent on the issue of whether Data's publication violated Petitioner's constitutional right to privacy. Thereupon, Petitioner appealed to the Constitutional Court.

The Constitutional Court decided to send a copy of the decision to the court of first instance for a retrial by stating it had erred when it failed to explicitly find that the Data constituted personal data under the DP Law, that its nonconsensual publication lacked a legitimate purpose under the DP Law and was, therefore, done in violation of Petitioner's constitutional right to privacy.

The full text of the Constitutional Court's decision is available at this [link](#). (Only available in Turkish)

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