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72

PLAGUE OF THE AGE: CYBERBULLYING



Highlights of this issue

Save the Date: Registry Of Data Controllers

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PLAGUE OF THE AGE: CYBERBULLYING

There are approximately 5 billion mobile phone users, 4 billion internet users and 3 billion social media users around the world¹. In Turkey, computer user rate among households in 2018 reached to 60% and approximately 73% of computer users are using the internet². According to research conducted in 2017, almost 77 million people are mobile phone subscribers in Turkey³.

Such statistics reveals how fast the technology is developing. We derive great benefit from such developments in technology; however, on the other hand technology has brought certain detriments to our daily life. One of such detriments of widespread use of technology is having a convenient environment for the spread of cyberbullying incidences.

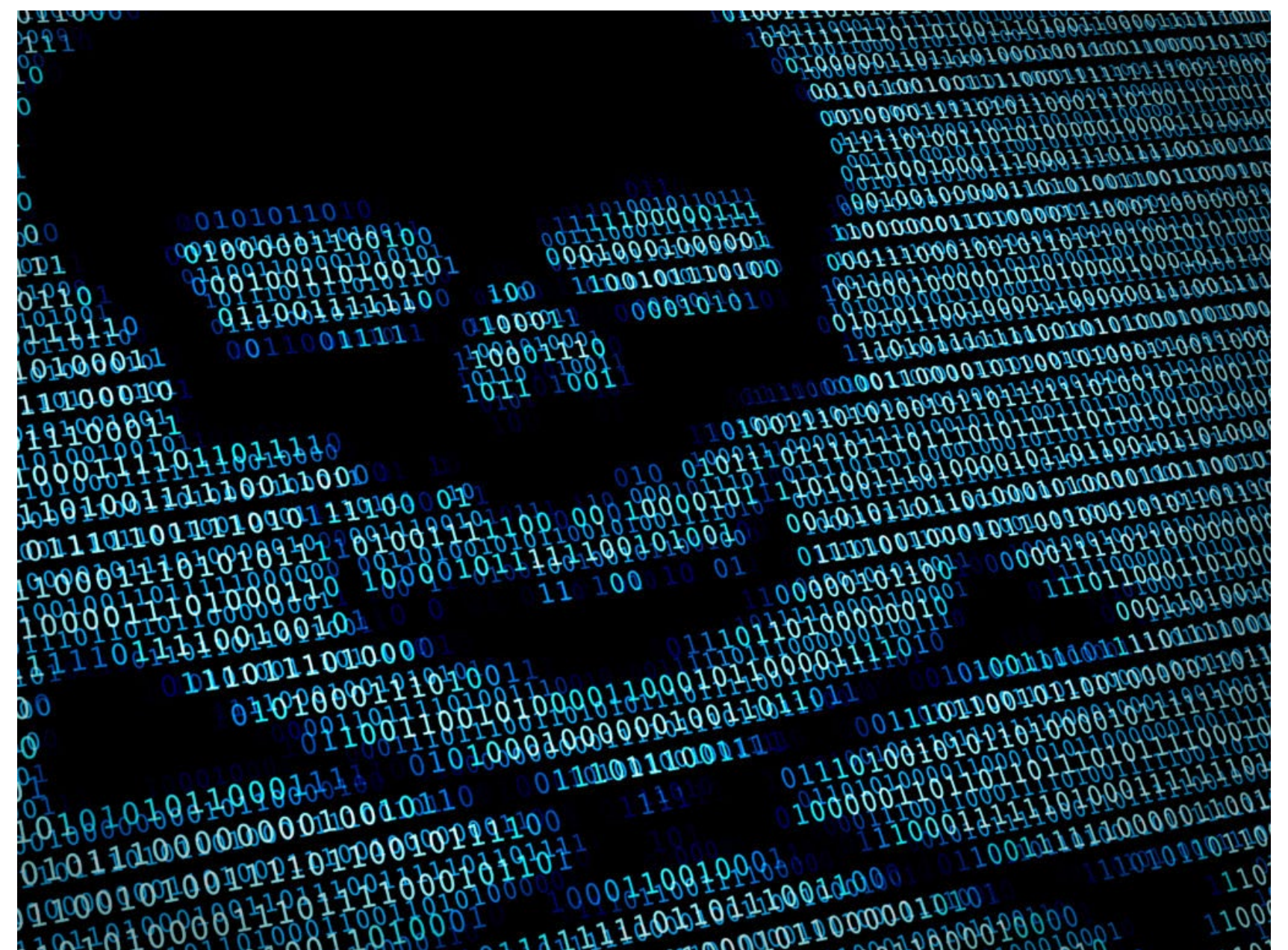
Cyberbullying might be defined as the deliberate offensive actions conducted through the mediums of information communication technologies by an individual or a group against the other individuals or groups; such as humiliation, slander, gossip, cyber harassment, threats, embarrassment and ostracism. This definition is made by the Information Technologies and Communications Authority in Turkey; and we believe that it is enough to give a basic level of opinion about the subject. Some examples of cyberbullying might be found as follows: mocking with rageful and offending messages, disclosing photos and any information of any individual without his/her permission, insulting, threat, online fighting, stalking, attacks using of the individuals' religion or ethnic origin.

In addition to such psychologically and physically effective cyberbullying, electronic cyberbullying – to break the password, to send e-mails with spam, attacks on web sites etc. - is also a type of cyberbullying. However, in this article, we will focus on mostly e-communication cyberbullying from many different aspects.

A Glance over Historical and Legal Process

Cyberbullying, which emerged in Western countries in the early 2000s in parallel with the acceleration of the developments on the Internet, has become widespread throughout the world in the last decade, especially with the development of social media.

If we scrutinize the publication dates of the related legislative acts in Turkey, it can be seen that relevant acts in the field of informatics are not very old. Although the acts relating to information technologies crimes such as unauthorized access to information system, system blocking, debit or credit card fraud were introduced to us in 2007, there is still no specific regulation under the name of **cyberbullying**. However, there are certain provisions in Turkish



¹ We Are Social 2018 World, Internet, Social Media and Mobile Users Statistics

² Turkish Statistical Institute, Information and Communication Technology (ICT) Usage in Households and by Individuals

³ Turkish Statistical Institute, Information Society Statistics 2004-2018

legislation applicable for cyberbullying incidents. At this point, it is required to evaluate the cyberbullying incident case by case and to determine which action legally corresponds to such incident. Therefore, in each case, it is important to determine the legal basis and sanctions of cyberbullying incidents after the evaluation of a legal expert.

Cyberbullying in the Light of Statistics

When we look at the statistics of different age and gender groups in different countries, the prevalence of cyberbullying suffered among children and adolescents aged between 13 and 18 years is in catastrophic dimensions.

According to a survey⁴ in 2016 among 5700 secondary and high school students in the United States revealed that about 34% of the students were exposed to cyberbullying at least once in their lives.

In Turkey, according to research conducted in secondary and high schools, about 50% of the students were exposed to cyberbullying at least once in their lives. It is indicated that Turkey average is not lower than the world's; and we must be aware of the danger we face.

Fight Against Cyberbullying Step by Step: What to Do?

- **Sharing.** When sharing on social media, forums and content sharing websites and editing profiles used in these mediums, it should be paid attention to which information to be shared.
- **Devices.** PCs and telephones should be equipped with active and licensed protection software, the privacy settings of the devices should be reviewed, the sharing of undesirable private information should be minimized, accounts should be kept locked and unrecognized persons should not be added.
- **Cyberbullying posts.** Messages and sharing containing cyber bullying should not be opened or read as much as possible and such contents should not be answered.
- **Sharing of the incident by the victim of cyberbullying.** The victim of cyber bullying should not hesitate to report his / her incident to both his / her relatives and the related organizations; and talk about such incident.
- **Approach to child and adolescent victims.** For children and adolescent victims, regular trainings should be organized in schools, proper communication should be established, psychological counseling should be given together with experts; and the experts should always keep in touch with the families.
- **Measures in social media.** If bullying is occurring through social media, evidentiary documents such as screenshots and printouts should be collected; and then a notification to the relevant social media organization should be sent. These accounts must be blocked to prevent the cyberbully from reconnecting with the victim.



⁴ 2016 Cyberbullying Data, Justin W. Patchin, Cyberbullying Research Center

- **Legal action.** With the help of an attorney, if the legal equivalent of the action which creates the cyberbullying corresponds to a criminal procedure, the relevant legal action must be initiated.

SAVE THE DATE: REGISTRY OF DATA CONTROLLERS

In accordance with Turkish Personal Data Protection Law no. 6698 (**Law**), which entered into force in April 2016, the regulations and the decisions of the Personal Data Protection Board (**Board**) continue to publish. In this context, with the Board's decisions dated 19 August 2018, the period of the registration of data controllers to the Registry of Data Controllers has been announced.

To remind briefly, according to Law Personal data is defined as “*any information relating to an identified or identifiable natural person*” Within this scope, any information directly identifying the individual such as name and family name and any information that enables to identify the individual with any other data collected -although it cannot provide direct identification solely- are deemed as personal data.

Data controller is defined by Law as natural or legal person who determines the purposes and means of the processing of personal data, and who is responsible for establishment and management of the filing system. In principle, under the Law, data controllers are obliged to register with the Registry of Data Controllers via an online platform called Data Controllers Information System (**VERBIS**) with certain exceptions.

In accordance with the decisions of the Board, the data controller who is obliged to register with VERBIS should complete the registration between the dates set out below:

- those whom their number of employees is more than 50 per annum **or** their annual financial balance sheet is more than 25 million Turkish Liras: **01.10.2018 - 30.09.2019**
- those located abroad: **01.10.2018 - 30.09.2019**
- those whom their number of employees is less than 50 per annum **and** their annual financial balance sheet is less than 25 million Liras, but their main field of **activity is processing of special categories of personal data**: **01.01.2019 - 31.03.2020**
 - * According to Law, data relating to the race, ethnic origin, political opinion, philosophical belief, religion, sect or other belief, clothing, membership to associations, foundations or trade-unions, health, sexual life, convictions and security measures, and the biometric and genetic are deemed as special categories of personal data.
- for public institutions and organizations: **01.04.2019 - 30.06.2020**

Different administrative fines may be imposed by the Board on those who do not fulfill the obligation of registration and notification.

In addition, the Board has also announced the exemptions from the obligation to register with VERBIS with the decisions made so far:

- Natural or legal persons whose **Employees less than 50 per annum, annual financial balance sheet less than 25 million Liras** and main field of activity is not processing **special categories of personal data**.

- Those who involve in personal data processing activities **otherwise than by automatic means** which form part of a filing system.

Additionally, those who are exempted from the obligation to register by the previous decisions of the Board are not obliged to enroll.

We would like to point out that persons who are exempted from the obligation to enroll to VERBIS under the Law must fulfill their other obligations brought by Law.

Answers. Not theories.

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