

FUTURE TOPICS OF LAW SUMMIT HOSTED BY GÖKÇE WAS HELD ON 2 MAY!

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As Gökçe Attorney Partnership, we organized the “Summit on Future Topics of Law” (Summit) this year for the first time, which took place on 2 May with the participation of esteemed guests. The Summit started with the opening speech by Mehmet Durakoğlu, the former President of Istanbul Bar Association. In his speech, Mr. Durakoğlu emphasized that while technology is advancing rapidly, law which is a more conservative field, is lagging behind. He highlighted that in this summit, solutions to these fundamental problems will be sought in the relationship between law and technology.

We have summarized the topics discussed at the summit on a session-by-session basis below. Summit entailed pleasant discussions by the leaders of the industry in the fields where law and technology intersect.

What’s Happening in the World of Crypto Arts (NFT)? The first session of the Summit, which discussed the frequently encountered topic of NFT in recent years and was very well welcomed by our guests, was moderated by our office’s founding and managing partner Gökrem Gökçe and valuable contributions were made by Kadir Can Kırkoyun, Yağmur Yollu and Tuna Özen.

A quote from the session: *“Understanding NFTs and how they work begins with understanding blockchain technology.”* - Tuna Özen

The lawsuit filed against the unfair use of Cem Karaca’s NFT on the OpenSea platform, which sets a precedent in the world and to which Gökçe is the plaintiff’s legal representative, was also discussed.

Yağmur Yollu, one of our office’s senior associates, who was among the speakers, also shared valuable insights with our guests related to the legal nature and legal status of NFTs. The contributions of such emerging technologies to employment, the dynamics in the NFT market, and the significance of smart contracts in the process of purchasing NFTs were evaluated.

Business, Law, and Beyond in the Age of Artificial Intelligence. Moderated by Ali Erhan Tamer, this session was focused on artificial intelligence, one of the most current topics in the field of technology and was conducted with valuable contributions from our speakers, Associate Professor Dr. Mesut Serdar Çekin and Tolunay Tosun.



Koray Bahar (Figopara, Kurucu Ortak & CEO), İhsan Elgin (Finberg, Yönetim Kurulu Üyesi), Ahmetcan Durukan (Colendi, Yatırım Ürünleri Takım Lideri), Emrah Kaya (Mars, Kurucu Ortak)



Mehmet Durakoğlu (İstanbul Barosu Önceki Başkanı)



Gökrem Gökçe (Gökçe, Kurucu ve Yönetici Ortak), Kadir Can Kırkoyun (Üretken Akademi, Kurucu), Tuna Özen (Transferchain, Kurucu Ortak), Yağmur Yollu (Gökçe, Kıdemli Avukat)



Gaye Or (Finberg, Koordinatör), Av. Burak Özdemir (OD Privacy, CEO & CFO), Balca Yılmaz (Werover, Kurucu Ortak), Boğaç Göncü (StartersHUB, Kurucu Ortak)



Doç. Dr. Bedii Kaya (Gökçe, Kıdemli Ortak), Ahmet Usta (ELYT.NET, Kurucu Ortak), Mert Başer (Transferchain, Kurucu Ortak), Serra Yılmaz (Yönetici Danışmanı), Kaan Kayabalı (Onedio, Kurucu)

The impact of artificial intelligence on technological development and its medium-to-long-term prospects from various perspectives were discussed in the session. Tolunay Tosun expressed that in today's world, artificial intelligence has become capable of understanding and interacting with humans, serving as an assistant or even a more intelligent second brain, and taking humanity's communication with information to a whole new level. Assoc. Prof. Mesut Serdar Çekin, on the other hand, pointed out the existing regulatory gap and discussed the debates on granting personality to artificial intelligence.

A quote from the session: *"Artificial intelligence is not a bot that we code to tell it how to work. We are creating a brain, and then we start training that brain without telling it how to work."* - Tolunay Tosun

Implications of Regulatory Changes in the E-Commerce Sector. Critical changes have been made in Turkish e-commerce legislation not so long ago. Moderated by Murat Erdör, our speakers İdil Kesten, Kürşad Arman, and Onur Kavak evaluated the impact of these regulations on the sector.

The recent decline in advertisements within the e-commerce sector was discussed to have occurred not only due to relevant regulations but also due to the impact of the end of the pandemic before the entry into force of these regulations. The importance of compatibility with platforms like YouTube and TikTok was also highlighted in terms of enabling e-commerce service providers to effectively utilize the information at their disposal in marketing processes.

A quote from the session: *"Digital development has been largely driven by e-commerce over a long period in Turkey."* - İdil Kesten

Hot Topics in the Intersection of Law and Technology in the Ecosystem of New Technologies. Ahmet Usta, Mert Başer, Serra Yılmaz, and Kaan Kayabalı discussed the relationship between law and technology and the need for regulation in the sector, moderated by the senior partner of our office, Dr. Bedii Kaya.

The session delved into the advantages that forthcoming legal regulations in the blockchain field would offer in terms of minimizing risks for users.

Critical importance of data security in marketing activities was emphasized. The significance of proportionate regulation in technological advancements was also highlighted.

A quote from the session: *"For many years, especially with the development of digital communication channels, we did not own our personal data or the data generated by our usage. Regulatory bodies have made it possible for users to partially control their own personal data or regulate the responsibilities of companies related to this."* - Ahmet Usta

Legal Liability Impasse for Autonomous Vehicles. Moderated by Özgür Çetin and featuring the participation of Att. Sidar Tunca, Mesut Serdar Çekin and Şafak Özkan Pala, this session discussed the developments in regulations concerning autonomous vehicles and evaluated through examples of accidents involving driverless cars. Various topics were discussed in this field, ranging from the environmental impact of these advancements to the potential challenges of artificial intelligence-powered autonomous vehicles in terms of compliance with traffic rules and conditions.

A quote from the session: *"It is still not legally possible for us to completely let go of the steering wheel in autonomous vehicles and let the car drive itself."* - Assoc. Prof. Mesut Serdar Çekin

Expectations of Influencers from the Legal World. Moderated by Haluk Arslantaş, the session featured Cemre Solmaz, Maral Özdoğan, and Sude Durmuş, who shared the problems they face in the influencer ecosystem and their expectations from the legal world in the near future with our esteemed guests.

The pros and cons of the regulations, including the requirement for influencers to disclose the term “collaboration” in content where they engage in advertising partnerships, were discussed from the perspective of influencers. The concept of “cyberbullying” that influencers are frequently exposed to and the expectations of influencers in this context were discussed as well.

Where is the Fintech World Going with Web3 Technology? Moderated by Koray Gültekin Bahar, the founder of Figopara, İhsan Elgin, Ahmetcan Durukan, and Emrah Kaya discussed the impact of Web3 technology on the fintech world and current problems. The need for regulation in the Web3 ecosystem and the importance of regulations as a sectoral necessity for the widespread adoption of blockchain and Web3 applications were underlined in the session. Discussion on the possibility of not needing lawmakers for regulations in the future because of the rapid development in technology, also sparked curiosity among listeners.

A quote from the session: *“We have reached a period in the sector where regulations need to be established. We are in a time where all kinds of applications are being formed, and the meaning of different concepts is understood.” - İhsan Elgin*

What’s Happening in the Golden Age of Digitalization? Hilmi Öğütçü, had one-on-one conversations with Bulut Arukel, Zehra Öney and Tarık Anlar in this session. The speakers shared their experiences and the challenges they encountered in the industry.

While Bulut Arukel discussed significant exit processes he was a part of that hold importance for the fintech market, Zehra Öney shared her inspiring success stories with the audience. Tarkan Anlar, on the other hand, recounted exciting entrepreneurial journeys that serve as guiding experiences for those aspiring to be part of the industry.

A quote from the session: *“We need individuals who are experts in technology and have the necessary transformation for this era.” - Zehra Öney*

What Will Startups Encounter in the Next 10 Years? In this session, Boğaç Göncü, Att. Burak Özdemir, Zeynep Balca Yılmaz, and Mert Bulut discussed the future-oriented topics for the entrepreneurial ecosystem and possible scenarios that startups face today and will probably face in the coming years under Finberg coordinator Gaye Or’s moderation.

Due to the redirection of resources towards more sustainable investments, it was emphasized in the session that there may be a decrease in funding for startups in the near future. The role of initiatives in the sustainability of renewable energy, which is crucial for the future of humanity in a developing world, was also underlined in the session.

A quote from the session: *“Good management is more important than good ideas.” - Boğaç Göncü*

Summary of Recent Decisions from the Personal Data Protection Board

We compiled below some summaries of the recent decisions published by the Turkish Personal Data Protection Board (**Board**) as per the Personal Data Protection Law (**Law**) and secondary legislation.

Decision summary regarding “Abroad transfer of personal data of the data subject without explicit consent by a technology company”

The data subject stated in their complaint to Board that they became a member of the data controller’s system through the company’s website. Although the privacy notice informed about the data transfer abroad, the data subject complained to Board stating that they did not provide an explicit consent for such transfer.

Following the initiated examination, the data controller stated that:

- Hosting services in Turkey were deemed insufficient, and a service provider located abroad was considered more secure, as many companies also worked with the same service provider.
- Data controller’s systems were started to be developed before Law and the European General Data Protection Regulation (**GDPR**) regulations came into force, and after the aforementioned laws and the legislation on the protection of personal data came into force, the meticulous work is getting conducted to harmonize their systems with the Law and GDPR,
- They had prepared a commitment statement regarding the transfer of personal data abroad under Article 9 of the Law and would submit this statement to the Board for approval as soon as possible.

Board stated that the transfer of personal data abroad is carried out by the data controller through the use of the system whose servers are located abroad. However, the data controller had not submitted a commitment statement assuring sufficient protection in the country of transfer before conducting such activity. Consequently, Board stated that there was no legal basis other than explicit consent for the transfer activity in question, and the data controller had not obtained explicit consent from the data subjects. Considering this, Board concluded that the data controller had not taken necessary technical and administrative measures to ensure an adequate level of security within the scope of Law and, therefore, imposed an administrative fine of 950,000 Turkish liras on the data controller. This decision, while aligning with previous rulings of the Board related to the use of systems with servers located abroad, particularly common among technology companies, highlights the criticality of the matter due to the magnitude of the imposed administrative penalty on the data controller.

You can reach the full text of the decision summary [here](#) (only available in Turkish).

Decision summary regarding “Sharing the termination of employment contract of an employee on the data controller’s social media account”

The data subject complained to Board, alleging that their employment contract was unjustly terminated while working for the data controller and that a post was shared on the data controller’s social media account stating, “... *We apologize for the inconvenience caused by ... who was DISMISSED from employment due to their misconduct.*” The data subject claimed that this post was in violation of Law.

Following the initiated examination, the data controller stated that after the data subject’s termination, they engaged in various activities and made unfounded complaints to harm the data controller. They also mentioned that various legal processes and disputes were ongoing between them and the data subject. Furthermore, the data controller stated that the announcement on the social media platform was made to clarify the true and accurate situation in response to misleading statements made by the data subject to the company’s customers, aiming to prevent harm to the customers.

Board determined that the announcement containing allegations about the data subject, including their full name, was published on the company's social media account, which was accessible to everyone, not just the company's customers. Board also noted that the data controller's corporate social media account was not a private medium exclusive to the company's customers but a publicly accessible platform. Therefore, Board found that the relevant data processing activity did not rely on any of the legal bases specified in Article 5 of Law and concluded that the action was in violation of the principle of proportionality stipulated in the Law. Consequently, an administrative fine of 30,000 Turkish liras was imposed on the data controller. This decision highlights the importance that Board places on the principle of proportionality in specific cases, even if the data processing purpose was lawful at the beginning.

You can reach the full text of the decision summary [here](#) (only available in Turkish).

Decision summary regarding “Continued publication of photos of the data subject, who worked as a catalog model for a clothing store, on the data controller's website without explicit consent after the termination of the employment relationship”

In the complaint submitted to Board, the data subject stated that they had worked as a catalog model for the data controller and that their photos were being published on the data controller's website without their explicit consent despite the termination of the employment relationship. The data subject requested appropriate action to be taken by the Board.

Board determined that there was an unwritten agreement between the data subject and the data controller and the processing of the data subject's photos on the data controller's website was carried out based on that agreement between the parties, with the condition of “necessity of processing personal data belonging to the parties of an agreement, provided that it is directly related to the establishment or performance of the agreement.” as per Law. Board also noted that the images featuring the products were removed from the website after the stock of those products had ended, in compliance with the agreement between the parties. Therefore, Board did not identify any violation within the scope of the Law.

You can reach the full text of the decision summary [here](#) (only available in Turkish).

Decision summary regarding “Sharing the photos taken during the surgery of the data subject on the social media account of a doctor working at the data controller hospital”

The data subject has filed a complaint with the Board, stating that their personal data in the form of photos taken during a nose surgery performed at a private hospital were shared on the social media account of a doctor working at the data controller hospital for advertising purposes, without their explicit consent given for the processing of their personal data for advertising and marketing purposes.

During the investigation, the data controller stated that the mentioned image only included the nose of the data subject, and the remaining parts of their face were anonymized. It was argued that the person could not be identified from the photo and therefore it did not qualify as personal data. The data controller also submitted a document to Board, indicating that the photo was shared on the doctor's social media account with the explicit consent of the data subject, who had given consent for the use of the relevant image.

Board determined that the visual content of the data subject did not solely consist of the nose but also included clearly identifiable parts of the face, such as eyebrows, mustache, etc., which were not anonymized. Therefore, it was found that the mentioned images had the potential to render the data subject identifiable and, thus, qualified as personal data. Also, upon examining the explicit consent text, Board noted that the party who provided explicit consent for the use of personal data was the healthcare institution performing the treatment, while the doctor working at the hospital was the one sharing the images on their social media account. In this regard, Board decided to impose an administrative fine of 100,000 Turkish liras on the data controller hospital for not preventing such sharing by its employed doctor and failing to fulfill its obligations. This decision is significant as it marks the first assessment by the Board regarding the publication of images related to aesthetic operations on social media accounts, a practice that is frequently carried out.

You can reach the full text of the summary decision [here](#) (only available in Turkish).

Critical Decision from the State Council: Decision to Suspend Execution in E-Commerce Regulation

The regulations that stipulate significant changes in e-commerce have been on our agenda recently. Law Amending the Law on the Regulation of Electronic Commerce (**Amendment Law**) was published in the Official Gazette dated 7 July 2022. Subsequently, the Regulation on Electronic Commerce Intermediary Service Providers and Electronic Commerce Service Providers (**Regulation**), which stipulates the details regarding the regulations in Amendment Law, was published in the Official Gazette dated 29 December 2022.

You can reach TFP July 2022 [here](#) in which we assess the provisions of the Amendment Law in detail.

Regulation included provisions applicable to (i) all, (ii) medium-sized, (iii) large-scale and (iv) very large-scale electronic commerce intermediary service providers (**ECISP**) and electronic commerce service providers (**ECPS**). There were also provisions for the removal of illegal content, applications to be made to ECISP regarding intellectual property right infringements, submission and verification of information of the ECISPs, unfair commercial practices, and the intermediary agreement. You can reach TFP January 2023, in which we analysed the provisions of the Regulation in detail [here](#).

Following the publication of Regulation, a lawsuit was filed at the Council of State for the suspension of execution and cancellation of the Regulation. The 10th Chamber of the Council of State decided to suspend the execution of some articles of the Regulation. Although it is not possible to access the full decision from official records, according to the information released to the public, the provisions of Regulation that the execution has been suspended are as follows:

- Regulation on the non-acceptance of certain institutions operating within the scope of the Banking Law, Insurance Law, Capital Markets Law, etc. (Art.2.2)
- Regulation on the definitions of (i) economic integrity, (ii) medium, large, very large platform classifications regarding platforms, (iii) electronic trade volume, (iv) medium, large, very large platform classifications regarding ECISP and ECSP, (v) net transaction volume and (vi) total sales revenue (Art.4/1-d, f, g, h, o, p)
- Regulation on the verification of the identifying information of ECSPs and the actions to be taken in case of failure to do so (Art.6/3)
- Regulation on illegal content (Art.10),

- Articles containing regulations on the complaint procedure to be applied in cases of intellectual and industrial property rights infringements, the application methods of those who want to appeal against complaint applications and how the application will be concluded (Art.12, Art.13, Art.14)
- Articles regulating intermediary agreements (Art.15, Art.16, Art.17)
- Article regulating the sale of the branded product of ECISPs (Art.19)
- Article regulating the requirement for ECISP to obtain a “regulatory compliance report” (Art.24)
- Articles regulating payment, postal and transport and advertisement services (Art.25, Art.26, Art.27)
- Articles regulating the advertising and discount budget (Art.29, Art.30)
Articles regulating electronic commerce licences (Art.30, Art.31)
- Article regulating the compliance periods of the obligations imposed under the Regulation, increase of monetary thresholds and other details (Art.33).

Decision of the 10th Chamber of the Council of State does not constitute a “cancellation decision” and temporarily suspends the implementation of the relevant articles until the final decision is given. In addition, the 10th Chamber of the Council of State will decide on the request for the complete cancellation of the Regulation, which has caused quite controversy in the e-commerce sector. Moreover, the lawsuit filed with the Constitutional Court for the cancellation of the Amendment Law is expected to be finalised in the upcoming days.

Nevertheless, these developments regarding the Regulation will redetermine the dynamics in the sector.

Article 187 of the Turkish Civil Code, which stipulates that a woman takes her husband’s surname, was annulled by the Constitutional Court

On 22/2/2023, the Constitutional Court (**AYM**) ruled in case no. E.2022/155 that Article 187 of the Turkish Civil Code (**TMK**) is unconstitutional and shall be annulled.

Article 187 of the TMK stipulates that a woman who marries shall take her husband’s surname; however, she may use her previous surname in front of her husband’s surname upon written application to the authorities; and that a woman may not use her previous surname alone after marriage.

The main arguments of the applicant who filed for annulment on the grounds that the rule was unconstitutional were the surname constitutes a part of a woman’s identity and personality, that such rule has no legitimate purpose and leads to practices contrary to the principle of equality.

In brief, AYM found that that the surname is a part of the personality, the rule causes different treatment between spouses based on gender, which is contrary to the European Convention on Human Rights and the Constitution and leads to a violation.

AYM stated that the only way to determine the line of descent in a healthy way is not for the woman to use her own surname in front of her husband's surname after marriage, and that this practice is not the only option that makes it possible for the family to have a common surname, and that the purpose of protecting and strengthening family ties cannot be accepted as a reasonable ground for the different treatment envisaged by Article 187 of the TMK.

As a result of these evaluations, AYM concluded that the rule violates the principle of equality and decided that Article 187 of the TMK was unconstitutional and annulled.

The annulment decision will enter into force after 9 months to prevent a vacuum in this field and to ensure that the legislature makes a regulation in accordance with the norms specified in this process.

The full text of AYM's decision is available [here](#) (*only available in Turkish*).

Critical Amendments on Remote Identification Methods Used by Banks and Establishment of Contractual Relationship in Electronic Environment

Within the scope of the "Regulation on Remote Identification Methods to be Used by Banks and Establishment of the Contractual Relationship in Electronic Environment" (**Regulation**) on the procedures and principles regarding remote identification methods that can be used by banks to acquire new customers and the establishment of the contractual relationship in electronic environment, the Banking Regulation and Supervision Agency (**BDDK**) announced the additional matters to be regulated in Regulation and held discussions with the relevant sector actors for a period of time.

In this context, relevant changes have been implemented and the Regulation Amending the Regulation (**Amendment Regulation**) was published in the Official Gazette dated 25 May 2023.

The significant changes in Amendment Regulation, which will enter into force on 1 June 2023, are as follows:

- Legal entities have been included among the "persons to whom banks can remotely identify and conclude electronic contracts". As a result, legal entities could also be customers of the banks through remote identification. Accordingly, Amendment Regulation determines the procedures and methods of verification of legal entities and legal entity authorization.
- BDDK was authorized to determine the procedures and principles regarding the use of AI-based applications. Disabled individuals may be assisted by a third party in case it is required during the video call phase of remote identification.

Although it is possible for legal entities to become the customers of the banks through remote identification under the Amendment Regulation, this is not yet feasible under the Financial Crimes Investigation Board (**MASAK**) legislation. As a matter of fact, since banks are also subject to MASAK legislation, the definition of "customer" in MASAK General Communiqué (Serial No: 19) on remote identification should be amended to include legal entities. With the realization of the necessary regulations, it will be possible for banks to make legal entities their customers through remote identification.

You can reach the full text of Amendment Regulation [here](#) (*only available in Turkish*).

Recent Developments Regarding Payment Institutions and Electronic Money Institutions

Recent developments in fintech ecosystem have brought many regulations and amendments. Amendments regarding the compliance period on payment and electronic money institutions to the legislation by the Central Bank of the Republic of Türkiye (**TCMB**) were published in the Official Gazette dated 29 April 2023.

The first of these amendments was the Regulation on Payment Services and Electronic Money Issuance and Payment Service Providers (**Regulation**). Pursuant to the Regulation Amending the Regulation (**Amendment Regulation**), obligations that must be fulfilled until 30 June 2023 are as follows:

- Payment institutions and electronic money institutions should comply with the provisions that were not previously included in Regulation but introduced by Amendment Regulation.
- Payment systems and payment service providers are required to comply with the remaining articles, except for the articles regulating the services that are not covered by the Law on Payment and Securities Settlement Systems, Payment Services and Electronic Money Institutions, and the protection of the funds collected against payment and electronic money of legal entities providing these services.
- Payment service providers that hold payment accounts since 1 December 2021 and are among the top ten participants according to the total number of transactions carried out in the Bank Payment Systems in 2020 are required to connect to the Bankalararası Kart Merkezi A.Ş. and provide the necessary infrastructure.
- It was allowed to continue to provide data sharing services, the technical requirements of which have been determined, by using non-standard services.
- Persons who obtained an operating permit prior to 1 December 2021 are required to comply with the non-applicable provisions of Regulation and the provisions of the regulations to be issued by TCMB regarding the management and audit of information systems.

An other amendment was the Communiqué on Information Systems of Payment and Electronic Money Institutions and Data Sharing Services of Payment Service Providers in the Field of Payment Services (**Communiqué**). Pursuant to the Communiqué Amending the Communiqué (**Amendment Communiqué**), obligations that must be fulfilled until 30 June 2023 are as follows:

- Payment institutions and electronic money institutions should comply with the provisions that were not previously included in Communiqué but introduced by Amendment Communiqué.
- Payment service providers that have payment accounts since 1 December 2021 and are among the top ten participants in terms of the total number of payment transactions made in Bank Payment Systems in 2020, are required to connect to the BKM API Gateway and provide the necessary infrastructure.
- Similar to the above mentioned, it was allowed to continue to provide data sharing services, the technical requirements of which have been determined, by using non-standard services.

You can reach the full text of Amending Regulation [here](#) (only available in Turkish) and full text of Amending Communiqué [here](#) (only available in Turkish).

European Commission Announces Platforms Covered by DSA

The European Commission has identified 19 digital platforms with a high number of users operating in Europe that will be subject to strict rules under the Digital Services Act (**DSA**).

The designation process is based on the number of active users in the EU market, which online platforms had until 17 February to publish. Accordingly, online platforms and search engines with more than 45 million users in the EU were included in the scope of the DSA, which regulates the responsibilities of actors operating in the digital sector and are subject to a number of strict rules.

The platforms that have been designated are Alibaba AliExpress, Amazon Store, Apple AppStore, Bing, Booking.com, Facebook, Google Play, Google Maps, Google Search, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, TikTok, Twitter, Wikipedia, YouTube, and Zalando.

Within the scope of the DSA, the EU requests security measurements to be taken by these online platforms in terms of risk management, transparency, content moderation and children protection. The platforms that do not comply with the rules can be fined up to 6 percent of their global turnover, and if violations continue, they can be terminated in the EU.

As of stated in the Commission's release, these online platforms must be fully compliant with the DSA, with new obligations introduced. These new obligations aim to empower and protect users including minors in online platforms, reduce systemic risks within services and provide robust content moderation tools. Accordingly, Facebook, Twitter and TikTok have until 25 August to comply with the relevant regulations.

The first reactions of the platforms showed that they have particular concerns. However, they have stepped to compromise with the requests of authorities. The process of platforms' compliance with the DSA will be enlightening for other countries.

Moreover, it doesn't seem like that was the only batch of the platforms to be designated. It has been reported that the Commission is still investigating four or five platforms on which a final decision would be taken in the coming weeks.

You can reach the full text of the Commission's release [here](#).

Austria's DPA Rules On Clearview AI's Data Processing

Clearview AI, a business that offers facial recognition software to American law enforcement organizations, is no longer permitted to process the complainant's biometric data and must erase any already collected information, according to the Austrian data protection authority's (**Austria's DPA**) ruling.

A permanent searchable database of biometric profiles is created by the US-based corporation by scraping images from websites. Austria's DPA stated that it is unlawful to collect the complainant's photos for a biometric search engine since the GDPR prohibits the sale of personal information collected from Europeans in this way.

Within this scope, the authority ruled that the processing of the complainant's personal data by Clearview is unlawful and must be stopped.

The Austrian authorities additionally required Clearview to designate a representative in the EU to make it easier for EU citizens to exercise their rights and for regulators to have a point of contact in the EU.

Although no fine was imposed, the ruling is in line with previous ones in Italy, the UK, France, and Greece.

You can reach the full text of the ruling [here](#).

Answers. Not theories.

Gokce Attorney Partnership

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