

THE FINE PRINT

Answers. Not theories.

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The Data Act Is Now in Application: A New Era for Data Access and Use in Europe

The Data Act, which aims to establish a fair, transparent, and innovative data ecosystem in the European Union's digital economy, has officially started to be applied with most of its provisions as of 12 September 2025.

Data Act seeks to make it easier for both individuals and businesses to access their data, establish standards for data-sharing processes, and ensure a fair and transparent environment for the use of data.

Data Act is designed to strengthen the rights of data subjects, encourage data sharing, and increase transparency in the use of data by third parties.

Under Data Act, data subjects will have the right to access and erase their data; businesses will be required to comply with specific conditions in data transfer agreements; and the use of data by third parties will be subject to accountability and transparency. In addition, the Act aims to foster a fair competitive environment for digital service providers and industrial data users, thereby supporting innovation based on data.

Data Act was adopted by the European Parliament and the Council on 27 November 2023, published in the Official Journal of the European Union on 11 January 2024, and subsequently started to apply with most of its provisions as of 12 September 2025.

With the start of its application, significant transformation is expected in data management and sharing practices across Europe Union.

You can access the full text of the Data Act [here](#).

Medium Term Program 2026–2028 Published: What Is on the Legal Reform Agenda?

The Medium-Term Program (Program) covering the 2026–2028 period, prepared by the Turkish Presidency of Strategy and Budget and the Ministry of Treasury and Finance, was published in the Official Gazette in September 2025. Program sets out both the macroeconomic targets and the framework for public finance. Program aims to increase predictability for both the private sector and public institutions, and to consolidate economic stability.

One of the key items emphasized in the Program is a set of legal reforms. These reforms primarily seek to modernize legislation and

simplifying administrative procedures, particularly in areas that are directly influenced by market forces. The harmonization of the Law on the Protection of Personal Data with the European Union General Data Protection Regulation is stipulated in the Program. In this way, the reform seeks to align data processing activities with international standards and establish Türkiye's position as a more reliable country in the digital economy and the international investment climate.

Another significant area of the reform agenda is the revision of enforcement and bankruptcy legislation. The current system, which is protracted and causes significant disruptions in the functioning of economic life, is aimed at being rendered faster, more transparent, and more predictable. For a detailed analysis of the planned amendments to enforcement and bankruptcy legislation, you may refer to our August 2025 issue of The Fine Print.

The Program also envisaged the establishment of the Market Surveillance and Supervision Authority. By consolidating under a single authority the product safety and market surveillance activities currently carried out by different institutions, with the aim of building a predictable regulatory framework that enhances consumer protection and provides clarity for market actors.

The final reform to be highlighted from the program concerns the digitalization of investment permit and licensing procedures. Within this scope, by transferring application and authorization processes to an electronic platform and simplifying the procedures, it is aimed to improve the investment climate.

Overall, these plans show that legal stability is integrated with economic goals in a holistic manner.

However, the specific amendments to legislation that will emerge from the Program's are still awaited with anticipation. Program will serve as a critical roadmap for shaping not only the economic but also the legal order over the next three years.

You may access the Program [here](#) (Only available in Turkish).

Sanction from the Advertisement Board for Unauthorized Advertising Notifications

The Advertising Board published Press Bulletin No. 359. The bulletin stands out particularly for decisions related to health products and supplements, real estate and tourism promotions, communication and financial services, as well as social media influencers and digital content.

Within the scope of this bulletin, advertising notifications sent via Trendyol's mobile application are particularly critical. Indeed, the Advertising Board has made a decision that could affect a large number of platforms.

The review revealed that on the Trendyol platform, under the "My Notification Preferences" section in the app, only email, SMS, and phone call options were available, and no option was provided to disable mobile notifications.

The Board found that, despite users not giving their consent, promotional and campaign notifications were continuously sent and could only be disabled through the phone's settings. Accordingly, users who only wanted to receive notifications regarding orders, shipments, returns, or customer support were also subjected to promotional notifications, which restricted consumers' freedom of choice.

The Board concluded that this practice negatively affected consumers' decision-making autonomy and constituted a misleading and deceptive commercial practice. Determining that the practice was in violation of the Regulation on Commercial Advertisements and Unfair Commercial Practices as well as the relevant provisions of the Law No. 6502 on the Protection of Consumers, the Board decided to suspend the aforementioned commercial practices.

This decision also set an important precedent against interface designs that limit consumer preferences.

The decision was published in the 359th Press Bulletin of the Advertisement Board. You can access the bulletin [here](#) (Only available in Turkish).

EU-US Data Transfer Diplomacy: It's Now Official

The international transfer of personal data remains one of the most contentious issues in the relationship between the United States and the European Union. From *Safe Harbour* to *Schrems II*, the process has witnessed several critical milestones, both in courtrooms and at the diplomatic table.

By its judgment of 3 September 2025, the General Court of the Court of Justice of the European Union dismissed the action for annulment of the EU-US Data Privacy Framework adopted by the European Commission, which permits data transfers to the United States, and held that the safeguards provided by the United States for such transfers were adequate.

In the case subject to the judgment, the French national Philippe Latombe argued that the measure allowing the transfer of his personal data to the United States was not compatible with the Charter of Fundamental Rights of the European Union. Latombe specifically claimed that the Data Protection Review Court (DPRC) established in the United States was not independent of the executive, and that US intelligence agencies obtained, on a large scale and without judicial authorization, data transferred from the EU.

The transfer of data between the EU and the US had been brought to the courts in the past. In *Schrems II*, the Court established that the United States' large scale surveillance practices were disproportionate and found that EU citizens had no effective remedy concerning their personal data. Previous judgments generated considerable diplomatic tension in relation to transatlantic data transfers.

In this process, the US adopted two main measures to address the criticisms of the EU. First, by a Presidential Executive Order of 7 October 2022, privacy protections in intelligence activities were reinforced. Secondly, by a regulation of the Department of Justice, the DPRC was established. Although criticisms were raised concerning the independence of this court, the General Court considered these safeguards to be consistent with EU standards.

The judgment is highly significant for EU-US data diplomacy and for transatlantic data flows.

You can access the summary of the judgment [here](#).

Who Unlocks Your Phone? Notable Decision from the Turkish Courts

Technological innovations that are expected to make daily life easier are giving rise to new legal debates when it comes to privacy and security of personal data.

Turkish Supreme Court made an important assessment regarding a claim for non-pecuniary damages brought based on an alleged security vulnerability in the Face ID facial recognition system used in iPhone devices in a decision dated April 2025.

In the case subject to the Supreme Court's decision, the plaintiff alleged that the Face ID feature on his iPhone was unable to distinguish between his own face and his brother's, which allowed the device to be unlocked without a password and enabling access to social media accounts, banking services, and personal data. First Instance Court, upon its assessment of this allegation, established the accuracy of the matter. The plaintiff asserted that security vulnerability constituted a

violation of the protection of personal data and therefore sought non-pecuniary damages.

The Istanbul 7th Consumer Court partially granted the claim, awarding a modest amount of non-pecuniary damages. The decision was affirmed by both the Court of Appeal and the Supreme Court and thus became final.

Similar disputes are frequently brought to the courts in both the European Union and the United States, where a significant number of lawsuits have been initiated against technology giants.

The Supreme Court’s decision constitutes a notable precedent in terms of liability for security vulnerabilities in technological products within the scope of consumer law and the limits of claims for non-pecuniary damages.

The decision demonstrates that Turkish courts address technological developments not only from the perspective of user convenience but also regarding the privacy of personal data. In addition, although not discussed in the judgment, a possible debate that may arise is whether security vulnerabilities in technological products could be evaluated within the scope of “defective goods”.

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Gokce Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, debt recovery, real property, and commercial litigation. Please visit our web site at www.gokce.av.tr for further information on our legal staff and expertise.

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