

THE FINE PRINT

Answers. Not theories.

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Precedent from the Court of Cassation on “Public Social Media Profiles”

Legal debates concerning the sharing of others’ social media content have increasingly reached the courts. In this context, the 12th Criminal Chamber of the Court of Cassation has issued a precedent-setting decision.

In the case at hand, the Court of Cassation upheld a prison sentence imposed on a defendant who shared a photograph from the victim’s publicly accessible Facebook profile without the victim’s consent.

The first-instance court had ruled that a photograph accessible from a public social media profile could not be considered within the scope of “private life,” and that sharing the photograph without the victim’s full name did not constitute a criminal offense. The court further stated that, since the photograph was available on a publicly accessible profile, it could not be deemed to have been obtained unlawfully; therefore, any rights violation arising from the photograph, being linked to the victim’s personality rights, could only give rise to civil liability.

Upon appeal, however, the Regional Court of Appeal overturned the first-instance judgment, holding that even if a profile is public, sharing a person’s photograph on another account without consent constitutes the offense of “unlawfully obtaining and disseminating personal data.” The court sentenced the defendant accordingly. The Court of Cassation, conducting the final review, upheld the appellate decision.

This assessment by the Court of Cassation is particularly significant for concepts such as privacy, private life, publicity, and consent in the context of digital platforms and publicly accessible online content. The decision also sets an important precedent by demonstrating that personal data and private life are distinct legal concepts.

A First Under the KVKK: The Data Protection Authority Authorizes Cross-Border Data Transfer Based on an Agreement

Under the Personal Data Protection Law (PDPL), the transfer of personal data abroad may only be carried out through the mechanisms explicitly provided for in the Law. As is well known, cross-border data transfer has been a prominent topic since the PDPL entered into force. In 2024, the provisions governing such transfers were comprehensively

revised, and a new framework was introduced. One of the newly established mechanisms was the ability to transfer data based on appropriate safeguards.

In this context, the Turkish Data Protection Authority has evaluated an agreement forming the basis for the transfer of personal data between the Presidency of Migration Management and the United Nations High Commissioner for Refugees (UNHCR), which does not constitute an international treaty. The Authority concluded its assessment and granted permission for the transfer.

This authorization marks the first time the KVK Authority has approved a cross-border data transfer based on an agreement that does not have the status of an international treaty, within the scope of the “appropriate safeguards” mechanism. You may access the public announcement regarding the authorization [here](#).
(only available in Turkish)

Draft Law on Artificial Intelligence Submitted to Parliament

A draft law titled the “Bill Amending Certain Laws” (Draft) has been submitted to the Grand National Assembly of Türkiye. The Draft seeks to update existing legislation in response to the legal, ethical, and security risks arising from the rapid proliferation of artificial intelligence technologies.

The general preamble emphasizes that while rapid technological developments offer significant opportunities, they also introduce new risks. In particular, the uncertainty surrounding liability in crimes that may be committed through artificial intelligence, such as deepfake content and manipulative digital materials, together with concerns regarding the protection of personality rights and public order, are cited as key reasons for the need for regulation. Accordingly, the Draft proposes notable amendments to several fundamental laws.

One of the most significant changes involves the first-ever definition of artificial intelligence systems within Law No. 5651. Under the proposed wording, AI systems are defined as: *“Any software, model, algorithm, or programming structure that, without human intervention or with limited human intervention, processes data to perform specific tasks; and that produces outputs, makes decisions, provides recommendations, or acts autonomously or semi-autonomously through machine learning, deep learning, artificial neural networks, algorithms, or similar technological methods.”* Another noteworthy provision concerns criminal liability. The Draft foresees that users who intentionally direct AI systems to commit

crimes will be considered the principal perpetrators. Moreover, developers whose system design or training processes contribute to the commission of an offense may face aggravated penalties.

The Draft introduces further regulations targeting deepfake content. AI-generated materials that violate personality rights or threaten public security would be subject to mandatory access blocking within six hours. Additionally, such content must be clearly and visibly labelled as “Produced by Artificial Intelligence.” Significant administrative fines are proposed for violations.

Data security and non-discrimination also constitute key pillars of the Draft. An amendment to the Personal Data Protection Law would require that datasets used in AI applications comply with the principles of anonymization, legitimacy, and non-discrimination. The use of discriminatory datasets would explicitly constitute a data security violation and may trigger administrative sanctions.

Another striking amendment grants the Information and Communication Technologies Authority (BTK) urgent access-blocking powers against AI-generated content that poses a risk to public order or electoral security. The Draft also introduces an extensive set of obligations for service providers, ranging from transparency in training datasets to the implementation of algorithmic control mechanisms, with the aim of ensuring the safe operation of AI systems.

If enacted, the Draft will establish a new framework for managing AI-related risks in Türkiye. You may access the full text of the Draft [here](#). *(only available in Turkish)*

A New Era in Healthcare Advertising and Public Information

The Ministry of Health has published the Regulation on Advertising and Public Information Activities in Healthcare Services (**Regulation**) in the Official Gazette dated 12 November 2025, bringing it into force and repealing the previous regulation. The Regulation aims to establish the fundamental principles governing advertising and public information practices in the healthcare sector, clarify the procedures for monitoring such activities, and set out the sanctions applicable in cases of non-compliance. Given the prominence of digital platforms, personal rights, and online content, the Regulation is particularly significant for the digital environment.

Under the Regulation, all activities that constitute explicit or implicit advertising remain strictly prohibited, and renewed emphasis is placed

on public morality and professional ethical standards in all forms of communication. Statements that are misleading, directive, or indirectly target other healthcare institutions are likewise prohibited. In addition, the use of patient or patient-relative testimonials such as expressions of gratitude or satisfaction for promotional purposes on any platform is now expressly restricted.

The Regulation also highlights the need to comply with the provisions of the Patient Rights Regulation, the Personal Data Protection Law, and the Regulation on Personal Health Data when carrying out advertising and public information activities.

The rules governing the use of visual content have been significantly expanded. Images of patients may only be shared with their explicit consent; such consent may be withdrawn at any time, and withdrawal requests must be fulfilled immediately by the healthcare institution or healthcare professional. before-and-after photographs must be taken under the same technical conditions, must not be altered in any way, and must not be misleading. Importantly, while the former regulation prohibited the sharing of before-and-after visuals, this is now permitted under the new Regulation—subject to strict conditions. However, any images that infringe patient privacy, violate public morality, or carry an element of exploitation remain prohibited. Furthermore, posts must be closed to user interaction, and standard warning statements must accompany visuals relating to surgical procedures.

Another notable area is sponsored advertising and promotional activities aimed at international health tourism. Sponsored advertising in languages other than Turkish is permitted only when targeting audiences abroad, and any content that could generate domestic demand among individuals residing in Türkiye is prohibited. For service providers operating in this field, the use of the “HealthTürkiye” logo across all media is mandatory.

Overall, the Regulation seeks to ensure that advertising and public information practices are conducted ethically, transparently, and with a primary focus on public health. The new rules are expected to introduce a significant compliance period for healthcare institutions and professionals, particularly in relation to social media use. You may access the full text of the Regulation [here](#). *(only available in Turkish)*

Chrome–Gemini Rival: ChatGPT Atlas

OpenAI has unveiled its new product, ChatGPT Atlas, and launched it for macOS. Atlas has been introduced as a desktop web browser that places ChatGPT directly at the center of the browsing experience, enabling users to carry out their online activities with AI assistance.

Through an integrated ChatGPT sidebar within the same window, users can summarize, analyze, and automate tasks while navigating the web. Considering Google’s long-standing dominance in the market, OpenAI’s move marks a noteworthy development.

While retaining the traditional address bar, Atlas offers a ChatGPT-based interface for search and query functions. The browser aims to transform conventional browsing habits through features such as webpage summarization, product comparison, and the ability to perform specific user-defined actions autonomously.

With the built-in “Ask ChatGPT” button, users can access different functionalities without switching tabs. Moreover, the “agent mode” enables Atlas to perform end-to-end automated tasks, such as making reservations, comparing options, or executing workflow steps, directly within the browser.

Although Google has begun a similar transformation with its Chrome-Gemini integration, the launch of Atlas stands out as a significant milestone in an era where AI-powered competition in browsing and search services is intensifying.

Editors



Görkem Gökçe

gorkem.gokce@gokce.av.tr



Yağmur Yollu

yagmur.yollu@gokce.av.tr

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Please contact us at
info@gokce.av.tr
0 212 352 88 33

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