

Accreditation assessment checklist: Members

To be completed by secretariat	
Applicant contact	Sait Korkmaz [REDACTED]
Name of Authority and country/economy	Personal Data Protection Authority, Turkey
Description of Authority	Board

To be completed by principal assessor (Morocco)	
<i>Recommendation (select appropriate recommendation):</i> Applicant meets criteria	
<p>1. Is the applicant a public entity created by an appropriate legal instrument?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The Agency is created by Article 19(1) of the “PERSONAL DATA PROTECTION ACT” (PDPA) of Turkey (N° 6689) . The Art 19(1) states that the “<i>Personal Data Protection Agency which is a public law body with public law legal personality having administrative and financial autonomy has been established to carry out duties provided by this Law</i>”.</p>
<p>2. Does the applicant have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The art. 19(1) indicates that “<i>Personal Data Protection Agency which is a public law body with public law legal personality having administrative and financial autonomy has been established to carry out duties provided by this Law</i>”</p>
<p>3. Is the legislation under which the applicant operates compatible with the principal international instruments dealing with data protection or privacy?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The main data protection principles adopted by the Law are:</p> <ul style="list-style-type: none"> - Personal data must be processed lawfully (Art. 4(a)); - Purpose specification and limitation (Art. 4(c)); - Data Minimization (Art. 4(ç)); - Prior consent (Art. 5 & 8 & 9); - Right to be informed (Art. 10); - Right to access, to rectify, to erase & to object (Art. 11 & 13); - Data retention no longer that is necessary for the purposes of its processing (Art. 4(d)); - Data accuracy (Art. 4(b)); - Data security and confidentiality (Art. 12).

<p>4. Does the applicant have an appropriate range of legal powers to perform its functions?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments The Data Protection Law gives the Agency and its Board the following powers :</p> <ul style="list-style-type: none"> - Supervision over the protection of personal data and compliance enforcement (Art. 16 & 22 (a)); - Prior approvals (Art. 16) - Receiving complaints (Art. 14 & 15 & 22(b)); - Guidance (Art. 20(a) & 22); - Rule-making (Art. 20(a) & 22); - Policy advice for Government (Art. 20(b) & 22); - Investigations / Examinations (Art. 15 & 22(c)); - Applying sanctions (Art. 15(6) & 15 (7) & 22(g'))
<p>Does the applicant have appropriate autonomy and independence?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments Autnomy and independency of the Agency are granted by law as below :</p> <ul style="list-style-type: none"> - The Agency shall be autonomous and independent in the performance of the tasks falling within its competence (Art. 21(1)). Other conditions to ensure the Board independency are taken into consideration while electing the members of the Board (Art 21(3)); - The Agency's Board is elected by the National Assembly, the President and the Council of Ministers (Art. 21(2)); - Conditions of dismissing The Chairman and members before the expiry of their terms are listed on the Art. 21(3); - The work of the Agency shall be financed from the budget of Turkey, properties of the Agency, received donations or grants and other revenues (Art. 29).

To be completed by ExCo member other than principal assessor (CA)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	None
Name of ExCo member	CA

To be completed by ExCo member other than principal assessor (HK)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	Yes
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	Yes
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	Yes
4. has an appropriate range of legal powers to perform its functions	Yes
5. has appropriate autonomy and independence	Yes
Brief comments	
Name of ExCo member	HK

To be completed by ExCo member other than principal assessor (FR)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	
Name of ExCo member	CNIL

To be completed by ExCo member other than principal assessor (NZ)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	----
Name of ExCo member	New Zealand

Notes:

1. Where more information is required from the applicant the principal assessor should get the relevant information from the applicant.
2. Principal assessor's recommendation will be circulated via email to ExCo members. Where the ExCo agrees with the principal assessor's recommendation the secretariat will notify the applicant of the ExCo's decision.
3. If any member of the ExCo disagrees with the principal assessor's recommendation the relevant application/s will be discussed at the following ExCo meeting.