

A. Definitions

Data controller, purposes of processing personal data and establishment of the data recording system, which determines the means of and the natural or legal person responsible for its management means. Legal entities to process personal data themselves within the scope of their activities "data controller", as specified in the relevant regulations. legal responsibility will arise in the person of the legal person. It public law legal persons and private law legal entities There was no difference in terms of individuals.

Legal personality of units within a company data controller of these units. it's not possible. However, a company Each company that makes up its group has legal personality. separate data controller for each of these companies. it is possible.

If the data processor is authorized by the data controller, that processes personal data on its behalf, on the basis of real or external to the organization of the person responsible defined as legal persons. These individuals are processes the data within the framework of the instructions given to it, to conclude a personal data processing agreement of the data controller It is a separate natural or legal person authorized by it.

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B. Data Processor and Data Responsible Difference

Any natural or legal person can also The data controller can be both a data processor. For example, a The accounting firm holds data about its own personnel. as the data controller in relation to the In terms of the data held by the companies, the data processor will be accepted as

The activities of the data processor are more technical than the data processing. limited to parts. Regarding the processing of personal data The authority to take decisions rests with the data controller. Data

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the purpose and method of processing personal data is the one who determines. That is, the "why" of the processing activity and He is the person who will answer the "how" questions.

In order to determine the data controller, who should decision should be taken into account:

- Collection and collection method of personal data,
- Types of personal data to be collected,
- For what purposes the collected data will be used,
- Which individuals' personal data will be collected,
- Whether the collected data will be shared, if it is shared, with whom it will be shared,
- How long the data will be retained.

However, the personal data to be made by the data controller With the processing contract, the example below is may leave the authority to decide on the issues to the data processor:

- Which information technologies are used to collect personal data? systems or other methods will be used,
- The method by which personal data will be stored,
- Security to be taken for the protection of personal data details of the measures,
- The method by which personal data will be transferred,

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- The correctness of the periods for the storage of personal data. method to be used,
- Deletion, destruction and anonymity of personal data methods of making.

Some common ground between data controller and data processor points must be specified. First, the data controller In other words, from data processing activities within a company. no responsible person is implied. data controller is the legal entity itself. Data controller (same being a data processor as well) to determine the obligations status and meeting the characteristics given in the definition. case, the legal entity of the company is also included in this status. will take. For example, part of the data processing activity a person who receives and records documents in a company not, the company itself has the title of "data controller".

Secondly, both concepts are both real and legal. applies to individuals. For example, a self-employed financial both the consultant and the financial advisory firm, the data controller, as well as a data processor. within a company Since these units do not have legal personality, these units It is not possible to be a data controller or a data processor. However, each constituting a group of companies Since a company has legal personality, these companies each can take place in two separate statuses.

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Finally, a legal or natural person can be both a data controller and a data processor. it is possible to say. For example, a cloud computing service The company that offers it is "data" in terms of the data of its own employees. responsible for the data of its customers. acts as "operator".

C. Examples

Market Research Companies

Under a contract with a pharmaceutical company, a research company, "employee satisfaction survey" for the pharmaceutical company took charge of the arrangement. The company, the employee to be surveyed determination of the list, selection of the survey method and the presentation of the survey results to the research company. has left. In this case, the research firm Even if it conducts the survey on behalf of the company and processes personal data and is in the status of data controller together with the pharmaceutical company. Because which employees will be surveyed, which data will be gather etc. have decision-making powers is a research company.

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Shipping Companies

A cargo company, a bank and customers' credit cards a contract to provide the transport service to the person concerned he did. Cargo company sender's name, surname, receiver's data it obtains to manage the shipment, such as the address is the data controller. However, the shipping company although he physically holds his credit cards information regarding the credit card in question, not possible to reach. In this case, the delivery service What is the data of the cargo company serving as a server? is neither the controller nor the data processor. Hence, only to ensure the safety of the physical goods it carries. is obliged to comply with the processing of personal data. There is no obligation required.

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Payment Services

A person who sells online customers by agreement with the payment service company. in the case of processing your data, payment service company is not the seller's data processor. Processing of this data is in the status of data controller. Because the payment service company; (1) In order for payments to be made correctly what data should be collected from customers decides. (2) Which of the collected data has control over its use. (3) Direct personal data regardless of the seller own terms and conditions applicable to customers processed exists. (4) Independent of the seller There are legal obligations. For example; credit deletion of card information.

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lawyers

One of the quitting employees of a company stole the customer list and in return the owner of the company He consulted a lawyer on how to get the list back. In an example where; about the former employee of the owner of the firm by handing over the personal data to the lawyer, the lawyer also has the status of supervisor. In this case, the lawyer acting on behalf of the owner of the company does not change. How does the personal data obtained from the lawyer will decide what will be processed. Hence, provided In terms of personal data, both the company owner and the lawyer is a data controller. In this sense, each has its own obligations to comply with (for example, instead of the data subject's request for access to personal data) both are individually responsible for the delivery).

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Financial Advisors

Financial advisors, records of their clients' accounts processing of personal data in these records while keeping are data controllers. Because financial advisor oblige them to take responsibility for the personal data they process. has legal obligations. For example, a while keeping records of the company's accounts, financial advisors in case they come across corruption and notifying administrative units or other authorized institutions is required to be present. While making the notification does not act in accordance with the customer's instructions obviously it will. Therefore, such expert service providers to their professional legal obligations. in the status of data controller as long as they are subject to will be found and resulting from being the data controller. its obligations to the customer by agreement, partially or They will not be able to give up completely.

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Cloud Service Providers

Personal data collected by a public institution contract with a cloud service provider to store cloud service provider data is in working status. Because the contract between the parties cloud service provider's data for its own purposes cannot be used for Also cloud service The provider itself does not collect data. Single activity personal data from public institutions store in accordance with the organization's instructions.

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