



KEP

Collective Impact Programme Association

## Collective Impact Program Association Protection of Personal Data Policy Paper

### INTRODUCTION

One of the most important legal developments of the modern age has been the guarantee of fundamental rights and freedoms and the protection of the personal rights of individuals from the unjust interference of the state or other persons. In this context, the concept of human rights, which is included in international conventions and the Constitution, is one of the basic conditions of the rule of law. The privacy of private life is also protected by modern law due to its close link with human rights. In general, violations of personal data arise as a result of the violation of the principle of privacy of private life regulated in this way.

Protection of personal data has begun to be discussed as a result of technological developments that have rapidly become an integral part of daily life at the beginning of the 21st century. Many sectors such as banking, communication operators, technology companies, where individuals communicate in communal living in a way, access the personal data of their customers. These personal data are easily processed by companies in the computer environment, and in parallel with this, new types of crimes have emerged for interventions in the private sphere. The acquisition of unauthorized third parties of data that is personal and can only be used for legal purposes in relation to those who process this data for their duties brings about a violation of personal rights. Legal regulation has become essential in order to prevent all these violations and the protection of personal data has been included in international case law and local law.

The Turkish Constitution, the Turkish Civil Code, the Turkish Penal Code and the Law on the Protection of Personal Data No. 6698, which are our main domestic legal regulations on the protection of personal data in Turkey, are regulated by such legislations like the Convention on the Protection of Individuals Against the Automatic Processing of International Personal Data, OECD guidelines on the protection of privacy and the cross-border flow of personal data, UN guidelines on computer-processed Personal Data Files, convention on the protection of individuals with regard

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to automatic processing of personal data, European Union General Data Protection Regulation, European Convention on the protection of Human Rights and Freedoms. It is the priority of the association to take into account all these basic laws and regulations in the principles and procedures of KEP.

## **AIMS**

The purpose of this policy document is to share with the public what kind of attitude KEP has on the protection of personal data.

This policy document aims to determine the principles, recommendations and measures of KEP regarding the principle of privacy, where the most violations of personal data are experienced, and also aims to raise awareness on the protection of personal data.

With this document, the responsibilities of KEP in every incident related to the violation of personal data and the actions to be taken to prevent such situations are outlined.

- All members and employees of KEP know and accept that no violation of personal data will be tolerated.
- KEP undertakes that the violation of personal data cannot be ignored in any way, and that it will take the complaints into a fast and effective evaluation process in order to move the matter to a fair investigation process.
- KEP undertakes to raise awareness regarding the protection of personal data, to inform its members about personal data, to examine in a principled manner the violation statements, claims and complaints against all kinds of undesired personal data violations, and to follow up effectively in the relevant boards.
- It accepts that all kinds of violations against personal data are followed up and prevented in the relevant disciplinary processes and any interventions that will cripple the processes are also a separate disciplinary offense and accepts that it will operate the necessary mechanisms.

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- With this document, the pep agrees to demonstrate the organized power of the institution in favor of the disadvantaged party.
- It is committed to sharing the results of all cases of harassment obtained as a result of the processes (disciplinary processes) in the boards related to this document with all members and all interlocutors when information is requested, at a principle level, within the framework of the principles of this document and with the cause and effect relation of the process, in a way that does not further victimize the victim.
- This policy document is aimed to contribute to creating an egalitarian and free working environment where there is no violation of personal data protection for all KEP components.
- KEP is committed to ensuring that the issue of violation of personal data protection mentioned in this document is raised in all activities of KEP, especially education, press publication and organization activities.
- KEP undertakes that the provisions contained in this policy document will not change depending on any person and time.

## CONTENT

The provisions contained in the document cover employees and members within the framework of the solidarity networks and components with which KEP has a relationship.

The principles and provisions contained in this document cover all components of KEP, its members, the board of directors and other boards, volunteers, employees, participants, students, guests, all persons and business employees who receive and service in the relations and activities of the association.

The principles and rules referred in this document apply to both events occurring within the institution and all acts of sexual harassment occurring outside the institution but moving to the environment of KEP or affecting academic life and work environment arising from the education and training and employment relations that are maintained by KEP.

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KEP undertakes to create awareness against sexual harassment within/among its authorized and solidarity networks and components, to support victims of harassment, to take all kinds of allegations and complaints of its members and employees on the agenda and to follow up effectively in its relevant boards.

This policy document aims to contribute to the creation of a social environment free from sexual harassment and to prevent such incidents.

## DEFINITIONS

**Explicit Consent:** Consent about a particular subject, based on information and explained by free will.

**Anonymization:** Making personal data incapable of being associated with an identified or identifiable natural person in any way, even by matching with other data.

**Processing of Personal Data:** It refers to any operation performed on the personal data such as obtaining, recording, storing, preserving, changing, reorganizing, disclosing, transferring, taking over, making available, classifying or preventing use, that are provided by fully or partially automatic or are not automatic manners that are a part of any data recording system.

**Data Processor:** The natural or legal person who processes personal data on behalf of the data controller, based on the authority given by the data controller.

**Data Registration System:** The registration system in which personal data is processed and structured according to certain criteria.

**Data Controller:** The natural or legal person who determines the purposes and means of processing personal data and is responsible for the establishment and management of the data recording system.

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## **PRINCIPLES**

### **Privacy Principle**

KEP and the board that is evaluating the claims regarding the protection of personal data upon the application, act in accordance with the principle of privacy of the complaining party/parties and the complaining person(s) at all stages until the review/investigation is completed. During the examination/investigation, the privacy principle is important in terms of resolving the details of the parties' private lives without moving to the social environment where they are located, and not negatively affecting their professional, academic and social relations.

### **Fair Assessment and Protection Principle**

KEP,

- Evaluates applications promptly, fairly and objectively through their respective boards.
- Necessary measures are taken to prevent the victim, whose rights are violated, from being victimized again during the application process regarding the alleged violation of personal data.
- Acts carefully and attentively to avoid any behavior and actions that may lead to repeated victimization of the victim whose personal data have been interfered and damage the sense of dignity and trust of the parties, and to prevent the occurrence of such behavior.
- If it is necessary, does what is necessary to ensure that the victim whose personal data has been violated receives psychological support.

### **Principle of Making a Statement**

KEP takes the statement of the complainant as the basis for the initiation of an investigation in the evaluation of the uses of the protection of personal data applications. This means that the investigating committee does not expect to be proven the existence of the action that is the subject of the applicant's complaint in the process of evaluating the application for violation of the protection of personal data.

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KEP acts in a way that does not damage the sense of trust of the parties by complying with all these principles with the sensitivity that it will show in the process of evaluating applications for violation of the protection of personal data.

## **KEP PERSONAL DATA PROTECTION COMMISSION**

In order to prevent and support against the violation of personal data protection, CIP has established a unit called "Personal Data Protection Commission". Investigative and educational duties and powers on this issue are granted to the unit.

## **KEP Ethics Committee**

The Ethics Committee of the Collective Impact Association is the board that works in accordance with the principles contained in the published policy documents of the association and carries out studies on potential violations of protection of personal data against its members and/or beneficiaries, working with all works and transactions of KEP. Kep Ethics Committee performs investigation, research, follow-up, examination, educational duties and authorities regarding the issues included in all policy documents written and duly enacted by the association.

KEP Ethics Committee consists of the following persons; It convenes with absolute majority and takes decisions by majority of votes. The Ethics Committee consists of three people;

- A representative from the employees of the association,
- A representative from the managers of the association,
- A representative of the program beneficiaries

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The authority duration of the ethics committee is at most 6 months. Board members are re-determined before each course period held for the beneficiaries.

The previous committee members continue their duties until the new course period starts. When it is decided not to open a course as per the decision of the association, one person from the members of the association is elected and serves instead of the representative chosen by the beneficiaries.

The representatives of the committee are appointed by the board of directors, employees and beneficiaries by election themselves. Representatives can be elected more than once. KEP Ethics Committee meets regularly on the first Friday of every month, monitors the implementation of the policy documents accepted by the association and duly entered into force, and decides on the applications made to it.

An objection can be made to the Board of Directors by the complainant or the person whose defense is taken against the decisions of the Ethics Committee. If no objection is made to the board of directors within 7 days, the decisions of the Ethics Committee become final. The decisions of the Board of Directors given after the objection against the decision of the Ethics Committee are final. The Board of Directors is responsible for the implementation of the decisions of the Ethics Committee.

### **Duties of the Ethics Committee within the Scope of This Policy Document**

- To follow up and evaluate the issues within the scope of this policy document on a monthly basis.
- To examine the allegations against all kinds of prohibition of personal data violation within the scope of this policy document and about the procedures, procedures, practices and behaviors that will cause the victimization of the person who faced with personal data violation

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- To examine the application, to inform the applicant about the alleged violation, and to ensure that the investigation is completed within 1 month at the latest, with the start of the process; if deemed necessary, to take decisions on suspension from duty, working from home, suspension of the course and other temporary measures
- To gather immediately in emergency situations.
- To provide procedural and legal support mechanisms to the victims during the investigation and investigation processes, and if these mechanisms are not within the scope of the KEP, directing the victims to the appropriate institutions.
- To organize training, promotion and similar activities and make publications in order to raise awareness about personal data protection and behaviors within the body of KEP.
- To ensure cooperation and coordination with other units under the relevant solidarity networks regarding the prohibition of personal data protection

### **Detecting Personal Data Violation and Reporting it to the Ethics Committee**

- It is recommended that the person who thinks that he or she has been exposed to a practice, behavior or procedure that leads to a discriminatory attitude and/or behavior should consult the KEP Ethics Committee first by making use of this policy document.
- KEP Ethics Committee takes the statement of the complainant as a basis in the evaluation of all kinds of **personal data violation** attitudes and/or behaviors.
- The statement of the complainant is put in writing and the complainant is informed about the stages of the process.
- In the post-application process, disciplinary sanction is not applied in cases where it is clearly understood that the claimant has deliberately lied and misrepresented, leaving no room for doubt.

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## **Precautions that a Person Who Thinks He/She Is A Victim In The Face Of Personal Data Violence**

- Reading the KEP Policy Paper on Anti-Discrimination
- Clearly warning the person who engages in behaviors or practices that will cause him or her victimization, and informing that if the person does not stop this behavior or practice, he or she will take an official action.
- From the first moment, to collect whatever material can be used as evidence in the investigation, to keep records of the events and to store the evidence.
- In cases where reasonable arrangements are required regarding the Prohibition of Discrimination, notifying the issue to the KEP Board of Directors with a written request.
- To apply to the KEP Ethics Committee in order to receive support and learn about their rights.

## **Suggestions to the Person Who Realizes that He/She Has a Personal Data Violence**

- Reading the KEP Policy Paper on Protection of Personal Data
- To have a sensitive attitude befitting personal privacy and data towards the employees, beneficiaries, board of directors and members of the KEP Association.
- To act more sensitively in order not to victimize people in the disadvantaged group and to pay attention to be sensitive to their behavior in working life.
- Not ignoring or considering it unimportant as soon as you realize that the personal data protection violation will cause the victimization of the person or that it is a situation that disrupts the environment of the association, and taking initiatives to eliminate the negative consequences of this behavior
- To apply to the KEP Ethics Committee for information.

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