



CLOUD CHECKLIST FOR TURKEY - GENERAL REGULATORY POSITION*

Source	Compliance Obligation	Microsoft Commitments	Azure	Dynamics 365	Office 365
Turkish Personal Data Protection Law ("DPL")¹ Obligations Regarding Data Security (Article 12/1 of DPL)	<p>The data controller shall take all necessary technical and organizational measures in providing an appropriate level of security in order to a) prevent unlawful processing of personal data, b) prevent unlawful access to personal data, c) safeguard personal data.</p>	<p>Microsoft supports customer compliance by providing both strong contractual undertakings as well as technical and operational measures to address confidentiality, security, availability and integrity. Microsoft adheres to numerous internationally recognised standards addressing information security and privacy which can help the customer comply with its legal requirements. Microsoft offers many widely-recognized certifications, third party attestations and legal assurances (e.g. ISO27018, SOC2&3, contractual data processing terms, SLAs) that customers can use to address their own compliance requirements.</p>	✓	✓	✓
Conditions for Processing of Personal Data (Article 5 of DPL)	<p>Personal data shall not be processed without obtaining the explicit consent of the data subject, or if one of the below conditions exists: a) It is expressly permitted by any law; b) It is necessary in order to protect the life or physical integrity of the data subject or another person where the data subject is physically or legally incapable of giving consent; c) It is necessary to process the personal data of parties of a contract, provided that the processing is directly related to the execution or performance of the contract; d) It is necessary for compliance with a legal obligation which the controller is subject to; e) The relevant information is revealed to the public by the data subject herself/himself; f) It is necessary for the institution, usage, or protection of a right; g) It is necessary for the legitimate interests of the data controller, provided that the fundamental rights and freedoms of the data subject are not harmed.</p>	<p>Microsoft specifically undertakes and agrees with its customers to only process personal information under authority of its customer. Microsoft acknowledges the customer as exclusive owner of its data. A customer accordingly has complete control over its data in the Microsoft cloud. .</p>	✓	✓	✓
Obligations Regarding Data Security (Article 12/5 of DPL)	<p>In cases where processed personal data is acquired by others through unlawful means, the data controller shall notify the data subject and the board as soon as possible.</p>	<p>Microsoft undertakes to promptly notify its customers of any data breach, including unauthorised access resulting in loss, destruction, disclosure or alteration.</p>	✓	✓	✓
Transfer of Personal Data Abroad (Article 9 of DPL)	<p>Personal data shall only be transferred abroad by complying with the conditions in the Article 9 of DPL.</p>	<p>Microsoft customers may transfer personal data abroad, save for Article 9 of DPL, which imposes the obligation on Microsoft customers as data controllers, while benefiting from Microsoft's advanced tools for data security.</p>	✓	✓	✓

¹ DPL has entered into force on March 2016 and it regulates the terms and principles of personal data processing to ensure the protection of personal data and the affiliated rights.

***EXPLANATORY NOTE AND DISCLAIMER:** This document is intended to provide a summary of key legal obligations that may affect customers using Microsoft cloud services. It indicates Microsoft's view of how its cloud services may facilitate a customer's compliance with such obligations. This document is intended for informational purposes only. It does not constitute legal advice nor any assessment of a customer's specific legal obligations. You remain responsible for ensuring compliance with the law. As far as the law allows, use of this document is at your own risk and Microsoft disclaims all representations and warranties, implied or otherwise.

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Rights of Data Subject (Article 11 of DPL)	<p>Everyone, in connection with herself/himself, has the right to:</p> <p>a) Learn whether or not her/his personal data has been processed; b) Request information as to processing if her/his data has been processed; c) Learn the purpose of processing of the personal data and whether data was used in accordance with the purpose; c) Know the third parties in the country or abroad to whom personal data has been transferred; d) Request rectification in cases where personal data has been processed incompletely or inaccurately; e) Request deletion or destruction of personal data within the framework of the conditions set forth under article 7; f) Request notification of the operations made as per indents (d) and (e) to third parties to whom personal data has been transferred; g) Object to any result that is to her/his detriment by means of analysis of personal data exclusively through automated systems; h) Request compensation for damages in cases where the person incurs damages due to unlawful processing of personal data by applying to the data controller.</p>	<p>Microsoft acknowledges the customer as exclusive owner of its data. A customer accordingly has complete control over its data in the Microsoft cloud and is able to address any requests for access, correction or destruction. In this way, Microsoft can help the customer comply with its legal requirements.</p>	✓	✓	✓
General Principles (Article 4/d of DPL)	<p>Certain basic principles shall be complied with when processing personal data, including being stored only for the time designated by relevant legislation or necessitated by the purpose for which data is collected.</p>	<p>Microsoft acknowledges the customer as exclusive owner of its data. A customer accordingly has complete control over its data in the Microsoft cloud and is able to address and comply with its own policies as regards retention and deletion. In this way, Microsoft can help the customer comply with its legal requirements.</p>	✓	✓	✓
Deletion, Destruction, and Anonymization of Personal Data (Article 7/1 of DPL)	<p>Personal data that is processed in accordance with the DPL or relevant other laws shall be deleted, destroyed or anonymised either ex officio or upon request by the data subject in cases where the reasons necessitating their processing cease to exist.</p>	<p>Microsoft acknowledges the customer as exclusive owner of its data. The customer accordingly has complete control over its data in the Microsoft cloud and is able to address and comply with its own policies as regards destruction and deletion. The customer determines and may set policy as to when its data is deleted. When a customer leaves the services and does not migrate its data, that data is deleted by Microsoft in accordance with agreed time periods (at the latest 180 days after leaving the service). Deletion of data is in accordance with industry standards. If a disk drive used for storage fails, it is securely erased or destroyed before return to the manufacturer for replacement or repair. Data on failed equipment is overwritten to prevent recoverability by any means. When devices are decommissioned, they are purged or destroyed according to NIST 800-88 Guidelines for Media Sanitation.</p>	✓	✓	✓