



TEKFEN HOLDİNG

**PERSONAL DATA PROTECTION AND
PRIVACY POLICY
(TEKFEN-HOL-POL-002)**



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1. OBJECTIVE

We, Tekfen Holding and Facility Management Co., Inc. (“**Tekfen Holding**” or “**the Company**”), are committed to protection of personal data of all natural persons we contact with in any way when are performing our business activities and accordingly complete fulfilment of the requirements included in the KVKK from the effective date of the Personal Data Protection Law No. 6698 (“**KVKK**” or “**the Law**”).

This Personal Data Protection and Privacy Policy (“**the Policy**”) has been prepared for the purpose of informing you about the procedures and principles for collecting, using, sharing and saving personal data by Tekfen Holding. In this Policy, the principles of processing personal data of data owners by Tekfen Holding are included in accordance with the order of regulation in the KVKK and these explanations cover Tekfen Holding employees, our active and potential customers, visitors and any other natural persons in relation with Tekfen Holding.

2. SCOPE


This Policy shall be applied to all processes of Tekfen Holding.

3. REFERENCES


- The Personal Data Protection Law No. 6698,
- Regulation on Deletion, Destruction and Anonymization of Personal Data.

4. DEFINITIONS AND ABBREVIATIONS

Abbreviation	Definition
Express Consent	A consent on a certain subject, based on being informed and expressed by free will.
Concerned User	People who process personal data within the data manager organization or under the authority and instruction of the data manager apart from the person or unit who is responsible for technically storing, protecting and backing up data.
Destruction	Deletion, destruction or anonymization of personal data.
Law/KVKK	Personal Data Protection Law No. 6698.
Recording Media	Any medium containing personal data processed by means which are completely or partially automatic or non-automatic as part of any data recording system.
Personal Data	Any kind of information about a natural person who is identified or identifiable.

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Abbreviation	Definition
Personal Data Processing	Any kind of process performed on data acquisition, recording, storage, maintenance, modification, reorganization, disclosure, conveyance, receipt, making available, classification or prevention of use of personal data by means which are fully or partially automated or not automated by being part of a data recording system.
Personal Data Anonymization	Making personal data impossible to be associated with an identified or identifiable natural person in any way even by matching with other data.
Personal Data Deletion	Deletion of personal data; making personal data inaccessible and non-reusable in any way for Concerned Users.
Personal Data Destruction	Process of making personal data inaccessible, non-restorable and non-reusable in any way by anybody.
Board	Personal Data Protection Board.
Private Personal Data	A person's data about race, ethnicity, political thought, philosophical belief, religion, sect or other beliefs, appearance, membership of association, foundation or trade union, health, sexual life, criminal conviction and security measures as well as biometric and genetic data.
Periodical Destruction	Deletion, destruction or anonymization process to be done ex officio with repeated intervals as set forth in the personal data storing and destroying policy in case of elimination of all conditions for processing personal data as set forth in the Law.
Data Owner/Concerned Person	A natural person whose personal data is processed.
Data Processor	A natural person or legal entity who processes personal data by virtue of the data manager on its behalf.
Data Manager	A natural person or legal entity who determines the purposes and means of processing personal data and is responsible for installing and managing a data recording system.
Regulation	Regulation on Deletion, destruction and Anonymization of Personal Data published on the Official Journal on 28 October 2017.

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5. PROCEDURES AND PRINCIPLES FOR PERSONAL DATA PROTECTION

5.1. GENERAL RULES FOR PROCESSING PERSONAL DATA


Tekfen Holding processes personal data in accordance with the procedures and rules provided in the KVKK and the other relevant laws. Accordingly, the following rules included in the KVKK are fully observed when personal data is being processed by Tekfen Holding.

- **Compliance with law and rules of integrity:** Pursuant to this rule, Tekfen Holding's data processing is performed by observing the limitations required by the entire relevant legislation and integrity rules in particular the Constitution and the KVKK.
- **Accurate and up-to-date when necessary:** Necessary measures are taken for the accuracy and currency of the personal data processed by Tekfen Holding the data owners are informed and provided with necessary opportunities in order to ensure that the data being processed reflect the truth.
- **Processing for certain, express and legitimate purposes:** Tekfen Holding processes personal data for only express and absolutely determined legitimate purposes and performs no processing activities out of these purposes. With this regard, Tekfen Holding processes personal data solely in connection with the business relation established with the data owners and if it is necessary for them.
- **Relation with the purpose of processing, limited and prudent:** Tekfen Holding processes data in accordance with the KVKK and the other relevant legislation, conveniently for fulfilment of the purposes determined according to data categories, in relation with achievement of the purpose and prudently and avoids processing of unneeded personal data.
 - **Maintenance for the period provided in the relevant legislation or required for the purpose of processing:** Personal data processed by Tekfen Holding are maintained only for the period provided in the relevant legislation or required for the purpose they are processed. With this regard, Tekfen Holding observes the period, if any provided in the relevant legislation for storing data; if there is no such period, it maintains them for the period required for the purpose they are processed. Tekfen Holding does not save data based on existence of a possibility of future use.

5.2. CONDITIONS OF PROCESSING PERSONAL DATA

Conditions for processing personal data are governed by the KVKK and Tekfen Holding processes personal data in accordance with the below given conditions.

With the exceptions listed in the law, Tekfen Holding processes personal data only by receiving **express consent** of data owners. In case of existence of the following conditions listed in the law, personal data can be processed **even without express consent** of a data owner:

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- If expressly provided in the laws,
- If required for protecting the life or physical integrity of a person who is unable to express his/her consent due to actual inability or whose consent is not legally effective or another person,
- If it is required to process personal data of parties to a contract, provided that it is directly related to execution or performance of that contract,
- If required for the data manager to fulfil its legal obligation,
- If made public by the data owner him/herself,
- If it is required to process data to establish, exercise or protect a right,
- If it is required to process data for the legitimate interests of the data manager provided that the data owner's fundamental rights and freedoms are not injured.

Tekfen Holding applies special sensitivity for processing private personal data the protection of which is believed to be more critically important for a data owner. With this regard, such kind of data is not processed without the **express consent** of a data owner provided that sufficient measures determined by the Board are taken. But, private personal data apart from the data about health and sexual life can be processed **without the express consent** of a data owner as provided in the laws. Nevertheless, data about health and sexual life can be processed **without the express consent** in case of existence of the below listed reasons provided that sufficient measures are taken:


- Protection of public health,
- Preventive medicine,
- Medical diagnosis,
- Performance of treatment and care services,
- Planning and management of healthcare services and financing.

5.3. PURPOSES FOR PROCESSING PERSONAL DATA

Your personal data acquired by Tekfen Holding shall be processed within the scopes listed below:

- HR operations,
- Intra-company operations,
- Intra-group operations,
- Processes and operations in contact with customers,
- Activities with legal, technical and administrative consequences,
- Strategy, planning and business partners/supplier management,
- Planning and performance of corporate communication activities,

The above given categories are only for informative purposes and we are free to add new categories for Tekfen Holding to perform its future business and operational activities. In such cases, Tekfen Holding shall continue to update the said categories in the relevant texts for you in order to be able to continue to inform you as soon as possible.

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5.4. STORAGE OF PERSONAL DATA


The personal data we acquire is stored safely in physical or electronic environment for an appropriate period to allow Tekfen Holding perform its business activities. Within the scope of the aforementioned activities, Tekfen Holding acts in compliance with the obligations set forth in the entire legislation, in particular the KVKK for the protection of personal data. Pursuant to relevant legislations, except where it is allowed or required to store personal data for prolonged periods, when the purpose for processing personal data no longer exists, Tekfen Holding shall delete, destroy or anonymize the data upon request of the data owners directly or through the data owner's application form attached hereto and using other available techniques.

In case of deletion of personal data through the said methods, such data shall be destroyed in such a way that they shall never be reused or restored again. However, in case of legitimate interest of the data manager, personal data may be stored until the expiry of the general prescription provided in the Law of Obligations (*ten years*) provided that a data owner's fundamental rights and freedoms are not injured even if the purpose for processing and the periods set forth in the relevant laws have expired. Following the expiry of the said prescription, personal data shall be deleted, destroyed or anonymized as per the above stated procedure.

5.5. CONVEYANCE OF PERSONAL DATA TO DOMESTIC ENTITIES

Tekfen Holding carefully observes the requirements provided in the KVKK for disclosure of personal data to third parties with the reservation of the provisions included in the other laws. Accordingly, Tekfen Holding does not convey personal data to third parties without a data owner's **express consent**. But, in case of existence of any of the following conditions provided by the KVKK, Tekfen Holding may convey personal data without getting a data owner's express consent:

- If expressly provided in the laws,
- If required for protecting the life or physical integrity of a person who is unable to express his/her consent due to actual inability or whose consent is not legally effective or another person,
- If it is required to process personal data of parties to a contract, provided that it is directly related to execution or performance of that contract,
- If required for the data manager to fulfil its legal obligation,
- If made public by the data owner him/herself,
- If it is required to process data to establish, exercise or protect a right,
- If it is required to process data for the legitimate interests of the data manager provided that the data owner's fundamental rights and freedoms are not injured.

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Provided that sufficient measures are taken, private personal data apart from health and sexual life may be conveyed if provided by the laws and private personal data about health and sexual life may be conveyed without getting express consent for the purposes such as the following,

- Protection of public health,
- Preventive medicine,
- Medical diagnosis,
- Performance of treatment and care services,
- Planning and management of healthcare services and financing.

Requirements set forth in the processing requirements of this data are observed also for conveyance of private personal data.

5.6. CONVEYANCE OF PERSONAL DATA OVERSEAS

With regard to conveyance of personal data overseas, a data owner's **express consent** is required under article 9 of the KVKK. However, in case of existence of conditions where it is allowed to process personal data including private personal data without a data owner's express consent, Tekfen Holding may convey personal data overseas without a data owner's express consent provided that there is sufficient protection in the country to which such personal data is to be conveyed. If a country to which they are to be conveyed is not listed among the countries with sufficient by the Board, Tekfen Holding and the data manager/data processor in the concerned country shall undertake sufficient protection in writing.

You can access the entity groups to whom your personal data has been/may be disclosed from *the list of entity groups to whom personal data may be disclosed* included in the annex No.2 of this Policy. But please note that the lists provided are only for informative purposes and Tekfen Holding shall update them in case of any change.

5.7. DISCLOSURE OBLIGATION OF TEKFEN HOLDING

Under article 10 of the KVKK, data owners must be informed prior to acquisition of personal data or at latest during acquisition thereof. The information required to be communicated to data owners under the said disclosure obligation is as follows:


- Identity of the data manager and if any, its representative,
- For what purpose personal data shall be processed,
- To whom and for what purpose processed personal data may be conveyed,
- Method and legal reason for collecting personal data,
- Other rights listed in article 11¹ of the KVKK.

¹ a) Learn whether or not personal data is being processed,

b) If personal data is processed, request information on this,

c) Learn the purpose of processing personal data and whether or not it is used for the proper purpose,

c) Know the third parties to which personal data is conveyed at home or abroad,

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Tekfen Holding has prepared disclosure statements to present to data owners under the above stated provision of the KVKK on the basis of the process and the persons with data processed in order to fulfil its disclosure obligation. After such disclosure statements are presented to the data owners, Tekfen Holding has prepared express consent statements also for the data processing activities and data categories that require receipt of a data owner's express consent for performing its business activities. In the express consent statements prepared for the data owners, the data owners are granted the right of option for whether Tekfen Holding may process personal data in line with the European Union directives which form a basis for the KVKK and informed about the consequences which may arise in case of absence of express consent.

On the other hand, pursuant to article 28(1) of the KVKK, Tekfen Holding is not under any disclosure obligation in the below listed cases:

- Processing of personal data by natural persons for activities solely about him/her or family members living in the same address provided that they are not disclosed to third parties and obligations for data security are observed,
- Processing of personal data for purposes such as research, planning and statistics by anonymization thereof by official statistics.
- Processing of personal data for artistic, historical, literary or scientific purposes or within scope of freedom of expression without violating national defence, national security, public security, public order, economical security, right of privacy or personal rights or constituting a crime,
- Processing of personal data within scope of preventive, protective and intelligence activities performed by public agencies and authorities assigned and authorized by law in order to ensure national defence, national security, public security, public order, economical security,
- Processing of personal data by judicial authorities or execution authorities for investigation, prosecution, adjudication or execution proceedings.

Nevertheless, pursuant to article 28(2) of the KVKK, Tekfen Holding's disclosure obligation shall not apply to the following cases:

- If personal data processing is required to prevent commitment of crime or criminal investigation,
- If personal data processed is made public by the data owner him/herself,
- If personal data processing is required for performance of inspection or regulation tasks and disciplinary investigation or prosecution by assigned and authorized public


d) Request correction of personal data if it is processed incompletely or wrongly,

e) Request deletion or destruction of personal data under the conditions set forth in article 7,

f) Request communication of the procedures performed under paragraphs (d) and (e) to third parties to whom personal data is conveyed,

g) Object to emergence of a consequence against the person him/herself as a result of analyzing the processed data exclusively through automated systems,

ğ) Claim remedy of any damages in case of any damage due to unlawful processing of personal data.

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agencies and authorities and professional organizations acting as a public agency by the virtue of the law,

- If personal data processing is required for protection of the Government's economical and financial interests with regard to budget, tax and financial matters.

5.8. RIGHTS OF DATA OWNERS

With regard to the personal data processed in accordance with the rules set forth in this Policy, Tekfen Holding has taken the necessary measures for the data owners to exercise the rights granted under article 11 of the KVKK. The said rights are as follows:


- a) Learn whether or not personal data is being processed,
- b) If personal data is processed, request information on this,
- c) Learn the purpose of processing personal data and whether or not it is used for the proper purpose,
- d) Know the third parties to which personal data is conveyed at home or abroad,
- e) Request correction of personal data if it is processed incompletely or wrongly,
- f) Request deletion or destruction of personal data under the conditions set forth in article 7 of the Law,
- g) Request communication of the procedures performed under paragraphs (e) and (f) above to third parties to whom personal data is conveyed,
- h) Object to emergence of a consequence against the person him/herself as a result of analyzing the processed data exclusively through automated systems,
- i) Claim remedy of any damages in case of any damage due to unlawful processing of personal data.

Data owners can exercise their above listed rights by delivering a wet signed copy of the data owner's application form attached to this Policy as annex No.1 to Tekfen Holding's contact addresses via mail, e-mail or registered mail. Detailed information on how to complete and send the form to Tekfen Holding are given in the application form attached to as annex No.1. Tekfen Holding shall deliver the answer to the relevant applications to the data owner physically or electronically.

Tekfen Holding shall bring any claim to conclusion as soon as possible and within *thirty (30)* days at latest free of charge according to the nature of the claim. But, if such process requires a separate cost, Tekfen Holding will charge the fee in the tariff determined by the Board from the concerned. In addition, during the process of finalizing the requests of data owners, Tekfen Holding may request the applicants to provide additional information or documentation.


On the other hand, under article 28(1) of the KVKK, data owners cannot exercise the rights listed in article 11 of the KVKK above in the following cases:

- Processing of personal data by natural persons for activities solely about him/her or family members living in the same address provided that they are not disclosed to third parties and obligations for data security are observed,
- Processing of personal data for purposes such as research, planning and statistics by anonymization thereof by official statistics.

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- Processing of personal data for artistic, historical, literary or scientific purposes or within scope of freedom of expression without violating national defence, national security, public security, public order, economical security, right of privacy or personal rights or constituting a crime,
- Processing of personal data within scope of preventive, protective and intelligence activities performed by public agencies and authorities assigned and authorized by law in order to ensure national defence, national security, public security, public order, economical security,
- Processing of personal data by judicial authorities or execution authorities for investigation, prosecution, adjudication or execution proceedings.

Nevertheless, under article 28(2) of the KVKK, except the right of compensation, the above rights listed in article 11 of the KVKK shall not apply in the following cases:

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- If personal data processing is required to prevent commitment of crime or criminal investigation,
- If personal data processed is made public by the data owner him/herself,
- If personal data processing is required for performance of inspection or regulation tasks and disciplinary investigation or prosecution by assigned and authorized public agencies and authorities and professional organizations acting as a public agency by the virtue of the law,
- If personal data processing is required for protection of the Government's economical and financial interests with regard to budget, tax and financial matters.

5.9. MEASURES TAKEN FOR DATA SECURITY

Tekfen Holding is taking any technical and administrative measures to ensure the appropriate level of security required to protect personal data. The measures provided in article 12(1) of the KVKK are as follows:

- To prevent unlawful processing of personal data,
- To prevent unlawful access to personal data,
- To ensure maintenance of personal data.


The measures taken by Tekfen Holding for this are listed below:

5.9.1. Administrative Measures:

- Tekfen Holding performs and causes to be performed necessary controls in order to ensure enforcement of the provisions of the Law in its own establishments and organizations.
- In case of acquisition of personal data processed by others unlawfully, Tekfen Holding shall inform the concerned and the Board of this as soon as possible.
- In connection with disclosure of personal data, Tekfen Holding signs framework agreements with whom personal data is disclosed to or ensures data security by provisions it shall include in such agreements.
- Tekfen Holding employs personnel knowledgeable and experienced about personal data processing and provides its personnel with necessary KVKK training.

5.9.2. Technical Measures:

- Tekfen Holding employs knowledgeable and experienced people in order to ensure data security and provides its personnel with necessary KVKK training.
- It performs necessary internal controls under the systems established.
- It conducts risk analysis, data classification, IT risk assessment and business impact analysis processes under the systems established.
- It ensures procurement of the technical infrastructure that shall prevent and/or monitor leakage of personal data out of house and creation of relevant matrices.

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- It ensures controlling of authorizations of employees of information technologies units to personal data.

5.10. PROCESSING OF VIDEO RECORDS

Tekfen Holding takes video records of visitors, employees and other concerned persons in accordance with the basic rules provided in the KVKK and included in this Policy for the purpose of ensuring the general and commercial security of the Company's premises and enterprises and such records are stored safely in physical or electronic environment for the period appropriate for their purpose of processing (see article "E").

A warning that video recording is performed is visibly placed in places where video recording is performed in order to inform data owners. Within the scope of the aforementioned activities, Tekfen Holding acts in compliance with the obligations set forth in the entire legislation, in particular the KVKK for the protection of personal data. No video is taken in places with high level of privacy.

6. OTHER ISSUES

In case of any discrepancy between the KVKK, the provisions of other relevant legislation and this Policy, the KVKK and the provisions of other relevant legislation shall prevail.

In case of any amendment in this Policy, the effective date and respective provisions of the Policy shall be updated accordingly

7. SPECIAL CONDITIONS and EXCLUSIONS

None.

8. REVISION AND REVOCATION


This Policy shall be reviewed and updated by the respective Holding Legal Consultancy Department.

9. ENFORCEMENT

This Policy prepared by Tekfen Holding shall enter into force on 21/12/2017.

10. EXECUTION

The Holding Legal Consultancy Department shall be responsible for enforcement of this Document.

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11. DISTRIBUTION

This Policy shall be published on Tekfen Holding internet website and the Company intranet and communicated to third parties and Company employees.

12. ANNEXES

ANNEX – 1 : Tekfen Holding A.Ş. Data Owner Application Form


ANNEX – 2 : List of Person Groups with whom Personal Data is Shared

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13. DOCUMENT TAG

PUBLICATION, REVISION AND DISTRIBUTION PAGE


Date / Revision No	Amendment	Amended by
27.12.2017/ R0	New publication	Legal Affairs Group Companies Director

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ANNEXES

ANNEX - 1

PLEASE CLICK FOR [TEKFEN HOLDING A.Ş. DATA OWNER APPLICATION FORM.](#)

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ANNEX-2: LIST OF ENTITY GROUPS TO WHOM PERSONAL DATA IS DISCLOSED

- Financial Companies
- Insurance and Agency Services Companies
- Courier Companies
- Educational Institutions
- Company Representatives
- Legally Authorized Government Bodies and Agencies