

# ISTANBUL FOUNDATION FOR CULTURE AND ARTS POLICY ON THE PROTECTION AND PROCESSING OF PERSONAL DATA

Version 0.3

03/02/2022

## 1. INTRODUCTION

### 1.1 Purpose and Scope of the Policy

The Law numbered 6698 (“Law”) on the Protection of Personal Data has been enacted on April 7th, 2016. This İKSV Policy (“Policy”) on the Protection and Processing of Personal Data aims to establish the principles to be observed, for İstanbul Kültür ve Sanat Vakfı (“İKSV” or “Foundation”), and its affiliated commercial enterprise İstanbul Kültür ve Sanat Vakfı Tur. Paz. Org. İktisadi İşletmesi (“İKSV”), for fulfilling the obligations relating to the protection and processing of personal data, and to inform data subjects whose personal data shall be processed. This Policy introduces the conditions and the main principles adopted by İKSV for the processing of personal data. In this regard, the Policy covers all the data processing activities of İKSV, all the personal data, and all the data subjects whose data İKSV processes, within the scope of the Law.

Regarding the processing of personal data of Foundation employees are regulated separately in the Istanbul Foundation For Culture And Arts Employees Policy On The Protection And Processing Of Personal Data.

### 1.2. Enforcement and Amendment

This Policy is approved previously by İKSV and has been published on the website as of 03/02/2022. İKSV reserves the right to amend this Policy in line with the legal regulations. The current version of the Policy can be accessed on the Foundation website at [www.iksv.org/tr/footer-menu/personal-data-protection-and-processing-policy](http://www.iksv.org/tr/footer-menu/personal-data-protection-and-processing-policy).

In case of conflict with the legislation in force, especially the Law, and the regulations in this Policy, the provisions of the current legislation shall apply.

## 2. DATA SUBJECTS WHOSE PERSONAL DATA ARE PROCESSED BY OUR FOUNDATION, PURPOSES OF PROCESSING PERSONAL DATA, VARIOUS CATEGORIES OF PROCESSED PERSONAL DATA, METHODS/CHANNELS AND LEGAL PURPOSES OF COLLECTING PERSONAL DATA

### 2.1. Data Subjects

Data subjects covered by this Policy are natural persons, other than İKSV employees, whose personal data are processed by İKSV. Within this framework, various data subject categories are as follows:

DATA CATEGORIES	SUBJECT	DEFINITION
1	<b>Participant</b>	A natural person who attends an event held by İKSV.
2	<b>Guest</b>	Real persons who benefit from the services offered by the Foundation without being a member.
3	<b>Voluntary</b>	A natural person who voluntarily take part in the conduct of the Foundation's activities
4	<b>Donor</b>	Natural persons who donate in order to contribute to the execution of the foundation's activities
5	<b>Visitor</b>	A natural person who visits İKSV's buildings, facilities, premises and website.
6	<b>Job Candidate</b>	A natural person who applies for a position in İKSV by sending a CV or by other means.
7	<b>Foundation Official</b>	Refers to the board of directors of the Foundation and other authorized real persons.

DATA CATEGORIES	SUBJECT	DEFINITION
8	<b>Collaborating Institution/Supplier Employees, Shareholders or Authorities</b>	A real person who work in institutions which the Foundation has all kinds of business relations, (eg supplier, business/solution partner, subcontractor, etc.), who are shareholders or officials of these institutions and who are shareholders or officials of these institutions.
9	<b>Third Parties</b>	Refers to the other natural persons who are the subject of the Foundation's personal data processing activities, excluding the above categories of data subjects and the employees of the Foundation.

## 2.2. Purposes of Processing Personal Data

Your personal data and special category personal data can be processed by İKSV for the following purposes in compliance with the conditions of personal data processing specified by the Law and the relevant legislation:

MAIN PURPOSES	SUB PURPOSES
<b>Execution of human resources processes</b>	1. Execution of personnel procurement processes
<b>Carrying out the necessary studies for the realization of the activities of the Foundation and executing the business processes</b>	1. Conducting business activities 2. Creation and management of information technology infrastructure 3. Execution of information security processes 4. Event management 5. Execution of corporate communication activities

MAIN PURPOSES	SUB PURPOSES
	6. Follow-up of finance and accounting works
<b>Ensuring the legal, technical and commercial-occupational safety of the Foundation and those who have a business relationship with the Foundation</b>	1. Carrying out the necessary operational activities in order to carry out the activities in accordance with the procedures and relevant legislation 2. Ensuring the security of the campus and facilities 3. Follow-up of legal affairs 4. Creation and tracking of visitor records 5. Execution of audit activities
<b>Planning and execution of corporate strategies</b>	1. Management of relations with business partners and suppliers
<b>Execution of activities related to the promotion and marketing of company products and services</b>	1. Execution of sales processes of products and services 2. Execution of marketing processes of products and services 3. Carrying out customer/member satisfaction activities 4. Carrying out the processes of creating and increasing constancy to the products and services offered

### 2.3. Categories of Personal Data

Your personal data categorized as follows shall be processed by IKS V in line with the conditions of personal data processing specified by the Law and the relevant legislation:

PERSONAL DATA CATEGORY	DEFINITION
<b>Identification</b>	All information concerning a data subject's identity available on documents like drivers' license, identification card, certificate of residence, passport, marriage certificate
<b>Contact Information</b>	Information such as phone number, address and e-mail to communicate with a data subject
<b>Family Members and Relative Information</b>	Information about the family members and relatives of the data subject, which is processed in order to protect the legal interests of the Foundation and the data subject, related to the products and services we offer.
<b>Information about the Security of Physical Venue</b>	Video recordings and finger print records taken at the entry point or inside the physical venues, and personal data related to these documents
<b>Financial Information</b>	Personal data processed concerning any information, document and records that shows any type of financial result produced depending on the type of legal relationship between the Foundation and the data subject
<b>Job Candidate Information</b>	Personal data processed concerning a person that applied for a position in the Foundation, or has been evaluated as a job candidate for the sake of customary

PERSONAL DATA CATEGORY	DEFINITION
	practices or good faith, in line with the human resource needs of our Foundation, or a person who has professional relations with our Foundation
<b>Legal Proceedings and Compliance Information</b>	Personal data processed concerning the calculation and tracking of our legal rights and receivables, in compliance with our legal obligations and our Foundation's policies
<b>Transaction Information</b>	Data such as call center records, membership information, cookie records, which are processed in order to protect the legal and other interests of the Foundation or the personal data subject, related to the services provided within the framework of the activities carried out by the Foundation.
<b>Special Category Data/Sensitive Personal Data</b>	Data relating to race, ethnic origin, political opinions, philosophical or religious beliefs, being part of a sect, other beliefs, dressing style, membership of an association, foundation or a trade-union, physical or mental health, sexual life or sexual orientation, criminal conviction and security measures, genetic or biometric data
<b>Marketing Information</b>	Personal data processed concerning the marketing of İKSV's events and concerts by customizing them based on the preferences and personal interests of İKSV's followers; social media preferences and reports and evaluations brought together as a result of such data processing

PERSONAL DATA CATEGORY	DEFINITION
<b>Information about Request / Complaint Management</b>	Personal data concerning the reception and assessment of any request or complaint addressed to our Foundation
<b>Reputation Management Information</b>	Data concerning the data collected to protect the reputation of the foundation, the evaluation reports prepared and the actions taken.

### 3. PRINCIPLES AND CONDITIONS REGARDING THE PROCESSING OF PERSONAL DATA

#### 3.1. Principles Regarding The Processing Of Personal Data

Personal data is processed by the Foundation in accordance with the personal data processing principles set forth in Article 4 of the Law. These principles must be complied with in terms of each personal data processing activity:

***Processing of personal data in accordance with the law and good faith;*** The Foundation acts in accordance with the relevant laws, secondary regulations and general principles of law; It places importance on the processing personal data limited to the purpose for which it is processed and to take into account the reasonable expectations of data owners.

***Personal data should be accurate and up to date*** The Foundation ensures that the processed personal data is up to date and accurate. In this context, data subjects are given the right to request correction or deletion of their incorrect and outdated data.

***Processing of personal data for specific, explicit and legitimate purposes;*** The Foundation determines the purposes of data processing in accordance with the law prior to each personal data processing activity.

***Personal data should be relevant, limited and proportionate to the purpose for which it is processed;*** Data processing activities are limited to personal data which is necessary to fulfill the purpose of collection. The Foundation takes all necessary steps in order to prevent the processing of personal data not related to the purpose.

***Being stored for the period laid down by relevant legislation or required for the purpose for which the personal data are processed;*** In cases where a longer retention period is not determined by the Foundation in accordance with the laws by taking into account the sector practices regarding the storage of personal data, the personal data processed by the Foundation are erased, destroyed or anonymized after the purpose of personal data processing has been removed or after the expiration of the period stipulated in the legislation.

### **3.2. Conditions of the Processing the Personal Data**

Personal data is processed by the Foundation in the presence of at least one of the personal data processing conditions in Article 5 of the Law. Explanations of these terms are as follows:

***Explicit consent of the data subject:*** In the absence of other data processing conditions, Foundation may process the personal data of the data subject under the general principles which is regulated in 3.1. section of the Law upon the freely given consent of the data subject who is sufficiently informed about the personal data processing activity, leaving no room for doubt and limited to the particular activity in question.

- ***Explicit permission provided for by the Laws:*** In case it is explicitly permitted by the Laws, the Foundation can process personal data without the explicit consent of the data subject. Accordingly, the Foundation shall process personal data within the framework of the related legislation.
- ***When the data subject is physically incapable of giving explicit consent and it is necessary to process personal data,*** the Foundation can process the personal data of the data subject who is physically or legally incapable of giving explicit consent providing that it is necessary to protect the life or physical integrity of the data subject or a third person.
- ***When processing of personal data is directly related to the conclusion or execution of a contract,*** personal data shall be processed if it is necessary to process the personal data of the parties of an existing or new contract between the data subject and the Foundation.
- ***When it is necessary to process personal data to comply with a legal obligation to which the data controller is subject to,*** the Foundation can process personal data in order to perform legal obligations provided for by the current legislation.
- ***When the data subject has made his/her personal data public,*** the Foundation may process the personal data that are already made public to the extent of the intention by such publication, without the explicit consent of the data subject,
- ***When it is necessary to establish, exercise or protect a right,*** the Foundation can process personal data without the explicit consent of the data subject within the context of such necessity.
- ***When it is necessary for the legitimate interests of the data controller and provided that the fundamental rights and freedoms of the data subject shall not be violated,*** the Foundation can process personal data taking into consideration the balance between the Foundation's and the

data subject's interests. Within this framework, the Foundation shall primarily establish its legitimate interests that it shall maintain in such data processing. The Foundation shall also evaluate the potential impacts of data processing on data subject's rights and freedoms and accordingly, the personal data shall be processed if the Foundation considers that the balance of benefits is maintained.

### **3.3. Conditions of Processing the Special Categories of Personal Data**

In Article 6 of the Law, special categories of personal data are specified in a limited number. These are personal data relating to the race, ethnic origin, political opinion, philosophical belief, religion, religious sect or other belief, appearance, membership to associations, foundations or trade-unions, data concerning health, sexual life, criminal convictions and security measures, and the biometric and genetic data. The Foundation processes special categories of personal data in accordance with the relevant legal regulations and by taking additional measures determined by the Personal Data Protection Board ("KVK Board") in the following cases:

- ***The processing of sensitive personal data other than health and sexual life*** may be processed without the explicit consent of the data owner, provided that it is expressly stipulated in the law, in other words, there is a clear provision in the relevant law regarding the processing of personal data. Otherwise, the explicit consent of the data owner will be obtained in order to process the said special categories of personal data.
- ***Personal data related to health and sexual life*** may be processed without the explicit consent of persons or authorized institutions and organizations under the obligation of secrecy for the purpose of protecting public health, conducting preventive medicine, medical diagnosis, treatment and care services, planning and managing health services and financing. Otherwise, the explicit consent of the data subject will be obtained in order to process the said special categories of personal data.

## **4. TRANSFERRING PERSONAL DATA**

Foundation may share personal data with third parties residing in or out of Turkey in case that conditions of the transferring the personal data within the scope of additional measures stated by the Board and data processing conditions specified in Articles 8 and 9 as set forth in the Law are provided.

- ***Transfer of Personal Data to third parties in Turkey,***  
Personal data may be transferred by the Foundation to third parties in the country, provided that at least one of the data processing conditions included in the 5th and 6th articles of the Law and explained under the 3rd title of this Policy are present and that the basic principles regarding the data processing conditions are complied with.
- ***Transfer of personal data to third parties abroad; In case the country to which the transfer will be made is a safe country with adequate protection declared by the KVK Board;*** Personal data may be transferred by the Foundation to third parties abroad,

provided that at least one of the data processing conditions specified in Articles 5 and 6 of the Law and explained under Title 3 of this Policy are present and provided that they comply with the basic principles regarding data processing conditions.

In the event that the country to which the transfer will be made is not a safe country with adequate protection declared by the KVK Board, the personal data shall transferred to third parties abroad in the following cases in accordance with the basic principles specified in Article 4 of the Law, and in the presence of at least one of the data processing conditions explained under the 3rd Title of this Policy;

- Existence of the explicit consent of the person concerned
- The Foundation and the data recipient in the relevant country undertake in writing to provide adequate protection and obtain the permission of the KVK Board for the relevant transfer.

In accordance with the general principles of the Law and the data processing conditions in Articles 8 and 9, the Foundation can transfer data to the parties categorized in the table below:

CATEGORIES OF DATA SHARING PARTIES	SCOPE	PURPOSE OF TRANSFERRING (e.g.)
<b>Business Partner</b>	<p>Parties with which İKSV develop a business partnership to carry out its business activities. The business partners to whom personal data are transferred are listed below with the purposes of the transfer.</p> <ul style="list-style-type: none"> <li>• In order to carry out the transactions related to events and organizations, Passo</li> <li>• Banks with business partnerships in order to carry out financial business processes</li> <li>• Audit firms that are being worked with for the purpose of carrying out audit activities</li> <li>• Law firms that are working for the purpose of obtaining legal consultancy</li> <li>• Business partnerships within the scope of projects to be carried out abroad</li> </ul>	<p>Sharing of personal data limited to fulfilling the purposes for the establishment of the business partnership in question</p>

<b>Supplier</b>	Parties that render their services as instructed by Foundation and in compliance with their contracts with Foundation aimed at maintaining Foundations activities	
<b>Eczacıbaşı Holding</b>	Eczacıbaşı Holding A.Ş.	Sharing of personal data limited to ensuring the execution of strategic planning, human resources, commercial and audit activities.
<b>Legally Authorized Public Body</b>	Public bodies and institutions legally authorized to receive information and documents from Foundation	Sharing of personal data limited to the purpose of meeting the information requests by relevant public bodies and institutions
<b>Legally Authorized Private Body</b>	Private bodies legally authorized to receive information and documents from Foundation	Sharing of personal data limited to the purpose of meeting the information request sent by private bodies within the scope of their legal authority

## 5. INFORMING THE DATA SUBJECTS AND THEIR RIGHTS

In compliance with the Article 10 of the Law, data subjects shall be notified about the processing of their personal data prior to or during the course of such processing at the very latest. In accordance with the relevant article, a necessary in-house structure has been put in place by Foundation to be able to notify data subjects in every case data would be processed by the data controller, that is Foundation. In this context;

- For the purpose of processing personal data, please review section 2.2 of the Policy.
- For the parties to whom the personal data are transferred and for the purpose of transfer, please review to Section 4 of the Policy.
- To review the conditions regarding the processing of your personal data, which may be collected through different channels in physical or electronic environments, please review 3.2 and 3.3 of the Policy.

As data subjects, you have the following rights as per Article 11 of the Law:

- To learn whether your personal data are processed or not,
- In case your personal data are processed, to request information,
- To learn the purpose of processing your data and whether they are used for the intended purposes or not,
- To learn the third parties at home or abroad to whom your personal data are transferred,
- If your personal data are processed incompletely or inaccurately, to request correction, and, accordingly, to request that third parties to whom your personal data were transferred be notified of such action,
- Even if your personal data are processed in compliance with the Law numbered 6698 and other applicable provisions, if the reasons requiring data processing are no longer valid, to request erasure or destruction of your personal data, and, accordingly, to request that the third parties to whom your personal data were transferred be notified of such action,
- To raise objections against the analyzing of your processed data exclusively by automatic means if it leads to an unfavorable consequence for you, and
- To request compensation for the damage arising from the unlawful processing of your personal data.

As the data subject, you may deliver your claims regarding the abovementioned rights of yours to the Foundation by filling in the Data Subject Application Form, which you can find in [<http://www.iksv.org/i/assets/iksv/documents/veri-sahibi-basvuru-formu.pdf>]. Your request will be addressed as soon as possible or, at the latest, within 30 (thirty) days, depending on the nature of the claim; however, in case this transaction brings an extra cost, a compensation will be requested from you as per the rates determined by the Personal Data Protection Board.

Foundation firstly determines whether the applicant is the real beneficiary during the evaluation of the applications. However, Foundation may request detailed and additional information in order to better understand the request when it deems necessary.

Foundation provides replies to data subjects in writing or through electronic messages. In the event that such a claim may be denied, the data subject will be given information regarding the reasons for denying.

In case the personal data is not obtained directly from the data owner, the activities shall be carried out to clarify the data subjects by the Foundation (i) within a reasonable time from the acquisition of the personal data, (ii) during the first communication in case the personal data will be used for communication with the data subject, and (iii) at the latest when the personal data is transferred for the first time in the case of the personal data to be transferred.

## **6. ERASURE, DESTRUCTION OR ANONYMIZATION OF PERSONAL DATA**

Personal data shall be erased, destructed or anonymized in accordance with the guides published by the Personal Data Protection Authority subject to the periodic destruction periods and the application of the data subject; in the event that the reasons requiring the processing of personal data removed, in cases where a longer storage period is not determined by the Foundation in accordance with the laws and the sector practices regarding the storage of personal data, upon the request of the data subject or ex officio (by own initiative).

Personal data processed by the Foundation are handled on a categorical basis, and maximum data storage periods have been determined for each personal data category in line with the data processing process it is related to. Detailed information on how the storage and destruction process will be carried out, including the aforementioned maximum periods, is set forth in the Personal Data Storage and Destruction Policy issued by the Foundation.