

# Records Retention: Turkey

by Gönenç Gürkaynak, Ceren Yildiz, Burak Yeşilaltay, and Ezgi Pamukçu, ELIG Gürkaynak Attorneys-at-Law, with Practical Law Data Privacy Advisor

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This Q&A guide provides a high-level overview of key records retention requirements relating to personal data in Turkey. It addresses governing laws, authority guidance, and sector-specific requirements. This Q&A does not address every records retention obligation under Turkish laws.

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## Data Protection Law and Authority Guidance

1. Does the data protection law address retention of records that contain personal data? If so, what does the law require?

The following Turkish data protection laws address retention of records that contain [personal data](#):

- [Personal Data Protection Law No. 6698](#) (PDPL), which prohibits [controllers](#) from retaining personal data for longer than legally permitted by applicable law or for longer than the purposes for which the controller processes the personal data (Article 4(2)(d), PDPL). Controllers must:
  - erase, destroy, or anonymize personal data when it is no longer necessary for processing (Article 7(1), PDPL); and
  - take all necessary technical and administrative measures to provide a sufficient level of security for retained personal data (Article 12(1)(c), PDPL).
- The Turkish Data Protection Authority's [Regulation on Erasure, Destruction, or Anonymization of Personal Data](#) (in Turkish), which set outs procedures and principles for erasing, destroying, and anonymizing personal data (Personal Data Regulation). The Personal Data Regulation requires registered controllers to:
  - maintain a data retention and destruction policy setting out minimum specified information (Articles 5 and 6, Personal Data Regulation); and

- delete, destroy, or anonymize personal data that is no longer necessary for processing on the next available destruction period as set by the data retention and destruction policy, which cannot exceed six months in any case (Article 11(2), Personal Data Regulation).

Controllers that are not required to maintain a data retention and destruction policy must delete, destroy, or anonymize personal data that is no longer necessary for processing within three months (Article 11(3), Personal Data Regulation).

Turkey also signed and ratified the [Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data](#) (ETS No. 108) (Convention 108) on January 28, 1981 and May 2, 2016 respectively. Convention 108 was effective September 1, 2016. Article 5(4)(b) of Convention 108 addresses time limits for the storage of personal data.

2. Does the data protection law require disclosure of the records retention periods or any other information related to records retention in a privacy notice directed to data subjects?

[Personal Data Protection Law No. 6698](#) (PDPL) requires controllers to register with the Personal Data Protection Authority's Registry of Data Controllers before processing personal data (Article 16, PDPL). Controllers submit registrations through an online system called the Data Controllers Registry Information System (VERBIS), which is publicly available. Among other things, controllers must disclose maximum personal data retention periods in their registries. For more on notification requirements, see [Country Q&A, Data Protection in Turkey: Overview: Question 7](#).

The PDPL's privacy notice requirements do not specifically include disclosure of the records retention period (Article 10, PDPL).

3. Has the data protection authority issued any binding or non-binding guidance on personal data retention?

The [Personal Data Protection Authority](#) has issued:

- The [Regulation on Erasure, Destruction, or Anonymization of Personal Data](#) (in Turkish), which set outs procedures and principles for erasing, destroying, and anonymizing personal data (see [Question 1](#)).

- A [template](#) personal data inventory and [template](#) retention policy (both in Turkish) that controllers can use to prepare their own.

4. What key laws (other than the data protection law) regulate retention of employee personnel records or records containing employee personal data? Under each law:

- What records are subject to regulation?
- What is the required retention period?

The following Turkish laws regulate retention of employee personnel records or records containing employee personal data:

- [Social Security and General Health Insurance Law No. 5510](#) (Social Security Law), which requires employers to retain information in employee personnel files for ten years after the employee departs (Article 86, Social Security Law).
- [Labor Law No. 4857](#) (Labor Law), which requires employers to:
  - keep employee personnel files as required under the Social Security Law and produce them on request to authorized authorities; and
  - refrain from disclosing information that employees have a justifiable interest in keeping secret.

(Article 75, Labor Law.)

- The [Occupational Health and Safety Regulation](#) (in Turkish), which requires employers to keep:
  - work accident and occupational disease records for an unspecified period (Article 13(e), Occupational Health and Safety Regulation); and
  - health-related employee files for 15 years (Article 7(1)(b), Occupational Health and Safety Regulation).

5. What key laws (other than the data protection law) regulate retention of customer records or records containing customer personal data? Under each law:

- What records are subject to regulation?
- What is the required retention period?

The following Turkish laws regulate retention of customer records or records containing customer personal data:

- The [Regulation on Distance Contracts](#) (in Turkish) (Distance Contract Regulation), which requires sellers, providers, and intermediary service providers to retain transaction-related information documents for distance contracts for three years after the transaction (Article 20(1), (2), Distance Contract Regulation).
- The [Regulation on Commercial Communications and Commercial Electronic Communications](#) (in Turkish) (Commercial Communications Regulation), which requires service providers and intermediary service providers to retain:
  - consents they obtain to send recipients electronic commercial communications for three years after the consents expire; and
  - other records related to electronic commercial communications for three years after they create them.

(Article 13(2), Commercial Communications Regulation.)

Turkish sectoral laws may also impose additional records retention requirements. Those laws are outside the scope of this Q&A.

## Retention of Personal Data Under Corporate Law

6. What key corporate laws regulate retention of records containing personal data? Under each law:

- What records are subject to regulation?
- What is the required retention period?

[Turkish Commercial Code No. 6102](#) (in Turkish) (Commercial Code) requires natural and legal persons engaging in commercial activity (merchants) to retain sent and received commercial letters, commercial books, accounting reports, opening and interim balance sheets, inventories, annual activity reports, community financial statements, organizational documents, and any other related documents for ten years (Article 82(1), (5), Commercial Code).

## Retention of Financial Information

7. What key laws (other than the data protection law) regulate retention of personal financial information? Under each law:

- What records are subject to regulation?
- What is the required retention period?

The following Turkish laws regulate retention of personal financial information:

- The [Regulation on Procedures and Principles Regarding Accounting Practices of Banks and Retention of Documents](#) (in Turkish) (Bank Regulation), which requires banks to retain documents related to their activities, including letters, telegraphs, emails, contracts, notices, and other communications they receive from customers and private or public institutions and organizations, for ten years (Article 17, Bank Regulation).
- The [Law on Payment and Securities Settlement Systems, Payment Services, and Electronic Money Institutions](#) (Payment Institutions Law), which requires payment institutions, e-money institutions, and operators of payment systems or securities settlement systems to retain all legally required documents and records for at least ten years (Article 23, Payment Institutions Law).
- The [Tax Procedure Law No. 213](#) (in Turkish) (Tax Procedure Law), which requires applicable taxpayers to retain tax books and related records for five years after the ensuing calendar year (Article 256, Tax Procedure Law).

## Retention of Personal Data Under Healthcare Law

8. What key healthcare laws regulate retention of records containing personal health data? Under each law:

- What records are subject to regulation?
- What is the required retention period?

Turkey's general data protection laws apply to the retention of health data (see [Question 1](#)).

The following other Turkish laws regulate retention of records containing personal health data:

- The Ministry of Health's [Regulation on Personal Health Data](#) (in Turkish) (Health Data Regulation), which requires health service providers to retain deceased persons' health data for at least 20 years (Article 11(2), Health Data Regulation).
- The [Regulation on Genetic Disease Assessment Centers](#) (in Turkish) (Genetics Regulation), which requires genetic assessment centers to retain:
  - patients' informed consent forms and genetic counseling informative report samples they take before a genetic study for at least ten years;
  - reports and records for at least 30 years;
  - electronic records indefinitely with backup; and
  - samples and slides for at least two years.

(Article 24, Genetics Regulation.)

- The [Regulation on Health and Safety Measures in Working with Carcinogenic and Mutagenic Substances](#) (in Turkish) (Hazardous Exposure Regulation), which requires employers to retain specified employee health information on carcinogenic and mutagenic substance exposure for 40 years after the exposure (Articles 14, 16, and 17(1), Hazardous Exposure Regulation).

## Retention of Personal Data Under Insurance Law

9. What key insurance laws regulate retention of records containing personal data? Under each law:
- What records are subject to regulation?
  - What is the required retention period?

[Social Insurance and Universal Health Insurance Law No. 5510](#) (Insurance Law) requires:

- Private employers and workplace owners to retain insurance-related books, records, and documents for ten years after the beginning of the year after they create them.
- Public administrations to retain insurance-related books, records, and documents for 30 years.
- Liquidation and bankruptcy administration officers to retain insurance-related books, records, and documents during their term office from the beginning of the relevant year.

(Article 86, Insurance Law.)

## Other Applicable Laws

10. What other key laws not specified above regulate retention of records containing personal data? Under each law:

- What records are subject to regulation?
- What is the required retention period?

The following other key Turkish laws regulate retention of records containing personal data:

- The [Turkish Criminal Code No. 5237](#) (in Turkish) (Criminal Code), which imposes a one- to two-year prison sentence for failing to erase personal data after the legal retention period expires (Article 138, Criminal Code).
- [Criminal Records Law No. 5352](#) (in Turkish) (Criminal Records Law), which requires the Ministry of Justice, which is responsible for the criminal registry, to delete:
  - current criminal records when the individual completes the imposed penalty, security measure, or sentence, a complaint is withdrawn, or the court grants a general pardon;
  - current and archived criminal records on the relevant person's death, when the underlying act is no longer a crime, on acquittal or decision for non-punishment resulting from reversal of the decision, or when safety measures rendered because of mental illness are complete;
  - archived criminal records where the court grants an individual restitution for restriction of their rights after 15 years;
  - archived criminal records where the court does not grant an individual restitution for restriction of their rights after 30 years; and
  - all other archived criminal records after five years.

(Articles 9(2) and 12, Criminal Records Law.)

- The [Regulation on Service Providers and Intermediary Service Providers in E-Commerce](#) (in Turkish) (E-Commerce Regulation), which requires service providers and intermediary service providers to retain electronic records related to e-commerce transactions for three years after the transaction (Article 11(2), E-Commerce Regulation).
- [Law on the Regulation of Broadcasts on the Internet and Prevention of Crimes Committed Through These Broadcasts No. 5651](#) (in Turkish) (Broadcast Law), which requires:
  - hosting providers to retain traffic information for provided services for between one and two years (Article 5(3), Broadcast Law); and
  - access providers to retain specified traffic information for provided services for between six months and two years (Article 6(1)(b), Broadcast Law).
- [Electronic Communications Law No. 5809](#) (in Turkish) (E-Comm Law), which requires operators to retain:
  - personal data for an ongoing investigation, inspection, or dispute until they complete the process; and
  - transaction records regarding access to personal data or other related systems for no more than two years.

(Article 51, E-Comm Law.)

- The [Regulation on Processing and Protection of the Privacy of Personal Data in the Electronic Communication Sector](#) (in Turkish) (Data Privacy Regulation), which requires operators to retain:
  - personal data for an ongoing investigation, examination, audit, or dispute until they complete the process;
  - specified subscriber and service data for one year after the relevant communication; and
  - transaction records regarding access to personal data or other related systems for no more than four years.

(Article 14, Data Privacy Regulation.)

## Key Exceptions

11. Are there any key exceptions to the required retention periods provided above (for example, exceptions that permit a longer retention period when necessary to establish, exercise, or defend legal claims)?

Personal Data Protection Law No. 6698 (PDPL) specifies circumstances where controllers may retain personal data longer than required by law. For more on these circumstances, see [Country Q&A, Data Protection in Turkey: Overview: Question 6](#) and [Question 10](#).

Companies also may retain personal data longer than the specified period for litigation holds if needed as evidence in a civil, administrative, or criminal court proceeding. Companies needing to retain personal data for civil, administrative, or criminal court proceedings should review any relevant exceptions permitting longer retention periods and assess on an individual basis if they need specific personal data for evidentiary purposes.

Companies may generally lawfully retain the data in question for:

- The minimum statutory retention period.
- A longer period for another lawful purpose.

This Q&A discusses specific statutory exceptions throughout where relevant.

#### **Contributor Profiles**

**Gönenç Gürkaynak, Ceren Yıldız, Burak Yeşilaltay, and Ezgi Pamukçu**

**ELIG Gürkaynak Attorneys-at-Law**

T +9021123271724

E [gonenc.gurkaynak@elig.com](mailto:gonenc.gurkaynak@elig.com)

W [www.elig.com](http://www.elig.com)

**Areas of practice.** Competition law; data protection and privacy law; general corporate law and contracts; internet law; litigation; technology, media, and telecoms law; white collar irregularities.

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