

## GÜVEN EDUCATION AND HEALTH FOUNDATION

### PROCEDURE OF PROCESSING SENSITIVE PERSONAL DATA

This Procedure of Processing Sensitive Personal Data is issued by Güven Education and Health Foundation ("Foundation"), acting in the capacity of the Data Controller, pursuant to the Personal Data Protection Law (Law No. 6698) ("Law") to determine and define the conditions for processing the sensitive personal data collected from natural persons to determine the measures to be taken within the scope of sensitive personal data and to determine the responsibilities for processing and protecting the sensitive personal data.

#### I. Definitions

<b>"Explicit Consent"</b>	It implies the consent on a specific matter based on information and free will.
<b>"Employee"</b>	It implies a natural person who has an employee-employer like relationship with the Foundation based on an employment contract or an agency contract.
<b>"Law"</b>	It implies the Personal Data Protection Law (Law No: 6698)
<b>"Personal Data"</b>	It implies any and all data that is related to an identified or identifiable natural person.
<b>"Personal Data Processing Inventory"</b>	It implies the inventory that data controllers create by associating the Personal Data processing activities they carry out depending on their business processes with the purposes and legal basis of Personal Data processing, the data category, recipient group and data owner group, and by detailing the maximum retention period required according to the purposes for which the personal data are processed, personal data foreseen to be transferred to foreign countries and the measures taken in terms of data security.
<b>"Processing the Personal Data"</b>	It implies any kind of activity for gathering, recording, storing, preserving, changing, re-organizing, sharing, transferring, taking over personal data, making derivable personal data and preventing classification or use of personal data that are processed completely or partially by automated means as well as for non-automated processing as a part of recording system.
<b>"Committee"</b>	It implies the Personal Data Protection Committee.
<b>"Institution"</b>	It implies the Personal Data Protection Institution.
<b>"Sensitive Personal Data"</b>	It implies information about race, ethnic origin, political opinion, idea of life, religion, and sect or other beliefs, appearance, association, foundation or union membership, health status, sexual life, criminal conviction, cautionary attachment and biometric and genetic data.
<b>"Procedure"</b>	It implies this Procedure and all of other policies that can be adopted in the future.

<b>“Data Processor”</b>	It implies a natural or legal person who processes the personal data on behalf of the data controller based on the authorization granted by the data controller.
<b>“Data Owner” or “Concerning Person”</b>	It implies the natural person whose data is processed.
<b>“Data Controller”</b>	It implies a natural or legal person who determines the purpose of personal data processing and means of data processing and is responsible for installing and managing a data recording system.

## II. Scope and Aim

The Foundation, acting in the capacity of the Data Controller, has issued this Procedure pursuant to the Law, Committee decisions and provisions of other legislation. This Procedure has been created to clarify issues about conditions of processing data, measures to be taken while data is processed and distribution of responsibilities in the Foundation for the Sensitive Personal Data processed by the Foundation.

## III. Conditions for Processing Sensitive Personal Data

- It is prohibited to process the Sensitive Personal Data. However, such data can be processed if;
  - b) There is explicit consent of concerning person,
  - b) It is clearly specified in laws,
  - c) It is required to ensure survival and integrity of body in a patient or any other person who is physically incapable to declare consent or does not have a legal basis for the consent,
  - ç) It is related with the personal data publicized by concerning person and it is appropriate in terms of publicization will,
  - d) It is required to establish, use or protect a right,
  - e) It is necessary for persons or authorized bodies under the confidentiality obligation to protect public health, carry out preventive medicine, medical diagnosis, treatment and care services, and to plan, manage and finance healthcare services
  - f) It is mandatory to fulfill legal obligations in employment, occupational health and safety, social security, social services and social welfare,
  - g) Current or former members of foundations, associations and other non-profit organizations or formations established for political, philosophical, religious or trade union purposes, or persons who are in regular contact with these organizations and associations, provided that they comply with the legislation to which they are subject to and their purposes, are limited to their fields of activity and are not disclosed to third parties,
- Adequate measures determined by the Committee must also be taken to process the sensitive personal data.
- When the sensitive personal data is processed, adequate measures determined in accordance with the Board's Decision No. 2018/10 dated 31/01/2018 on “Adequate Measures to be Taken by Data Controllers to Process Sensitive Personal Data” and technical and administrative measures to ensure the appropriate level of security specified in the “Personal Data Security Guide” published on the website of the Authority are also taken into consideration.

- - If it is not clear whether a data is a Sensitive Personal Data or not, the relevant department requests opinion of the law unit/legal advisor.

#### IV. **Measures that should be taken for Sensitive Personal Data**

The Foundation, acting in capacity of Data Controller, takes following measures in this Procedure to process Sensitive Personal Data in line with the Committee's decision No. 2018/10 dated 31.01.2018 by establishing a manageable and sustainable system that is subject to clearly determined rules.

##### 1. **Measures to be Taken for Employees who play a role in processing the Sensitive Personal Data**

- - Employees are trained on the Law and relevant regulations as well as the security of Sensitive Personal Data in accordance with the provisions of the Foundation Training Procedure.
- All employees sign a confidentiality/non-disclosure contract.
- Authorizations and access to the software used in the foundation are determined by the center, and managers can view the authorizations of employees.
- Authorizations are immediately cancelled for Employees when they are assigned to another duty or when they leave the job. - The Personal Data Processing Inventory allocated to the Employee by the Data Controller is withdrawn.

##### 2. **Measures to be Taken According to the Location where Sensitive Personal Data is processed**

###### i) **If Sensitive Personal Data is processed, stored and/or accessed in digital environment:**

- All activities that are carried out on the data are securely logged as activity log.
- Security is updates of the environments where the data are stored are continuously monitored; the necessary security tests are regularly performed and/or outsourced and the processes are carried out to record the test results.
- If the data is accessed through software, the users who will access this software are identified and user authorizations are made.
- Data is stored using cryptographic methods; cryptographic keys are kept in secure and discrete environments.

###### ii) **If Sensitive Personal Data is processed, stored and/or accessed in physical environment:**

- - It is ensured that adequate security measures (against electric leakage, fire, flood, theft, etc.) are taken according to characteristics of the environment where Sensitive Personal Data is stored.
- - Unauthorized access and exit are prevented by ensuring the physical security of these environments.

##### 3. **Measures that should be taken for Transfer of Sensitive Personal Data**

- If the data is transferred between servers in different physical environments, data transfer is performed by setting up a VPN between servers or using sFTP method.
- If the data must be transferred in printed format, necessary precautions are taken against risks such as theft, loss or unauthorized review of the document; and the document is sent in the form of "classified documents"

The measures taken for Sensitive Personal Data will be audited in accordance with the Foundation's Audit Procedure, and training will be provided to the employees in accordance with the Foundation's Training Procedure, and local and international transfer of these data will be carried out in accordance with the Foundation's Data Sharing Policy. Applications/complaints of the Data Owners about Sensitive Personal Data will also be carried out in accordance with the Foundation's Procedure for Receiving, Reviewing and Responding to Data Owner Applications.

#### **V. Responsibility**

In addition to the regulations in this Procedure, the Employee who is the Foundation official is obliged to act in accordance with the Law, provisions of the relevant legislation and the decisions of the Board, particularly including the Personal Data Security Guide published by the Committee about the security of Sensitive Personal Data, and the Foundation will take action in accordance with the provisions of the employment contracts signed between the Foundation and the relevant persons about the Employee, who is Foundation official, who does not fulfill the obligations in this context. In addition, the recourse mechanism will be executed against 3<sup>rd</sup> parties, who process data on behalf of the Foundation in accordance with the relevant contracts signed with the Foundation and/or the commitment letter on protection of the personal data, due to said violation/breach.

#### **VI. Validity**

The effective date of this Procedure is 01/06/2024 and if additional measures are introduced by the Law, relevant legislation and/or the Committee at any time following the effective date of this Procedure, the necessary arrangements will be made by the Foundation to comply with these measures and the Procedure will be updated by revising all or certain articles of this Procedure.