

## **ISTANBUL KERVANSARAY HOTEL AND TOURISM INC.**

### **CLARIFICATION TEXT ON PROCESSING AND PROTECTION OF PERSONAL DATA**

This Clarification text is written by ISTANBUL KERVANSARAY HOTEL AND TOURISM INC. ("KERVANSARAY HOTEL"), which acts as data responsible, in accordance with Personal Data Protection Law ("Law") numbered 6698 to make an explanation and to inform about processing data of hotel customers, hotel employees, business partners, potential business partners that belong to KERVANSARAY HOTEL and third parties in relation to KERVANSARAY HOTEL. For detailed information about the processing of your personal data that you share with KERVANSARAY HOTEL, you can access Kervansaray Hotel Personal Data Processing and Protection Policy (KVK Policy) at [www.hotelgoldenpark.net](http://www.hotelgoldenpark.net).

#### **What are personal data**

In the context of KVKK (Law on Protection Of Personal Data), personal data is defined as any information that makes a real person specific or identifiable. Your personal data that may be processed by KERVANSARAY HOTEL, responsible for the data, including but not limited to:

- Name and Surname
- E-mail Address
- Turkish Identity or Passport Number
- Phone and Fax Number
- Date of Birth and Gender Information
- Camera and Audio Recordings
- Your Check-in Check-out Time
- Your Vehicle Information
- Your photos
- Your Bank Account Number and Billing Information

#### **Purposes of Processing and Transferring of Personal Data**

Personal Data are processed, in accordance with the law and the aim of the law, with the purposes as mentioned below, but not limited to;

- Correct planning, execution and management of human resources policies, business partnerships, management and communication activities and strategies
- To have the personal data holders benefit most from the products and services and to offer these services and products according to their demands, needs and desires
- Performing risk management and quality improvement activities
- Invoicing for our services

- Confirming your identity
- Monitoring and preventing unauthorized and unlawful transactions
- Satisfaction analysis
- Ensuring the highest level of data security
- Development of the services offered on the Internet site and elimination of errors on the site
- Contacting the Personal Data Owners who have forwarded their requests and complaints to KERVANSARAY HOTEL
- Giving information to the competent authorities from the legislation
- To ensure general security and to take the necessary measures at KERVANSARAY HOTEL and hotels those belong to KERVANSARAY HOTEL, to create and to monitor visitor registration.

Your direct consent is obtained by KERVANSARAY HOTEL regarding data processing course if the processing activity carried out for the mentioned purposes does not meet any of the conditions stipulated in the Law.

#### **Method of Personal Data Collection and Legal Reason**

Your personal data are collected via channels such as e-mail, related web sites and mobile applications by KERVANSARAY HOTEL, from automatic data processing devices used in public areas such as entrances and exits, car park and elevator within KERVANSARAY HOTEL and within hotels of KERVANSARAY HOTEL and from social media accounts that you allow KERVANSARAY HOTEL to access.

Your personal data may also be processed and shared under the terms and purposes of the personal data processing specified in Articles 5 and 6 of the Law.

#### **What are the Requirements for Personal Data Processing?**

The processing of personal data is possible if at least one of the cases listed in Article 5 of the Law is found. According to this;

- Existence of the express consent of the person concerned,
- Explicitly stipulated in the law,
- It is compulsory for the protection of the life or body integrity of the person who is unable to explain his or her consent due to the impossibility or whose consent is not legally granted,
- The processing of personal data of the parties to the contract is necessary provided that it is directly related to the establishment or execution of a contract,
- It is obligatory for the data officer to fulfill his legal obligation,
- Having been publicized by the person concerned,

- Data processing is mandatory for the establishment, use or protection of a right,
- Personal data may be processed if it is compulsory to process data for the legitimate interests of the data officer, provided that they do not harm the fundamental rights and freedoms of the person concerned.

The conditions for the processing of personal data, that is their compliance with the law, are specified in the Law in a limited number and these terms cannot be extended. If personal data processing is based on one of the provisions of the Law other than the express consent, then there is no need to obtain express consent from the person concerned. While it is possible to carry out data processing on a basis other than explicit consent, it will be deceptive and abuse of right if it is based on explicit consent. As a matter of fact, if the explicit consent given by the person concerned is revoked, KERVANSARAY HOTEL's operation on the basis of one of the other personal data processing conditions shall mean that the transaction is contrary to law and honesty rules.

In this context, it should be evaluated whether the purpose of personal data processing activity performed by KERVANSARAY HOTEL, who is responsible for data, is based on one of the processing conditions other than explicit consent, if this purpose does not meet at least one of the conditions other than the explicit consent stated in the Law, then open Consent must be obtained from the concerned person in order to continue the activity of processing.

### **Consent in the Processing of Personal Data**

In order for your personal data to be processed by KERVANSARAY HOTEL in accordance with the provisions of Law No. 6698 on the Protection of Personal Data, the EXPLICIT CONSENT of the data owner is required.

Explicit consent within the framework of the law means that the person gives consent to the processing of his/her data, either at his own request or on the request of the other party. Another importance of explicit consent is that it guides the data processor about the activity it will perform. In fact, the person expresses his/her decision regarding his/her legal value with the explicit consent statement.

The express consent shall enable the person to determine the limits, scope, manner and duration of the data that he or she allows to process. In this sense, express consent must include a declaration of positive will of the consenting person. Written explicit consent is not required without prejudice to other legislation. Open consent can be obtained through electronic media and call centre and so on. The burden of proof rests with the data officer. Within the definition of open consent given in article 3 of the Law, open consent has 3 elements:

#### **1) To be related to a specific subject**

Open express consent, which is not limited to a specific subject and is not limited to the relevant transaction, is deemed to be invalid by law. In order to be valid, consent must be related to a

specific issue. This means that an open-ended consent in the form of “I accept the processing of my data” will not be accepted alone as open consent in the context of the Law.

Consent should also be given in terms of different points of processing, in particular which data will be processed for what purposes. What is important here is the mutual reasonable expectations of the parties. As can be understood, consent is related to a specific issue and depends on the nature of the information.

As a rule, it is sufficient for the data officer to obtain the express consent of the person concerned, provided that the person concerned is likely to foresee for the different transactions to be performed. However, if the data officer subsequently wishes to process this data for different purposes (such as transfer to third parties), further consent will be required. The same applies if the purpose of processing the data changes.

## **2) Consent Being Based on Informing**

Prior to the granting of the consent, the person concerned must be informed in a clear and understandable manner in all matters relating to processing. There are two main elements to inform the person concerned:

- **Understandability:** It is vital that information is carried out in a language that an average individual can understand. It should be noted that the limit of understandability will vary depending on the concrete situation and the target audience. In this context, it may be necessary to use simple language, to avoid professional or technical jargon and to use terms such as explaining if necessary.
- **Accessibility:** Information should be provided directly to the person concerned; to be accessible in some places is not enough. It is also important that the information is clearly visible (the font and size are effective in this).

## **3) Free Will**

Consent is valid only if the person concerned can make a real choice. Deception, intimidation, exposure to pressure, or the absence of consent will result in significant negative consequences that will not be based on free will.

## **Rights of the Personal Data Owner in accordance with the KVK Law**

As KERVANSARAY HOTEL, we inform our hotel customers, employees and business partners, whose personal data we process, on your rights arising from the Law in accordance with Article 11 of the KVKK, provide guidance on how to use these rights and perform all necessary internal procedures, administrative and technical regulations.

Data holders whose personal data are processed have below rights against KERVANSARAY HOTEL in accordance with article 11 of KVKK;

- ❖ To learn whether personal data is processed or not,

- ❖ To demand information if personal data has been processed,
- ❖ To learn the purpose of processing personal data and whether they are used in accordance with their purpose,
- ❖ To know the third parties to whom personal data is transferred at home or abroad,
- ❖ To request correction of personal data in case of incomplete or incorrect processing,
- ❖ To request deletion or destruction of personal data within the principles laid down in KVKK,
- ❖ To request to notify third parties in case the data have been incorrectly transferred, deleted or destroyed
- ❖ To object to a conclusion against her/himself by analysing the processed data exclusively through automated systems,
- ❖ To demand damages in case of damage due to unlawful processing of personal data,

Personal Data Holders may submit their claims regarding their rights to KERVANSARAY HOTEL with the information and documents from which they can be identified together with the methods shown in the “Application Form for Data Officer” within the scope of KVKK” at [www.hotelgoldenpark.net](http://www.hotelgoldenpark.net).

*In order for third parties to request an application on behalf of personal data owners, a special power of attorney issued by a notary public on behalf of the person applying for the data owner must be present.*