



PERMANENT MISSION OF TURKEY  
TO THE UNITED NATIONS  
GENEVA

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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Latter's note dated 16 January 2015, has to honour to transmit the informative note regarding measures taken by the Turkish Government in the context of the relationship between freedom of expression and the right to privacy in the digital domain.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 30 March 2015



Encl: As stated

Office of the High Commissioner for Human Rights  
Palais Wilson  
Geneva

**OHCHR REGISTRY**

**01 APR 2015**

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## **The Relationship between Freedom of Expression and the Right to Privacy in the Digital Domain**

### **From the Ministry of Transport, Maritime Affairs and Communications:**

In Turkey, notwithstanding the fact that there exists no legal framework specifically regulating the protection of personal data, the Constitution and several other laws (the Law on Electronic Communications, the Law on the Regulation of Publications Made Through the Internet and Combating Crimes Committed Through These Publications, the Civil Code, the Penal Code, and the Code of Obligations) contain provisions to safeguard the protection of personal data.

Moreover, as to “the ability of individuals and organizations to employ encryption tools in order to secure their transactions and communications online”, Article 39 of the Law on Electronic Communications (no. 5809), titled “encoded and encrypted communications” provides that “the following institutions are authorized to conduct encrypted communications on wireless communication systems: Turkish Armed Forces, the General Command of the Gendarmerie, the Coast Guard Command, the National Intelligence Organization, the general Directorate of Security and the Ministry of Foreign Affairs. The procedure and principles relating to how other institutions and organizations and real and legal persons may carry out encoded and encrypted communications through electronic communication means shall be determined by the Institution”.

Moreover, the production of encoded and encrypted communication systems within the framework of electronic communication services by public institutions and organizations, real and legal persons, application procedures, evaluation, authorization procedure, security and protection measures, supervision, the procedure and principles to be followed in the storage of sanctions and logs and relevant actions are carried out pursuant to the “Regulation on the Procedure and Principles Relating to Encoded and Encrypted Communications within the Electronic Communication Services by Public Institutions and Organizations, Real and Legal Persons”, which has been drafted by the Information and Communication Technologies Authority based on the powers stemming from the law cited above and put in force on 23 October 2010.

### **From the Banking Regulation and Supervision Agency:**

As to secure environments such as Internet banking and ATMs, there are no legal provisions which deny or restrict access to encryption technologies which allow anonymous online communications.