

**Question for written answer E-003747/2016
to the Commission**
Rule 130
Ernest Maragall (Verts/ALE)

Subject: Data protection in Turkey

While the EU is reforming its data protection legislation, Turkey is developing its own. Taking into account the Customs Union and visa liberalisation process with Turkey and the human rights dimension of the issue, it is very important for the Commission to follow this process closely.

1. Is the Commission aware that 'open consent' for retaining and sharing private data is not clearly defined in the Turkish draft law, although it is clearly defined in EU legislation?
2. The Turkish draft law states that private data can be retained under 'exceptional' circumstances without the consent of the owners, one such circumstance being when this is 'stated openly in the law'. Is the Commission aware that, under these arrangements, the National Intelligence Agency is allowed by law to use the private data of citizens and that, moreover, security institutions can also legitimately process this private data?
3. The establishment of an 'independent organisation' to retain and protect personal data is foreseen, as also suggested in the Progress Report. Is the Commission aware that the independence of this institution is not in line with EU norms, as its budget will come from the Ministry of Justice and four out of its seven members will be appointed by the Cabinet?