

Project Title	Support to Better Introduction of the Data Protection System in Turkey
Cris Decision number	2011/022-985
Project no.	TR2011/0123.13
MIPD Sector Code	2. Justice, Home Affairs and Fundamental Rights
ELARG Statistical code	23
DAC Sector code	15130
Total cost (VAT excluded) <sup>1</sup>	EUR 2 134 550
EU contribution	EUR 2 000 000
EU Delegation in charge/Responsible Unit	EU Delegation in Ankara
Management mode	<p>Decentralised:</p> <p>The CFCU will be Implementing Agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities. The director of the CFCU will act as Programme Authorizing Officer (PAO) of the project.</p> <p>Mr. Muhsin ALTUN (PAO-CFCU Director)  Central Finance and Contracts Unit  Tel: +90 312 295 49 00  Fax: +90 312 286 70 72  E-mail: <a href="mailto:pao@cfcu.gov.tr">pao@cfcu.gov.tr</a>  Address: Eskişehir Yolu 4.Km. 2.cad. (Halkbank Kampüsü)  No:63 C-Blok 06580 Söğütözü/Ankara TURKEY</p>
Implementing modality	Project
Project implementation type	Grant
Zone Benefiting from the action	Turkey

<sup>1</sup> The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

## 1. Basic information

- 1.1 CRIS Number: TR2011/0123.13
- 1.2 Title: Support to Better Introduction of the Data Protection System in Turkey.
- 1.3 Sector: Justice, Home Affairs and Fundamental Rights
- 1.4 Location: Turkey

### **Implementing arrangements:**

#### 1.5 Implementing Agency:

The Central Finance and Contracts Unit (CFCU) will be Implementing Agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities. The director of the CFCU will act as Programme Authorizing Officer (PAO) of the project. The contact details of CFCU Director are given below:

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#### 1.6 Beneficiary (including details of SPO):

Turkish Data Protection Supervisory Authority

**(Has yet to be established by Draft Law on Data Protection)**

### **SPO:**

Mustafa Elçim

Judge

Deputy Undersecretary of Ministry of Justice

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### **Co-Beneficiary: Ministry of Justice DG for Legislation**

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### **Financing:**

- 1.7 Overall cost <sup>2</sup>: 2 134 550 EUR
- 1.8 EU contribution 2 000 000 EUR
- 1.9 Final date for contracting: 2 years after the signature of financing agreement
- 1.10 Final date for execution of contracts: 2 years following the end date for contracting
- 1.11 Final date for disbursements: 1 year after the end date for the execution of contracts.

## 2. Overall Objective and Project Purpose

### 2.1 Overall Objective:

Support to establish a complete and well functioning data protection system in Turkey to meet the need of society

### 2.2 Project purpose:

To align data protection system of Turkey with the EU acquis and best European practices.

### 2.3 Link with AP/NPAA / 2011 Progress Report

"With regard to respect for private and family life and, in particular, the right to *protection of personal data*, the 2010 constitutional amendments introduced the protection of personal data as a constitutional right. Turkey needs to align its legislation with the data protection *acquis*, in particular Directive 95/46/EC, and, in that context, to set up a fully independent data protection supervisory authority. Turkey also needs to ratify both the CoE Convention for the protection of individuals with regard to automatic processing of personal data (CETS No 108) and the additional protocol to it on supervisory authorities and trans-border data flow (CETS No 181). "

2008 Accession partnership 3.1 short term priorities:

#### ***Chapter 23: Judiciary and fundamental rights:***

– Strengthen efforts to align its legislation with the acquis on the protection of personal data and to establish an independent data protection supervisory authority.

Under the Chapter 23 of NPAA 2008, "Law on Protection of Personal Data" is foreseen to be enacted in 2009.

### 2.4 Link with MIPD

Protection of personal data is foreseen as one of the objectives.

In the "Justice, Home Affairs and Fundamental Rights " section of the Multi-annual Indicative Planning Document (MIPD) under the title of "Sector Objectives for EU support over next three years" 2011-2013, it is stated that;

- "Effective implementation of the legislation regarding the reform and restructuring of the central public administration and transferring authority to the local and provincial administrations; reduced bureaucracy, strengthened policy making systems and sustainable

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<sup>2</sup> The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated (see Section 7.6)

development of a professional, accountable, transparent and merit-based civil service; parliamentary and civilian oversight mechanism over security sector secured; oversight, control and participatory mechanisms supported including strengthened external and internal audit functions and establishing an independent data protection system.”

2.5 Link with National Development Plan (where applicable) N /A

2.6 Link with national/ sectoral investment plans (where applicable)

Adoption of “the law on data protection” is foreseen as a short term priority in the Judicial Reform Strategy and its action plan (10.7) Establishment of an administrative framework in order to protect personal data is stated as one of the main objectives of the law, in the reform strategy.

### **3. Description of project**

#### **4.**

#### **3.1 Background and justification:**

In an effort to comply with the EU acquis such as article 8 of the Charter of Fundamental Rights, Directive 95/46/EC etc. Turkey partly adopted a data protection system introducing protective provisions to some basic legislation such as criminal code and criminal procedure code. Besides, Turkish Constitution includes some provisions concerning private life. For instance under Article 20 of the Constitution everyone has the right to demand respect for his/her private and family life and that the privacy of the individual or family life cannot be violated. Article 22 provides that everyone has the right to freedom of communication and that the secrecy of communication is fundamental. Exceptions common to both Articles are foreseen on the basis of a decision duly passed by a judge on the grounds of national security; public order; prevention of crime; protection of public health and public morals; and, protection of the rights and freedoms of the others.

The Criminal Code stipulates prison sentences for any person who (a) unlawfully records data relating to political, philosophical or religious beliefs of an individual, his/her racial origin, ethical tendencies or health conditions; (b) delivers unlawfully data to another person, publishes or acquires the same through illegal means; and (c) keeps within a defined system data after the expiry of the legally prescribed period for its storage. The Criminal Procedure Code stipulates that only the authorised judge is entitled to decide on whether or not a molecular genetic examination will be conducted; the results thereof are qualified as personal data. The Law on the Right of Access to Information provides for restrictions of this right when the information concerns, among other things, privacy, private life or communication. The By-law on processing of personal data and the protection of confidentiality in the telecommunication sector has been adopted in order to, according to the Turkish authorities, harmonise the Turkish legal framework with Directive 2002/58/EC. Turkey has ratified the ECHR, signed in 1981 the Convention 108/81 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and in 2001 the Additional Protocol to the Convention regarding supervisory authorities and trans-border data flows.

After the referendum of 12<sup>th</sup> September 2010 a constitutional reform package has been adopted and the following paragraph has been added to the 20<sup>th</sup> article of the Constitution of the Republic of Turkey:

“Everyone has the right to demand the protection of his or her personal information. This right also involves to be informed about the information related to one’s own, access to this information, to request their correction and deletion and to know about whether these data are

utilized in accordance with the purposes. Personal information shall only be processed in accordance with the conditions anticipated by law or with the express consent of the person. Principles and procedures on the protection of personal information shall be regulated by law.”

Therefore, protection of personal data is granted a fundamental status by Turkish Constitution. However, data protection law has yet to be enacted and draft law is still pending before the Parliament.

Data protection is not only problematic in justice system but also is an issue in general. There are several governmental and non-governmental institutions, bodies, agencies, such as banks, social security institutions, hospitals, shopping centers, etcetera which store, process and transfer personal data in our daily life. However, under the current state of play individuals seem vulnerable due to lack of data protection legislation in force. Moreover, both representatives of public and private sector express their concern on daily transactions. Especially, they have difficulty in treatment of personal data and determination of the extent of their responsibility under the legal provisions. For instance citizenship numbers of millions of public servants disclosed by a state owned bank under a re-payment schedule which led to establishment of fake companies on behalf of so many citizens. Later on companies went bankrupt and innocent people were investigated without being aware that they owned a company. In this example individuals were not granted the right to complain about to an independent data protection supervisory authority since it did not exist.

In Turkey problems arise from three main sources: first one is the lack of a data protection law and non-existence of an independent data protection supervisory authority, second one is the lack of implementing and institutional capacity, and the third one is the lack of awareness both in the public and private sector, and society as well. Thus, Ministry of Justice took the initiative and drafted a specific law on the protection of the personal data which is under examination of the justice sub-committee of the Parliament. However, the law will not address all above mentioned practical issues. Since Turkey has no previous experience of a data protection system in its currently recognized form, the integration of the data protection supervisory authority into the constitutional and political framework may face a number of difficulties. However, this project will enable us to benefit from best European practices and experience of data protection supervisory authorities. Besides, it will deal with capacity building, institution building activities for the main data processing public institutions, data protection supervisory authority and awareness raising activities for individuals as data subject. Within the scope of training seminars the rights of individuals, exceptions to the rights and responsibilities of data controllers will be clarified which is of paramount significance for practitioners. Thus capacity building activities will be conducive to attain sustainability. Last but not least, it will contribute in establishing cooperation and communication between law enforcement agencies and judiciaries on European and international level as well. It is therefore most recommendable that the inaugurated institution is provided with immediate support by a twinning program. The first component of this project focuses on institution building activities, training and capacity building activities for the judiciary and law enforcement agencies. Second component include awareness raising activities both for citizens and officers.

Turkish Justice Academy and Ministry of Interior (police, gendarmerie) Telecommunication Authority, Customs Authority have contributed in the preparation stage of the project and it is worth mentioning that Turkish Information Association and all institutions have made positive reactions to be involved in the project.

Even though children are not the main target group of this Project, since their rights has to be protected and guarded more carefully, an extra attention will be paid to the child related issues during the project activities.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

Criminal judges, prosecutors and law enforcement officers have not been fully aware of previously introduced data protection provisions to the criminal code and criminal procedure code, for the system of data protection is a newly introduced legal concept. There exist also some confusion and uncertainties as to the extent of the concept. For these reasons, those amendments have become ineffective in practice. If well organized and properly run, this project will be conducive to attain proper functioning of the personal data protection system. In addition, this project will enable us to raise awareness and build capacity in the judiciary, law enforcement bodies and relevant data processing institutions. Thus, it will contribute in maintaining respect for the right to privacy.

As regards sustainability, the approach of training of trainers will enable us to give further trainings to the target groups. Besides, outputs of seminars, workshops and general trainings will be taken into consideration while drafting secondary legislation. Furthermore, awareness raising activities will ensure sustainability of the project.

Besides, this project will also have a positive output with regard to the proper functioning of the data protection system which will enable Turkey to conclude operational agreements with the Europol, Eurojust, EJM, and to lift the barriers in the field of international customs cooperation

In conclusion, implementation of this project will have positive outputs on both domestic and international level.

Once the Data Protection Authority has become operational (i.e. as soon as the head of the authority is appointed and/or he or his/her representative have taken up the post), it will become a member of the project Steering Committee and the project will be reviewed jointly with the new institution in order to adjust the project fiche as required.

### **3.3 Results and measurable indicators:**

#### **3.3.1. Improved institutional capacities of Data Protection Supervisory Authority (DPSA) and relevant authorities on data protection, and treatment in line with best practices.**

- Positive assessments of the European Commission in the progress reports and peer-based mission reports by the end of the project Applications received by Data Protection Supervisory Authority reach to a satisfactory level. (at least 5.000 applications received by the end of the first year of the implementation of the project.)
- The complaints of malfunctioning of the relevant institutions decreased 10 percent by the end of the project.
- All of the personnel received training on data protection during the implementation phase of the project.
  - The organigramme, staffing and resources are adequate to handle cases in a timely and effective manner
  - All staff have precise job descriptions and objectives

Relations with Europol, Eurojust and EJM improved by the end of the project. .

Criticisms on data protection in the progress reports decreased by the end of the first year of the implementation phase of the project

### **3.3.2 Awareness raised on data protection among related parties.**

The number of indictments regarding data protection increased by the end of the project.

The number of complaints brought to the data protection agency increased by the end of the project compared to the end of the first of the .

### **3.3.3 Awareness raised on data protection by using media technics among public and treatment throughout out the country**

The number of complaints brought to public prosecution offices increased by the end of the project compared to the end of the first implementation year of the project. (the data of the first year will be collected during the project).

### **3.4 Activities:**

The activities will be achieved under a Twinning and TAs contract which will cost 2 MEUR IPA funds and the co-financing will be funded by the Ministry of Justice. Trainings of the judges and prosecutors will be conducted either in the premises of the Justice Academy or in premises of the Ministry in close collaboration with the Academy.

#### **Activity 1**

Result 1, improving institutional capacities of DPSA and relevant authorities

##### **3.4.1. 1. Needs Assessments**

Needs analyses will be conducted for MoJ, DPSA, MoI, Information and Communication Technologies Authority and Customs Administration. These analyses will be comprised of structural and training needs of each institution. The study for the DPSA will focus on work flow management, fiscal management, human resources management, performance standards and technology management. The personnel of the authority will work in close cooperation and collaboration with the experts of the twinning team and contribute in providing a comprehensive report. During these assessment process procedures will be developed to ensure merit-based and gender balanced recruitment procedures as a part of human resources management.

Besides, a general overview will be conducted for UYAP, Kihbi and Customs information system in line with data protection principles as well. In this respect, analyses will be conducted upon comprehensive documents provided by abovementioned institutions and presentations of national experts from each institution. The project team and experts will not interfere with any of those abovementioned information systems. Thus, confidentiality of the system requirements will be fully respected.

##### **3.4.1.2 Legislative Gap Analyses**

Gap analyses will be conducted on primary and secondary data protection legislation in line with EU acquis, precedents of the ECJ, ECtHR and best European practices. A letter of recommendation for amendments to the current legislation with the findings of the analyses will be written if necessary.

##### **3.4.1.3 Strategy Development for Data Protection**

After the needs assessment and legislative gap analyses a strategy will be developed for better treatment of personal data. The strategy will be shared with relevant institutions for their opinions and then finalized.

##### **3.4.1.4. Training of Trainers from each beneficiary institution:**

The aim of the project and sustainability will be achieved through a trainer's pool. All trainers will participate in the study visits and contribute in drafting training materials and delivering training seminars in their institutions. Members of the project team may also be nominated as trainer and take part in the seminars. 30 trainers will be trained during the project. They will be trained on the new data protection system in order to be ready for the future activities other than the study visits. The trainings will cover all the related areas.



The number of trainers according to their institutions will be as follows:

- 8 persons from the MoJ
- 9 persons from the MoI (including Turkish National Police)
- 8 persons from DPSA
- 5 Persons from the Customs Authority.

#### **3.4.1.5. Training of the Relevant Personnel of the Data Protection Supervisory Authority**

There will be several positions at the DPSA. However, staff of DPSA will be trained under the project according to the outcomes of the needs. Trainings will focus on daily functioning of the authority such as complaint handling procedure, filing techniques, registering, investigating, decision making process, data protection standards and best practices.

#### **3.4.1.6. Training of Judges/Prosecutors, Law Enforcement Officers, Personnel of Telecommunication Authority and Customs Authority**

The main purpose and objective of this activity is to enhance the implementation capacity of the data processing institutions. To this end, in total 350 judges and prosecutors will be trained within the scope of the project. Judges and prosecutors will participate from administrative courts and Council of State, civil and criminal courts, public prosecution offices of the biggest judicial provinces, Ministry of Justice, Justice Academy, Secretariat General of the High Council of judges and Prosecutors and from the Court of Cassation.

In addition, 350 police and 350 gendarmerie officers, 70 personnel from telecommunication authority and 70 personnel from Customs Authority will be trained under the project

Training seminars will be held in groups of 35 and through expert pool trained under the activity. The training will have emphasis on theoretical knowledge of the elements of the new system combined with practical training on the procedure with a comparative approach.

#### **3.4.1.7. Training of judicial inspectors, deputy governors, and inspectors of MoI in three separate seminars.**

During the performance of their duties inspectors and governors may deal with numerous personal data without being aware of the extent of the protection granted to personal data by legislation. These professionals are authorized by law, but sometimes they process personal data of the citizens or civil servants in contradiction with the law and international principles and violate individual's rights. Therefore it is essential for the purpose of this project to train these professionals within joined seminars.

#### **3.4.1.8. Placement of 9 persons to the respective and available EU institutions and DPSA.**

With a view to maintaining sustainability and better achieving project objective 3 persons from each beneficiary institution will be placed to the respective and available EU institutions. In this context,

- 3 judges/prosecutors will be placed to Eurojust main office,
- 3 police officers will be placed to Europol main office,
- 3 persons from Turkish DPSA will be placed to a DPSA of an EU country.

The placement for each person will take place 1-3 months and thus they will have the opportunity to experience daily functioning of the respective institutions close at the hand. The persons who will benefit from placements will be chosen among the of the institutions who are experienced in the area and who at least worked 3 years in IT departments of their institutions. The necessary precautions will be taken in order to ensure the continuity.

### **Study Visits**

Study visits are proposed in consultation with the relevant stakeholders in order to meet their daily practical needs and to take necessary actions to be clear of the criticisms concerning data protection in the field of police and judicial cooperation in criminal matters stated in the country progress reports. It is aimed to examine the systems, structure and the working methods of the relevant EU institutions and to better understand day to day practices of the institutions and problems they faced. . Therefore study visits will contribute in taking the necessary steps towards harmonization of respective fields with EU standards.

#### **3.4.1.9 Organizing study visits for DPSA to 3 different EU Member States having best practice on data protection.**

Study visits are proposed to study the systems of EU countries, the structure and the working methods of the data protection supervisory authorities. The purpose and objective of the study visits are detailed examination of data protection legislation, practices and problems in order to make immediate amendments if necessary, and the adoption of standards and best practices of data protection supervisory authorities and EU Member States.

#### **3.4.1.10 Study Visits for Data Processing Institutions (MoJ, MoI, Customs Authority)**

##### **A three-day Study Visit to Europol-Data Integrity (IMT7) Unit.**

Taking into account the new developments on Europol Council Framework that will replace the Europol Convention. These study visits aim to see the Europol data protection measures and implementations and functioning of Europol Joint Supervisory Body. Majority of the persons included in the study visits will also take part as trainers in the seminars. The Study visits will be organised with a view to better understanding of:

- a) Europol's data protection rules/implementations
- b) Europol Data Protection Evaluations (Joint Supervisory evaluations)
- c) System requirements on automatic data processing
- d) Structure/Tasks/Responsibilities of Joint Supervisory Body
- e) Europol training modules on Data Protection.

##### **A three-day Study Visit to EU Member State-Sirene Office:**

In order to experience its data protection evaluation of Sirene Offices, two study visits will be organised to any EU Member States. Majority of the persons included in the study visits will also take part as trainers in the seminars. The aim of the study visit is to experience:

- a) Sirene Office data protection rules/implementations
- b) Sirene Office Protection Evaluations (Joint Supervisory evaluations)
- c) System requirements on automatic data processing
- d) Structure/Tasks/Responsibilities of Joint Supervisory Body.

##### **Two Three-day study visits to Eurojust Main Office:**

Since, Turkey has yet to sign the Eurojust agreement, 2008 progress report states that

“Turkey needs to take the necessary steps to sign a cooperation agreement with Eurojust. The lack of legislation on protection of personal data and the absence of an independent supervisory authority is obstructing the conclusion of an operational cooperation agreement with Europol. This also creates difficulties when it comes to cooperating at international level. Closer cooperation and communication between law enforcement agencies, and also with the judiciary, is of key importance. (P. 75)” Therefore, it is really necessary to organise study visits to Eurojust Main Office in order to have a better cooperation with the judiciaries. Two study visits will raise awareness among the judiciary and foster the harmonization process in this field. Therefore, it is an essential task to provide number of participants from the judiciary at the possible largest extent.

Study visits will focus on:

- a) Eurojust’s data protection rules, implementations, evaluations.
- b) cooperation between the national eurojust offices.

First group will consist of members from the MoJ, High Council of Judges and Prosecutors and second group will consist of judges and prosecutors from Ankara, İstanbul, Antalya Court Houses. The groups will be leaded by the representative(s) from the MoJ.

### **Organising a study visit to customs information system of a Member State.**

2008 progress report states that “ it is important to make more efforts on inter-agency cooperation and implementation of risk management within the Under-secretariat of Customs. The lack of legislation on the protection of personal data and the absence of an independent supervisory authority remain a difficulty in cooperation at regional and international levels.p75” Thus, Turkish customs administration will have an opportunity to experience MS ‘s customs information system, data protection rules, implementations, evaluations. This will enable us a substantial platform for better cooperation with customs administrations.

Inputs : for Result 1

Costs: 1.400.000

## **Activity 2**

### **Result 2 - Awareness raised on data protection among authorities and citizens .**

#### **3.4.2.1. Publication of materials for the citizens:**

Rights of the citizens stipulated in the laws, complaints procedure, remedies will be published in leaflets/hand books and distributed to the facilities of beneficiary institutions.

#### **3.4.2.2. Preparation of handbooks for judges/prosecutors and law enforcement officers on the new legislation and its interpretation in a comparative context**

In order to support the training of the judges and prosecutors preparation of comparative handbooks based on the experience of two or three member states is essential. The handbooks shall preferably contain information on the new legislation, samples of legislation and case-law of the Member States, the ECtHR, the ECJ, and should aim to align the Turkish system with the *acquis*.

#### **3.4.2. 3. Publications and Dissemination of Training Materials throughout the Country:**

Training materials will be prepared before the training seminars and disseminated to the trainees during the seminars. After the completion of the trainings these materials will also be published and disseminated to justice academy, court houses, law enforcement units and other relevant institutions throughout the country.

#### **3.4.2. 4. Organising two international symposiums:**

Organisation of two international symposiums on data protection will contribute in general awareness raising activities within the academics, judiciary and the society.

#### **3.4.2.5. Organizing two symposiums for private sector:**

In order to raise awareness, two symposiums will be organised in Istanbul and Ankara for the private sector and representatives of NGOs.

Costs : 179.000 Euros

Above mentioned activities will be achieved under twinning contract

**Activity 3** (Means: Technical Assistance)

#### **Raising awareness on data protection by using media technics among the public and treatment throughout out the country**

##### **3.4.3.1. Launching a public awareness campaign through media and Internet:**

An awareness raising committee will be established in order to launch a campaign through available means such as Internet and media. The committee will consist of representatives of all stake holders.

##### **3.4.3.2. Production of short video films and posters for awareness raising on data protection and treatment.**

These short films and posters will be displayed on national TVs and billboards in Ankara, İstanbul and İzmir.

##### **3.4.3. Designing a web page for the Data Protection Supervisory Authority**

Web page will consist of rights of the citizens, complaint procedure, the respective legislation and it will enable the DPSA to receive online complaints via Internet. If the DPSA has already a website in place, then the project will support the web site and contribute in the content and materials of the website.

Costs: 555.550 Euros

These activities will be achieved under technical assistance

#### **3.5 Conditionality and sequencing:**

The signature of the contracts for the project are conditional on (1) the adoption of the Law on Data Protection (2) the formal establishment of a Data Protection authority including appointment of the head of the authority and staff to make the authority operational (3) a detailed and published assessment of alignment of the new system with EU standards within 1 year of the establishment of the agency.

The project will be implemented by Data Protection Supervisory Authority with the co-ordination of the General Directorate for Legislation of the Ministry of Justice after it has completed its establishment and started proper functioning

#### **3.6 Linked activities**

Since this project is the first one in its field there are no linked activities.

### **3.7 Lessons learned**

Full contribution of beneficiary country personnel in the project must be provided, and the workshops and other activities must be held out of the facilities where they are in charge. This would prevent the lack of concentration stemming from the unexpected interruptions of their daily occupations.

Since the project will be run through a twinning contract, the project team shall have a very good cooperative approach. Particularly, the resident twinning advisor and his counterpart should work in close collaboration and mutual understanding. Personal relations definitely matter in terms of the success of the project. Thus, cultural diversities shall be taken into consideration and respected for a better cooperation.

#### 4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.	TOTAL PUBLIC EXP.	EU CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Twining			1 579 000	1 579 000	1 500 000	95	79 000	5	79 000				
Technical Assistance			555550	555550	500 000	90	55 550	10	55 550				
TOTAL IB			2 134 550	2 134 550	2.000.000		134 550		134 550				
TOTAL INV													
<b>TOTAL PROJECT</b>			<b>2 134 550</b>	<b>2 134 550</b>	<b>2 000 000</b>		<b>134 550</b>		<b>134 550</b>				

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Public** Expenditure (column (b))

(3) Expressed in % of the **Total** Expenditure (column (a))

#### 5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Twinning contract	I Q 2012	I Q 2013	IV Q 2015
Technical Assistance contract	3 Q 2012	I Q 2013	IV Q 2015

All projects should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA  
Please indicate how tender dossiers will be prepared (SEI or beneficiary)

## 6. Cross cutting issues (where applicable)

### 6.1 Equal Opportunity

Equal opportunity principles and practices in ensuring equitable gender participation in the Project will be guaranteed. Participation in this project will be open to both males and females involved in the sector. Records of professionals' participation in all project related activities will reflect this and will be kept with the project documentation.

### 6.2 Environment N/A

### 6.3 Minorities and vulnerable groups

According to the Constitutional system the word "minorities" encompasses only groups of persons recognised as such on the basis of multilateral instruments to which Turkey is a party.

The project will in no way harm the rights of any individuals.

### 6.4 Civil Society

Although the project preparation team could not find the opportunity to work on the project fiche together with the representative of the civil society, having received information about the content of the project, the representative gave a very positive reaction to the purpose and the activities. It is worth mentioning that they would very much like to contribute to the project especially in the implementation phase.

## ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:
  - Reference list of relevant laws and regulations
  - Reference to AP /NPAA / EP / SAA
  - Reference to MIPD
  - Reference to National Development Plan
  - Reference to national / sector investment plans
- 5- Details per EU funded contract (\*) where applicable:
  - For *TA contracts*: account of tasks expected from the contractor
  - For *twinning covenants*: account of tasks expected from the team leader, resident twinning advisor and short term experts
  - For *grants schemes*: account of components of the schemes
    - For *investment contracts*: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria (\*\*)
    - For *works contracts*: reference list of feasibility study for the *constructing works* part of the contract as well as a section on investment criteria (\*\*); account of services to be carried out for the *service part* of the contract



(\*) non standard aspects (in case of derogation to PRAG) also to be specified

(\*\*) section on investment criteria (applicable to all infrastructure contracts and constructing works):

- Rate of return
- Co financing
- compliance with state aids provisions
- Ownership of assets (current and after project completion)

**ANNEX 1: Logical framework matrix in standard format**

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number	
<i>Better Introduction of the Data Protection System in Turkey</i>		Contracting period expires 2 years after the signature of Financing Agreement.	Disbursement period expires 1 year after the end date for the execution of contracts.
		Total budget : 2.134.550 Euros	IPA budget: 2.000.000 Euros
Support to establish a complete and well functioning data protection system in Turkey to meet the need of society	-Regular Progress reports. -Other documents issued by the European Commission		
The need of public for well functioning data protection system met in 2 years from the end of the project	Sustainable Governance Indicators		

To align data protection system of Turkey with the EU acquis and best European practices..	The number of legal mistakes made by personnel of data protection authority decreased by 30 % by the end of the project.	-Statistics of data protection authority and other relevant institutions	
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
1.Improved institutional capacities of Data protection supervisory Authorities on data protection and treatment in line with best practices.	<ul style="list-style-type: none"> <li>- Positive assessments of the European Commission in the progress reports and peer-based mission reports by the end of the project</li> <li>- Applications received by DataProtection Supervisory Authority reach to a satisfactory level. (at least 5.000 applications received by the end of the first year of the implementation of the project.)</li> <li>- The complaints of malfunctioning of the relevant institutions decreased 10 percent by the end of the project..</li> <li>- All of the personnel received</li> </ul>	<ul style="list-style-type: none"> <li>Turkey Progress Reports</li> <li>-Other documents issued by the European Commission</li> <li>-Statistics of data protection authority and other relevant institutions</li> <li>- Reports from the RTA</li> <li>-Project reports</li> <li>-Monitoring and interim evaluation reports</li> <li>-Quarterly Reports to Steering Committee</li> </ul>	<ul style="list-style-type: none"> <li>Sufficient financial and human resources are allocated by the Turkish government</li> <li>Permission by High Council for Judges and Prosecutors for attendance of Judges</li> </ul>

training on data protection during the implementation phase of the project..

- The organigramme, staffing and resources are adequate to handle cases in a timely and effective manner

- All staff have precise job descriptions and objectives

- Relations with Europol, Eurojust and EJM improved by the end of the project. .-

Criticisms on data protection in the progress reports decreased by the end of the first year of the implementation phase of the project

- Surveys conducted among the relevant stakeholders and public.

-Statistics and reports released by data protection authority and other relevant institutions.

-Surveys conducted among the relevant stakeholders and public.

-Judicial statistics of MoJ.

to training and other programmes.

Full commitment of the involved authorities

2. Raised awareness on data protection

- The number of indictments regarding data protection increased by the end of the project.

The number of complaints brought to the data protection agency increased by the end of the project compared to the end of the first implementation year of the project.

<p><b>3. Raised awareness on data protection by using media technics among public and treatment throughout out the country</b></p>	<p>The number of complaints brought to public prosecution offices increased by the end of the project compared to the end of the first implementation year of the proect. (the data of the first year will be collected during the project</p>		
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
<p>1.1. A needs analyses conducted.</p> <p>1.2. A legislative gap analyses conducted on protection of personal data.</p> <p>1.3. A strategy will be developed in order for better treatment of</p>	<p>Twinning</p>		

<p>personal data.</p> <p>1.4. Trainers trained from each beneficiary institutions.</p> <p>1.5. Relevant Personnel of the Data Protection Supervisory Authority trained.</p> <p>1.6. Judges/Prosecutors, Law Enforcement Officers, Personnel of Telecommunication Authority and Customs Authority trained.</p> <p>1.7. Judicial inspectors, deputy governors, and inspectors of MoI trained in three separate seminars.</p> <p>1.8. Nine persons placed to respective EU institutions and DPSA.</p>			
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<p>1.9. Three different study visits organised to DPSA of EU Member States having best practice.</p> <p>1.10. Study Visits organised for Data Processing Institutions.</p> <p>2.1.</p> <p>Materials for citizens published for citizens.</p> <p>2.2. handbooks prepared for judges/prosecutors and law enforcement officers on the new legislation and its interpretation in a comparative context</p>			
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<p>2.3. Training materials published and disseminated through out country.</p>			
<p>2.4. Two international symposiums organised.</p>			
<p>2.5. Two symposiums organised for private sector.</p>			
<p><b>3.1 Launching a public awareness</b></p>			



<p>campaign through media and Internet</p> <p><b>3.2 Production of short video films and posters for awareness raising on data protection and treatment.</b></p> <p><b>3.3 Designing a web page for the Data Protection Supervisory Authority</b></p>	<p>Technical Assistance</p>		
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**Pre conditions**

Preconditions: Adoption of Draft Law on Protection of Personal Data

**ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project (IPA contribution only) (please revise the annex according to the contracting/disbursement schedule)**

<b>Contracted</b>	<b>IQ 2013</b>	<b>II Q 2013</b>	<b>III Q 2013</b>	<b>IVQ 2013</b>	<b>IQ 2014</b>	<b>II Q 2014</b>	<b>III Q2014</b>	<b>IVQ 2014</b>	<b>IQ 2015</b>	<b>IIQ2015</b>
Twinning Contract	1 500 000									
Technical Assistance	500 000									
<b>Cumulated</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>
<b>Disbursed</b>										
Twinning Contract		630000				720000	150000			
Technical Assistance		100 000			200 000		200 000			
<b>Cumulated</b>		<b>730 000</b>								