

Global data flows

ACT NOW TO PROTECT YOUR BUSINESS

Around the globe data protection laws are changing all the while. As the GDPR beds in, other countries and territories are catching up with this global standard and taking a much greater interest in privacy and data protection. The amount of rules is increasing and with it the amount of compliance—and risk—that companies need to deal with.

The California Consumer Privacy Act (CCPA) and registration requirements for data controllers in Turkey are two new laws which will affect many UK and global businesses in particular, even those which are not based in California or Turkey:

CCPA: unless you do no business or have zero traffic in California, you are highly likely to be caught by this new law, whether you have a physical operation in California or not

- **Turkey:** all data controllers which process personal data originating from Turkey must be registered in the country before processing can take place, even if the processing itself doesn't take place in Turkey (although bear in mind that if the data belongs to a data subject who is not present in Turkey and the data doesn't originate from Turkey, then there is no registration requirement even if the data subject is a Turkish citizen)

Time is running out:

CCPA: this wide-ranging new law comes into effect on 1 January 2020

- **Turkey:** data controllers which are based outside of the country must register with the data controllers' registry (called VERBIS) by 30 June 2020 (the deadline has been extended from 31 December 2019).

As with the GDPR, the price of failing to comply can be costly, not only in terms of fines (see overleaf) but also bad PR and the potential for civil claims.

How Shoosmiths can help:

Our Privacy and Data team has experience in assisting clients in these areas and, coupled with our extensive network of personal relationships with law firms around the world, this means that we can locate the right legal experts for you to advise on the CCPA and Turkish registration requirements, help you manage your international privacy and data protection matters, and ensure that any necessary work is carried out efficiently and within your budget.

Our network is complemented by our longstanding membership of the World Services Group (WSG), a multi-disciplinary professional services organisation, which brings together leading advisers in over 145 countries across the globe.

Data is global and so are we.

What now?

CCPA	Turkey
<p>Businesses which are based outside of California but which process personal information of Californian residents need to be aware of its provisions and prepare to implement it.</p> <p>Not all businesses are affected. However, if you are 'doing business in California', are a business operating for profit, and satisfy one or more of the following you will be caught by CCPA:</p> <ul style="list-style-type: none">• your annual gross revenues are in excess of (USD) \$25 million• you buy, receive or sell personal information of 50,000 or more consumers, households, or devices, or• you derive 50% or more of your annual revenues from selling personal information (such as data brokers). <p>'Doing business in California' is likely to be interpreted widely so that any out-of-state business which collects, sells or discloses personal information of Californian residents is caught. Personal information could be information about individual customers, B2B contacts, website visitors and/or employees, provided any of these people are resident in California.</p>	<p>Businesses which are based outside of Turkey and which are affected by the new registration requirements need to register and prepare an inventory as follows:</p> <ul style="list-style-type: none">• Registration (for data controllers not based in Turkey):<ul style="list-style-type: none">» appoint a representative» representative must then complete an online application form and submit it to the Turkish data protection authority (the KVKK)» appoint a contact person, and» contact must then login through Turkey's e-government portal and complete the registration form outlining the types of personal data your business processes, and• Create a data processing inventory, bearing in mind that the detail of this is greater than that required under the GDPR.

What are the penalties?

CCPA penalties	Turkish penalties
<p>Depending on the nature of the violation the penalty may be up to:</p> <ul style="list-style-type: none">• (USD) \$7,500 for each intentional violation, and• (USD) \$2,500 for each non-intentional violation	<ul style="list-style-type: none">• Data controllers which fail to enrol in Registry of Data Controllers before processing may be subject to an administrative fine of between TRY 20,000 and 1,000,000 (approximately £2,700 and £135,000).

Be global with Shoosmiths

We have a large privacy and data team assisting both UK and multinational clients around the world on global privacy compliance and, with the help of our network of experienced legal experts, we can help you navigate through your global privacy and data challenges to find the solutions that work right for you across your international businesses.

What's more, we can also help you strategise how you use and protect your global data in the longer term. At Shoosmiths, we speak business sense and offer innovative ideas that can make a real commercial difference. Whatever the size of your business and whatever your goals, the team can help you prepare for all eventualities.

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