

**ISTANBUL FOUNDATION OF MODERN ART and  
ISTANBUL FOUNDATION OF MODERN ART  
ISTANBUL MUSEUM OF MODERN ART  
ECONOMIC ENTERPRISE**

**POLICY ON PROTECTION AND PROCESSING OF  
PERSONAL DATA**

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## 1. INTRODUCTION

### 1.1. Purpose and Scope

The Law No. 6698 on Protection of Personal Data (“**Law**”) entered into force on April 7, 2016, and the Istanbul Foundation of Modern Art and Istanbul Foundation of Modern Art Istanbul Museum of Modern Art Economic Enterprise’s Policy on Processing and Protection of Personal Data (“**DP Policy**”) has been drafted and put into effect for the purpose of ensuring the compliance of the Istanbul Foundation of Modern Art and the Istanbul Foundation of Modern Art Istanbul Museum of Modern Art Economic Enterprise, which is affiliated to this Foundation and has no separate legal entity (the Foundation and its Economic Enterprise shall collectively be referred to as the “**Foundation**”) with the Law and establishing the principles to be followed by the Foundation in order to fulfill its obligation regarding the protection and processing of personal data.

This DP Policy establishes the conditions for processing personal data and sets out the main principles adopted by the Foundation when processing personal data. Within this framework, the DP Policy applies to all data processing activities carried out by the Foundation regarding persons other than Foundation employees in accordance with the Law and to all data subjects whose personal data has been processed by the Foundation.

Matters regarding the processing of personal data of Foundation employees are separately regulated in the Policy on the Processing and Protection of Employee Personal Data.

### 1.2. Effect and Amendment

This DP Policy entered into force upon approval by the Foundation.

The Foundation reserves its right to amend the DP Policy in parallel with legal regulations. The latest version of the DP Policy is available at the Foundation’s website ([www.istanbulmodern.org](http://www.istanbulmodern.org)).

In case of any conflict between the applicable legislation, especially the Law, and the regulations included in this DP Policy, the provisions of the applicable legislation shall apply.

## 2. DATA SUBJECTS, PURPOSES OF DATA PROCESSING, AND DATA CATEGORIES RELATED TO THE DATA PROCESSING ACTIVITIES CARRIED OUT BY OUR FOUNDATION

### 2.1. Data Subjects

Data subjects under the DP Policy are all natural persons other than Foundation employees whose personal data is being processed by the Foundation. Within this framework, the general categories of data subjects are as follows:

CATEGORIES OF DATA SUBJECTS		DESCRIPTION
1.	<b>Member</b>	Refers to natural persons who benefit from the Foundation’s activities and the services offered.
2.	<b>Artist</b>	Natural persons who create the works of art subject to the products and services offered by the Foundation
3.	<b>Collector</b>	Natural persons who have in their collections the works of art subject to the products and services offered by the Foundation
4.	<b>Customer/Participant</b>	Natural persons who benefit from the products and services offered by the Foundation without being a member

5.	<b>Volunteer</b>	Natural persons who are voluntarily involved in carrying out the Foundation's activities
6.	<b>Visitor</b>	Refers to natural persons who visit the Foundation's buildings, premises, and website.
7.	<b>Prospective Employee</b>	Refers to natural persons who have applied for a job in the Foundation through any method.
8.	<b>Members of the Board of Directors and the Board of Trustees</b>	Refers to natural persons who are the members of the Board of Directors and the Board of Trustees of the Foundation.
9.	<b>Employees, Shareholders, or Officials of Collaborating Organizations/Suppliers</b>	Refers to natural persons who are employees, shareholders, or officials of organizations with which the Foundation has any kind of business relations (e.g., supplier, business/solution partner, subcontractor, etc.).
10.	<b>Third Parties</b>	Refers to other natural persons subject to the Foundation's data processing activities, except for the categories of data subjects listed above and Foundation employees.

## 2.2. Purposes of Data Processing

Your personal data and special category data may be processed by the Foundation for the following purposes in accordance with the conditions for data processing set out in the Law and in the relevant legislation:

MAIN PURPOSES	SUB-PURPOSES
<b>Carrying out the necessary work and business processes for the performance of the activities of the organization</b>	<ol style="list-style-type: none"> <li>1. Activity management</li> <li>2. Carrying out business activities</li> <li>3. Monitoring financial and accounting works</li> <li>4. Carrying out corporate communication activities</li> </ol>
<b>Carrying out human resources processes</b>	<ol style="list-style-type: none"> <li>1. Planning human resources processes</li> <li>2. Carrying out personnel recruitment processes</li> </ol>
<b>Carrying out the necessary work to make the organization's products and services available to the relevant persons</b>	<ol style="list-style-type: none"> <li>1. Carrying out the marketing processes of products and services</li> <li>2. Carrying out customer/member/participant satisfaction activities</li> </ol>
<b>Planning and executing corporate strategies</b>	<ol style="list-style-type: none"> <li>1. Management of relationships with business partners and suppliers</li> </ol>
<b>Carrying out activities related to the promotion and marketing of the products and services of the organization</b>	<ol style="list-style-type: none"> <li>1. Carrying out the sales processes of products and services</li> <li>2. Carrying out the processes of building and increasing loyalty to the products and services offered</li> </ol>
<b>Ensuring the legal, technical, and commercial/occupational safety of the Organization and those that have business relations with the Organization</b>	<ol style="list-style-type: none"> <li>1. Follow-up of legal affairs</li> <li>2. Ensuring the safety of premises and facilities</li> </ol>

### 2.3. Categories of Personal Data

The following categories of personal data is processed by the Foundation in accordance with the conditions for data processing set out in the Law and in the relevant legislation:

CATEGORIZATION OF PERSONAL DATA	DESCRIPTION
<b>Identity Details</b>	All information regarding the identity of the person contained in documents such as driver’s license, identity card, passport, attorney identification card, marriage certificate
<b>Contact Details</b>	Information that enables contact with the data subject, such as phone number, address, and email address
<b>Family Member and Relative Information</b>	Information regarding the family members and relatives of the data subject, which is processed in relation to the products and services we offer or in order to protect the legal interests of the Foundation and the data subject
<b>Physical Space Security Information</b>	Personal data related to the records and documents kept upon entry to and during stay in a physical space, such as camera records, vehicle information records, and records kept at the security checkpoint
<b>Transaction Security Information</b>	Your personal data processed to ensure our technical, administrative, legal, and commercial security while carrying out our Foundation activities
<b>Financial Information</b>	Personal data processed regarding information, documents, and records indicating all kinds of financial results created according to the type of legal relationship that our Foundation has established with the data subject, as well as information such as bank account number, IBAN number, and debt/credit information
<b>Prospective Employee Information</b>	Personal data processed regarding individuals who have applied to be an employee of our Foundation or who have been evaluated as a prospective employee in line with the human resources needs of our Foundation in accordance with commercial practices and rules of integrity
<b>Legal Proceedings and Compliance Information</b>	Personal data processed within the scope of the determination and follow-up of our legal receivables and rights, payment of our debts, and compliance with our legal obligations and the policies of our Foundation
<b>Special Category Data</b>	Data regarding race; ethnic origin; political opinion; philosophical belief; religion; sect or other beliefs; clothing; membership of associations, foundations, or trade unions; health; sex life; criminal conviction; and security measures, as well as biometric and genetic data, as determined by the Law

<b>Marketing Information</b>	Personal data processed for the marketing of our products and services by customizing them in line with the usage habits, tastes, and needs of the data subject, as well as reports and evaluations prepared as a result of this processing
<b>Request/Complaint Management Information</b>	Personal data regarding the reception and evaluation of all kinds of requests or complaints submitted to our Foundation

### 3. PRINCIPLES AND CONDITIONS FOR THE PROCESSING OF PERSONAL DATA

#### 3.1. Principles for the Processing of Personal Data

Personal data is processed by the Foundation in accordance with the principles of personal data processing set out in Article 4 of the Law and given below:

- **Processing of personal data in accordance with law and rules of integrity:** The Foundation complies with the relevant laws, secondary regulations, and general principles of law when processing personal data and attaches importance to processing personal data solely for the purposes for which it has been collected, and taking into consideration reasonable expectations of data subjects.
- **Ensuring that personal data is accurate and up to date:** Care is taken to ensure that the personal data processed by the Foundation is up to date, and to perform checks in this regard. In this context, data subjects are granted the right to request the rectification or deletion of any inaccurate and outdated data.
- **Processing of personal data for specific, explicit, and legitimate purposes:** The Foundation lawfully determines the purposes of data processing before any data processing activity.
- **Ensuring that personal data is related, limited, and proportionate to the purpose of processing:** The Foundation limits data processing activities to the personal data required to achieve the purpose of collection and takes the necessary steps to prevent the processing of any personal data that is not related to this purpose.
- **Retention of personal data for as long as required by the legislation or purposes of processing:** The Foundation deletes, destroys, or anonymizes the personal data processed when the personal data is no longer necessary for the purposes of the processing, or the period set out in the legislation expires, unless it determines a longer retention period in accordance with laws, taking into consideration sectoral practices regarding the retention of personal data.

#### 3.2. Conditions for the Processing of Personal Data

The Foundation processes your personal data only if at least one of the conditions for data processing set out in Article 5 of the Law is met. The conditions in question are described below:

- **The data subject has given explicit consent:** In the event that other conditions for data processing are not met, the Foundation may process personal data if the data subject has freely given explicit consent specifically to that processing activity, having sufficient knowledge of the said data processing activity and leaving no room for doubt, in accordance with the general principles in Article 3.1.

- ***The data processing activity is explicitly set out in the law:*** In this event, the Foundation may process personal data without the explicit consent of the data subject. In this case, the Foundation will process personal data within the framework of the relevant legal regulation.
- ***The explicit consent of the data subject cannot be obtained due to actual impossibility, and the processing of personal data is necessary:*** The Foundation will process the personal data of data subjects who are unable to give consent or whose consent is not deemed valid, if the processing of personal data is necessary to protect the life or bodily integrity of the data subject or a third party.
- ***The data processing activity is directly related to the establishment or performance of a contract:*** The data processing activity will be carried out if the processing of the personal data of the parties to a written or verbal contract between the data subject and the Foundation is necessary.
- ***The data processing activity is necessary to fulfill the legal obligation of the data controller:*** The Foundation will process personal data in order to fulfill its legal obligations set out in the applicable legislation.
- ***The data subject has made their personal data public:*** Any personal data that has been disclosed to the public by the data subject in any way and has been made available to the public as a result can be processed by the Foundation without the explicit consent of the data subject, solely for the purpose for which it has been made public.
- ***The data processing is necessary for the establishment, exercise, or protection of a right:*** In this case, the Foundation may process the personal data of the data subject within the scope of this necessity without the explicit consent of the data subject.
- ***The data processing is necessary for the legitimate interests of the data controller, provided that it does not harm the fundamental rights or freedoms of the data subject:*** In this case, the Foundation may process personal data, considering the balance between the interests of the Foundation and the data subject. In this context, when processing data based on legitimate interests, the Foundation first determines the legitimate interest it will serve as a result of the processing activity. It evaluates the potential impact of the processing of personal data on the rights and freedoms of the data subject and carries out the processing activity if it believes that the balance is not disturbed.

### **3.3. Conditions for the Processing of Special Category Data**

Article 6 of the Law sets out a limited number of special categories of data. These categories include data regarding race; ethnic origin; political opinion; philosophical belief; religion; sect or other beliefs; clothing; membership of associations, foundations, or trade unions; health; sex life; criminal conviction; and security measures, as well as biometric and genetic data.

The Foundation processes special category data in the following cases, in accordance with the relevant legal regulations, taking the additional measures determined by the Data Protection Board (“**DP Board**”):

- ***Processing of special category data other than those related to health and sex life:*** In the event that it is explicitly stated in laws, in other words, there is an explicit provision regarding the processing of personal data in the relevant law, such data may be processed without the explicit

consent of the data subject. Otherwise, the explicit consent of the data subject will be obtained in order to process such special category data.

- **Personal data related to health and sex life** may be processed without explicit consent by persons under duty of confidentiality or authorized institutions or organizations for the purposes of protecting public health, providing preventive medicine, medical diagnosis, treatment, and care services, and planning and managing health services and their financing. Otherwise, the explicit consent of the data subject will be obtained in order to process such special category data.

#### 4. TRANSFER OF PERSONAL DATA

The Foundation may transfer personal data to third parties in Türkiye or abroad, in accordance with the additional regulations listed in Articles 8 and 9 of the Law and introduced by the DP Board, if the conditions for the transfer of personal data are met.

- **Transfer of personal data to third parties in Türkiye:** The Foundation may transfer personal data to third parties in Türkiye, if at least one of the conditions for data processing listed in Articles 5 and 6 of the Law and described in Article 3 of this DP Policy is met and provided that the basic principles relating to conditions for data processing are followed.
- **Transfer of personal data to third parties abroad:** The Foundation may transfer your personal data to third parties abroad based on the explicit consent of the data subject or in accordance with the conditions set out in the Law and provided that the basic principles relating to conditions for data processing are followed.

In accordance with the general principles of the Law and the conditions for data processing listed in Articles 8 and 9 of the Law, the Foundation may transfer data to the parties categorized in the table below:

CATEGORIZATION OF DATA RECIPIENTS	SCOPE	PURPOSE OF TRANSFER
<b>Business Party</b>	Refers to parties with which the Foundation partners in order to carry out Foundation activities.	Personal data may be transferred to these parties solely for the purpose of achieving the purposes of the business partnership.
<b>Supplier</b>	Refers to parties that provide services based on a contract in accordance with the Foundation's orders and instructions while carrying out the Foundation's commercial activities.	Personal data may be transferred to these parties solely for the purpose of ensuring the provision of the services that are outsourced from the supplier and required to carry out the Foundation's commercial activities.
<b>Eczacıbaşı Holding</b>	Eczacıbaşı Holding A.Ş.	Personal data may be transferred to this party solely for the purpose of ensuring the performance of strategic planning, human resources, commercial, and audit activities.



<b>Legally Authorized Public Institution</b>	Refers to public institutions and organizations legally authorized to receive information and documents from the Foundation.	Personal data is disclosed to the relevant public institutions and organizations solely for the purposes for which these parties request information.
<b>Legally Authorized Private Institution</b>	Refers to private legal entities authorized to receive information and documents from the Foundation in accordance with the relevant legislation (e.g., independent audit firms).	Personal data is disclosed to the relevant private legal entities solely for the purposes for which these parties submit a request within the scope of their legal authority.

## 5. NOTIFICATION AND RIGHTS OF DATA SUBJECTS

- According to Article 10 of the Law, data subjects must be notified of the processing of their personal data before the processing, or at the time of processing at the latest. Pursuant to this article, the necessary structure has been created within the Foundation in order to ensure that data subjects are notified in every case where data processing activities are carried out by the Foundation as the data controller. The rights of data subjects under Article 11 of the Law are listed below:
  - To be informed as to whether their personal data has been processed,
  - To request information regarding the processing of their personal data, in case their personal data has been processed,
  - To be informed about the purpose of the processing and whether their personal data has been processed for the intended purpose,
  - To be informed about the third parties in Türkiye or abroad to which their personal data has been transferred,
  - To request the rectification of any personal data processed incompletely or inaccurately and to request that any third party to which their personal data has been transferred be notified of the rectification,
  - To request the erasure or destruction of their personal data and to request that third parties to which their personal data has been transferred be notified of such action, in the event that their personal data is no longer necessary for the purposes for which it was originally processed, even though it is processed in compliance with the Law and other applicable provisions,
  - To object to any unfavorable consequence arising from the analysis of personal data exclusively by automated means, and
  - To claim compensation for any damages due to the unlawful processing of their personal data.

Applications regarding the rights of data subjects listed above can be submitted to our Foundation by using the application methods stated in the Law or by filling out the Data Subject Application form at ([www.istanbulmodern.org](http://www.istanbulmodern.org)). The application will be concluded free of charge as soon as possible within thirty days at the latest, depending on the nature of the claim. However, in case the process involves additional costs, the data subject may be charged a fee according to the tariff to be determined by the DP Board.

When evaluating applications, the Foundation first determines whether the claimant is the true holder of the right. However, when deemed necessary, the Foundation may request detailed and additional information to better understand the claim.

The Foundation notifies data subjects in writing or electronically of its responses to their applications. If the application is rejected, the data subject will be informed about the reasons for the rejection.

In the event that the personal data is not directly obtained from the data subject, the Foundation carries out activities to notify the data subject (i) within a reasonable period of time after the personal data is obtained, (ii) during the first contact with the data subject, if the personal data will be used for the purpose of contacting the data subject, and (iii) during the first transfer at the latest, if the personal data will be transferred.

## **6. DELETION, DESTRUCTION, AND ANONYMIZATION OF PERSONAL DATA**

According to Article 7 of the Law, even though personal data has been processed in compliance with the Law, in the event that the reasons requiring its processing are eliminated, the Foundation deletes, destroys, or anonymizes the personal data ex officio or upon request of the data subject, in accordance with the guidelines published by the Data Processing Board, periodical destruction periods, and the application of the data subject, unless it determines a longer retention period in accordance with laws, considering sectoral practices regarding the retention of personal data.