

Resolution of the Personal Data Protection Board dated November 6, 2025 and numbered 2025/2120

The tourism and hospitality sector is one of the sectors where personal data is processed most intensively due to its nature of serving people. In this context, the Personal Data Protection Authority (Authority) has received numerous complaints and reports regarding the collection of copies of Turkish ID cards from guests at accommodation facilities; consequently, it has become necessary to inform the sector about this matter and for the Personal Data Protection Board (Board) to issue a Policy Decision on the subject.

In this context, upon reviewing the relevant legal provisions:

- Article 5 of the Personal Data Protection Law No. 6698 (Law) sets forth the conditions for the processing of personal data; the first paragraph of this article states that personal data may not be processed without the explicit consent of the data subjects, while the second paragraph specifies the conditions under which processing is permitted (i.e., explicit provision in laws, -It is necessary to protect the life or physical integrity of the individual or another person when the individual is unable to express consent due to actual impossibility or when legal validity is not recognized for their consent, - Necessity for the processing of personal data belonging to the parties to a contract, provided that such processing is directly related to the conclusion or performance of the contract, - Necessity for the data controller to fulfill its legal obligations, - The data has been made public by the data subjects themselves, - Necessity for the establishment, exercise, or defense of a legal claim, -Where processing is necessary for the legitimate interests of the data controller, provided that such processing does not infringe upon the fundamental rights and freedoms of the data subjects) is established, it is stipulated that personal data may be processed without the explicit consent of the data subjects.
- Pursuant to Article 6 of the Law; (1) Data regarding a person's race, ethnic origin, political opinions, philosophical beliefs, religion, denomination, or other beliefs, attire, membership in associations, foundations, or trade unions, health, sexual life, criminal convictions, and security measures, as well as biometric and genetic data, constitute special category personal data. (2) (Repealed: 3/2/2024-7499/33) (3) (Amended: 3/2/2024-7499/33) The processing of special category personal data is prohibited. However, the processing of such data is permitted if: a) The data subject has given explicit consent, b) It is expressly provided for by law, c) Is necessary to protect the life or physical integrity of the data subject or another person when the data subject is unable to express consent due to actual impossibility or when legal validity is not recognized for their consent, d) Relates to personal data that the data subject has made public and is consistent with their intent to make it public, e) It is necessary for the protection of public health, the provision of preventive medicine, medical diagnosis, treatment, and care services, as well as the planning, management, and financing of health services, by persons or authorized institutions and organizations subject to a duty of confidentiality, f) It is necessary for the fulfillment of legal obligations in the fields of employment,

occupational health and safety, social security, social services, and social assistance, g) It is permissible for foundations, associations, and other non-profit organizations or entities established for political, philosophical, religious, or trade union purposes, provided that such processing complies with the applicable legislation and their objectives, is limited to their areas of activity, and is not disclosed to third parties; and is directed at current or former members and affiliates, or individuals who are in regular contact with such organizations or entities. (4) In the processing of special category personal data, it is also a requirement that adequate safeguards determined by the Board be implemented.

- Article 2 of the Identity Reporting Law No. 1774; "The responsible operators of hotels, motels, inns, guesthouses, single-occupancy rooms, daily-rental homes, camps, campgrounds, holiday villages, and all similar types of private or public lodging facilities, as well as private healthcare institutions, rest and nursing homes, and the social facilities of religious and charitable organizations, are required to maintain daily records of the identity and arrival-departure details of all local or foreign individuals provided with lodging—whether paid or free, day or night—in accordance with the prescribed format and procedures; to keep these records ready for inspection by general law enforcement agencies at any time; and to provide them to the Turkish Statistical Institute upon request."
- Article 5, titled "Registration," of the Regulation on the Implementation of the Identity Reporting Law; "Those required under the provisions of this Regulation to submit identity reporting documents to the nearest authorized general law enforcement agency may not accommodate in their facilities, or employ them at their residences or workplaces." And Article 23 of the same Regulation, titled "Responsible Party," states: "By the responsible operators of the locations listed in Article 6 of this Regulation; the identity and arrival and departure dates of every local or foreign person provided with a place to stay—whether paid or free, day or night—must be recorded in the Accommodation Location Registration Book (Form: 7).

It is mandatory for persons staying at these locations to fill out and sign a duplicate copy of the Accommodation Certificate (Form: 8) provided to them and submit it to the responsible operator. The information in the accommodation certificate is transferred to the Accommodation Location Registration Book after being compared with a valid official document identifying the person."

When evaluated as a whole within the framework of the legal provisions cited above; the personal data processing activity involving the recording of identity information—comprising first name, last name, and Turkish ID number—from data subjects receiving accommodation services at the aforementioned locations is carried out in accordance with the explicit provisions of the Identity Reporting Law No. 1774 and the Regulation on the Implementation of the Identity Reporting Law, specifically under Article 5(a) of Law No. 6698 "Explicitly provided

for by law” and subparagraph (c) “Necessary for the data controller to fulfill its legal obligations,” and is therefore a lawful processing activity.

However, it is important to emphasize that verifying the accuracy of personal data processed from individuals staying at the relevant locations by comparing it with an official document, and requesting a Turkish ID card for this purpose, is not only lawful but also inherent to the nature of the matter. However, the personal data processing activity involving the collection of a photocopy of the Turkish ID card and its recording—even if done for verification purposes—results in the processing of more data than necessary, and there is no legal basis for this processing activity. Therefore, it is concluded that the process of recording copies of Turkish ID cards belonging to the data subjects constitutes a processing activity that is unlawful under Law No. 6698.

Additionally, as is known, in our country, starting from January 2, 2017, old identity cards have been replaced with chip-enabled identity cards. However, the use of identity cards continues to this day. Therefore, considering that personal data of a special nature, such as an individual’s religion and blood type, are also included on the identity card; it is essential to note that if data controllers record copies of data subjects’ identity cards for accommodation purposes, this constitutes a processing activity that also violates Article 6 of the Law.

On the other hand, since the sale of accommodation-related services is generally involved in the tourism and hospitality sectors, the processing of data subjects’ personal data for invoicing purposes is also permissible. In this context, the relevant legal provisions are as follows:

- Article 230 of the Tax Procedure Law No. 213: “An invoice must contain at least the following information:
 1. The date of issuance, serial number, and sequence number of the invoice;
 2. The name of the issuer, trade name (if any), business address, tax office, and account number;
 3. The customer’s name, trade name (if any), address, tax office (if any), and account number;
 4. The type, quantity, price, and total amount of the goods or services;
 5. (Amended: 12/4/1985-3239/19) The delivery date and waybill number of the goods sold; (In cases where the seller transports or arranges for the transportation of the goods to be delivered to the buyer, or where the buyer transports or arranges for the transportation of the delivered goods, the seller or buyer, as applicable, must issue a waybill for the transported or arranged-for goods and ensure it is kept on the vehicle.)

- Article 240 of the same Law, titled “Documents Pertaining to Transportation and Hotel Operations”: “... C) Daily guest lists: Accommodation facilities such as hotels, motels, and guesthouses must prepare daily guest lists with consecutive serial and sequence numbers corresponding to room, compartment, and bed plans, and keep them on the premises.
These lists must contain the following information:
 1. The taxpayer’s first name, last name, title (if any), and address,

2. The customer's first name, last name, and room rate, indicated by the room number,
3. The date of issuance."

Within this scope, the processing of personal data of the data subjects, as specified in the aforementioned articles of the Tax Procedure Law No. 213, constitutes a lawful processing activity under the condition of "expressly provided for by law" as set forth in Article 5(a) of Law No. 6698.

Consequently, following the evaluation conducted by the Board:

- Data controllers operating in the tourism and hospitality sector must cease the practice of collecting copies of Turkish ID cards from guests staying at accommodation facilities,
- Data controllers who recorded copies of Turkish ID cards belonging to data subjects who received services for accommodation purposes prior to the publication of this Decision must destroy such documents in accordance with Article 7 of the Law has been concluded.

As is known, the first paragraph of Article 12 of the Law states: "The data controller is obligated to take all necessary technical and administrative measures to ensure an appropriate level of security for the purposes of: a) preventing the unlawful processing of personal data, b) preventing unlawful access to personal data, and c) ensuring the protection of personal data." " This provision is in accordance with the sixth paragraph of Article 15 of the Law, which states: "Upon an investigation conducted upon complaint or on its own initiative, if it is determined that the violation is widespread, the Board shall issue a principle decision on the matter and publish this decision."

In this context, the matters outlined above constitute the administrative and technical measures that data controllers must take to ensure the lawful processing of personal data in accordance with the first paragraph of Article 12 of the Law. Should it be determined that the relevant data controllers have failed to act in accordance with these provisions, proceedings will be initiated against them under the provisions of Article 18 of the Law , and to inform the public and sector representatives of this matter; and in this context, it was decided by unanimous vote to adopt a Policy Decision in accordance with the sixth paragraph of Article 15 of the Law and to publish it in the Official Gazette and on the Authority's website.