COUNTRY: TURKEY SCORE: 54.41 | RANK: 19/24

The biggest change in Turkey since the last report is in the field of cybercrime. Turkey signed the Convention on Cybercrime in 2010 and ratified it in 2014. It came into force in Turkey in 2015. (**Note:** Turkey adopted its new Law on Personal Data Protection after the research and ratings for this report were completed, and it came into force in April 2016. The law will be factored into Turkey's scores in future reports.)

However, Turkey continues to have some gaps in its coverage of other cyberlaws. For example, Turkey has rules on Internet content regulation that may act as a barrier to cloud services. Intellectual property protection in Turkey is reasonably up-to-date, but enforcement is patchy.

Turkey is making progress toward integration with the European and international communities, but some domestic preferences are still in place for government procurement opportunities.

The government has an ambitious target of providing fast broadband to 95% of households by 2020. Turkey recorded modest gains in information technology (IT) infrastructure in this year's report.

Turkey's overall score remains steady, but its ranking fell one place from 18th in 2013 to 19th in 2015.

Q TURKEY	RESPONSE	EXPLANATORY TEXT
DATA PRIVACY (SCORE: 3.5/10	RANK: 23/24)	
 Are there laws or regulations governing the collection, use, or other processing of personal information? 	×	A draft Law Concerning Protection of Personal Data has been under development for some time. It was submitted to the national assembly in late 2014, but has not yet made significant progress towards enactment.
2. What is the scope and coverage of privacy law?	Not applicable	The draft law has a comprehensive scope, however, as of October 2015, it is not yet in force.
 Is the privacy law compatible with the Privacy Principles in the EU Data Protection Directive? 	*	The draft law is based on the European Union (EU) Data Protection Directive, however, as of October 2015, it is not yet in force.
4. Is the privacy law compatible with the Privacy Principles in the APEC	×	The draft law is based on the EU Data Protection Directive and, if implemented, would be stronger than the
Privacy Framework?		Asia-Pacific Economic Cooperation (APEC) Privacy Framework.
5. Is an independent private right of	Available	Some limited privacy rights are available in Turkey.
action available for breaches of data privacy?		Article 20 of the Turkish Constitution on the Confidentiality and Protection of Private Life states that "every person has the right to confidentiality and personal privacy, and these rights are untouchable." This regulation also states that "every person has absolute freedom to decide whether to provide or not his/her personal data and in the latter, he/she shall not be compelled to do so." A range of exemptions apply. Article 24 of the Turkish Civil Code also states that a person whose civil rights are violated can claim protection.
		In practice, these private rights are very difficult to enforce in Turkey.
 Is there an effective agency (or regulator) tasked with the enforcement of privacy laws? 	None	The draft Law Concerning Protection of Personal Data includes a proposal to establish a Personal Data Protection Authority.
What is the nature of the privacy regulator?	Not applicable	The draft law envisages the establishment of a regulatory board.
8. Are data controllers free from registration requirements?	~	There are no registration requirements in force in Turkey at this time. The draft law includes registration requirements.

Q TURKEY	RESPONSE	EXPLANATORY TEXT
9. Are cross-border transfers free from registration requirements?	~	There are no cross-border data transfer restrictions or registration requirements in place.
		However, the draft law, which as of October 2015 is not yet in force, includes specific authorization requirements for overseas transfers. Additionally, as data transfer is deemed a form of data processing, notice and consent requirements in the draft law may apply to international transfers of data.
10. Is there a breach notification law?	×	Turkey has no relevant data breach notification requirements.
		A limited data breach notification requirement was included in the Regulation on Processing of Personal Data and Protecting its Privacy in the Electronic Communications Sector in 2014, however, the application of this regulation in Turkey is currently suspended.
SECURITY (SCORE: 4/10 RAN	K: 18/24)	
 Is there a law or regulation that gives electronic signatures clear 	~	The Law of Electronic Signature (No. 5070, dated Jan. 15, 2004) contains the key provisions.
legal weight?		The Ordinance on the Procedures and Principles Pertaining to the Implementation of Electronic Signature Law 2005 contains the procedures and principles for the legal, technical aspects, and implementation of electronic signatures.
 Are ISPs and content service providers free from mandatory filtering or censoring? 	×	Internet censorship is common in Turkey and has increased in recent years. Sites are blocked for a number of reasons — many of which appear politically motivated — under the Law on the Internet (No. 5651/2007, amended 2014).
		The Information and Communication Technologies Authority (BTK) <www.btk.gov.tr> provides a system where all Internet users are offered a choice of filters (child or family). However, blocking of specific sites by the government remains common and would still occur where a user opted for the standard feed. Internet cafes and kiosks are also subject to mandatory filtering requirements.</www.btk.gov.tr>
3. Are there laws or enforceable codes containing general security requirements for digital data hosting and cloud service providers?	None	There are no enforceable security requirements for digital data hosting in Turkey.
 Are there laws or enforceable codes containing specific security audit requirements for digital data hosting and cloud service providers? 	None	There are no security audit requirements in Turkey.
 Are there security laws and regulations requiring specific certifications for technology products? 	Comprehensive requirements (including common criteria)	In 2010, Turkey was accepted as a Certificate Authorizing Member (the highest level) of the Common Criteria Recognition Arrangement (CCRA) <www.commoncriteriaportal. org="">. The use of certifications for technology products in Turkey is small but growing.</www.commoncriteriaportal.>
CYBERCRIME (SCORE: 7.6/10	RANK: 15/24)	
1. Are cybercrime laws in place?	~	The Turkish Penal Code (as amended in 2005) includes numerous computer-related offenses.
		The controversial Regulation of Internet Publications and Combating Crimes Committed through such Publications (2007) also covers some cybercrime activities.
2. Are cybercrime laws consistent with the Budapest Convention on Cybercrime?	~	Turkey signed the Convention on Cybercrime in 2010 and ratified it in 2014. It came into force in Turkey in 2015.
3. What access do law enforcement authorities have to encrypted data	Unlimited access	There is no specific law or regulation regarding access to encrypted data in Turkey, but the government has expressed strong opposition to the use of encryption.
held or transmitted by data hosting providers, carriers or other service providers?		There have been occasional news reports that individuals, including journalists, have been arrested on terrorism-related charges for using encrypted devices and encryption software.
4. How does the law deal with extraterritorial offenses?	Limited coverage	Turkish criminal law includes extra-territorial application to Turkish citizens, no matter where they are located.
INTELLECTUAL PROPERTY RIGHTS (SCORE: 14/20 RANK: 15/24)		
1. Is the country a member of the TRIPS Agreement?	~	Turkey became a member of the TRIPS Agreement in 1995.
2. Have IP laws been enacted to implement TRIPS?	~	Law No. 5846 of Dec. 5, 1951, on Intellectual and Artistic Works (the Copyright Law) has been regularly updated to comply with international treaties and EU directives.

Q TURKEY	RESPONSE	EXPLANATORY TEXT
Is the country party to the WIPO Copyright Treaty?	~	The WIPO Copyright Treaty entered into force in Turkey in 2008.
4. Have laws implementing the WIPO Copyright Treaty been enacted?	~	Turkey's Copyright Law is very close to compliance with the WIPO Copyright Treaty. Further amendments to strengthen criminal enforcement in line with the WIPO Copyright Treaty and other EU instruments have been under discussion for many years, with no clear timetable for implementation.
 Are civil sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet? 	~	Sanctions are available for unauthorized communication, to the public, of any work subject to copyright.
 Are criminal sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet? 	٩	It is unclear whether criminal sanctions can be used for simply making unauthorized material available. The takedown process discussed below is more likely to be used than a criminal investigation and prosecution.
7. Are there laws governing ISP liability for content that infringes	~	Article 4 of the Copyright Law (added as part of the 2004 amendments) sets out a simple regime for ISP liability and cooperation.
copyright?		Further amendments to copyright law, including an improved regime for ISP liability, have been under discussion in Turkey for many years, with no clear timetable for implementation.
8. Is there a basis for ISPs to be held liable for content that infringes copyright found on their sites or systems?	~	Copyright owners who allege an infringement can ask the content provider to stop the infringement. Should the content providers not stop the copyright infringement within three working days, the copyright-holder is entitled to ask the public prosecutor to order the relevant ISP to suspend the service to the content provider.
 What sanctions are available for ISP liability for copyright infringing content found on their site or system? 	Civil and criminal	A wide range of civil and criminal sanctions are available, including damages, injunctions, fines and imprisonment. In practice, enforcement is rare.
10. Must ISPs take down content that infringes copyright, upon notification by the right holder?	v	If infringing material is not removed within three days, ISPs can be ordered to suspend services to the offending subscriber. In practice, online copyright breaches remain common, and the use of takedown notices and suspensions is rare.
11. Are ISPs required to inform subscribers upon receiving a notification that the subscriber is using the ISP's service to distribute content that infringes copyright?	×	ISPs do not have a direct role in informing subscribers about alleged breaches, although they may be required to issue suspension notices following action by prosecutors.
12. Is there clear legal protection against misappropriation of cloud computing services, including effective enforcement?	Comprehensive protection	Turkey has a moderate level of protection available for cloud services through a combination of its cybercrime legislation and copyright laws. However, both laws have minor gaps, and Turkey does not yet have data protection legislation.
SUPPORT FOR INDUSTRY LED (SCORE: 8.6/10 RANK: 18/24		NTERNATIONAL HARMONIZATION OF RULES
 Are there laws, regulations or policies that establish a standards setting framework for interoperability and portability of data? 	~	Turkey manages standards through the Organization Law (No. 132 of 1960).
 Is there a regulatory body responsible for standards development for the country? 	v	Turkish Standards Institution (Türk Standardlari Enstitüsü (TSE)) <www.tse.org.tr>.</www.tse.org.tr>
3. Are e-commerce laws in place?	٩	The Law of Electronic Signature (No. 5070 of 15 January 2004) contains some limited e-commerce provisions.
4. What international instruments are the e-commerce laws based on?	Other	The Law of Electronic Signature is limited; the signature sections are based on the UNCITRAL Model Law on Electronic Signatures.
 Is the downloading of applications or digital data from foreign cloud service providers free from tariff or other trade barriers? 	~	Turkey now follows EU policy on setting tariffs, and there are no relevant tariffs or other barriers in the IT sector.
6. Are international standards favored over domestic standards?	~	Turkey favors a mix of EU and international standards over domestic standards.

Q TURKEY	RESPONSE	EXPLANATORY TEXT
 Does the government participate in international standards setting process? 	~	Turkey is an active participant in International Standards Organization (ISO) committees and working groups.
PROMOTING FREE TRADE (SC	ORE: 2.8/10 RA	
 Are there any laws or policies in place that implement technology neutrality in government? 	×	There are no specific laws or policies on technology neutrality in Turkey.
 Are cloud computing services able to operate free from laws or policies that mandate the use of certain products (including, but not limited to types of software), services, standards or technologies? 	~	There are no relevant mandatory product requirements in Turkey.
3. Are cloud computing services able to operate free from laws or policies that establish preferences for certain products (including, but not limited to types of software), services, standards or technologies?	~	There are no relevant preferences in place in Turkey, although several government agencies (including defense) have significant open-source projects underway.
 Are cloud computing services able to operate free from laws that discriminate based on the 	×	Turkey is an observer, but not a member of the World Trade Organization (WTO) plurilateral Agreement on Government Procurement.
nationality of the vendor, developer or service provider?		Turkey's public tender law still provides a price preference of up to 15% for domestic bidders.
IT READINESS, BROADBAND D	EPLOYMENT (S	CORE: 13.9/30 RANK: 19/24)
1. Is there a national broadband plan?	 By 2018, the proportion of Internet users increase to 70% By 2018, the number of fiber Internet subscribers increase to 4 million By 2018, the number of LTE subscribers increase to 10 million By 2018, the proportion market share of alternative DSL operators increase to 25% By 2018, the GDP per capita rate of broadband access costs by lowered 	The Information Society Strategy and Action Plan (2015-2018) <www. bilgitoplumustratejisi.org> has set out the following national broadband targets: • By 2018, the proportion of Internet subscribers increase to 70% • By 2018, the number of lDTE subscribers increase to 10 million • By 2018, the proportion market share of alternative DSL operators increase to 25% • By 2018, the GDP per capita rate of broadband access costs by lowered to 1% The previous 2013 target, set out in the Ninth Development Plan of Turkey (2007-2013), of having the broadband subscriber rate increase to 20% was achieved. And while the second target of having the proportion of Internet users increase to 60% was not met by 2013, that number has subsequently been surpassed, according to the Turkish Statistical Institute <www.turkstat.gov.tr>.</www.turkstat.gov.tr></www.
2. Are there laws or policies that regulate the establishment of different service levels for data transmission based on the nature of data transmitted?	to 1% No regulation and limited public debate	Issues of net neutrality have not yet been the subject of significant consideration in Turkey.

Q TURKEY	RESPONSE	EXPLANATORY TEXT
3. Base Indicators	~	
3.1. Population (millions) (2014)	75	In 2014, the population of Turkey increased by 1.3%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
3.2. Urban Population (%) (2014)	73%	[World Bank, Data Catalog, Indicators, Urban Population (2015) <data.worldbank.org <br="">indicator/SP.URB.TOTL.IN.ZS>]</data.worldbank.org>
3.3. Number of Households (millions)	17	In 2014, the number of households in Turkey increased by 1.2%.
(2014)		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
3.4. Population Density (people per square km) (2014)	99	[World Bank, Data Catalog, Indicators, Population Density (2015) <data.worldbank.org <br="">indicator/EN.POP.DNST>]</data.worldbank.org>
3.5. Per Capita GDP (US\$ 2014)	\$10,530	In 2014, the per capita gross domestic product (GDP) for Turkey increased by 2.9% to US \$10,530.
		[World Bank, Data Catalog, Indicators: GDP per capita, current US\$ (2015) <data.worldbank.org indicator="" ny.gdp.pcap.cd=""> and GDP growth, annual % (2015) <data.worldbank.org indicator="" ny.gdp.mktp.kd.zg="">]</data.worldbank.org></data.worldbank.org>
3.6. IT Service Exports (2014) (billions of US\$)	0.63	In 2014, the value of IT service exports for Turkey decreased by -12.7% to US \$0.63 billion. The five-year compound annual growth rate (CAGR) from 2009-2014 was -5.6%.
		[World Bank, Data Catalog, Indicators: ICT Service Exports US\$ (Dec 2015) <data.worldbank.org bx.gsr.ccis.cd="" indicator="">]</data.worldbank.org>
3.7. Personal Computers (2014) (% of households)	56%	In 2014, 56% of households in Turkey had personal computers. This is an increase of 5.8% since 2013, and ranks Turkey 73 out of 183 countries surveyed. The growth from 2013 is below the five-year CAGR from 2009 to 2014 of 8.4%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015)]
4. IT and Network Readiness Indicators		
4.1. ITU ICT Development Index (IDI) (2015) (Score is out of 10 and covers 167	5.58	Turkey's ITU ICT Development Index (IDI) for 2015 is 5.58 (out of 10), resulting in a rank of 69 (out of 167) countries. The 2015 IDI for Turkey increased by 5.5%, and the IDI ranking declined by one place from a rank of 68 since 2013.
countries)		[International Telecommunication Union (ITU), Measuring the Information Society (Dec 2015) <www.itu.int en="" itu-d="" mis2015.aspx="" pages="" publications="" statistics="">]</www.itu.int>
4.2. World Economic Forum Networked Readiness Index (NRI) (2015) (Score is out of 7 and covers 143 countries)	4.41	Turkey has a Networked Readiness Index (NRI) score of 4.41 (out of 7), resulting in a rank of 48 (out of 143) countries and a rank of 5 (out of 40) in the upper-middle income grouping of countries. The 2015 NRI for Turkey increased by 2.5% and improved from a rank of 51 since 2014.
		[World Economic Forum, Global Information Technology Report (2015) <reports.weforum.org global-information-technology-report-2015="">]</reports.weforum.org>
4.3. International Connectivity Score (2014)	4.13	Turkey has an International Connectivity Score of 4.13 (out of 10), resulting in a rank of 16 (out of 26) in the resource-driven grouping of countries.
(Score is out of 10 and covers 52 countries)		[International Connectivity Scorecard (2013) <www.connectivityscorecard.org>]</www.connectivityscorecard.org>
5. Internet Users and International Band	dwidth	
5.1. Internet Users (millions) (2014)	35	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
5.2. Internet Users as Percentage of Population (2014)	46%	In 2014, 46% of the population in Turkey used the Internet, resulting in a ranking of 94 out of 199 countries surveyed. This represents an increase of 2.5% since 2013. The growth from 2013 is below the five-year CAGR from 2009-2014 of 6.1%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int en="" itu-d="" pages="" publications="" statistics="" wtid.aspx="">]</www.itu.int>
		Note: There may be some variations as to how countries calculate this. Some countries base this upon all or part of the population, such as between 16 and 72 years of age.
5.3. International Internet Bandwidth (2014) (bits per second per Internet user)	42,911	The International Internet Bandwidth (per Internet user) of Turkey has increased by 23% since 2013. The growth from 2013 is below the five-year CAGR from 2009-2014 of 35.9%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>

Q TURKEY	RESPONSE	EXPLANATORY TEXT
5.4. International Internet Bandwidth (2014) (total gigabits per second [Gbps] per country)	1,661	Turkey has increased its International Internet Bandwidth by 38% since 2013 to 1,661 Gbps, and is ranked 23 out of 215 countries surveyed. The growth from 2013 is below the five-year CAGR from 2008-2013 of 47.2%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
6. Fixed Broadband		
6.1. Fixed Broadband Subscriptions (millions) (2014)	8	Turkey has increased the number of fixed broadband subscribers by 7% since 2013 to 8 million, and is ranked 16 out of 215 countries surveyed. The growth from 2013 is below the five-year CAGR from 2009-2014 of 7.8%.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
6.2. Fixed Broadband Subscriptions as % of households (2014)	49%	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
		Note: This may be skewed by business usage in some countries.
6.3. Fixed Broadband Subscriptions as % of population (2014)	12%	Turkey has decreased its fixed broadband subscriptions (as a % of the population) by -1.5% since 2013, which is below the five-year CAGR from 2009-2014 of 5.2%. This ranks Turkey 86 out of 215 countries surveyed.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
		The Organization for Economic Cooperation and Development (OECD) figures below present a breakdown on the type of fixed broadband connections in Turkey.
		In the OECD during 2014, Turkey was ranked 33 out of 34 for fixed broadband subscribers as a percentage of population [OECD Broadband Subscribers (July 2015) <www.oecd.org broadband="" ict="" sti="">]</www.oecd.org>
		• DSL: 8.9%
		• Cable: 0.7%
		• Fiber/LAN: 1.9%
		• Fixed wireless: 0.2%
		Total: 27.6% (12.8 million subscriptions). The OECD average total for 2014 was 28.2%.
		Turkey's fixed broadband growth for 2014 was 9.9% (ranked 9 out of 34 for growth), above the OECD average growth of 7.7%.
		In Turkey, fiber makes up 12.2% of fixed broadband subscriptions (ranked 14 out of 34), below the OECD average of 17%. The growth in fiber subscriptions for 2014 was 151% (ranking Turkey 2 out 34 for growth) and significantly above the OECD average of 13%.
		Note: From July 2015 OECD adjusted its definitions of fixed and mobile broadband by transferring the categories satellite and fixed wireless from mobile to fixed broadband.
		Note: Fiber subscriptions data includes FTTH, FTTP and FTTB and excludes FTTC.
		Note: There may be minor variations in the ITU and OECD subscriber totals due to definition or timing differences.
6.4. Fixed Broadband Subscriptions as % of Internet users (2014)	24%	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (June 2014) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
7. Mobile Broadband		
7.1. Mobile Cellular Subscriptions (millions) (2014)	72	In 2014, Turkey increased the number of mobile cellular subscriptions by 3.2% and is ranked 20 out of 215 countries surveyed. The number of subscriptions account for 96% of the population.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
		Note: This figure may be inflated due to multiple subscriptions per head of population, but excludes dedicated mobile broadband devices (such as 3G data cards, tablets, etc.).

Q TURKEY	RESPONSE	EXPLANATORY TEXT
7.2. Active Mobile Broadband Subscriptions per 100 inhabitants (2014)	43	Turkey has increased the number of active mobile-broadband subscriptions (as a % of the population) by 32% since 2013. This ranks Turkey 80 out of 215 countries surveyed.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>
		Note: This refers to the sum of standard mobile-broadband and dedicated mobile- broadband subscriptions to the public Internet. It covers actual subscribers, not potential subscribers, even though the latter may have broadband-enabled handsets.
		The OECD figures below present a breakdown on the type of mobile broadband connections in Turkey.
		For 2014, Turkey's OECD rank was 33 out of 34 for mobile wireless broadband subscribers as a percentage of population [OECD Broadband Subscribers (July 2015)]
		• Standard mobile broadband subscription: 52.9%
		Dedicated mobile data subscriptions: 25.1%
		Total: 78.1% (36.3 million subscriptions). The OECD average total for 2014 was 81.3%.
		Turkey's mobile broadband growth for 2014 was 32.7% (ranked 9 out of 34 for growth), above the OECD average growth of 21.1%.
		Note: From July 2015, OECD adjusted its definitions of fixed and mobile broadband by transferring the categories satellite and fixed wireless from mobile to fixed broadband.
		Note: The OECD figures include mobile data subscriptions, which are not as consistently reported in the ITU indicators.
7.3. Number of Active Mobile Broadband Subscriptions (millions) (2014)	32	In 2014, Turkey has increased the number of active mobile-broadband subscriptions by 34% and is ranked 17 out of 215.
		[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int ict="" itu-d="" publications="" world="" world.html="">]</www.itu.int>