DÜNDAR SIR
LAW FIRM

June 2, 2026

CLIENT ALERT: PRINCIPLE DECISION ON THE USE OF BIOMETRIC DATA IN WORKING TIME MONITORING

The Turkish Personal Data Protection Board ("**the Board**") has issued a critical principle decision ("**the Principle Decision**") regarding biometric identification systems (fingerprints, facial recognition, iris scans, etc.) used by employers to track working hours. Adopted on April 29, 2026 (Decision No: 2026/921), the decision was published in the Official Gazette on June 2, 2026.

This Client Alert summarizes the key updates provided by the Principle Decision.

Lack of Explicit Legal Basis: While current Turkish labor legislation dictates that working hours must be monitored and documented, there is no explicit statutory provision requiring or authorizing this tracking via "biometric data".

Compromised Free Will: Due to the inherent power imbalance in employment relationships, "explicit consent" obtained from employees does not genuinely reflect free will. Furthermore, since withdrawing consent would disrupt the continuity of biometric systems, consent alone does not provide a valid legal basis.

General Principles: Even if valid explicit consent is obtained, processing biometric data for a limited administrative purpose like monitoring of the working time violates the Turkish Personal Data Protection Law No. 6698 ("**PDPL**") principles of **proportionality, necessity, and data minimization**.

Emphasizing that biometric systems are not the only option, the Board explicitly stated that employers must utilize less intrusive, alternative methods for monitoring, such as:

- Card systems with passwords or PIN-based systems,
- RFID / NFC identification cards,
- Traditional signatures and paper-based attendance sheets,
- Manual entry logs under supervisor oversight.

It is crucial to note that employers failing to comply with this Principle Decision face administrative fines under Article 18 of the PDPL, with an upper limit of **TRY 17,092,242** (approx. USD 372,150 / EUR 319,130 as of June 02,2026). To avoid these severe sanctions, businesses must immediately review their current attendance systems and transition to the approved alternative methods.

Please do not hesitate to contact us if you have any queries on the Principle Decision.

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