SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

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Date: 25/11/2026

DH-DD(2026)1604

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting:	1577th meeting (December 2026) (DH)
Item reference:	Action Plan (23/11/2026)

Communication from Türkiye concerning the case of Acar v. Türkiye (Application No. 20039/22)

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Réunion :	1577e réunion (décembre 2026) (DH)
Référence du point :	Plan d'action (23/11/2026)

Communication de la Türkiye concernant l'affaire Acar c. Türkiye (Requête n° 20039/22) ***[anglais uniquement]***

DH-DD(2026)1604: Communication from Türkiye
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DGI
23 NOV. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

ACTION PLAN
Acar v. Türkiye (no. 20039/22)

Judgment of and final on 23 June 2026

I. CASE DESCRIPTION

1. The European Court of Human Rights ("the Court") found a violation of Article 8 of the Convention on account of the continued retention of data concerning the applicant's criminal conviction in 2000 in the GBT/KİHBİ (General Information Gathering system) database, despite its removal from his official criminal records.
2. The Court found that the interference was not "in accordance with the law", as the retention of the applicant's personal data was based on secondary legislation (Information Gathering Directive), in breach of the Turkish Constitution, and therefore lacking sufficient statutory basis. It further noted that the relevant Directive had never been officially published and therefore did not satisfy the accessibility requirement, which also made it impossible for the Court to verify whether the Directive satisfies the requirement of foreseeability. Furthermore, supplementary Article 7 of Law No. 2559 under which the Directive was issued did not set out any minimum safeguards against abuse in the context of the retention and use of the personal data concerned.

II. INDIVIDUAL MEASURES

Just Satisfaction

3. The Court awarded the applicant EUR 2,000 in respect of non-pecuniary damage and EUR 500 for costs and expenses.
4. These amounts were paid to the applicant within the deadline set forth by the Court. Payment information was published on HUDOC-EXEC.

Other Measures

5. The authorities would like to indicate that Article 53 § 1 (I) of the Code of Administrative Procedure ("Law no. 2577") provides the applicants with the opportunity to request the reopening of proceedings within one year as from a final judgment by the Court finding a violation.
6. The authorities have requested information from the relevant administrative court whether the applicant has made such a request. Once this information is provided, the Committee of Ministers ("the CM") will be provided with updated information in this respect.

III. GENERAL MEASURES

7. The Turkish authorities will keep the CM informed, in due time, of the general measures taken/envisaged with a view to preventing similar violations.

Publication and dissemination measures

8. The judgment was translated into Turkish and published on the Court's official website.
9. In addition, the Turkish authorities ensured that the translated text of the judgment, with an explanatory note, was circulated to the relevant domestic courts and administrative authorities, the Supreme Administrative Court, the Constitutional Court, the Human Rights and Equality Institution of Türkiye, the Ombudsman Institution, the Council of Judges and Prosecutors and the Justice Academy of Türkiye.

IV. CONCLUSIONS

10. The CM will be informed of the individual and general measures in due time.