

## Geographic Data License: What Does It Mean for E-Commerce Companies?

### 1 What are Geographical Data and Geographic Information Systems?

According to the legislation on Geographical Data and Geographic Information Systems:

- Geographical data (“**Geodata**”) is “any kind of data containing location information”. For example, administrative units, toponyms, building and address information are within this scope.
- Geographic Information Systems (“**GIS**”) are the “set of hardware, software, human resources, standards, and methods necessary for the production, supply, storage, processing, management, analysis, sharing, presentation and keeping up to date of Geodata”.

### 3 What is the relevance of this legislation to e-commerce companies?

- For a long time, the legislation on Geodata has been interpreted to apply only to applications using precise location data. However, in the middle of last year (2022) the Ministry sent notices to the major e-commerce companies to inform them of their requirements under this legislation. It appears that according to the Ministry “e-commerce companies which process address information” may also be subject to this legislation.
- Therefore, based on the Ministry’s interpretation, e-commerce companies, which process address information nationwide, are required to:
  - Obtain a Geodata license from the Ministry (subject to annual fee),
  - Employ at least one person as a GIS Specialist and one person with a GIS Operator Certificate,
  - Submit a semiannual report to the Ministry on the activities specified in the license agreement.

### 4 Fines

- If a Geodata permit is not obtained, the application must be made within at least 10 (ten) days, as specified in the notification sent to the entities by the Ministry. Otherwise, the Ministry may decide to cease the operation of the entities and impose an administrative fine equal to five times of the applicable permit fee.
- If a Geodata license is not obtained the legislation does not impose a specific fine, however, we understand that the Ministry is of the view that it may apply the fine mentioned above for not obtaining license by analogy.

### 2 What are the requirements?

- Depending on the scope of the activity, which involves Geodata processing, persons processing Geodata must obtain (i) a permit or (ii) a license, both of which are subject to an annual fee.
  - **Who needs to obtain a permit:** Persons/entities, whose Geodata processing activities involves more than one location information but less than one province.
  - **Who needs to obtain a license:** Persons/entities whose Geodata processing activities involves more than one location information and at least one province.
- Software which is considered as GIS must be certified by the Ministry of Environment Urbanization and Climate Change (“**Ministry**”). Also, sensors and equipment (i.e. hardware) which collect Geodata will be recorded on an electronic platform that the Ministry will create.
- License applicants must employ:
  - If activities carried out nationwide: at least one person as a GIS Specialist and one person with a GIS Operator Certificate or
  - If activities are carried out within the scope of a province: at least one person with a GIS Operator Certificate.
- License owners must submit a semiannual report to the Ministry on the activities specified in the license agreement.

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