

# The Decision of the 12th Civil Chamber of the Court of Cassation dated 12.01.2023, numbered 2022/7789 E., 2023/181 K.

01/02/2023

Subsequent to the rejection of the request by the attorney of the creditor that the debtor's previous (*pasif*) immovable records to be queried and recorded in the file, attorney of the creditor filed a lawsuit for the annulment of the relevant transaction.

The court of first instance decided to reject the lawsuit, since the creditor's attorney can request the investigation-query procedures for the collection of the receivable through the enforcement offices, but the previous (*pasif*) immovable records of the debtor can be obtained by examining them from the land registry directorate.

Creditor's attorney appealed the decision of the court of first instance. Regional Court of Justice has decided to reject the appeal on its merits, **on the ground that it is against the principles regarding the protection of personal data that the current owner's information is included among the information to be accessed in the event that the debtor's previous (*passive*) immovable record is queried by the creditor's attorney.**

The creditor's attorney filed an appeal against this decision. The decision, which was examined on appeal, was approved due to being in accordance with the procedure and law.