[TR] Decision of the Internet Authority Concerning Internet Security and Access Restriction

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On 4 March 2011 the Turkish Information and Communication Technologies Authority (ICTA) issued a decision concerning Internet security. The objective of the decision is to protect Internet users against unwelcome content. However, this attempt of the Authority is not highly appreciated among users and related NGOs.

According to the decision, which approves “The Draft on the Principles and Procedures Concerning a Secure Usage of Internet”, four types of user profiles are regulated and Internet service providers are obliged to provide these profiles to their users. The profiles, one of which the users must choose, consist of the standard profile, child profile, family profile and domestic internet profile.

The decision determines the scope of the profiles as well. According to Art. 4 of the decision, “standard profile” does not contain any restriction on the access to the internet, as currently regulated. However, when it comes to the other profiles, some restrictions apply: for example, users who choose the “family profile” are not able to access domain names, IP addresses, ports and web proxy sites that are contained in the “black list”. Users of the “child profile” are only able to access domain names, IP addresses and ports listed in the “white list”. Likewise, the “domestic Internet profile” allows accession only to IP addresses, ports and web sites hosted within the country and not listed in the “black list”.

ICTA declared that the decision was required, due to its responsibility, resulting from claims of users, Art. 20 (privacy of individual life) and 41 (protection of the family and children) of the Turkish Constitution and Art. 10 (secure usage of the Internet) of the by-law on Consumer Rights in the Electronic Communications Sector. In the meantime, ICTA assumes that there is no problem with the profiles since no restrictions are imposed on Internet access under the standard profile and users are free to choose any of the profiles.

But as mentioned above, NGOs do not agree with ICTA. The main objections raised by the NGOs may be summarised as follows:

- There is no transparency in the creation of the white and black lists.

- No objection proceeding is provided for those included in the black list.

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- There is uncertainty about the results of breaching the profile limits by users.

- There is no compliance with international norms.

- If there was a real need for Internet security, the Government should authorise ISPs to create such filters instead of doing so itself.

Also the Internet users reacted and hundreds of people protested against the decision on 15 May 2011. Furthermore, a lawsuit has been filed in order to have the decision cancelled. ICTA took into consideration the complaints and the directors of the authority and representatives of NGOs met to discuss the decision.

The decision will enter into force on 22 August 2011, unless it is revised or cancelled.

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