[RU] New Rules for Internet

IRIS 2012-8:1/36

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On 11 July 2012 the State Duma (parliament) adopted in the final reading a federal statute titled О внесении изменений в Федеральный закон “О защите детей от информации, причиняющей вред их здоровью и развитию” и отдельные законодательные акты Российской Федерации (“On amendments to the Federal Statute “On the Protection of Minors against Information Detrimental to their Health and Development” and to other legal Acts of the Russian Federation”). It was signed into law by President Vladimir Putin on 28 July 2012.

The new Statute introduces a number of changes to the regulation of Internet, not necessarily related to the issues of the 2010 Federal Statute “On the Protection of Minors against Information Detrimental to their Health and Development”, which was to come into force 1 September 2012 (see IRIS 2011-4/34).

On the one hand, it further specifies the above law. In particular, the amendments provide details of the labeling of harmful audiovisual products; they elaborate on the procedures for expert evaluation of “information products.” The changes say that “placement in Internet” should now be called “dissemination via Internet”, they introduce the notion of “network publications” to label online media - in line with the recent amendments to the Mass media Law (see IRIS 2011-7/42). These changes are enforced from the day of publication of the Statute.

On the other hand, the new Statute introduces new and more general restrictions on the Internet. It adds to the 2003 Federal Statute “On Communications” a provision stipulating that Internet access providers shall block and unblock access to information on Internet in line with the rules of another law - the 2006 Federal Statute “On Information, Information Technologies and on Protection of Information.” The latter statute, in its turn, is extended to include an array of new notions, related to online communications: Internet website, webpage, domain name, network address, website owner and hosting provider.

The new Statute empowers the governmental watchdog agency Roskomnadzor (see IRIS 2011-1/46 and IRIS 2011-7/42) to establish a database of domain names and network addresses of websites that contain information banned for dissemination in the Russian Federation. The database will be formed on the basis of individual court decisions on the illegal character of information on a particular

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website. A similar blacklist is already being maintained by the Ministry of Justice on the basis of court decisions in anti-extremism cases (see IRIS 2007-9/27), but from now on it can be further expanded to include violations of legislation on advertising, copyright, personal data, etc.

The database will additionally be formed and maintained on the basis of decisions of the federal executive bodies - in relation to information regarding three categories: child pornography, production and distribution of narcotics, and methods of committing suicides.

The procedures on the use of the blacklist are as follows. Within 24 hours of receiving a note from Roskomnadzor on the illegal character of information, the hosting provider informs the website owner on the need to remove the now forbidden webpage. Within 24 hours of receiving the note from the hosting provider the webpage in question should be removed by the website owner. If this does not happen, the hosting provider should block access to the website. If neither takes place the network address itself is blacklisted and is now to be blocked by the Internet communication operator, also within 24 hours. If this fails to happen the operator faces possible loss of its licence.

These changes are to be enforced beginning 1 November 2012.

Федеральный закон Российской Федерации от 28 июля 2012 г. N 139-ФЗ "О внесении изменений в Федеральный закон “О защите детей от информации, причиняющей вред их здоровью и развитию” и отдельные законодательные акты Российской Федерации". Российская газета, 30/07/2012

http://www.rg.ru/2012/07/30/zakon-dok.html

Federal Statute “On amendments to the Federal Statute “On the Protection of Minors against Information Detrimental to their Health and Development” and to other legal acts of the Russian Federation” No 139-FZ, published on 30 July 2012 in official daily Rossiyskaya gazeta

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