Spanish Government may shut down websites without a court warrant

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For public security reasons, the government has reserved the right to suspend, exceptionally and as a precautionary measure, the transmission of data and the connection to the Internet, as provided in the Royal Decree-Law 14/2019 of 31 October (hereinafter, the “Royal Decree-Law”).

This Royal Decree-Law amends Law 9/2014 of 9 May on Telecommunications to acknowledge the government's right to take over any types of infrastructure, network, service or digital resource that may affect public security within the framework of national defence. It means that the Ministry of Economy and Business has the power, in exceptional cases, to immediately and temporarily shut down websites and other services and to control all networks without a prior court warrant in order to guarantee public order and public and national security.

The government adopted this provision to prevent anyone from trying to use the Internet, a website or apps for the aforementioned reasons. In particular, this regulation was the government's reaction to the so-called *digital Catalan Republic* , an initiative of the regional Catalan Government to create a *digital republic* that involves, among other things, the processing of personal data such as census records, voter rolls, tax information and other records on Internet servers that are located outside the European Union with the intention of creating an online *digital Catalan Republic*.

The Royal Decree-Law might be contrary to the Spanish Constitution, as constitutional guarantees must be observed when adopting such measures which might limit, for example, the right to freedom of expression.

Real Decreto-ley 14/2019, de 31 de octubre, por el que se adoptan medidas urgentes por razones de seguridad pública en materia de administración digital, contratación del sector público y telecomunicaciones.

https://boe.es/boe/dias/2019/11/05/pdfs/BOE-A-2019-15790.pdf

Royal Decree-Law 14/2019, of October 31, whereby urgent measures are taken for reasons of public security in matters of digital administration, public sector contracting and telecommunications.

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