[RU] New rules on social networks: Blocking permitted

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A new set of amendments that expands the scope of the Russian Federation's Federal Statute "On Information, Information Technologies and on the Protection of Information" (see Iris Extra 2015) to include social networks was adopted by the State Duma on 23 December and signed by the President on 30 December 2020. It entered into force on 1 February 2021.

The amendments largely present a new 16-page Article 10-6 to the Federal Statute "On Information, Information Technologies and on the Protection of Information" that regulates several important aspects of activities for the owners of social networks, both Russian and foreign, that have 500 000 users accessing them daily from the territory of the Russian Federation. This category includes owners of a website, and/or of a page of the website, and/or owners of an information system, and/or of a computer programme, if these resources are designed to allow users to create and disseminate their personal webpages in Russian and/or in other languages of the Russian Federation. The regulation is also applicable to web resources that allow for the dissemination of advertising aimed at consumers in Russia.

The owners of such social networks shall be required to abide by Russian law, in particular the rules on the dissemination of certain types of information, as provided for in the above Federal Statute, including a ban on the dissemination of calls for extremist and terrorist activity and other extremist materials; materials with protected secrets; the propaganda of pornography; the propaganda of the cult of violence and cruelty; and the dissemination of information containing swear words. The Article also includes a ban on disseminating defamatory materials, and, in particular, the defamation of a person or a category of persons because of their political views, as well as the requirement to observe election campaigning rules. The owners shall independently organise the monitoring of the social networks in order to detect and take down materials with information that is considered illegal in Russia, particularly that related to suicide methods, the use and production of drugs, the distant retail sale of alcohol, and to the indecent disrespect for human dignity, as well as for Russia's Constitution and public authorities.

The Rules of Service of social networks shall, in particular, be made available in Russian and shall not contravene Russian law governing content dissemination.

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Their owners shall, as prescribed by the new Article, establish an electronic form and email address for complaints; provide annual reports on the results of their monitoring and on the following up of the complaints; and incorporate one of the software programmes recommended by Roskomnadzor - the Russian Government’s authority responsible for supervising the media, communications and information technology - for counting the number of users. Complaints from users regarding the access to their materials being restricted shall receive replies from the owner within three days. In cases where the user is not satisfied with the owner's response, he/she may redirect the complaint to Roskomnadzor. The latter may instruct the owner of the social network to unblock the content in question.

In case of doubt as to whether the dissemination of the content that it monitors violates Russian law, the owner is required to consult Roskomnadzor and, while it awaits its response, temporarily restrict access to the content in question.

Roskomnadzor shall establish a Register of Social Networks (those that fall under the regulation of this Article), as well as organise its own monitoring of the networks' content, communicate with their hosting providers in Russian and in English, and demand the information necessary for keeping the Register. This information shall be provided by the providers within three days.

There is a grace period of two months for the owners of social networks that are entered in the Register to comply with Russian law.

Moreover, a new set of amendments that further expands the scope of the Russian Federation’s Federal Statute of 2012 entitled “On measures to influence persons involved in violations of fundamental human rights and freedoms, the rights and freedoms of citizens of the Russian Federation” (see IRIS Extra 2020) was adopted by the State Duma on 23 December and signed by the President on 30 December 2020. It entered into force on the same day.

It allows access to the online resources owned by companies that were officially recognised as being involved in such violations to be restricted. Such recognition comes from the Prosecutor General (or his deputies) upon consent from the Ministry of Foreign Affairs of the Russian Federation. The violations recognised by the adopted amendments include “limitations” to the dissemination of information online in Russian or in other languages of the Russian Federation which is "essential for the public", including materials of the Russian mass media, if such limitations discriminate on the basis of, for example, property status, or are the result of sanctions imposed by foreign governments upon the Russian Federation, Russian citizens or Russian companies.

Once the entity is recognised as having violated the freedom of information of Russian citizens, Roskomnadzor enters it into a special new Register that will be available on its official website. Thereafter, Roskomnadzor sends a warning to the

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owner of the online resource demanding that a stop be put to these limitations. If this does not happen, Roskomnadzor blocks “in full or partially” access to the online resource. The Russian authorities' decisions may be retracted once the violations cease to exist.

Foreigners that are involved in the introduction of the above limitations of information from Russian sources shall be banned from entering the country and their assets in Russia shall be arrested.

These amendments should be understood in the context of the recent demands by Roskomnadzor that Facebook LLC stop, “in the shortest time possible”, limiting access to and blocking both the Instagram accounts of the regional state broadcasting companies Stavropolye and Lotos and the Facebook account of Baltnews (an affiliate of the Rossija Segodnya state news agency), as well as its demands on Google LLC in relation to the latter's downgrading of the *Solovyov Live* YouTube channel, the blocking of the ANNA News YouTube channels, the “limitations” on documentaries by RT and Ukraina.ru, the marking of a programme by Rossija-1 state TV as “unsuitable and offensive for certain audiences”, etc. On 13 November 2020, Roskomnadzor also called on Russian broadcasters and online resources to migrate from YouTube to Russian Internet platforms for the distribution of video materials.

О внесении изменений в Федеральный закон ‘О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и свобод человека, прав и свобод граждан Российской Федерации’

http://publication.pravo.gov.ru/Document/View/0001202012300002

Federal Statute “On amendments to the Federal Statute ‘On measures to influence persons involved in violations of fundamental human rights and freedoms, the rights and freedoms of citizens of the Russian Federation’”

Федеральный закон "Об информации, информационных технологиях и о защите информации"

http://publication.pravo.gov.ru/Document/View/0001202012300062

Federal Statute “On amendments to the Federal Statute ‘On Information, Information Technologies and on the Protection of Information’

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Press release by Roskomnadzor

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