

ICTA's Decision on Social Network Providers

Definition of "Social Network Provider" has been added to the Law numbered 5651 on the Regulation of Internet Broadcasts and Prevention of Crimes Committed through Such Broadcasts ("Internet Law") with the amendments that entered into force as of October 01, 2020. Although the amendments have regulated main issues concerning social network providers, the details of their obligations and sanctions have been subject to discussions and required more clarification.

Accordingly on October 02, 2020, The Information and Communication Technologies Authority ("ICTA") has published a decision ("Decision") regulating the "Procedures and Principles about Social Network Provider". Most important issues regulated by the Decision can be summarized as follows:

- 1. The scope of the social network provider is clarified. Accordingly real or legal persons who place content for social interaction purposes only in a certain part of the broadcast on the internet as well as platforms such as personal websites, electronic commerce sites and news sites where content for social interaction purposes are offered as a secondary and ancillary service are excluded from the scope of the Decision.
- 2. With regard to the obligation of social network providers to appoint representative(s), it is clarified that legal person representative must be established in Turkey and accepted as a legal person under Turkish legislation whereas real person representatives must be a Turkish citizen.
- 3. The Decision stated that the issues regarding the method of preparing the reports which must be prepared in every six months and publishing them on the website and the way of notification to ICTA may be determined by ICTA and notified to the social network provider.
- 4. Regarding the obligation to respond to requests for content removal and access blocking, it is regulated that social network provides must enable such requests to be made in Turkish and the requests made in Turkish must be replied in Turkish.
- 5. Controversial obligation imposed on social network providers as to data localization has been regulated and it was stated that hosting basic user



- information and data relating to the matters to be notified by ICTA in Turkey must be prioritized.
- 6. In case social network providers' daily access number falls under 1 million, social network provider can apply to ICTA and can be held exempted upon analysis made by ICTA,
- 7. Finally, although the Internet Law has not foreseen any specific sanction for not compliance with hosting of user data in Turkey, the Decision has regulated that information regarding the measures taken for hosting user data in Turkey including the issues to be notified by ICTA must be presented to ICTA within each reporting period and breach of reporting obligation is subject to administrative fine TRL 10 million.