



**BLOCKING OF VPN-SERVICES AND ANONYMISERS IN RUSSIA:
LEGAL DEVELOPMENTS**



On 27 June 2017, the Ministry of Justice of the Russian Federation registered the Order of the Federal Service for Supervision of Communications, Information technology, and Mass Media (Roskomnadzor), Ministry of Internal Affairs of Russia, Federal Tax Service of the Russian Federation (FTS) and Rospotrebnadzor, dated 24 May 2017, which sets the criteria for assessing materials and/or information required to take decisions by these agencies on the inclusion of domain names and(or) pages indexes of Internet sites, as well as network addresses that allow identifying Internet sites containing prohibited information, in the Unified Register of Domain Names and(or) Page Indexes of Internet Sites, as well as Network Addresses allowing to Identify Internet Sites that Contain Information Prohibited for Dissemination in the Russian Federation (the 'Register of Prohibited Resources').

The Order was adopted on the basis of the Rules for Taking by the Competent Federal Executive Authorities of Decisions in respect of Certain Types of Information and Materials Distributed through the Information and Communications Network - 'Internet', which are Prohibited for Dissemination in the Russian Federation approved by the Decree of the Government of the Russian Federation No. 1101 dated 26 October 2012 (the 'Rules').

Decisions on the inclusion of domain names, page indexes and network addresses that allow identifying Internet sites in the Register of Prohibited Resources in accordance with the Rules can be taken by:

1. **the Ministry of Internal Affairs of Russian Federation** - in respect of the information on techniques, methods of development, manufacture and use of narcotic drugs, psychotropic substances and their precursors, new potentially dangerous psychoactive substances, places of purchase thereof, as well as methods and places of narcotic plants cultivation;
2. **Rospotrebnadzor** - in respect of the information on ways of committing suicide, as well as calls for suicide;
3. **Roskomnadzor** - in respect of:
 - materials containing pornographic images of minors, and/or ads on the involvement of minors as performers in pornographic entertainment events;
 - information on techniques, methods of development, manufacture and use of narcotic drugs, psychotropic substances and their precursors, new potentially dangerous psychoactive substances, places of purchase thereof, as well as methods and places of narcotic plants cultivation, and ways of committing suicide, as well as calls for suicide, which are placed in the mass media products;
 - information the dissemination of which was prohibited by in the territory of Russia by competent authorities or the court;
4. **FTS** - in respect of the information that violates the requirements of the Federal Law 'On State Regulation of Activities on the Organisation and Conducting of Gambling and on Amending Certain Legislative Acts of the Russian Federation', and the Federal Law 'On Lotteries' on the prohibition of activities related to

the organisation and conduct of gambles and lotteries through the Internet and other means of communication.

According to the Order, one of the criteria for inclusion of the web resource by FTS into the Register of Prohibited Resources is the availability thereof of the information and/or software that allow accessing an Internet site or a web page, which contain the prohibited information that meets the other criteria established by the Order.

Thus, based on the Order, FTS is granted with the right to take decisions on entering in the "black list" the Internet sites of VPN-services and anonymisers that provide access to Internet casinos and similar resources. The press service of the Ministry of Internal Affairs of Russia informed that this clause of the new Order refers to authority of FTS and Roskomnadzor.

Besides, on 23 June 2017, the State Duma adopted in the first reading the amendments to the Federal Law 'On Information, Information Technologies and Information Protection', which provide for:

- the prohibition to owners of information and communications networks, information systems and software, as well as to owners of information resources, including Internet sites and web pages, which provide for the access to such information and communications networks, information systems or software (VPN-services and anonymisers), to provide for using thereof in the territory of Russia to gain access to information resources, including Internet sites and(or) web pages, access to which in the territory of Russia is restricted;
- the procedure for sending by Roskomnadzor to such owners the requests to stop providing for using in the territory of Russia of VPN services and anonymisers to bypass access restrictions;
- the procedure for taking by Roskomnadzor a decision to restrict access to the information resource, including the Internet site and/or web page, which provide for the access to VPN-services and anonymisers in Russia.

The draft law also establishes the duty of the search engine operator at the request of Roskomnadzor to apply for access to the information system containing a list of information resources access to which is restricted, and upon receipt of such an access, to stop granting in the territory of Russia the links to information resources, including Internet sites and(or) web pages included in the respective list.

Best Regards,

GRATA International Law Firm (Moscow)

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What we do (in conjunction with a licensed provider in the area of information technology and personal data protection):

- advising on information protection issues;
- comprehensive audit of information systems of personal data;
- development of the personal data protection system and recommendations to optimise data processing and protection;
- drafting a set of organisational and administrative documentation for the protection of personal data (including regulations on personal data processing and form of consent on personal data processing);
- representation of clients during Roskomnadzor inspections.

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