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**WARNING REGARDING THE LAW WHICH AMENDED
THE LAW REGARDING PUBLICATIONS IN THE INTERNET ENVIRONMENT
AGAINST CRIMES COMMUNICATED BY PUBLICATIONS¹**

This law was published on July 31,2020 on the Turkish Official Gazette numbered 31202. This law numbered 7253 was accepted on July 29,2020.

The Turkish government quickly takes some measures to combat social bullying on social media. With the amendment on the law numbered 5651 penalties against hosting service provider can be between 100 000 turkish lira and 1 million turkish lira. Before the amendment this penalty amount was between 10.000 and 100.000 turkish lira.

According to the amendment (5/8) when the hosting service provider unit takes a decision of removing of contents or deny access of content the content provider and hosting provider have to apply this decision within 4 hours.

The most important new obligation comes from the additional article 4, the obligation is that social network providers which is accessed by more than 1 million per day from Turkey have to nominate at least one competent person on Turkey. This person will be receiving notification sent by the institution, the union, judicial or administrative authorities. The competent person will ensure the fulfilment of issues, and this person's contact information has to be available on the website so that it can be easily seen and accessed directly. The social network provider is obliged to report this person's identity and contact information to the authority. In case the representative is a real person, it must be a Turkish citizen.

If the obligation to nominate and determine a competent person is not fulfilled the organization will notify this failure to the social network provider. An administrative fine could be decided against the provider. Other new measures are also added to the law, such as an interdiction to give publicity by Turkish tax payer's to this provider, or bandwidth limitation decisions can be taken till 90% (amendment article 6).

¹ İNTERNET ORTAMINDA YAPILAN YAYINLARIN DÜZENLENMESİ VE BU YAYINLAR YOLUYLA İŞLENEN SUÇLARLA MÜCADELE EDİLMESİ HAKKINDA KANUNDA DEĞİŞİKLİK YAPILMASINA DAİR KANUN

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Another important decision is that social network provider which is accessed by more than 1 million per day have to respond within 48 hours if the user make a request regarding contents on article 9 and 9/A of the law. If this rule is not fulfilled an administrative fine (until 5 Million Turkish Lira) can be awarded.

Another important decision is that social network provider which is accessed by more than 1 million per day have to respond within 48 hours if the user request is regarding contents on article 8 and 8/A of the law. If this rule is not fulfilled an administrative fine (until 1 million turkish lira) can be awarded.

A reporting obligation is created against the social network provider. The report is regarding social network provider which is accessed by more than 1 million per day. The requested report will be regarding removing or deny Access requests enforcement. If this rule is not fulfilled an administrative fine (until 5 Million Turkish Lira) can be awarded.

The foreign network provider has to take all measures to hosting user's personal data on Turkey.

If you need more information, or if you would like to investigated measures to take to be in conformity with the law, or if we can assist you on any other way please contact us.

Kindly submitted for your consideration on 5 August 2020 with my best regards,

Att. Betül Arslan Aydın, LL.M.

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