



Legislation on Significant Internet Resources to be reviewed during the autumn session of the Russian parliament

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📌 INTELLECTUAL PROPERTY, DATA PROTECTION AND CYBERSECURITY, IT&TMT, RUSSIA

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In July 2019 draft amendments to the law “On Information, information technologies and information protection” and law “On personal data information” were introduced before the Russian Parliament. In accordance with the draft law, an Internet site, an information system or a computer program, which allows its owner to collect information about users in Russia, can qualify as a Significant Information Resource (SIR). The draft proposes that the main owner of the SIR should be a Russian entity or person, and restricts the maximum amount of voting shares that may be owned by foreign entities to 20%. It also provides that the hardware and databases of SIRs must be placed in Russia.

The assessment of the Internet site or the information system or the computer program shall be made on the basis of the quantity of users of the resource, the quantity and scope of the information collected, and its expected effect on the development of the information system and data processing in Russia. The decision identifying a SIR will be taken by a special Governmental Commission. In case the ownership factor does not affect compliance of the resource with the Russian data protection and information legislation, the Governmental Commission gives its consent to the existing ownership structure without prescribing that be brought it in line with legal requirements. Otherwise, the Commission prescribes the relevant ownership changes.



The Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) will publish a list of SIRs on its site, including those not complying with ownership restrictions. In case the SIR fails to conform to the request of the Commission with respect to changes of ownership, all advertising of the SIR and the services provided by it will be prohibited. The owner of the SIR will be also prohibited to use it for any advertising aimed at Russian consumers.

This legislation targets major companies aiming at the Russian market. The author of the draft does not consider Google or Facebook to fall under the legislation, whilst Yandex and Mail.ru Group could be affected. It is not clear why he thinks

that Google and Facebook may not qualify a SIRs under the new legislation. The broad wording of the SIR notion as “an Internet site or an information system or a computer program” leaves uncertainty as to whether other companies or resources operating in Russia apart from Yandex and Mail.ru Group could be affected.

The deadline for providing comments to the draft by the relevant authorities is 16 October 2019. The draft is scheduled for review by the Russian Parliament during the autumn session.



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