

Client Alert

Procedures and Principles for Social Network Providers

To clarify the scope and implementation of the obligations set out under Law No. 5651, the Information and Communication Technologies Authority (the “**ICTA**”) published its decree of 29 September 2020 on the “Procedures and Principles for Social Network Providers” (the “**Decree**”), in the Official Gazette on 2 October 2020.

The notable matters introduced by the Decree are as follows:

- Parties providing content for social interaction purposes as a limited part of the internet broadcast do not qualify as social network providers. Also, the platforms which provide content for social interaction purposes only as a secondary feature to the main service (such as personal websites, electronic commerce websites and news websites) are out of scope.
- If a social network provider established abroad appoints a legal entity as its representative in Turkey, the appointed legal entity must be established in Turkey.
- A social network provider must enable individuals to file their applications concerning content removal and access restriction due to violation of personal rights and right to privacy, in Turkish language and must respond to the Turkish applications in Turkish language.
- In relation to data localization, priority must be given to storage of fundamental user information and certain other information to be determined by the ICTA, in Turkey.
- A social network provider with a consistent daily access number (in Turkey) below one million, can apply to the ICTA to be classified as “out of scope”, and further to a technical assessment, the ICTA may confirm such request. However, if such social network provider’s daily access number in Turkey increases, then the ICTA can consider the provider within the scope.

KOLCUOĐLU DEMİRKAN KOĐAKLI

The Decree provides guidance for social network providers in terms of the implementation of the obligations imposed under Law No. 5651. Social network providers must carefully review and apply requirements and procedure brought by the Decree to ensure compliance with Law No. 5651.

Please contact us in case of any questions regarding this matter.