

Technologies enabling access to the Internet resources blocked in Russia are officially outlawed

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Dear Ladies and Gentlemen,

We would like to inform you of the recent developments of Russian IT law, which recently have appeared in Mass Media as a law banning VPN services. The law introduces amendments to the Russian Law on Information, Information Technologies and Protection and comes into force on November 1, 2017 (the “Law”).

General overview

Russian authorities have been quite concerned on efficiency of the measures aimed at restriction of access from Russia to unwanted content. These measures have been successfully evaded by Internet users with the help of VPN and similar technologies. The Law addresses this concern of Russian regulators.

The Law applies to owners of technologies allowing Internet users to access the websites already blocked by the Russian authorities (“**anonymizers**”). Such technologies are VPN, proxy services, as well as anonymous networks such as Tor. The Law also affects search engines providing links to the websites of anonymizers’ services and therefore make them available for the users.

Obligations imposed on anonymizers’ owners and search engines

Under the Law owners of anonymizers are prohibited to provide any technical opportunities allowing access the information access to which is restricted from Russia. As for the search engines, they are obliged to remove links to the websites of anonymizers.

To ensure enforcement of those bans Russian Regulator (Roskomnadzor) is provided with the following powers:

- Liaising with Russian Federal Security Service to detect anonymizers;
- Requesting information on identification of anonymizers’ owners from hosting providers;
- Create and maintain state information system listing all Internet resources, access to which is restricted from Russia and request both anonymizers’ owners and search entities to join (connect to) this system so that they are able to ensure full compliance with the said bans.

Corporate information systems are not covered by the Law

Restrictions set out in the Law do not apply

- If anonymizer is used by owners of state (municipal) information systems;
- If anonymizer is used to support internal business operations and number of users is limited. Therefore, corporate VPN services fall out of the scope of the mentioned bans.

Liability issues

DPA will be able to block anonymizers if they fail to comply with the Law.

There are also some draft bills introducing administrative liability for non-compliance with the Law for search engines in the form of fine up to RUR 700 000 (approx. EUR 9 900, USD 11 700) and up to RUR 300 000 (approx. EUR 4 250, USD 5 000) for hosting providers of anonymizing resources.

The Law does not introduce liability for Internet users using anonymizers.

Hope that the information provided herein would be useful for you. If any of your colleagues would also like to receive our newsletters, please let us know by sending us his/her email address in response to this message. If you would like to learn more about our Data Protection and Cybersecurity practice, please visit our [website](#) or let us know about your enquiry in reply to this email. We will be glad to provide you more information on our expertise.

If you have any questions, please, do not hesitate to contact the Partners of ALRUD Data Protection and Cybersecurity Practice [Maria Ostashenko](#) at MOstashenko@alrud.com and [Irina Anyukhina](#) at IAnyukhina@alrud.com

Kind regards,

ALRUD Law Firm

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