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**TURKISH
INTERNET LAW
NO. 5651**

FULL TRANSLATION

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**THE LAW ON REGULATION OF BROADCASTS VIA INTERNET AND
COMBATING CRIMES COMMITTED BY THE MEANS OF SUCH
PUBLICATIONS**

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TRANSLATION

(THE LAW NO. 5651)

UNOFFICIAL TRANSLATION

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The Law on Regulation of Broadcasts via Internet and Combating Crimes Committed by the Means of Such Publications

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Purpose and scope

ARTICLE 1

(1) The purpose and scope of this Law is; to regulate the obligations and responsibilities of content providers, hosting providers, access providers and mass use providers, and the principles and procedures of prevention of crimes committed on the internet through content, hosting and access providers.

Definitions

ARTICLE 2

(1) For the application of this Law;

- a) Ministry means Ministry of Transportation,
- b) (Repealed: 15/8/2016-Decree-671/20 art.; Adopted identically: 9/11/2016-6757/17 art.)
- c) President means President of Information Technology and Communication Authority,
- ç) Information means the meaningful form of data,
- d) Access means to connect and be able to use the internet,
- e) Access Provider means real persons or legal entities that provide access to Internet for its users,
- f) Content Provider means real persons or legal entities that create, amend or provide all kinds of information or data presented to users on the Internet,
- g) Internet Medium means any medium created on the internet that is open to the public except for communication and personal or corporate computer systems,

- ğ) Broadcast on the internet medium means data that can be accessed by an unlimited number of people on the internet,
- h) Monitoring means monitoring information and data without affecting the internet,
- ı) Authority means Information and Communication Technologies Authority,
- ı) Mass use provider means providing people the possibility to use the internet in a specific place and for a certain time period,
- j) Traffic information means IP address related to the parties, port info, starting, and ending time of the service given, type of the service, the amount of data transferred and if available subscriber ID information,
- k) Data means any value that can be processed by the computer,
- l) Broadcasting means broadcasting on internet,
- m) Hosting Provider means real or legal entities that provide or operate systems that host services and content,
- n) Association means The Access Providers Association
- o) Blocking Access means blocking access from the domain, blocking access from the IP address, blocking access to the URL, and blocking access by using similar methods,
- ö) Content removal means removing content from servers or hosted contents by content or hosting providers,
- p) URL address means the internet address on which the related internet content is available,
- r) Warning method means a notification procedure to be conducted through the contact address of the content provider in the first place, in order to remove the content from publication by the person claiming that the rights are violated because of the publication content made on the internet,
- (s) Social network provider: Those natural or legal persons that provide opportunities for users to create, view or share textual, visual, audio, or location data, etc. for the purpose of social interaction.

Obligation to Provide Information

ARTICLE 3

(1) Content, hosting and access providers are obliged to keep their identifier information on the basis of the principles and procedures determined by the regulation in a manner that is accessible to the users on the internet and in an up-to-date manner.

(2) President shall grant administrative penalties up to fifty thousand Turkish Liras from two thousand Turkish Liras to the content, place or access provider that fails to fulfil the obligation specified above.

(3) Those who carry out the activities covered by this Law from within or outside the country may be notified via electronic mail or other communication tools through information obtained from sources such as communication tools on internet pages, domain names, IP addresses and similar resources.

(4) (Repealed with the Decision of the Constitutional Court dated 2/10/2014 and numbered E.: 2014/149, K.: 2014/151)

5) In the case that the addressee is abroad, administrative fines to be given per the provisions this Law may be issued by the Authority directly to addressee by way of the procedure laid out in paragraph 3. Such issuance will be held as a notice issued as per Notification Law no. 7201 dated 2/11/1959. The notification is deemed delivered at the end of the fifth day following the issuance.

Responsibilities of content provider

ARTICLE 4- (1) Content provider is responsible for all content that has made available on the internet.

(2) Content provider is not responsible for the link to the content that belongs to someone else. However, if it is clear from the format of the presentation that the content in question it links to is embraced and intended to be reachable, content provider is responsible according to the general provisions.

(3) (Repealed with the Decision of the Constitutional Court dated 8/12/2015 and numbered E.: 2014/87, K.: 2015/112)

Liabilities of hosting provider

ARTICLE 5- (1) Hosting provider is not obligated to check the content it provides or to investigate whether it is an illegal activity.

(2) Hosting provider is obliged to remove the content that is against to law if it is notified according to Articles 8 and 9 of this Law.

(3) Hosting provider is obliged to keep traffic information for the services it provides for a period of not less than one year and not more than two years, to be determined in the regulation, and to ensure the accuracy, integrity and privacy of this information.

(4) Hosting providers can be classified according to the nature of the work they perform within the framework of the procedures and principles to be determined by regulation and can be differentiated according to their rights and obligations.

(5) (Repealed with the Decision of the Constitutional Court dated 8/12/2015 and numbered E.: 2014/87, K.: 2015/112)

(6) The Minister shall be entitled to administrative punishment from one hundred thousand to one million Turkish Liras on the hosting provider who is not included in the declaration of the provision of place or fails to fulfil his/her obligations in this Law.

Liabilities of access provider

ARTICLE 6

(1) Access provider,

a) Is obliged to block access to illegal content published by any of its users if informed in accordance with the provisions of this Law,

b) Is obligated to keep traffic information specified in the regulation for the provided services for a period of not less than six months and not more than two years, and to ensure the accuracy, integrity, and privacy of such information,

c) Is obliged to inform the Authority, content providers and customers at least three months before the termination and submit the records of traffic information to the Authority in accordance with the principles and procedures provided in the regulation,

ç) Is obliged to take preventive measures against alternative access methods with respect to publications for which access blocking decision is taken,

d) (Repealed with the Decision of the Constitutional Court dated 8/12/2015 and numbered E.: 2014/87, K.: 2015/112)

(2) Access provider is not obliged to check whether the content of the information accessed through herself/himself is unlawful and requires liability.

(3) President shall give administrative fine from ten thousand Turkish Liras up to fifty thousand Turkish Liras to access provider who fails to fulfil one of the obligations stated in articles (b), (c),

(ç) (...) of the first paragraph.

Access Providers Association

ARTICLE 6/A

(1) Access Providers Association has been established to ensure the implementation of decisions of removal of content and/or blocking access outside the scope of Articles 8 and 8/A of this Law.

(2) The Association is a private legal entity. The centre of the Association is Ankara.

(3) The procedure and principles of the Association and the fields of activity of the Association, including the issues of conscious and safe use of the Internet, shall be determined by a statute to be approved by the Authority. Any amendments to the statute are subject to the approval of the Authority.

(4) The Association shall start the activity after it has been examined and approved by the Authority.

(5) The Association is an organization that is formed and coordinated with the participation of all internet service providers authorized under the Electronic Communication Law dated 5/11/2008 and numbered 5809 and other operators providing internet access services.

(6) Access blocking decisions shall be carried out by the access providers. All hardware and software required for the implementation of the decisions shall be provided by access providers themselves.

(7) By operation of the access blocking decisions shall be sent to the Association. The notification made to the Association in this regard shall be deemed to be made to access providers. Access providers are obliged to establish the necessary technical infrastructure for the notification of decisions.

(8) The Association may object to decisions submitted to it which it considers contrary to the legislation.

(9) The income of the Association consists of the fees to be paid by the members, donations and other operating revenues. The fees to be collected from members are determined at the amount that will meet the costs of the Association. The fee that a member will pay is determined by the net sales of that member in the total net sales amount of the members. The payment periods of the members, when will the new participating members start to pay, and other matters related to the payments will be determined in the Association Statute. Unclaimed wages shall be collected with the legal interest of Association.

(10) Internet service providers that are not members of the Association cannot operate.

(11) The Association may notify the decisions to remove content and/or block access to the electronic mail addresses of the relevant content or hosting providers, which can be identified from their respective websites.

Liabilities of mass use providers

ARTICLE 7

(1) Mass use providers who provide mass use in a commercial manner are obliged to obtain a permission document from the local district official. Information on the permit shall be notified by the local district to the Authority official within thirty days. Such audit is carried out by local district officials. The principles and procedures regarding the issuance of the permission document and the audit shall be regulated by the regulation.

(2) Regardless of whether they operate in commercial manner, all internet mass use providers are obliged to take measures determined by the regulation in order to restrict access to the contents constituting crime and to keep access records of use.

(3) Mass use providers who operate in commercial manner are obliged to take the measures specified in the regulation in order to protect the family and minors, prevention of the crime and determination of the criminals.

(4) Mass use providers who operate in commercial manner who violate the liabilities specified in this article shall be sanctioned one of the penalties of a warning, an administrative fine from thousand Turkish Liras to fifteen Turkish Liras, or a suspending of their commercial activities for up to three days, by the local district official according to the degree of the violation and within the scope of the procedures and grounds set by the regulation.

The decisions to remove content and block access, and their implementation

ARTICLE 8

(1) It shall be decided to remove the content and/or to block access to publications that are made on the internet medium and that has adequate reason for suspicion that the content constitutes the following crimes:

a) The crimes under the Turkish Criminal Code dated 26/9/2004 and numbered 5237;

- 1) Encouragement of suicide (Article 84),
- 2) Sexual abuse of children (Article 103, first paragraph),
- 3) Facilitate the use of drugs or stimulants (Article 190),

4) Hazardous substance for health (Article 194),

5) Obscenity (Article 226),

6) Prostitution (Article 227),

7) Providing space and facilities for gambling (Article 228).

b) Crimes in the Law Concerning Crimes Committed Against Atatürk dated 25/7/1951 and numbered 5816.

c) the crimes regulated under the Law on Regulation of Betting and Games of Chance in Football and Other Sports Competitions dated 29/4/1959 and numbered 7258.

ç) the crimes regulated under first and second paragraphs of Article 27 of the Law on State Intelligence Services and National Intelligence Organization dated 1/11/1983 and numbered 2937.

(2) The decision to block access is given by the judge in the case of the investigation and by the court in the case of prosecution. In case of any delay in the investigation, the public prosecutor may also decide to remove the content and/or to block access. In this case, the public prosecutor's decision shall be submitted to the judge's approval within twenty-four hours, and the judge shall make his decision within twenty-four hours at the latest. If the decision is not approved within this period, the measure shall be removed immediately by the public prosecutor. The decision to remove the content and/or to block access can also be given for a limited time period if it appears to be purposeful. Access blocking decision granted as a protective precaution may be objected in accordance with the provisions of the Code of Criminal Procedure numbered 5271 dated 4/12/2004.

(3) A copy of the decision to remove the content and/or to block access given by the judge, the court or the public prosecutor shall be sent to the Authority for the further action.

(4) The decision to remove the content and/or block access to publications whose content constitutes the crimes stated in the first paragraph shall be given ex officio by the President. This decision shall be notified to the relevant content, hosting and access provider and is asked to carry out its requirements.

(5) The decision to remove the content and/or to block access shall be executed immediately and no later than four hours as of the notifications of the decision.

(6) In the case of identification of the persons broadcasting the content that is subject of the decision to remove the content and/or to block access adopted by President, President shall file a criminal complaint to the public prosecutor's office.

(7) If a decision is made that there is no need for prosecution as a result of the investigation, to remove the content and/or to block access decision is invalid spontaneously. In such case, the public prosecutor sends a copy of his decision of not to prosecute to the Authority by indicating the Internet address which was subject to removal of the content and/or blocking access decision that became void.

(8) In the case of acquittal decision in the case of prosecution, the decision of removing the content and/or to blocking access automatically becomes void. In such case, the court sends an example of the acquittal decision to the Authority by indicating the Internet address which was subject to removal of the content and/or blocking access decision that became void.

(9) In case the content which constitutes the crimes stated in the first paragraph is removed from publication, access restriction decision is removed by the public prosecutor in the course of investigation and by the court in the course of the prosecution.

(10) Responsible person of content, hosting or access providers who fail to carry out the requirements of the decision to remove content and/or block access which is rendered as precautionary measure, shall be punished with judicial fine from five hundred days up to three thousand days unless the offence does not constitute another crime which requires heavier punishment.

(11) In the event that the decision to remove content and/or block access which is given as an administrative measure is not fulfilled, President shall give administrative fines to content, hosting and access provider from a hundred thousand Turkish Liras up to a hundred thousand Turkish Liras. If the decision is not fulfilled by access provider within twenty-four hours after the administrative penalty is given, the Authority may decide to revoke the authorization.

(12) Against the fines by the Authority because of misdemeanours defined in this Law, an appeal may be lodged in accordance with the provisions of the Administrative Procedure Law numbered 2577 and dated 6/1/1982.

(13) An appeal may be lodged by the Authority in accordance with the provisions of the Code of Criminal Procedure No. 5271 dated 4/12/2004 for judge and court decisions sent to the Authority for implementation.

(14) Institutions and organizations defined in subparagraph (ç) of the first paragraph of Article 3 of the Law Regarding the Arrangement of Taxes, Funds and Shares Accepting Revenue of Chance Games dated 14/3/2007 and numbered 5602, may take the decision of blocking access to these

publications in case they detect that the offenses entered into their own duty area are processed in the internet environment. Decisions to block access are sent to the Authority for implementation.

(15) According to this article, the decision of judge given at the stage of investigation and the decision of judge given according to 9th and 9/A are given by the criminal courts of peace determined by the Supreme Council of Judges and Prosecutors at places where there is more than one criminal court of peace.

(16) (Repealed with the Decision of the Constitutional Court dated 10/2014 and E.: 2014/149, K.: 2014/151.)

(17) Decisions on blocking access under the scope of the second, fourth and fourteenth paragraphs of this article are granted by the methods of blocking access to the content in the form of a publication, section, part (URL, etc.) of the violation. However, if the infringement cannot be prevented by technically banning access to the infringing content or preventing access to the related content, it may be possible to block access to the whole website.

Removal of content and/or blocking access in non-delayable cases

ARTICLE 8/A

(1) In cases related to one or more of the following: the protection of the right to life and individuals' right to life and property, protection of national security and public order, prevention of crimes being committed, or the protection of general health; the judge or in, non-delayable cases, the President of the Republic or where Ministries related to protection of national security and public order, the prevention of crimes being committed, or the protection of general health request it, the decision of blocking access and/or removing content on broadcasting on internet may be given by the President. The decision shall be communicated by the President to the access provider and to the relevant content and location providers immediately. The decision to remove the content and / or block access is implemented within four hours of the date of immediate and latest notification of the decision.

(2) The decision of the President given upon the requests of the President of the Republic or the ministries concerned to remove the content and / or block access shall be presented by the President within twenty-four hours to the approval of the judge of the criminal court of peace. The judge declares his decision within forty-eight hours; otherwise, the decision is invalidated automatically.

(3) Decisions on block access granted under this article are made by the methods of blocking access to the content in the form of a publication, section, part (URL, etc.) of the violation.

However, if the infringement cannot be prevented by technically banning access to the infringing content or preventing access to the related content, it may be possible to block access to the whole website.

(4) A criminal complaint shall be filed against those who make and disseminate internet content that constitutes a crime in the scope of this article by the President to the Chief Public Prosecutor's Office. The information necessary to reach the factions of these offenses is given to judicial authority by the content, location, and access providers upon the judge's decision. The responsible person of content, hosting and access who does not provide such information, shall be punished by a judicial fine from three thousand days up to ten thousand days unless the offence does not constitute another crime which requires heavier punishment.

(5) Administrative penalties from fifty thousand Turkish Liras up to five hundred thousand Turkish Liras shall be given by the President to the content providers and hosting providers about access providers that fail to comply with the decision to remove the content and / or prevent access in accordance with this article.

Removal of Content from Broadcasting and Access Blocking

ARTICLE 9

(1) The real and legal persons, institutions and organizations claiming that the personality rights are violated due to the content published on the internet may ask to the content provider, or to the hosting provider if they cannot reach the content provider, to remove the contents from the broadcasting by using warning method, and may also request to prevent access to the content by applying directly to the judge of the court of peace.

(2) Requests of persons claiming violations of personality rights due to content published on the Internet are responded by the content and / or hosting provider within twenty-four hours at the latest.

(3) Due to the contents of the publication made on the internet, judges may decide to remove the content and/or to block access to the content mentioned in the scope of this article in the direction of the requests of those whose personality rights are violated.

(4) The judge shall make his or her decision to deny access under this article mainly by means of denying access to the content in the form of a publication, section, part (URL, etc.) in which the infringement of the right of personality takes place. Unless it is compulsory, it cannot be decided to prevent access to the entire publication on the website. However, if the judge believes that the infringement cannot be prevented by means of blocking the access by specifying the URL address,

he may also decide to prevent access to the publication at the entire website, provided that the reason is stated.

(5) Decisions by the judge to remove the content and/or to block access under the scope of this article are sent directly to the Association.

(6) The judge concludes the application made under the scope of this article at the latest within twenty-four hours without making a hearing. Appeal can be made against this decision in accordance with the provisions of the Code of Criminal Procedure numbered 5271 dated 4/12/2004.

(7) The judge's decision becomes automatically void if the content, which was subject to access blocking, is removed from broadcasting.

(8) The decision to remove the content and/or to block access issued to the relevant content, hosting, and access provider by the Access Providers Association shall be implemented immediately and within four hours of notification by the relevant content, hosting, and access provider.

(9) In the event that the publication regarding the violation of the personal right subject to the decision of removal of the content and/or blocking access given by the judge within the scope of this article is published on other internet addresses, the present decision is also applied to these addresses if the person concerned applies to the Association. The objection against the acceptance of the application by the Association shall be made to the judge who issued the decision. The provision of this paragraph shall not apply to decisions to block access to the entire publication on the website.

(10) Upon the request of an individual whose personal rights were infringed upon by the content of an online broadcast, a judge may rule that the applicant's name not be associated with the website in question. The ruling shall indicate which search engines the Access Providers Association will notify.

(11) The responsible person of content, hosting and access who does not fulfil the decision of the judge of the court of peace in accordance with the conditions stated in this article and duration of his case, shall be punished with judicial fine from five hundred days up to three thousand days.

Blocking access to content due to the privacy of private life

ARTICLE 9/A

(1) Persons who claim that their privacy is violated due to the content of a broadcast on the Internet may apply directly to the Authority and request the implementation of the measure to block access to the content.

(2) This request shall contain the full address (URL) of the publication that caused the violation, an explanation of from which aspects the right was violated, and information to prove identity information. If the information is missing, the request shall not be processed.

(3) The President shall immediately notify the Association of such request for implementation; access providers shall immediately fulfil this request within four hours at the latest.

(4) Blocking access is implemented by blocking access to the content (in the form of URL) about the broadcast, section, part, picture, video that violates the privacy of private life.

(5) Persons who request the blocking of access shall submit their request to block access on the grounds that their privacy of private life is violated due to the content of the broadcast on the internet to the final decision of the criminal judge of peace within twenty-four hours starting from their initial first request. The judge shall disclose his / her decision by evaluating whether the privacy of private life has been violated because of the content published on the internet within forty-eight hours at the latest and send it directly to the Authority; otherwise, the measure of the access blocking becomes void automatically.

(6) The President may appeal against this decision rendered by the judge accordance with the provisions of Law numbered 5271.

(7) The judge's decision becomes automatically void if the content, which was subject to access blocking, is removed from broadcasting.

(8) In non-delayable cases subject to the violation of the privacy of the private life, the Authority shall block access directly upon the order of the President.

(9) In the scope of eighth subparagraph of this Article, the President's decision to block access shall be presented to the judge of the court of peace within twenty-four hours. The judge shall declare his/her decision in forty-eight hours.

Administrative Structures and Duties

ARTICLE 10

- (1) The duties assigned by law are fulfilled by the Authority.
- (2) The following staffs attached to this Law, have been created and added to the list (II) attached to the Wireless Code numbered 2813 dated 5/4/1983 for use in the services of the Authority.
- (3) Purchases of any goods or services to be made in relation to the duties assigned to the Authority by the Law are subject to the provisions of the Public Procurement Law numbered 4734 dated 4/1/2002 and the Public Procurement Contracts Law dated 5/1/2002 and numbered 4735, excluding the prohibition works from penalties and tenders, are paid from the Authority's budget.
- (4) On the condition that without prejudice to any other authorities and duties assigned by law, the Authority's duties and authorities under this Law are:
 - a) To prevent the activities and publications which have been made in the internet medium and constitute the crimes that fall within the scope of this Law by establishing coordination between the Ministry, the law enforcement agencies, the relevant public institutions and organizations and the content, the hosting and the access providers and the relevant civil society organizations, to ensure the safe use of the Internet, to do studies to improve the consciousness of knowledge, for this purpose, to create working committees that will be covered by the Authority in accordance with the principles and procedures to be determined by regulation when necessary,
 - b) To take necessary precautions foreseen in this Law to prevent access to these publications in case of the detection of crimes committed within the scope of this Law by watching the contents of publications made on the internet,
 - c) To determine the level, time, and style of watching the contents of broadcasts made on the internet,
 - d) To determine the principles and procedures for the systems and the regulations to be used in filtering and blocking the permits to be given to the mass user providers who provides mass use in a commercial way, on the part of the Authority by the authorization of operators and administrators of the local authorities,
 - e) To determine the minimum criteria for hardware production or software construction on the basis of filtering, screening and monitoring to be done in various open to public services on the internet,

f) To determine the minimum criteria for hardware production or software construction on the basis of filtering, screening and monitoring to be done in various open to public services on the internet,

g) To provide cooperation and coordination with international institutions and organizations in the field of informatics and internet,

h) To assist the authorized police forces and investigation authorities in preventing promotion, import, possessing, leasing and selling of any products with visual, written or audible content, subject of which is committing crimes listed under the first paragraph of the Article 8 of this Law; within technical possibilities, to provide all kinds of help and to maintain the coordination.

(5) The Authority makes any decisions or measures necessary to make proposals such as dissemination, development, widespread and safe use of the internet with The Internet Development Board established in accordance with the provisions of the Decree Law on the Organization and Duties of the Ministry of Transport, Maritime Affairs and Communications dated 26/9/2011 numbered 655 within the Ministry.

(6) Within the scope of national cyber security activities, the Authority coordinates activities with content, hosting, access providers and other related institutions and organizations regarding the detection and prevention of cyber-attacks, conducts activities on taking necessary measures and carries out the necessary activities.

(7) The Authority may establish research and development centres for the purpose of carrying out duties assigned to it by law.

Regulations

ARTICLE 11

(1) The principles and procedures concerning the implementation of this Law shall be governed by the regulations to be issued by the Prime Ministry, taking the views of the Ministries of Justice, Home Affairs and Transport. These regulations shall be issued within four months from the date of entry into force of the Law.

(2) Regardless of whether or not the person who intends to operate as a hosting or access provider has the authorization document about communication via telecommunication, the principles and procedures regarding the obligations of the providers of location, access and mass use shall be regulated by the regulation to be issued by the Authority.

Amendments on Relevant Laws

ARTICLE 12

(1) (Related to the Telegram and Telephone Law dated 4/2/1924 and numbered 406 and it has been processed in its place.)

(2) (Related to the Police Duties and Authority Law dated 4/7/1934 and numbered 2559 and it has been processed in its place.)

(3) (Related to the Radio Law dated 5/4/1983 and numbered 2813 and it has been processed in its place.)

(4) (Related to the State Intelligence Services and National Intelligence Organization Law dated 1/11/1983 and numbered 2937 and it has been processed in its place)

ADDITIONAL ARTICLE 1

(1) (Repealed: 15/8/2016-DECREE-671/21 art.; Adopted identically: 9/11/2016-6757/18 art.)

(2) (Repealed: 15/8/2016-DECREE-671/21 art.; Adopted identically: 9/11/2016-6757/18 art.)

(3) (Repealed: 15/8/2016-DECREE-671/21 art.; Adopted identically: 9/11/2016-6757/18 art.)

(4) (Former: 15/8/2016-DECREE-671/21 art.; Adopted identically: 9/11/2016-6757/18 art.)

(5) Employees in the public institutions and organizations that were counted in the second article of the Decree Law on the Establishment and Duties of the State Personnel Presidency dated 8/6/1984 and numbered 217, with the assent of their institutions, judges and prosecutors, on the other hand, with their own assent, may be temporarily assigned to the office of the Authority on the condition that monthly, allowance, all kinds of raise and compensations and other financial and social rights and benefits paid to their institutions.

(6) (Appendix: 6/2/2014-6518/97 art.; Repealed 15/8/2016-DECREE-671/21 art.; Adopted identically: 9/11/2016-6757/18 art.)

(7) The staffs in the cadre numbered (V) annexed to this Law have been created and added to the list (I) attached to the Law numbered 5651 for use in Telecommunication Communication Presidency services.

ADDITIONAL ARTICLE 2

In order to carry out the duties assigned to the Authority, contracted personnel may be employed in the Authority in accordance with the provisions of the Civil Servants Law no. 657 dated 14/7/1965 and other laws concerning the employment of contracted personnel. By this means, the

title, number, duration, fees, and other particulars of the persons to be employed shall be determined according to the terms of service contract to be enacted by the Council of Ministers. The salary to be paid to them shall not be more than five times the ceiling of the contract fee applied for those who are employed pursuant to the subparagraph (B) of the Article 4 of the Law No. 657, the total number of contracted personnel that can be employed shall not exceed two hundred and fifty and no payment shall be made except for the fee stated in this paragraph.

ADDITIONAL ARTICLE 3

(1) Telecommunication Communication Presidency has been closed.

(2) In other legislation, the references made to the Telecommunication Communication Presidency are considered to have been made to the Information Technologies and Communication Authority, and the references made to the to the President of the Telecommunication Communication are considered to have been made to the President of Information Technologies and Communication Authority.

ADDITIONAL ARTICLE 4

(1) The foreign social network providers with more than one million daily accesses from Turkey are required to designate at least one person, whose contact information shall be featured on its website in a manner that is distinctly visible and accessible, as a representative in Turkey to follow required procedures with regard to notices, memoranda or requests by the Authority, the Association, and any legal or administrative authority, to answer to any applications made under this Law, and to ensure that any other obligations within the scope of this law are fulfilled. The social network provider is responsible for sharing the identification and contact information of this individual with the Authority. In case the representative is a real person, this person must be a resident of Turkey and a Turkish citizen. In the event that the daily access from Turkey is more than ten million; the real or legal person representative determined by the foreign social network provider shall be fully authorized and responsible in technical, administrative, legal and financial aspects, without prejudice to the responsibilities of the social network provider, and if this representative is a legal person, it must be a branch established directly by the social network provider as a capital company.

(2) In cases of non-compliance, the Authority will send a notice to those who fail to comply with the obligation to appoint a representative and duly notify the Authority. If they fail to fulfil this obligation within 30 days of relevant notification, the President is entitled to issue to the social network provider an administrative fine of ten million Turkish liras. If the above-mentioned obligation is not met within 30 days of the implementation of the fine, the social network provider

is to be given an additional administrative fine of thirty million Turkish liras. If this obligation is not met within thirty days of the issuance of the second fine, the tax residents in Turkey who are both natural and legal persons, are banned from placing additional advertisements in, and establishing new contracts or making financial transactions with the social network provider in question in this context. If the above-mentioned obligation is not met within three months of the implementation of the ban, the the President may apply to a criminal court of peace to request that the social network provider's internet traffic bandwidth be reduced by fifty per cent. If the application is deemed valid and the obligation in question is not fulfilled within 30 days of the implementation of the judge's decision, the President shall apply to a criminal court of peace to request that the social network provider's internet traffic bandwidth be reduced by ninety per cent. Taking into account the nature of the service provided, the judge may decide to set a lower percentage, as long as it is no lower than fifty per cent. The President would be entitled to appeal to these decisions under the provisions of Law no. 5271. The judge's decision shall be sent to the Authority to be notified to the access provider. The access provider must implement the decision immediately and within four hours of notification. In the event that the obligation to appoint and declare a representative is fulfilled, only a fourth of all the administrative fines issued to the social network provider shall be collected, the advertisement ban shall be lifted, and the decisions shall be rendered null and void. The Authority shall then notify access providers to end the interference into internet traffic bandwidth.

(3) Those foreign or local social network providers with over one million daily access from Turkey are obligated to respond to applications made by persons with regard to content under articles 9 and 9/A of this Law within forty-eight hours. Negative responses must also include a justification.

(4) Those foreign or local social network providers with over one million daily visits from Turkey shall submit biannual reports, written in Turkish, featuring statistical and categorical information regarding the implementation of decisions to remove and/or block content, as well as applications that fall under the scope of paragraph three. The reports on applications within the scope of paragraph three shall also be published on the social network provider's own website, with all personal data removed.

The reports submitted by social network providers to the Authority shall also include information on their algorithms, advertising policies and transparency policies regarding title tags, featured or reduced access content. Social network provider is obliged to act in accordance with the principle of accountability, to ensure transparency in the implementation of the Law, and to provide all necessary information and documents regarding the implementation of the Law to the Authority

when requested by the Authority. Social network provider is obliged to treat its users equally and impartially and the measures taken for this issue shall also be included in the report to be submitted to the Authority. Social network provider shall take the necessary measures in cooperation with the Authority in its own system, mechanism and algorithm regarding the non-publication of content and title tags related to the crimes within the scope of this Law and shall include these measures in its report. Social network provider shall include on its website in a clear, understandable and easily accessible manner which parameters it uses when providing suggestions to users. Social network provider shall take the necessary measures to update users' preferences regarding the content it recommends and to offer the option to limit the use of their personal data, and shall include these measures in its report. Social network provider shall create an advertisement library containing information such as content, advertiser, advertisement duration, target audience, number of people or groups reached, and publish it on its website and include this in its report.

(5) The information necessary to reach the perpetrators who create or disseminate internet content subject to the following crimes under the Turkish Criminal Law:

- a) Sexual abuse of children (Article 103),
- b) Publicly disseminating misleading information (Article 217/A),
- c) Disrupting the unity and territorial integrity of the State (Article 302),
- ç) Crimes against the Constitutional Order and the Functioning of this Order (Articles 309, 311, 312, 313, 314, 315, 316),
- d) Crimes against State Secrets and Espionage (Articles 328, 329, 330, 331, 333, 334, 335, 336, 337),

shall be provided to the judicial authorities by the representative of the relevant social network provider in Turkey upon request by the public prosecutor during the investigation phase and by the court where the trial is conducted during the prosecution phase. In the event that this information is not provided to the requesting public prosecutor's office or court, the relevant public prosecutor may apply to the Ankara Criminal Judge of Peace with a request to reduce the internet traffic bandwidth of the foreign social network provider by ninety percent. In case of a decision to reduce the bandwidth of internet traffic, this decision shall be sent to the Authority to be notified to access providers. The requirements of the decision shall be fulfilled by the access providers immediately and within four hours at the latest following the notification. If the social

network provider fulfills its obligations under this paragraph, the sanctions shall be lifted and notified to the Authority.

(6) Those foreign or local social network providers with over one million daily accesses from Turkey are required to take all necessary measures to store data belonging to users in Turkey inside Turkey.

(7) The social network provider shall take the necessary measures to provide differentiated services specific to children.

(8) The social network providers who fail to meet their obligation within paragraph 3 of this Article shall be given an administrative fine of five million Turkish liras; social network providers that fail to meet their obligation within paragraph 4 shall be given an administrative fine of ten million Turkish liras by the President.

(9) The administrative fines to be given to foreign social network providers with over one million daily visits from Turkey under articles 8 and 8/A shall be one million Turkish liras, while administrative fines issued under articles 8 and 9 shall be fifty thousand days.

(10) Without prejudice to the administrative measures under Articles 8 and 8/A, in the event that the content removal and/or access blocking decision issued by the President under this Law is not fulfilled, the President may decide to prohibit real and legal persons and taxpayers residing in Turkey from advertising with the relevant foreign social network provider for up to six months, and no new contract may be established and no money transfer may be made in this context. The advertisement ban decision shall be published in the Official Gazette. In addition to the advertisement ban decision, the President may apply to the criminal judge of peace to reduce the internet traffic bandwidth of the social network provider by fifty percent until the content removal and/or access blocking decision is executed. In the event that the social network provider does not fulfill the decision to remove the content and/or block access within thirty days from the notification of the decision of the judge to reduce the internet traffic bandwidth by fifty percent, the President may apply to the criminal judge of peace to reduce the internet traffic bandwidth of the social network provider by up to ninety percent. The decisions made by the judge shall be sent to the Authority to be notified to the access providers. The requirements of the decisions shall be fulfilled by the access providers immediately and within four hours at the latest as of the notification. In the event that the social network provider fulfills the requirements of the decision to remove the content and/or block access and notifies the Authority, only the measure of narrowing the bandwidth of internet traffic is removed.

(11) In the event that the administrative fines imposed by the President under this Law are not paid within the legal period more than once within one year, the President may decide to prohibit the real and legal persons who are taxpayers resident in Turkey from placing new advertisements for up to six months to the relevant foreign social network provider, and no new contract may be established and no money transfer may be made in this context. The advertisement ban decision shall be published in the Official Gazette. In the event that the foreign social network provider pays the administrative fines in full and notifies the Authority, the advertisement ban decision shall be lifted.

(12) The President may decide to impose an administrative fine from ten thousand Turkish Liras to one hundred thousand Turkish Liras on real and legal persons resident in Turkey and taxpayers who violate the advertisement ban imposed pursuant to this Article.

(13) Social network provider is obliged to comply with the regulations on user rights to be made by the Authority for the protection of the rights of its users.

(14) In the event that the content whose illegality is determined by a judge or court decision is notified to the social network provider, the social network provider who does not remove the content or block access within twenty-four hours despite the notification is liable for compensation for the damages incurred. In order for this legal liability to be exercised, it is not required that the content provider be held responsible or that the content provider be sued.

(15) Social network provider is obliged to establish an effective application mechanism in cooperation with the Authority for the removal of the title tags and featured content through the warning method. The social network provider shall be directly liable for the offense committed through the broadcasting of someone else to which it provides media through title tags or featured content, if it has been notified of the unlawful content and has not removed it immediately and within four hours at the latest from the notification of the content.

(16) In the event that social network provider learns of content that endangers the safety of life and property of persons and in case of inconvenience in delay, it shall share this content and information on the creator of the content with the authorized law enforcement units.

(17) The implementation of the provisions of this Article shall not remove the social network providers' obligations and responsibilities arising from their roles as content providers or hosting providers.

(18) The Authority may request all kinds of explanations from the social network provider regarding the social network provider's compliance with this Law, including organizational

structure, information systems, algorithms, data processing mechanisms and commercial attitudes. The social network provider is obliged to provide the information and documents requested by the Authority within three months at the latest. The Authority may inspect the social network provider's compliance with this Law on site at all facilities of the social network provider.

(19) The social network provider is obliged to create a crisis plan for extraordinary situations affecting public security and public health and notify the Authority accordingly.

(20) The President may impose an administrative fine of up to three percent of its global turnover in the previous calendar year on a social network provider that fails to fulfill its obligations under the sixth, seventh, thirteenth, sixteenth, eighteenth and nineteenth paragraphs of this Article.

(21) The procedures and principles regarding the implementation of this Article shall be regulated by the Authority.

PROVISIONAL ARTICLE 1

(1) Expenses to be made for construction of the foundation building to be used by the Presidency shall be paid from the budget of the Authority without being subject to the provisions of Public Procurement Law and Public Contracts Law.

(2) Mass use providers who provide mass use in a commercial manner are obliged to obtain the permission document to be obtained according to Article 7 within six months from the date of entry into force of this Law.

(3) A certificate of authorization shall be issued by the Authority to persons acting as a place or access provider, for the purpose of carrying out its activities as a place or access provider, irrespective of whether or not the Authority is authorized to communicate by telecommunication.

PROVISIONAL ARTICLE 2

(1) Those who have been taken to the profession by being subjected to a competition examination in accordance with their specific legislation in other public institutions and who have been given a proficiency examination or who have been appointed to the career profession by being successful in the thesis; satisfy the foreign language condition, may be appointed as communication specialists. Those who have completed their doctoral studies from those who have completed master's or doctoral studies and who have completed the graduate or master's thesis preparations which are related to the subject matter of the Institution or the Presidency, may be directly appointed as communication specialists. Those who have completed master's degree may be appointed as communication specialists if they meet the foreign language requirement.

(2) Those who are personnel of Telecommunication Communication Presidency and who have graduated from a four-year faculty are required to complete the period of three years of service in the public and carry out the requirements stipulated in the Regulation to be issued and additionally prepare a thesis or prepare a master's degree or doctorate with a thesis, may be assigned to expert cadre or executive expert cadre.

PROVISIONAL ARTICLE 3

(1) The foundation of the association shall be completed within three months from the date of publication of this Law.

(2) Internet service providers and operators providing access services who have not yet become members of the Association must complete their membership within one month at the latest after the establishment of the association.

(3) In case the Association cannot complete the establishment for the specified period, administrative fines shall be applied by the Authority to the internet service providers and to the other operators who provide internet access services at a rate of one percent of the net sales of the previous calendar year.

(4) Administrative fines shall be imposed by the Authority on the non-member internet service providers or other operators providing internet access services within one month following the establishment of the Association at a rate of one percent of the net sales of the previous calendar year.

PROVISIONAL ARTICLE 4

(1) The task of the Telecommunication Communication Commission shall expire on the date on which this Article enters into force and the provisions of Additional Article 18 of the Decree on the Law numbered 375 shall apply. The duties of the heads of department in the Telecommunication Communication Presidency shall come to an end on the date this article enters into force. Those who have previously captured the title of Communication Specialist are considered to be appointed to the positions of the Information Technology Specialists in Information Technology and Communication Authority.

(2) Communication Experts and Communication Expert Assistants who are in charge of Telecommunication Communication Presidency and who are not evaluated as members, connection or affiliation to the structures, formations or groups that are determined to be active against the terrorist organizations or against the national security of the state that are decided by the National Security Council of the State Security, are assigned to Information Technologists and

Communication Experts and the Assistant Specialist Assistant. As of the date on which they are deemed to have been appointed, staff have been created without regard to the provisions of the other laws and without any further procedure, and the Authority is deemed to have been added to the cadres in accordance with the relevant legislation. The time spent in the Expert and Expert Assistant shall be deemed to have been passed on to the staff of the Authority that they have been assigned.

PROVISIONAL ARTICLE 5

(1) Social network providers:

a) Shall complete all arrangements necessary to fulfil their obligations as per paragraph 3 of Additional Article 4, within three months of the entry of force of this article.

b) Shall submit the first report they will prepare per their obligations under para. four of Additional Article 4 in June 2021 and publish it on their website.

PROVISIONAL ARTICLE 6

(1) In the event that the social network provider, which has designated a representative before the publication date of the Law enacting this Article, fails to complete the obligations introduced by the amendment made by the Law enacting this Article in the first paragraph of the additional Article 4 within six months from the publication date of the Law enacting this Article, the provisions of the second paragraph of the additional Article 4 shall apply without applying the provisions regarding notification and administrative fines.

Entry into Force

ARTICLE 13

a) Article 3 and Article 8 of this Law enter into force within six months as of the date of publication of this Law,

b) Remaining articles of this Law enter into force at the date of publication of this Law.

Execution

ARTICLE 14

(1) The Council of Ministers executes the provisions of this Law.