

## The Information and Communication Technologies Authority Board's Decision on Procedures and Principles on Social Network Providers has been published.

*6 Jun 2023*

With the July 2020 amendments, the definition of Social Network Provider was added to Law number 5651. Subsequently, it has been introduced with the October 2022 amendments that Procedures and Principles on Social Network Providers shall be regulated by the Information and Communication Technologies Authority ("**ICTA**").

Within this framework, the ICTA has published a Board Decision on 2 October 2020 ("**Decision dated 2020**"). Detailed information about this decision can be found in our [article](#) published on MA | Gazette dated 9 October 2020 and numbered 95.

In addition to Decision dated 2020, the ICTA has published a new decision, numbered 2023/DK-?D/119 and dated 28 March 2023 ("Decision") in the Official Gazette dated 1 April 2023 and numbered 32150. The Decision on Procedures and Principles on Social Network Providers is entered into force as of publication date.

The main provisions of the Decision can be summarized as follows;

Social Network Providers are obliged to keep the data they processed from Turkey, in Turkey. In case of non-compliance with the data localization requirement, the ICTA may impose an administrative fine up to 3% of the Social Network Providers' global turnover of the previous year.

- The foreign based social network providers, having more than one million daily accesses from Turkey, are obliged to appoint at least one authorized representative, real person or legal entity, in Turkey. The real person representative should be a Turkish citizen and reside in Turkey. Parallely, the legal entity representative should be established in Turkey and acquire legal entity status under Turkish law.
- If the representative of the foreign based social network providers, having more than ten million daily accesses from Turkey, is a legal entity; according to the mandatory provision of the Decision, the representative should be a branch incorporated as stock Corporation. The following subclauses of the article regulate the requirements that the branch shall meet.
- Social network providers are obliged to convey the representative's identity, title, and contact information and relevant documents to the ICTA. Any change in this information and the documents should be apprised to the ICTA immediately and within 72 hours at the latest with the documents and the information regarding the change. This time frame, that has been previously set as 24 hours in Decision dated 2020, is amended with the Decision.
- The detailed regulations concerning the scope of the report, notably on reporting period, execution of content removal and/or denial of access decisions, applications of the individuals, activities conducted within the scope of self-audit, advertisement policies and various measures have been set forth with article 10 of the Decision on reporting obligations. In addition to periodical reporting obligation, pursuant to article 18, the ICTA may demand any explanation from the social network provider regarding the social network provider's compliance with the Law numbered 5651. The scope of the explanations also includes organizational structure, information systems, algorithms, data processing mechanisms and commercial conduct. Upon the request of the ICTA, the information and the documents should be submitted in 3 months at the latest.
- The obligation to create an advertisement library of social network providers, having more than one million daily accesses from Turkey, has been regulated.
- Another newly regulated issue in the Decision is providing the differentiated services specific to children. Pursuant to article 14, the Social Network Provider should provide the users who can be identified as

children with the contracts, user settings and data policies that can be understandable by the children as well. In addition, the requirement to ensure a high level of confidentiality and minimal data processing is regulated in the protection of personal data of children.

In case of breach of this obligation, an administrative fine up to 3% of the Social Network Providers' global turnover of the previous year may be imposed.

Please find the full text of the Board Decision [here](#) (Only available in Turkish).

## Related Practices

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