

New Russian Rules on Restricting Fake News

April 2019

Amendments to the legislation aimed at preventing the dissemination of unreliable socially significant information (so-called fake news) in information and telecommunication networks (the **Information resources**) have entered into force on March 29, 2019. These amendments were introduced to the Federal Law No. 149-FZ of July 27, 2006 “On information, information technologies and on the protection of information” (the **Information law**).¹

The new category of information named unreliable socially significant information spread under the guise of trustworthy reports (**unreliable information**) was included in the list of information spread in violation of the law that is established by the Information law. To be considered as unreliable information, the information must pose the following threats:

- Causing harm to citizens' life and/or health, or property
- Massively violating public order and/or public security
- Creating obstruction of operation or discontinuing operation of any of the following: vital, transport and public infrastructure; credit institutions; power engineering, industry and communication facilities

We note that the expert community currently is discussing the appropriateness of the formal certainty degree of this definition.

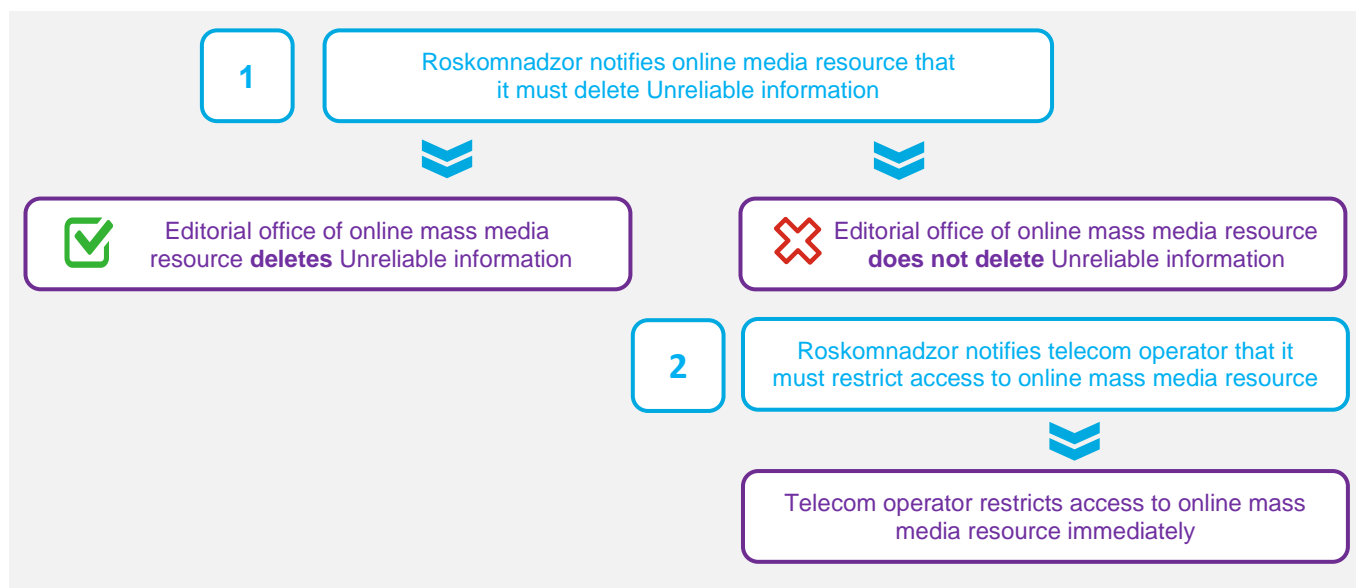
The procedure of restricting access to the unreliable information depends on the kind of information resource by means of which it is spread.

If the unreliable information is spread in the information resource registered as an online mass media resource, the new procedure applies (see Figure 1). As opposed to some other cases of restricting access to information resources, Roskomnadzor, at the request of the General Prosecutor of Russia or deputy prosecutors, first notifies the online mass media resource. If the resource does not delete the unreliable information, Roskomnadzor then sends the telecom operator a request to restrict access to the online mass media resource. Such kind of procedure is probably conditioned by the fact that Roskomnadzor can identify the online mass media resource without engaging other authorities since such a resource is a registered mass media.

These amendments do not apply to the news aggregator's resource, in other words websites, website pages or computer program which (i) are used to process and disseminate news information in Russian via the Internet, (ii) may contain advertising targeted at Russian consumers, and (iii) are visited by more than one million Internet users per day.

This exception takes into account the fact that the respective obligation of the news aggregator has been established already in the Information law. Therefore, if unreliable information is spread in the news aggregator's resource, the latter must restrict access to this information in the procedure specified in article 10.4 of the Information law.

¹ Federal Law No. 31-FZ of March 18, 2019 “On amendments to article 15.3 of the Federal Law “On information, information technologies and on protection of information”.



If unreliable information is spread in the information resources other than the online mass media or news aggregators' resources, then access to it is restricted at the request of the General Prosecutor of Russia or deputy prosecutors following the general procedure specified in article 15.3 of the Information law.

In addition, amendments to the Code of Administrative offences of Russia, which establish administrative liability for spreading deliberately unreliable information (i.e. intent must be proven), have entered into force on March 18, 2019.² The amount of the fine for a legal entity depends on the elements of the offence and can range from 200,000 to 1,500,000 RUB with the possible confiscation of the object of the offence.

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² Federal Law No. 27-FZ of March 18, 2019 "On amendments to the Code of Administrative offences of Russia".