

LAW

ORGANIZATION OF PUBLICATIONS MADE ON THE INTERNET AND THIS
FIGHTING CRIMES COMMITTED THROUGH PUBLICATIONS
ABOUT THE LAW

Law No. 5651

Accepted Date : 4/5/2007

Purpose and scope

ARTICLE 1 – (1) The purpose and scope of this Law; content provider, hosting provider, access provider and aggregate obligations and responsibilities of usage providers and certain crimes committed in the internet environment and content, location and to regulate the principles and procedures regarding the struggle through access providers.

Definitions

ARTICLE 2 – (1) In the implementation of this Law;

- a) Ministry: The Ministry of Transport,
- b) Presidency: Telecommunications Communication Presidency within the body of the Authority,
- c) Chairman: Telecommunication Communications President,
- ç) Information: The meaningful form of the data,
- d) Access: Gaining the opportunity to use it by connecting to an internet environment,
- e) Access provider: Any real or legal entity that provides its users with access to the internet environment.

people,

- f) Content provider: Produces or changes any information or data presented to users over the Internet.

and natural or legal persons providing

- g) Internet environment: A place open to the public, other than communication and personal or corporate computer systems.

environment created on the internet,

- ğ) Broadcasting on the Internet: The content of an indefinite number of people on the Internet

data available,

- h) Monitoring: Following the information and data without affecting the data on the Internet,
- i) Institution: Telecommunication Authority,

i) Collective use provider: The one that provides people with the opportunity to use the internet in a certain place and for a certain period of time

- j) Traffic information: Parties, time, duration,

values such as the type of service used, the amount of data transferred and ports,

- k) Data: Any value that can be processed by the computer,
- l) Broadcast: Broadcast on the Internet,

- m) Hosting provider: Real or legal persons who provide or operate systems hosting services and content,

means.

Obligation to inform

ARTICLE 3 – (1) Content, location and access providers, within the framework of the principles and procedures determined by the regulation presenting the introductory information in a way that users can access on their own internet environment and up to date. responsible for keeping it.

- (2) To the content, place or access provider that does not fulfill the obligation specified in the above paragraph.

An administrative fine from two thousand New Turkish Liras to ten thousand New Turkish Liras is imposed by the Presidency.

Responsibility of the content provider

ARTICLE 4 – (1) The content provider is responsible for any content it makes available on the internet.

(2) The content provider is not responsible for the content of someone else to which it links. However, from the way it was presented, general public if it is clear that it has adopted the content it links to and that it is intended for the user to access the content in question. responsible according to the provisions.

Obligations of the hosting provider

ARTICLE 5 – (1) The hosting provider is responsible for controlling the content it provides or for the presence of an illegal activity.

is not obliged to investigate whether

- (2) The hosting provider, from the illegal content it provides, without prejudice to the provisions regarding criminal liability.

provided that it is informed in accordance with Articles 8 and 9 of this Law and where it is technically possible.

is obliged to remove unlawful content to a certain extent.

Obligations of the access provider

ARTICLE 6 – (1) Access provider;

- a) From illegal content published by any user, in accordance with the provisions of this Law.

by preventing access to the extent that it is notified and to the extent that it is technically possible to prevent it,

- b) The traffic information specified in the regulation regarding the services it provides is less than six months and more than two years.

keep it for the period to be determined in the regulation and ensure the accuracy, integrity and

maintaining its confidentiality,

- c) At least three months before the date of termination of its activities, the situation is submitted to the Institution, content providers and customers and submitting the traffic information records to the Authority in accordance with the principles and procedures specified in the regulation.

by doing,

- liable.

- (2) The access provider shall verify whether the contents of the information accessed through it are unlawful and

It is not obliged to check whether it requires responsibility or not.

- (3) Access that does not fulfill one of the obligations in subparagraphs (b) and (c) of the first paragraph

An administrative fine from ten thousand New Turkish Lira to fifty thousand New Turkish Lira by the Presidency

is given.

Obligations of collective use providers

ARTICLE 7 – (1) Providers of collective use for commercial purposes are obliged to obtain a permit from the local administrative authority. liable. Information regarding the permit is notified to the Authority by the local administrative authority within thirty days. their control made by local authorities. The principles and procedures regarding the issuance of the permit and inspection shall be determined by the regulation. is arranged.

- (2) All collective use providers, regardless of whether they are for commercial purposes or not,

is obliged to take measures to prevent access to the content.

- (3) The person who violates the obligation set forth in the first paragraph shall be appointed by the local administrative authority with three thousand New

An administrative fine is imposed from Turkish Lira to fifteen thousand New Turkish Liras.

Decision to block access and its execution

ARTICLE 8 - (1) Sufficient suspicion that the crimes made on the Internet and the content of which constitute the following It is decided to block the access regarding the publications with a reason:

- a) In the Turkish Penal Code No. 5237 dated 26/9/2004;
- 1) Suicide (article 84),

- 2) Child sexual abuse (article 103, first paragraph),
- 3) Facilitating the use of drugs or stimulants (article 190),

- 4) Supply of substances hazardous to health (article 194),
- 5) Obscenity (article 226),

- 6) Prostitution (article 227),
- 7) Providing a place and opportunity for gambling (article 228),

crimes.

- b) Offenses included in the Law on Crimes Committed Against Atatürk, dated 25/7/1951 and numbered 5816.

(2) The decision to block access is made by the judge during the investigation phase and by the court during the prosecution phase.

is given. In the investigation phase, in cases where delay is inconvenient, access can also be granted by the Public Prosecutor.

prohibition can be made. In this case, the public prosecutor submits his decision to the judge for approval within twenty-four hours.

and the judge gives his decision within twenty-four hours at the latest. If the decision is not approved within this period, the measure

It is immediately removed by the public prosecutor. The decision on the blocking of access given as a protection measure

Objections can be made in accordance with the provisions of the Code of Criminal Procedure dated 4/12/2004 and numbered 5271.

- (3) A copy of the decision to block access given by the judge, court or public prosecutor,

sent to the Presidency for action.

- (4) The content or hosting provider of the broadcasts whose content constitutes the crimes specified in the first paragraph is abroad.

even if the content or hosting provider is located in the country, the content of the first paragraph (a) subparagraph (2) and

The decision to block access to the publications that constitute the crimes written in sub-paragraphs (5) ex officio

It is given by the Presidency. This decision is notified to the access provider and it is requested to be fulfilled.

- (5) The requirement of the decision to block access is immediately and at the latest twenty-four days after the notification of the decision.

fulfilled within the hour.

- (6) Those who broadcast the subject of the decision to block access given by the Presidency

If their identities are determined, a criminal complaint is filed by the Presidency to the Office of the Chief Public Prosecutor.

- (7) If it is decided not to prosecute as a result of the investigation, the decision to block access

automatically becomes void. In this case, the public prosecutor shall provide a copy of the decision not to prosecute.

send it to the President.

- (8) In case of acquittal during the prosecution phase, the decision to block access automatically

remains invalid. In this case, a copy of the acquittal is sent to the Presidency by the court.

- (9) In case the content constituting the crimes listed in the first paragraph is removed from the broadcast; your access

In the investigation phase, the decision to block is lifted by the public prosecutor, and during the prosecution phase, it is annulled by the court.

- (10) The place or access that does not fulfill the requirements of the decision to block access given as a protection measure

from six months to two years, unless the act constitutes another offense with a heavier penalty.

punishable by imprisonment.

- (11) In case the decision to block access given as an administrative measure is not fulfilled, the Presidency

An administrative fine from ten thousand New Turkish Liras to one hundred thousand New Turkish Liras is imposed on the access provider.

If the decision is not fulfilled within twenty-four hours from the moment the administrative fine is imposed, the Presidency

Upon request, the Authority may decide to cancel the authorization.

- (12) Administrative money given by the Presidency or the Institution for misdemeanors defined in this Law

against the decisions regarding the penalties, in accordance with the provisions of the Administrative Procedure Law No. 2577 dated 6/1/1982

legal action can be taken.

Content removal and right of reply

ARTICLE 9 – (1) The person claiming that their rights have been violated due to the content,

If the user cannot reach him, he can apply to the hosting provider and have the content related to him removed from the broadcast.

may request that it be published on the internet for one week, not more than its scope.

The content or hosting provider fulfills the request within two days from the date it receives it. During this time the request

Failure to do so shall be deemed rejected.

- (2) If the request is deemed to be rejected, the person is referred to the penal court of peace of the settlement within fifteen days.

by applying for the takedown of the content and a copy of the reply he prepared for no more than the scope of the publication.

may request a decision to be published on the internet for a week. The magistrate's judge will make this request within three days.

decides without a hearing. Against the decision of the peace judge, according to the provisions of the Code of Criminal Procedure

appeal can be made.

- (3) The content of the final decision of the criminal judge of peace that does not fulfill the application made in accordance with the first paragraph

or the response prepared by removing the content from the broadcast within two days from the notification to the hosting provider.

publication begins.

- (4) Those who do not fulfill the decision of the criminal judge of peace in accordance with the conditions specified in this article and in due time.

responsible person is punished with imprisonment from six months to two years. Whether the content or hosting provider is a legal entity

In this case, the provision of this paragraph shall apply to the publisher.

Administrative structure and duties

ARTICLE 10 – (1) Duties assigned by law are carried out by the Presidency within the Institution.

- (2) With this Law, the cadres in the attached list will be created and used in the services of the Presidency on 5/4/1983.

It has been added to the list (II) annexed to the Radio Law No. 2813 dated and No. 2813. Communication experts within the Presidency,

Provisions regarding financial, social rights and benefits applied to Telecommunication Specialists working in the Institution

is applied. The career system, without prejudice to the rights of the personnel appointed to the Presidency as a Communication Specialist,

It is regulated by a regulation to be issued within six months from the effective date of the law.

- (3) All kinds of goods or services purchases to be made in relation to the duties assigned to the Presidency by Law, penalties and

Except for the prohibition works from tenders, Public Procurement Law No. 4734 dated 4/1/2002 and 4735 dated 5/1/2002

It is covered from the Agency's budget, without being subject to the provisions of the Public Procurement Contracts Law No.

- (4) Without prejudice to the other powers and duties given by the laws, the Presidency within the scope of this Law

Its duties and powers are:

- a) Ministry, law enforcement, relevant public institutions and organizations, content, location and access providers and relevant

by establishing coordination among non-governmental organizations, which are carried out on the internet and covered by this Law.

to carry out studies to prevent activities and publications with content that constitute crimes, for this purpose, whenever necessary,

Establishing working boards whose expenses will be covered by the Institution in accordance with the principles and procedures to be determined by regulation.

- b) By watching the contents of the broadcasts made on the Internet, that the crimes within the scope of this Law have been committed.

to take the necessary measures foreseen in this Law to prevent access to these publications.

- c) At what level, time and manner the content of the broadcasts made on the Internet will be monitored

to determine.

- ç) With the authorization of the operators by the Authority, collective use for commercial purposes by the local authorities

The systems to be used in filtering and blocking in the permit documents to be given to the providers and the

to determine the principles and procedures for the regulations.

- d) By watching the broadcasts on the Internet, the ones listed in the first paragraph of Article 8 of this Law.

To establish any necessary technical infrastructure, including the monitoring and information reporting center, in order to prevent the commission of crimes, or

to establish, to operate this infrastructure or to ensure that it is operated.

- e) According to the principles of filtering, screening and monitoring to be made in various services open to everyone on the Internet.

to determine the minimum criteria for producing hardware or making software.

- f) To ensure cooperation and coordination with international institutions and organizations in the field of informatics and internet.

- g) The offenses listed in the first paragraph of Article 8 of this Law are committed on the internet.

Promotion, introduction, possession, rental of products containing all kinds of representative images, texts or sounds

to the authorized and responsible law enforcement and investigation authorities in order to prevent the sale or sale of

To provide all necessary assistance and coordination within the bounds of possibilities.

- (5) Presidency: About the Organization and Duties of the Ministry of Transport No. 3348 by the Ministry

In accordance with the additional article 1 of the Law, the Ministry of Justice, the Ministry of Interior, the State responsible for children, women and family

Ministry and the Institution and other needed ministries, public institutions and organizations and internet service providers and

with the Internet Board, which will be formed by the participation of a representative to be selected from among the relevant non-governmental organizations.

provides the necessary cooperation and coordination; broadcasts with content to be monitored, filtered and blocked by this Board.

It takes all kinds of measures or decisions regarding the determination and suggestions to be made on similar issues.

regulations

ARTICLE 11 – (1) Principles and procedures regarding the implementation of this Law, Justice, Internal Affairs and Transportation It is regulated by the regulations to be issued by the Prime Ministry by taking the opinions of the ministries. These regulations

It is issued within four months from the effective date of the law.

- (2) Communication via telecommunication to persons wishing to operate as a hosting or access provider.

to operate as a hosting or access provider, regardless of whether there is a certificate of authorization for

The principles and procedures regarding the issuance of an authorization certificate for the purpose of the Authority shall be determined by the regulation to be issued by the Authority.

is arranged. This regulation is issued within five months from the effective date of the Law.

Amendments to relevant laws

ARTICLE 12 – (1) According to subparagraph (f) of Article 2 of Telegraph and Telephone Law No. 406 dated 4/2/1924

The following sentence has been added.

"Against the decisions regarding these administrative fines, the Law on Administrative Trial Procedure dated 6/1/1982 and numbered 2577

legal action may be taken in accordance with its provisions.

- (2) The tenth paragraph of the additional article 7 of the Police Duties and Powers Law dated 4/7/1934 and numbered 2559

to come after the phrase "specified" in the first sentence of "communication by means of telecommunications".

The second sentence of "This Presidency is composed of a chairman and departments."

was changed to.

- (3) The following paragraph has been added to Article 5 of the Radio Law No. 2813 dated 5/4/1983.

"Within the framework of the principles and procedures to be determined by the Board, 22 of the Public Procurement Law dated 4/1/2002 and numbered 4734.

Lawyer contracts with self-employed lawyers or attorney partnerships with the direct procurement method specified in Article

can be signed."

- (4) Article 6 of the Law on State Intelligence Services and National Intelligence Organization dated 1/11/1983 and numbered 2937

The last sentence of the second paragraph of the article "Article 135 of the Code of Criminal Procedure dated 4/12/2004 and numbered 5271

Hearings to be made within the scope of sub-clause (14) of subparagraph (a) of the sixth paragraph of the article will be held at this center.

It is changed as "It is done over the internet."; to come after the phrase "However" in the fourth paragraph.

The phrase "detection of espionage activities and" has been added; The phrase "this clause" in the third sentence of the sixth paragraph

It has been changed to "This paragraph".

PROVISIONAL ARTICLE 1 – (1) The construction of the service building of the Presidency, fines and prohibition from tenders from the Agency's budget, without being subject to the provisions of the Public Procurement Law and the Public Procurement Contracts Law.

is welcomed.

- (2) Collective use providers for commercial purposes that are still operating, from the date of entry into force of this Law.

They are obliged to provide the permit document that must be obtained in accordance with Article 7 within six months from the date of commencement.

- (3) Persons currently operating as a hosting or access provider, by the Authority, through telecommunication

as a location or access provider, regardless of whether there is an authorization to communicate via

An authorization document is issued for the purpose of carrying out activities.

Force

ARTICLE 13 – (1) This Law;

- a) Articles 3 and 8, six months after the publication date,
- b) Other articles on the date of publication,

enters into force.

Executive

ARTICLE 14 – (1) The provisions of this Law are executed by the Council of Ministers.

22/5/2007

LIST

INSTITUTION: TELECOMMUNICATIONS AGENCY
ORGANIZATION: HEADQUARTERS

INCREASED STAFF

CLASS TITLE

GRADE 1

GTL Head of Department one

GTL Legal advisers one

GTL Communication Specialist 5

TH Communication Specialist 5

GRADE 3

GTL Communication Specialist 10

TH Communication Specialist 10

5 CELCIUS DEGREES

GTL Communication Specialist 8

AH Lawyer 3

TH Communication Specialist 8

GTL my translator one

TH Technician 2nd

GTL Secretary 2nd

6.DEGREE

GTL Expert 15

TH Expert 5

AH Lawyer 2nd

GTL my translator 2nd

GTL Computer operator 10

TH Technician 2nd

GTL Secretary one

TOTAL 93