

Newsletter

New obligations of technological communication networks owners: data storage and interaction with law enforcement authorities

May 17, 2023

Dear Ladies and Gentlemen!

Please be informed that on September 1, 2023, the Federal Law No. 75-FZ on Amending Article 562 of the Federal Law on Communications will come into force ("**Law 75-FZ**"), establishing **new obligations for the owners of technological communication networks which have an autonomous system number ("ASN")**.

The adopted Law actually extends some provisions of the "Yarovaya Law"¹ to **the owners of technological communication networks with ASN**, obliging them to comply with some requirements regarding information storage and granting access to it to the law enforcement bodies. Similar obligations apply to the communication providers.

Subjects of the Law 75-FZ regulation

The requirements of the Law 75-FZ apply to **the owners of technological communication networks with ASN**:



Technological networks are designed to ensure the production activities of organizations, management of technological processes in production. They are **not used for direct provision of telecommunications services**.



ASN — is a unique identifier of an autonomous system obtained by the company through registration in RIPE. As a rule, autonomous systems are used by large companies that apply complex communication systems to their activities, for instance, by financial institutions, carriers, IT companies, telecom operators, etc².

To determine the applicability of the Law 75-FZ for the company it is necessary to analyze the internal technological infrastructure, as well as to check the presence of contracts concluded with RIPE for registration of ASN and maintenance of autonomous communication system.

¹ In the media and public discussions "Yarovaya Law" refers to the Federal Law dated July 6, 2016, No. 374-FZ and the Federal Law dated July 6, 2016 No. 375-FZ.

² For example, technological communication networks with ASN can be used by financial institutions in ATM networks or in other cases to service customer payments, carriers using reservation systems, including airlines, etc.

Yarovaya Law v. Law 75-FZ

	Yarovaya Law	Law 75-FZ
Subjects of the regulation	Telecommunications providers	Owners of technological communication networks with ASN
Duties	<p>(1) To store the following information in the territory of Russia for 3 years and grant access to it to the state security bodies and bodies carrying out operative-search activity:</p> <p>message metadata of the telecommunications services users, as well as information on these users</p>	<p>message metadata³, information on interaction between users of informational systems and/or software operating in technological communication networks, as well as information on these users⁴</p>
	<p>(2) To store messages of the telecommunications services users (text, voice, images, sounds, video and other messages) in the territory of Russia within 6 months</p>	No similar obligation

Practical value of the innovations of the Law 75-FZ and recommendations



Technological communication network owners with ASNs will actually be obligated to store information on messages and interactions of **their employees, as well as their clients potentially**, if they use informational systems and/or software operating in technological communication networks.



Preparation for the Law 75-FZ coming into force requires implementation of specific technical measures to enhance the capabilities to store a large amount of data during the period established by the Law 75-FZ.

Non-compliance with the new requirements for the technological communication network owners may entail the risk of administrative liability⁵, which involves imposition of administrative on the company.

³ Information on the facts of receipt, transmission, delivery and (or) processing of voice information, text messages, images, sounds, video or other electronic messages.

⁴ The scope of information to be stored, the place and rules for its storage, and the procedure for granting it to the specified state bodies will be determined by the Government of the Russian Federation.

⁵ Potentially, the owner of technological communication network can be held liable in accordance with Article 13.46 of the Code on Administrative Offences of the Russian Federation (the "CAO RF"), which implies a fine of up to 500,000 RUB (approx. 6,290 USD) for the first violation and up to 6 million RUB (approx. 75 480 USD) for re-infringement. Amendments to the CAO RF with a special offence relating to the imposition of a specified obligation in future are not excluded.

In this regard, the companies **are recommended to:**

- (i) carefully assess the risks of applying the new requirements of the Law 75-FZ to their activities;
- (ii) assess the risks of applying the requirements of Law 75-FZ to their counterparties, especially if the company's employees interact in informational systems and/or software operating in the technological communication networks of the counterparty;
- (iii) if necessary, promptly develop its own transition plan to the new requirements in the communication sphere.

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If you have any questions,
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Commercial, Intellectual Property,
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Best regards,
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