

VPN ban? Understanding the nuances

On 1 March 2024, a regulation that could impact the dissemination of information about VPN services came into force. Below, we look at what the new rules entail, whether VPN use will still be possible, what is banned and potential liabilities for non-compliance.

Description of the new regulation

On 31 July 2023, amendments* to the law on information came into force, restricting the dissemination of information on the Internet on ways and methods of providing access to information resources banned in Russia.

Roskomnadzor has finalised the criteria* for identifying banned information on the Internet, which came into force on 1 March 2024. This now includes any information that:

- describes actions enabling access to prohibited resources;
- provides insight into the ways and methods of accessing such resources;
- encourages the use of ways and methods to access banned resources;
- contains offers to purchase access to resources or information enabling access to them;
- provides an opportunity to access prohibited resources.

What is being banned?

Under the new regulation, a prohibited action shall meet the following criteria: (1) it involves the dissemination of; (2) any prohibited information; (3) on the Internet. Therefore, it is specifically prohibited to disseminate certain information on the Internet regarding various ways of accessing legally restricted resources, including VPNs.

However, the following actions should not be considered offenses:

- directly using VPNs without disseminating information about them.
- disseminating information about VPNs that do not allow access to information banned in Russia, i.e. those in line with the current restrictions on access to certain information.

In addition, VPNs are not solely used to access blocked resources. Accordingly, the dissemination of information about a VPN service on the Internet for any purposes other than providing access to any resources (e.g. informing on how to transmit data securely) is in a grey area and requires further clarification by the regulator.

Liability for non-compliance

If a company disseminates any prohibited information on the Internet, Roskomnadzor may restrict access to such resource and demand the removal of the materials.

If the company fails to comply, it may be held liable under Article 13.41(2) of the Russian Code of Administrative Offences* and fined from EUR 8,118 (RUB 800,000) to EUR 40,591 (RUB 4m) as a legal entity.

Recommendations

With the new regulation now in force, we recommend that companies review their business processes involving the use of VPN services and assess whether they potentially disseminate any prohibited information.

* *In Russian*

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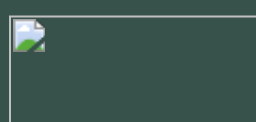
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