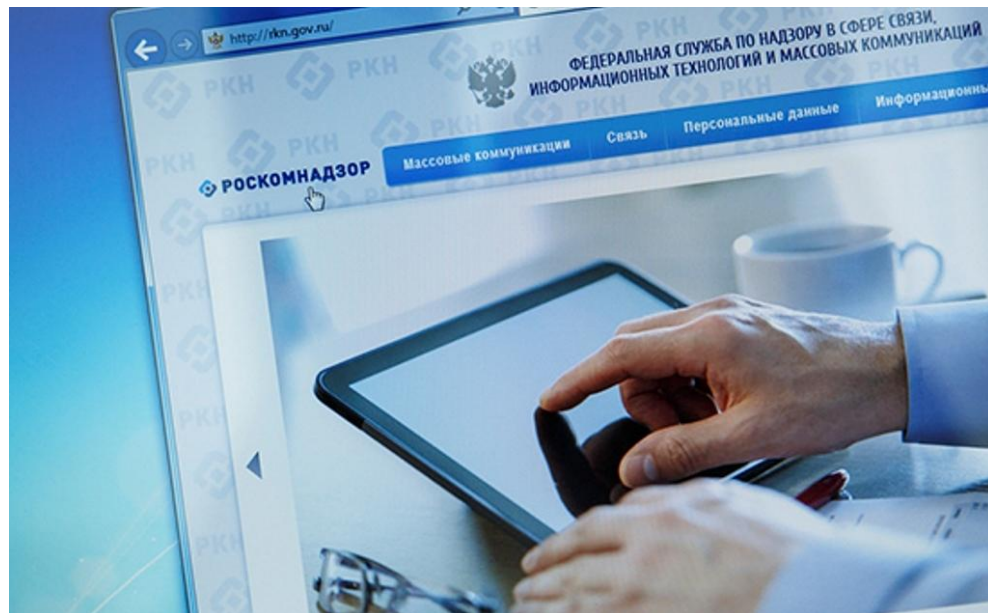




BREACHES OF PERSONAL DATA LAW IN RUSSIA: ROSKOMNADZOR PRACTICE



On 27 July 2017, the Federal Service for Supervision in the Area of Communications, Information Technology and Mass Communications (Roskomnadzor) held a traditional open day coincided to the date of adoption of the Federal Law No. 152-FZ 'On Personal Data' (**'Personal Data Law'**).

Experts of Roskomnadzor clarified the new set of elements of an administrative offence provided for by Article 13.11 of the Code of Administrative Offences of the Russian Federation and corresponding measures of administrative liability that came into force on 1 July 2017, and also described typical violations in the area of personal data revealed during inspections of personal data operators in the first half of this year. Such violations include:

1. submission to Roskomnadzor of a notice on the personal data processing containing incomplete and/or inaccurate information;
2. failure by the operator to take measures required and sufficient to perform the duties provided for by the Personal Data Law and the regulatory legal acts adopted in accordance therewith;
3. non-compliance of standard forms of documents, information in which intends or allows the inclusion of personal data therein, with the statutory requirements;
4. non-compliance by the operator with the requirements for informing persons engaged in the personal data processing without the use of automation equipment;
5. non-compliance of the written consent of the personal data subject to the personal data processing to the statutory requirements;
6. processing of personal data in cases not provided for in the Personal Data Law;
7. lack of a place (places) with the operator for storing personal data (material media), a list of persons, who process personal data or have access thereto.

Besides, Roskomnadzor presented its recommendations on drafting a document defining the operator's policy regarding the personal data processing. The document shall include the following sections:

- general provisions;
- purposes of personal data collection;
- legal grounds for personal data processing;
- scope and categories of personal data processed, categories of personal data subjects;
- procedure and condition of personal data processing;
- updating, correction, removal and destruction of personal data, replies to requests of subjects for access to personal data.

At the end of the event, Roskomnadzor experts answered the questions of the participants, in particular, regarding what data are personal data and on the liability of operators for a

failure to perform certain operations to process personal data of Russian citizens using databases located in the territory of the Russian Federation.

Best Regards,

GRATA International Law Firm (Moscow)

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What we do (in conjunction with a licensed provider in the area of information technology and personal data protection):

- comprehensive audit of information systems of personal data;
- development of the personal data protection system and recommendations to optimise data processing and protection;
- development of a set of organisational and administrative documentation on personal data protection;
- representation of clients during Roskomnadzor inspections.

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