



**NEW ADMINISTRATIVE LIABILITY MEASURES FOR VIOLATION OF THE LEGISLATION ON  
PERSONAL DATA PROCESSING IN RUSSIA**



On 27 January 2017, the State Duma passed in the final reading the bill on amendments to the Code of Administrative Violations (hereinafter - the 'Administrative Code'). The bill is aimed at enhancing the administrative liability for violation of the procedure for collection, storage, use or dissemination of information on citizens (personal data) established by the Russian Federation.

The bill is based on the law enforcement practice of Roskomnadzor in view of a significant increase in the number of violations in the area of personal data processing and applications from citizens and legal entities in this respect, on one hand, and on the disparity of fines and penalties stipulated in Article 13.11 of the Administrative Code for the respective violations<sup>1</sup>, on the other hand.

In particular, the following new sets of an offense elements and liability are established:

Offense Elements	Liability
Personal data processing in cases not provided for by the legislation on personal data, or personal data processing that does not match the purposes of personal data collection, if these actions do not contain elements of a criminal offense.	A warning or an administrative fine on citizens in the amount of up to 3,000 roubles; on officials - up to 10,000 roubles; on legal entities - up to 50,000 roubles.
Personal data processing without the consent in writing by the personal data subject, if these actions do not contain elements of a criminal offense, or personal data processing in violation of the requirements for the information to be included in the consent to the personal data processing established by the legislation on personal data.	An administrative fine on citizens in the amount of up to 5,000 roubles; on officials - up to 20,000 roubles; on legal entities - up to 75,000 roubles.
Failure by the operator to perform the obligation to publish or otherwise provide unrestricted access to the document that defines the operator's policy in relation to personal data processing, or information about on the current requirements for the personal data protection.	A warning or an administrative fine on citizens in the amount of up to 1,500 roubles; on officials - up to 6,000 roubles; on individual businessmen - up to 10,000 roubles; on legal entities - up to 30,000 roubles.
Failure by the operator to perform the obligation to provide the personal data subject with the information relating to the processing of his/her personal data.	A warning or an administrative fine on citizens in the amount of up to 2,000 roubles; on officials - up to 6,000 roubles; on individual businessmen - up to 15,000 roubles; on legal entities - up to 40,000 roubles.
Failure by the operator to comply within the time limits established by the legislation with the demand of the personal data subject or his/her representative or Roskomnadzor to clarify personal data, block or destruct them.	A warning or an administrative fine on citizens in the amount of up to 2,000 roubles; on officials - up to 10,000 roubles; on individual businessmen - up to 20,000 roubles; on legal entities - up to 45,000 roubles.
In case of processing of personal data without the	A warning or an administrative fine on citizens in

<sup>1</sup> Currently, Article 13.11 of the Administrative Code provides for a single set of an offense elements: violation of the legal procedure for collection, storage, use or dissemination of information on citizens (personal data), and measures of liability in the form of a warning or an administrative fine on citizens in the amount of 500 roubles, on officials - up to 1,000 roubles, on legal entities - up to 10,000 roubles.

use of automation means, failure by the operator to comply with the conditions ensuring the safety of personal data during storage of material media of personal data and preventing unauthorised access to them, when it entailed unlawful or accidental access to the personal data, their destruction, change, blocking, copying, provision, distribution or other illegal actions in relation to the personal data provided that it does not contain the elements of a criminal offense.

the amount of up to 2,000 roubles; on officials - up to 10,000 roubles; on individual businessmen - up to 20,000 roubles; on legal entities - up to 50,000 roubles.

In addition, pursuant to the bill, Roskomnadzor officials shall be authorised to issue protocols on administrative violations in the area of personal data processing. (Currently, Roskomnadzor must send the files collected on administrative violations to the prosecuting authorities for commencement of proceedings, which makes it difficult to bring operators to administrative liability, since the limitation period for violations under Article 13.11 of the Administrative Code is 3 months.)

The abovementioned changes shall take effect from 1 July 2017 (subject to the approval of the bill by the Council of Federation and its signing off by the President).

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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;
- preparing a set of organisational and administrative documentation for the protection of personal data (including regulations on personal data processing and form of consent on personal data processing);
- representation of clients during Roskomnadzor inspections.

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