

Client Update

Fines for Personal Data Violations in Russia Increase as of July 1, 2017

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On January 27, 2017, Bill No. 683952-6 on Amendments to the Code of Administrative Offences of the Russian Federation¹ was adopted in the third reading by the State Duma of the Russian Federation (“Bill”). The Bill provides for tiering and a five to ten times increase of fines for violation of personal data laws for individuals, company officers and legal entities.² Although the increase of fines is still unsubstantial, it shows governmental attention to personal data protection in Russia and demonstrates the tendency towards tightening the rules in this sphere.

In particular, the Bill provides for the following fines:

- Processing of personal data inappropriate for the objectives of personal data collection will lead to the imposition of an administrative fine on company officers ranging from RUB 5,000 (approx. USD 83.00) to RUB 10,000 (approx. USD 167.00), and on legal entities ranging from RUB 30,000 (approx. USD 500.00) to RUB 50,000 (approx. USD 833.00);
- Processing of personal data without the consent of the subject of the personal data where such consent was required under the law³ or failure to comply with the requirements for the mandatory information to be included

¹ Information on the Bill is available at <http://asozd2.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=683952-6&02>.

² Pursuant to the current version of Article 13.11 of the Code of Administrative Offences of the Russian Federation (the “Code”), failure to comply with the procedure for collection, storage, use or dissemination of personal data set forth by the law may lead to the imposition of an administrative fine on company officers ranging from RUB 500 to RUB 1,000, and on legal entities ranging from RUB 5,000 to RUB 10,000.

³ E.g., written consent for processing of personal data is required for cross-border transfer of personal data to a jurisdiction that does not provide for adequate protection of rights of personal data subjects (Article 12 of Federal Law No. 152-FZ on Personal Data dated 27 July 2006) (the “Personal Data Law”).

in a written personal data processing consent⁴ will lead to the imposition of a fine on company officers ranging from RUB 10,000 (approx. USD 167.00) to RUB 20,000 (approx. USD 333.00), and on legal entities ranging from RUB 15,000 (approx. USD 250.00) to RUB 75,000 (approx. USD 1250.00);

- Failure by the personal data operator to publish its personal data processing policy or otherwise make it publicly available will lead to the imposition of an administrative fine on company officers ranging from RUB 3,000 (approx. USD 50.00) to RUB 6,000 (approx. USD 100.00), and on legal entities ranging from RUB 15,000 (approx. USD 250.00) to RUB 30,000 (approx. USD 500.00);
- Failure by the personal data operator to provide information to the personal data subject relating to the processing of his/her personal data⁵ will lead to the imposition of an administrative fine on company officers ranging from RUB 4,000 (approx. USD 67.00) to RUB 6,000 (approx. USD 100.00), and on legal entities ranging from RUB 20,000 (approx. USD 333.00) to RUB 40,000 (approx. USD 667.00).
- Failure by the personal data operator to comply within the prescribed period with a request to update or block or delete personal data where such personal data are incomplete, not up to date or inaccurate, or were obtained on non-legal grounds, or are not appropriate for the specified objectives of the processing will lead to a fine on company officers ranging from RUB 4,000 (approx. USD 67.00) to RUB 10,000 (approx. USD 167.00), and on legal entities ranging from RUB 25,000 (approx. USD 417.00) to RUB 45,000 (approx. USD 750.00).
- Failure by the personal data operator that carries out non-automated processing of personal data to ensure security of any material media containing such personal data or to prevent unauthorised access thereto if this has resulted in unauthorised or accidental access to such personal data; the destruction, modification, blocking, copying, provision or dissemination of such personal data; or any other unauthorised acts in respect of such personal data will lead to the imposition of an administrative fine on company officers ranging from RUB 4,000 (approx. USD 67.00) to RUB 10,000 (approx. USD 167.00), and on legal entities ranging from RUB 25,000 (approx. USD 417.00) to RUB 50,000 (approx. USD 833.00);
- Failure by a governmental authority or municipal body to depersonalise personal data or to comply with the existing requirements or procedures for

⁴ Such information is specified in Article 9 of the Personal Data Law.

⁵ A list of such information is provided in Article 14 of the Personal Data Law.

depersonalisation of personal data will lead to a warning or imposition of an administrative fine on officials ranging from RUB 3,000 (approx. USD 50.00) to RUB 6,000 (approx. USD 100.00).

After the Bill is approved by the Federation Council and signed by the Russian President, the new fines become effective as of July 1, 2017.

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Please do not hesitate to contact us should you have any questions.