

"Right to be forgotten" in Russian data protection law has passed all stages of approval

July 21, 2015

Dear Sir or Madame,

This letter is to inform you that on July 14, 2015 Vladimir Putin, the President of the Russian Federation, has signed the law on implementation of the "right to be forgotten" (hereinafter the "**Law**"). The Law comes into force on January 1, 2016.

1 New obligations imposed on search engines on the Internet

The right to be forgotten applies to the information that had been disseminated by search engines operators distributing advertisements in the Internet for attracting attention of Russian consumers in the following cases:

- information had been disseminated in contradiction with the legislative requirements;
- information is inaccurate;
- information is accurate but is no longer relevant due to the subsequent development or actions of a data subject (with some exceptions).

2 How will the "right to be forgotten" be exercised?

The request on delisting search results submitted by a data subject (applicant) shall contain certain information prescribed by the Law, e.g., full name, passport data, contact information of the applicant, specific information that should "be forgotten", reasons for delisting, reference to the Internet website containing information, which shall be delisted, and consent to processing of the applicant's personal data.

It is important that the "right to be forgotten" may be performed exclusively by individuals and it does not apply to legal entities.

Within 10 (ten) business days as of the receipt of the delisting request search engine shall perform one of the following actions:

- to delist search results related to personal information of the applicant in case search results gained via search requests included name and (or) surname of the applicant;
- to provide the applicant with substantiated written refusal to delist the said search results.

If the applicant does not agree with the decision made by search engine, he/she is entitled to file a respective claim to the competent court.

Information on filing the delisting request by the applicant shall be kept confidential by the search engine.

3 Liability for non-compliance

Along with the considered Law, another initiative has been submitted to the State Duma on May 29, 2015 and may be considered by the State Duma in the autumn session this year.

According to the new initiatives administrative fine in the amount of 100 000 RUR (approx. 1 580 EUR) might be imposed on a search engine for failure to delist the links related to data subject's personal information upon his / her request or in the amount of 3 million RUR (approx. 47 619 EUR) for failure to comply with the court decision on delisting of such links.

Please note: All information was obtained from publicly available sources. The authors of this information letter assume no liability for the consequences of reliance upon, or decision-making based on such information.

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We hope you will find this information helpful. Should you have any questions, please do not hesitate to contact **Irina Anyukhina**, Partner.

Kind regards,

ALRUD Law Firm
