

***“Right to be forgotten” in Russian data protection law***

**July 08, 2015**

Dear Sir or Madame,

This letter is to inform you about upcoming changes in Russian data protection legislation.

As you may know, recently Russian lawmakers have promoted the right of the personal data subjects to request removal of their personal data from search engines (hereinafter – the **“right to be forgotten”**).

On July 03, 2015 the State Duma (lower chamber of the Russian Parliament) approved the draft law on implementation of the “right to be forgotten” (hereinafter – the **“Draft law”**) in the third reading and currently it is being considered by the Council of Federation (upper chamber of the Russian Parliament).

**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 Draft 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, which shall be delisted, and consent to processing of the applicant’s personal data.

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

- 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.

The Draft law should come into force as of **January 1, 2016**.

### **3 Liability for non-compliance**

Along with the considered Draft 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**

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