

Increase of fines for data protection breaches

January 23, 2017

Dear Ladies and Gentlemen,

We would like to inform you of the proposed changes to the Russian Code of the Administrative Offences (hereinafter the “**Code of Administrative Offenses**”). These changes are aimed at increasing and differentiating administrative liability for violation of Russian personal data protection legislation.

On January 11, 2017 the respective draft bill was adopted by the Lower Chamber of the Russian Parliament in the second (of three) hearing.

Currently under Russian law there is one administrative offence relating to data protection. It implies violation of the procedure for collecting, storing, using or disseminating personal data and entails a fine up to RUB 10 000 (approx. EUR 158) for the legal entities.

The mentioned draft bill differentiates liability depending on the type of violation of data protection legislation and increases fines for non-compliance.

Below you may find an overview of the envisaged offences and penalties:

Offence	Penalty	Approx. in EUR
Processing of personal data when it is not prescribed by law, OR Processing of personal data when it is incompatible with purposes of processing.	Warning OR <i>For individuals:</i> fine RUB 1 000 up to RUB 3 000; <i>For officials:</i> fine RUB 5 000 up to RUB 10 000; <i>For legal entities:</i> RUB 30 000 up to RUB 50 000.	Warning OR <i>For individuals:</i> fine EUR 16 up to EUR 48; <i>For officials:</i> fine EUR 79 up to EUR 159; <i>For legal entities:</i> fine EUR 475 up to EUR 792.
Processing of personal data without written consent of a personal data subject, where such consent is required by law, OR	Warning OR <i>For individuals:</i> fine RUB 3 000 up to RUB 5 000;	Warning OR <i>For individuals:</i> fine EUR 48 up to EUR 79;

Processing of personal data in violation of the statutory requirements regarding the content of written consent for processing of personal data.	<p><i>For officials:</i> fine RUB 10 000 up to RUB 20 000;</p> <p><i>For legal entities:</i> RUB 15 000 up to RUB 75 000.</p>	<p><i>For officials:</i> fine EUR 159 up to EUR 317;</p> <p><i>For legal entities:</i> fine EUR 238 up to EUR 1 188.</p>
Failure of a data controller (operator) to publish or to ensure unrestricted access to the policy on processing of personal data and implemented measures on data protection.	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine RUB 700 up to RUB 1 500;</p> <p><i>For officials:</i> fine RUB 3 000 up to RUB 6 000;</p> <p><i>For individual entrepreneurs:</i> fine RUB 5 000 up to RUB 10 000;</p> <p><i>For legal entities:</i> fine RUB 15 000 up to RUB 30 000.</p>	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine EUR 11 up to EUR 24;</p> <p><i>For officials:</i> fine EUR 48 up to EUR 95;</p> <p><i>For individual entrepreneurs:</i> fine EUR 79 up to EUR 159;</p> <p><i>For legal entities:</i> fine EUR 238 up to EUR 475.</p>
Failure of a data controller (operator) to provide an individual (personal data subject) with information on processing of his/her personal data.	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine RUB 1 000 up to RUB 2 000;</p> <p><i>For officials:</i> fine RUB 4 000 up to RUB 6 000;</p> <p><i>For individual entrepreneurs:</i> fine RUB 10 000 up to RUB 15 000;</p> <p><i>For legal entities:</i> RUB 20 000 up to RUB 40 000.</p>	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine EUR 16 up to EUR 32;</p> <p><i>For officials:</i> fine EUR 63 up to EUR 95;</p> <p><i>For individual entrepreneurs:</i> fine EUR 159 up to EUR 238;</p> <p><i>For legal entities:</i> fine EUR 317 up to EUR 634.</p>
Failure by a data controller (data operator) to fulfill in time the request of a personal data subject (or its representative) or the regulatory authority on rectification of personal data, its blocking or destruction, if such data is incomplete, outdated, inaccurate, or unlawfully obtained or is not necessary for the specified purpose of processing.	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine RUB 1 000 up to RUB 2 000;</p> <p><i>For officials:</i> fine RUB 4 000 up to RUB 10 000;</p> <p><i>For individual entrepreneurs:</i> fine RUB 10 000 up to RUB 20 000;</p> <p><i>For legal entities:</i> fine from RUB 25 000 up to RUB 45 000.</p>	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine EUR 16 up to EUR 32;</p> <p><i>For officials:</i> fine EUR 63 up to EUR 159;</p> <p><i>For individual entrepreneurs:</i> fine EUR 159 up to EUR 317;</p> <p><i>For legal entities:</i> fine EUR 396 up to EUR 713.</p>

<p>Failure of a data controller (data operator) carrying out manual (non-automated) data processing to ensure of safety of the personal data during storage of tangible mediums and exclusion of unauthorized access to it in accordance with established requirements, if such violation caused unauthorized/accidental access to personal data, its destruction, alteration, blocking, copying, provision, distribution and other unlawful actions.</p>	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine from RUB 700 up to RUB 2 000;</p> <p><i>For officials:</i> fine from RUB 4 000 up to RUB 10 000;</p> <p><i>For individual entrepreneurs:</i> fine from RUB 10 000 up to RUB 20 000;</p> <p><i>For legal entities:</i> fine from RUB 25 000 up to RUB 50 000.</p>	<p>Warning</p> <p>OR</p> <p><i>For individuals:</i> fine EUR 11 up to EUR 32;</p> <p><i>For officials:</i> fine EUR 63 up to EUR 159;</p> <p><i>For individual entrepreneurs:</i> fine EUR 159 up to EUR 317;</p> <p><i>For legal entities:</i> fine EUR 396 up to EUR 792.</p>
<p>Failure by a data controller (data operator), which is state (municipal) authority, to depersonalize personal data where it is required by law</p> <p>OR</p> <p>Failure to comply with stated requirements and methods of depersonalization.</p>	<p>Warning</p> <p>OR</p> <p><i>For officials:</i> fine RUB 3 000 up to RUB 6 000.</p>	<p>Warning</p> <p>OR</p> <p><i>For officials:</i> fine EUR 48 up to EUR 95.</p>

The draft bill proposes to authorize Russian Data Protection Authority (official acronym is Roskomnadzor) to initiate procedure of bringing violators to administrative liability without involvement of the state prosecutor.

Under the draft bill, outlined changes shall come into force on July 1, 2017.

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Hope that the information provided herein would be useful for you.

If any of your colleagues would also like to receive our newsletters, please let us know by sending us his/her email address in response to this message. If you would like to learn more about our Data Protection practice, please let us know about it in reply to this email. We will be glad to provide you with our materials.

If you have any questions, please, do not hesitate to contact the Partners of ALRUD Law Firm – **Maria Ostashenko** (mostashenko@alrud.com) or **Irina Anyukhina** (ianyukhina@alrud.com).

Kind regards,
ALRUD Law Firm

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