



NEW REQUIREMENTS TO LOCALISE PERSONAL DATA

For the attention of company employees in charge of processing personal data, as well as heads of IT departments and HR departments, and lawyers

Pepeliaev Group reminds readers that new requirements for the Russian nationals' personal data to be kept in electronic form in Russia are introduced as early as in one month

Despite full-scale discussions to postpone the entry into effect of the new requirements for the storage of personal data of Russian nationals in electronic form in Russia¹, the new requirements are coming in force on 1 September 2015. Further, there are no plans to postpone this date.

The representatives of the state bodies announced a possible softer approach when auditing the operators of personal data with regard to compliance with new requirements of the law. However, despite this, it is expected that certain control and supervisory actions with regard to compliance with current legislation are going to be held and companies should be ready.

According to the statements of officials of the Russian Ministry of Communications and Mass Media, a random audit of the documents of about 300 companies is planned to be held starting from 1 September until the beginning of 2016². It is obvious that the major and most famous representatives of the business community will be the first on the auditor's list.



At the same time a number of aspects of applying new provisions stay open and contentious. In the near future we can expect clarifications from the Russian Ministry of Communications with regard to the following issues: the scope of application of law FZ-242 in terms of territory, the parties to which it applies and deadlines; a definition of the term 'database'; the cross-border transfer of personal data; compliance with the localisation requirement with respect to databases located outside Russia; exclusion from the list of parties who are obliged to comply with new requirements of the law, those who process shipping documents and others.

What to think about and what to do

We recommend that companies be ready to work in the new conditions for personal data processing and prepare themselves to face monitoring by the regulator Roskomnadzor of their compliance with personal data legislation. This should include in particular:

- arranging the company's and its employees' activities in terms of processing personal data in line with the new legal requirements;
- developing and implementing the necessary internal regulations;
- taking technical measures required to protect personal data;
- obtaining relevant licences and other permits.

Among other things, this will allow companies that are affected to prepare for Roskomnadzor's regulatory activities well in advance, with a view to managing (mitigating or ruling out) the risk of liability being imposed or of other enforcement measures being taken as a result of such regulation.

¹ See Federal Law No. 242-FZ dated 21 July 2014 "On amending certain items of the legislation of the Russian Federation to specify the procedure for processing personal data in IT networks" ("law FZ-242").

² URL: <http://kommersant.ru/doc/2769349>.

Help from your adviser

Pepeliaev Group's experts have extensive experience of handling issues relating to compliance with personal data legislation. They are ready to provide comprehensive legal support and technical assistance in preparing for the new requirements, and to represent a company and its employees during supervisory measures pursued by and disputes with administrative authorities.

Contact details



Dmitry Zykov
Head of Data Protection
Group
Tel.: +7 (495) 967-00-07
d.zykov@pgplaw.ru



Vladimir Razbegaev
Head of IT Security
and Network Infrastructure
Maintenance
Tel.: +7 (812) 640-60-10
v.razbegaev@pgplaw.ru



Elena Ovcharova
Head of Administrative
Law Defence of
Business Group
Tel.: +7 (495) 967-00-07
e.ovcharova@pgplaw.ru



Alexander Korkin
Head of the Employment
and Migration Law Group,
St. Petersburg Office
Tel.: +7 (812) 640-60-10
a.korkin@pgplaw.ru



Egor Lysenko
Head of Pepeliaev Group's
Siberian Office in Krasnoyarsk
Tel.: +7 (391) 277-73-00
e.lysenko@pgplaw.ru