Rus

Page 1

Ministry of Digital Development, Communications and Mass Media of the Russian Federation

Report mistakes

Processing and storage of personal data in the Russian Federation. Changes from September 1, 2015

Last update: 12 Feb. 2016

Description

From September 1, 2015, the regulation on localization of storage and individual processing of personal data, defined in Federal Law No. 242 of July 21, 2014 "On making amendments to certain legislative acts of the Russian Federation in part clarification of the procedure for processing personal data in information telecommunication networks "

After familiarization with the presented materials with the help of a special forms, you can send a clarifying question...

Clarifications

Explanatory note

Scope of FZ-242 on the territory and circle of persons

Scope of FZ-242 in time

Collection of personal data

Correlation of the requirement for the localization of individual processing processes personal data with provisions on the cross-border transfer of personal data

Answers to frequently asked questions

Citizenship

- How to determine the citizenship of the subject of personal data for the purposes meeting localization requirements?

- Are the requirements provided for by Part 5 of Article 18 of the Federal

Air transportation

of the Law "On Personal Data" (as amended by Law 242-FZ) for activities air carriers, their authorized agents, as well as other persons, in terms of processing personal data of citizens-passengers for the purposes of booking, processing and issuing them air tickets (travel tickets), baggage receipts and other shipping documents?

Personnel

personal data) for the cross-border transfer of personal data of their workers? - Does the requirement of the Law on compulsory processing of personal data of citizens apply?

- Does the employer have the right (with the written consent of the subject

RF using databases located on the territory of the RF, to the employer,

individuals with regard to the automated processing of personal data

which processes the personal data of its employees for the purpose of compliance with the labor legislation of the Russian Federation and which in due to the specifics of the work, it becomes necessary to process the PD of its employees with using databases outside the Russian Federation? " Goods and services

use the services offered on the world market for goods, works, services (for example: tourism (booking), ordering goods, banking services, etc.)?

Transboundary - Is the Law applied extraterritorially and should those persons (including

- Will the citizens of the Russian Federation be able to post their PD in a format convenient for them and

non-residents of the Russian Federation), to which the operators or directly the subjects of personal data (citizens of the Russian Federation) send PD, legally also process them on territory of the Russian Federation? - Ratification by the Russian Federation of the Council of Europe Convention on the Protection

may lead to a conflict between the Law and the Convention: "the party must not prohibit or subject to special permission transboundary flows personal data going to the territory of the other Party, from the only the purpose of protecting privacy". Should in this situation follow the provisions of the Law or the Convention? - Does the Law apply to PD of citizens of the Russian Federation who were transferred to

by virtue of? - If the subject of personal data has given his consent to the operator to process it

legal basis for their processing outside the territory of the Russian Federation before its entry

PD in PD databases outside the Russian Federation, does it allow the operator on the basis of such of the will of the subject of PD to process PD in databases outside the Russian Federation? - In FZ-242 there is a wording "When collecting personal data, including

is obliged to ensure the recording, systematization, accumulation, storage, clarification (update, change), extraction of personal data of citizens of the Russian Federation using databases located on the territory of the Russian Federation, except for the cases specified in clauses 2, 3, 4, 8 of part 1 of article 6 of this Federal Law ". Does the Law impose a prohibition on subsequent processing (after collection, e.g. reporting, data analysis, etc.) personal data in databases located outside the Russian Federation? - How justified is the interpretation of the Law, according to which the operator

personal data is obliged to ensure the recording, systematization, accumulation,

via the information and telecommunication network "Internet", operator

storage of personal data of citizens of the Russian Federation using databases, located on the territory of the Russian Federation, only during the (initial) collection of personal data, and post-processing using databases not located on territory of the Russian Federation, as well as cross-border transfer of data to a third party is not prohibited? - Does the localization requirement apply to cases of entering personal

on the contrary, when the PD database outside the Russian Federation is a copy (or part) of the database

data of Russian citizens in databases that are located outside Russian Federation, if such personal data was previously localized in accordance with FZ-242? - Is it possible to store personal data (PD) of citizens of the Russian Federation outside its borders when provided there is a duplicate (copy) database of PD of citizens of the Russian Federation on the territory of the Russian Federation (and

stopped? Under the laws of some countries, the transmitted information must be kept in foreign companies even after the expiration of contracts with counterparties. - Is it possible to transfer personal data of employees to foreign companies belonging to the same group of companies as the Russian

data generated and located on the territory of Russia?), or PD processing

- When consent to the cross-border transfer of personal data is considered

employer, on the basis of a free data transfer agreement. Does it carry in

in this case, the responsibility of a Russian legal entity that is not

on the territory of another state is, in principle, prohibited?

controls the actions of a foreign legal entity without defining goals and the amount of data processing? - What is the maximum allowable period during which the data can be located on foreign servers of third parties after their transfer? Does the Law differentiate between the concepts of "temporary storage of personal data" for

the purposes of data transmission or their use outside the Russian Federation and "constant

Terminology - Taking into account the Explanatory Note to the Law, which states that the purpose of

opportunities to carry out cross-border transfer of personal data?

- Are any prior approvals from Roskomnadzor required for

such is the improvement of the institution of personal data processing citizens of the Russian Federation in information and telecommunication networks, it is necessary to clarify whether the requirements of the Law apply to all persons who meet the concept of "operator" for

storage"?

the meaning of Art. 3 Federal Law of the Russian Federation No. 152-Φ3 dated July 27, 2006, or only to operators whose the main activity can be recognized as the processing of PD with using information and telecommunication networks?

- In an explanatory note to the bill, as well as when covering amendments the press mentioned that the purpose of the draft law is to restrict the processing personal data exclusively via the Internet, while

contains a more broad and ambiguous interpretation of this rule. Does the law really apply to any processing of personal data (and not only on the Internet) and, if not, are they planning to accept any bills clarifying this point? - What is meant by the collection of personal data in the context of the requirements law?

- New requirements (clause 5 of Article 18) sound "When collecting personal data, including

the final version of the bill, which was adopted by the State Duma of the Russian Federation,

the operator is obliged to ensure the recording, systematization, accumulation, storage, clarification (update, change), extraction of personal data of citizens Of the Russian Federation using databases located on the territory Russian Federation...". Does this mean that these requirements apply exclusively for the collection process, but does not apply to any subsequent

including through the information and telecommunication network "Internet",

"Processing of personal data" in addition to these actions also includes

depersonalization, blocking, deletion, destruction of PD, are we right

collection, use, transfer (distribution, provision, access),

actions with personal data? - Please clarify in regulatory enactments the concept of personal data in due to the fact that in the law it is rather vague. - Considering that using databases located in Russia, the operator when collection of PD is obliged to ensure the recording, systematization, accumulation, storage, clarification (update, change), extraction of the PD of citizens of the Russian Federation, and the concept

we understand that such processing of personal data as collection, use, transfer, depersonalization, blocking, deletion, destruction, possible using databases located outside the Russian Federation? Please clarify which actions are included in the concept of "use of personal data". - According to paragraph 2 of Article 3 of Law No. 152-FZ, the concept of "operator" includes a legal entity that alone or jointly with others organizes and (or) carries out the processing of PD, and also determines the purposes of processing PD, the composition of PD to be processed, actions performed with PD. If

a legal entity only partially meets this definition (for example, not carries out PD processing, but only determines the purposes of PD processing), is it considered such a legal entity a person as a PD operator? - Is there really no need for repeated or additional notification of processing of personal data after September 1, 2015. If necessary additionally inform where the databases are located?

carriers with their subsequent entry into the electronic database under the requirements Part 5 of Article 18 of Federal Law No. 152-FZ?

- Is the initial collection of personal data on paper

Documentation

Attention! Links lead to an external Internet resource: "Official Internet portal of legal information ".

Federal Law No. 242 of July 21, 2014 "On Amendments to Certain legislative acts of the Russian Federation in terms of clarifying the processing procedure personal data in information and telecommunication networks "

technologies and information protection " Federal Law No. 152 of July 27, 2006 "On Personal Data"

If you did not find the answer to your question, send an appeal to specialists

The Ministry of Telecom and Mass Communications of the Russian Federation.

Contacts

Federal Law No. 149 of July 27, 2006 "On information, information

Russian Federation

Reference: +7 (495) 771-81-00

Rus

Ask a Question

About Ministry

Open data

Contacts for press **Subscription** Report an issue

About the site **Attendance statistics**

Ministry of Digital Development,