

Russia: Minsvyaz submits proposal on amendment to data retention periods under Yarovaya Law

DataGuidance confirmed, on 10 November 2017, with Sergey Medvedev and Ilya Goryachev, Senior Lawyers at Gorodissky & Partners, that the Russian Ministry of Communications ('Minsvyaz') had submitted a proposal to the Russian Government ('the Proposal') that aims to introduce a gradual increase in the data retention periods for telecommunications operators ('telcos') under the Federal Law No. 374-FZ on Amending the Federal Law on Counteracting Terrorism and Other Legislative Acts to Provide for Additional Measures to Counteract Terrorism and to Ensure Public Safety ('Yarovaya Law'), which will enter into force on 1 July 2018.

Medvedev and Goryachev outlined, "The Proposal was submitted by the specialists of Minsvyaz to the attention of the Government and forwarded to the Cabinet of Ministers for further consideration. The initiative was also discussed and developed with experts from the Federal Security Service ('FSB'). Under the Yarovaya Law, telcos will have to store the content of users' communications, including texts, photos, videos and sound recordings for up to six months. Importantly, access to such content must be provided to the FSB at its request. According to the Proposal, the gradual increase of the data retention period will start from one month and will be raised to six months, as per the words of the Head of Minsvyaz, Nikolay Nikoiforov. If the Proposal eventually becomes law, such amendments will help telcos save a lot of money, at least at the very beginning of applying the Yarovaya Law. Previously, telcos had assessed their expenses in connection with the Yarovaya Law to amount to hundreds of billions of rubles."

Russia: Roskomnadzor addresses enforcement statistics and GDPR applicability

DataGuidance confirmed, on 10 November 2017, with Sergey Medvedev and Ilya Goryachev, Senior Lawyers at Gorodissky & Partners, that the Federal Service for the Supervision of Communications, Information Technology and Mass Communications ('Roskomnadzor') announced, at the VIII International Conference on the Protection of Personal Data in Moscow, statistics on its enforcement in relation to personal data violations recently introduced into the Russian Code of Administrative Offences of 30 December 2001 No. 195-FZ ('RCAO') and the applicability of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') in Russia.

Medvedev and Goryachev outlined, "The Head of the Roskomnadzor's Department for the Protection of Data Subjects' Rights, Yuriy Kontemirov, stated that 39 administrative protocols had been initiated due to violations under the amended Article 13.11 of the RCAO by 1 November 2017, and that 13 data controllers had been held administratively liable. In addition, Kontemirov pointed out that employers illegally collect irrelevant data of employees' relatives, such as telephone numbers, emails and work addresses, as well as untimely delete such personal data. Moreover, Kontemirov noted that the non-publication of privacy policies on companies' websites and requests for employees' criminal records would also lead to administrative liability, and it is also not lawful to have one letter of consent providing for several purposes for the processing of employees' personal data."

Medvedev and Goryachev added, "Additionally, the Head of the Roskomnadzor, Alexander Zharov, outlined that until relevant international treaties are signed between the EU and Russia, the GDPR must be taken into account only in the course of processing the personal data of European citizens by Russian controllers in the territory of EU Member States. The provisions of Article 3 of the GDPR indeed confirm his words and may be applied in this regard."

You can read the press release, only available in Russian, [here](#).
