

‘Right to Be Forgotten’ in Russian Data Protection Law Has Passed All Stages of Approval

Article By:

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On July 14, 2015, **Vladimir Putin**, the president of the Russian Federation, has signed the law on implementation of the “right to be forgotten” (the Law). The Law comes into force on January 1, 2016.

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 engine operators distributing advertisements on the Internet for attracting attention of Russian consumers in the following cases:

- Information had been disseminated in contradiction of legislative requirements;
- Information that is inaccurate;
- Information that 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 to delist search results submitted by a data subject (applicant) must contain certain information prescribed by the 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 containing information, which shall be delisted, and consent to processing of the applicant’s personal data).

It is important to note that the right to be forgotten may be exercised only by individuals, and not legal entities.

Within 10 business days as of the receipt of the delisting request, search engine must perform one of the following actions:

- 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
- Provide the applicant with substantiated written refusal to delist the said search results

If the applicant does not agree with the decision made by the search engine, he or she is entitled to file a respective claim to the competent court.

Information on filing the delisting request by the applicant must be kept confidential by the search engine.

3. Liability for non-compliance

Along with the finally approved 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. If passed, the new initiative would institute an administrative fine in the amount of RUR 100,000 (approximately EUR 1,580) for a search engine's unlawful failure to delist the links related to data subject's personal information upon his or her request, or in the amount of RUR three million (approximately EUR 47,619) for the search engine's failure to comply with the court decision requiring delisting of such links.

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