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Consent to personal data processing: practice of Roskomnadzor and Russian courts

On 31 July 2018, the Federal Service for Supervision in the area of communications, information technology and mass communications (Roskomnadzor) held a traditional Open Day coincided to the anniversary of adoption of the Federal Law No. 152-FZ 'On Personal Data' ('Personal Data Law').

The Deputy Head of Roskomnadzor Mr. Pankov told about Roskomnadzor's attitude to the General Data Protection Regulation (GDPR) that became effective on 25 May 2018 and presented some recommendations on compliance with the GDPR requirements for Russian personal data operators that are subject thereto.

One of such recommendations concerns the consent to personal data processing: a separate consent needs to be obtained for personal data processing for each purpose of such processing, specifying in the consent the list of personal data processed, the procedure and conditions for the consent withdrawal, as well as specifying provisions on third parties to whom the personal data are planned to be transferred to or who are supposed to be engaged under the assignment agreement.

The Deputy Head of the Office for Protection of Rights of Personal Data Owners Ms. Gafurova provided the review of the most frequent complaints of individuals to Roskomnadzor in connection with the actions or omission of operators that violate the Russian statutory requirements on personal data. The number of such complaints increased from 6 thousand in 2008-2011 up to 85 thousand in 2016-2018.

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Contacts:

Yana Dianova

Director of the Corporate and Commercial Law Department, GRATA International (Moscow)

Tel: +7 (495) 660 11 84

E-mail: ydianova@gratanet.com

[1] The Resolution of the Eleventh Arbitration Appellate Court No. 11АП-19167/2017, dated 26 February 2018, on case No. A65-30342/2017;

[2] The Resolution of the Thirteenth Arbitration Appellate Court No. 13АП-34099/2017, dated 20 February 2018 on case No. A56-56720/2017; The Resolution of the Ninth Arbitration Appellate Court No. 09АП-66369/2017, dated 22 January 2018 on case No. A40-155310/17;

[3] The Resolution of the Eleventh Arbitration Appellate Court No. 11АП-8336/2018, dated 3 July 2018, on case No. A65-33540/2017;

[4] The Resolution of the Twentieth Arbitration Appellate Court No. 20АП-7785/2017, dated 11 January 2018, on case No. A09-12418/2017;

[5] The Resolution of the Fourth Arbitration Appellate Court No. 04АП-127/2018, dated 7 February 2018 on case No. A19-17054/2017.

Байршил



Key contacts



Yana Dianova

Counsel, Corporate and Commercial

 Moscow, OXY

 +7 495 660 1184

 +7 906 734 6817

 ydianova@gratanet.com