

# Issues of compliance with new requirements when using global solutions for personal data processing

*Personal Data: new regulation and practice,  
September 7, 2022*

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A background graphic consisting of a network of white dots connected by thin white lines, resembling a data network or a molecular structure, set against a light beige background.

# Extraterritorial application of the amended Federal Law on Personal Data

# Extraterritorial application

The Federal Law on Personal Data will apply to the processing of personal data of Russian citizens conducted on the basis of:



**agreements** between such citizens and foreign authorities, legal entities or individuals.



**consent** to the processing of personal data.

! Data controller and a **foreign** data processor now both bear liability for violating the law

# Appropriate consent by data subject

| Previous version  | Amended version   |
|---|---|
| Consent to the processing of personal data must be <b>specific, informed and conscientious.</b> | Consent to the processing of personal data must be <b>specific, <u>substantive</u>, informed, conscientious and <u>unambiguous</u>.</b> |

# Appropriate consent by data subject

Consent to the processing of personal data must be specific, **substantive**, informed, conscientious and **unambiguous**.



**Substantiveness** and **unambiguousness** in relation to each PD processing global solution used?

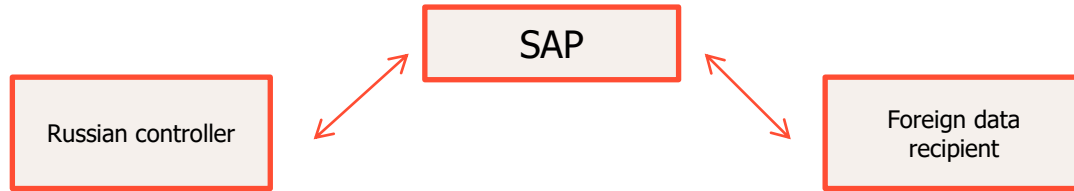


**Consent composition**: indication in a consent the list of PD processing global solutions and/or owners of these solutions?

A background graphic consisting of a network of white nodes connected by thin white lines, forming a complex web-like structure. The nodes are small circles, and the lines are thin and light-colored. The overall appearance is that of a digital or data network.

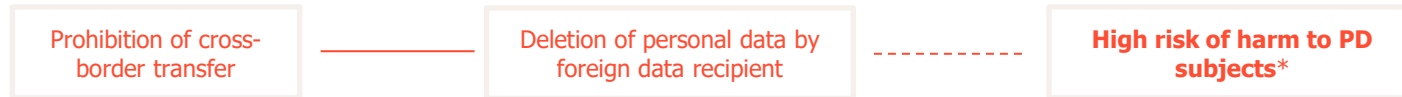
|| Cross-border data transfer when using  
global solutions for PD processing

# Cross-border data transfer



Before filing the notification on cross-border data transfer:

- Assessment of the **implemented measures on data security and compliance of data confidentiality by foreign data recipients**
- Obtaining information about the measures taken **by foreign data recipients on protection of transferred data and conditions of data processing termination**



\*Federal Service for Supervision of Communications, Information Technology and Mass Communications approves "Requirements for the Assessment of Harm that may be caused to Personal data Subjects in Case of Violation of the Federal Law "On Personal Data"



| | Ensuring cybersecurity when using global solutions for PD processing



# Data incidents

Within 24 hours:

- **Reasons**;
- Suspected **harm to data subjects**;
- **Measures** taken to mitigate the consequences of the breach; and
- Contact person.

Within 72 hours:

- Results of the **internal investigation**;
- and
- **Individuals responsible** for the breach.



No administrator rights



Extremely short term of data breach notification



Technical issues of interaction with GosSOPKa

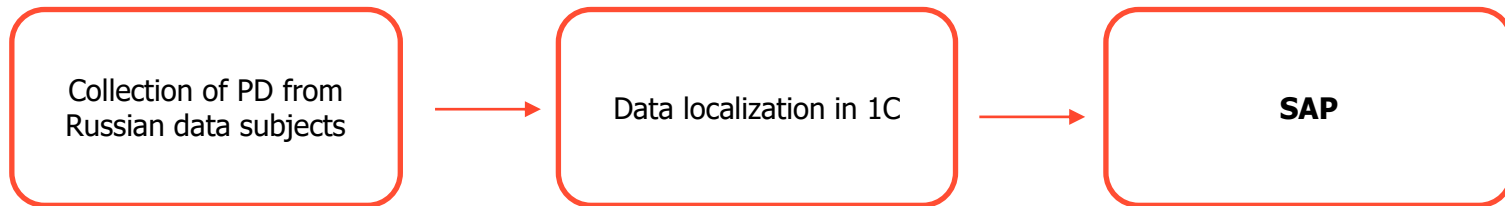
# Compliance with the requirements of the Federal Law on Personal Data by a foreign processor

- Data localization
- Obligation to notify data controller of any data incidents
- Obligation to provide documents of compliance with the responsibilities of data processor vis-à-vis data controller
- Obligation to implement necessary technical and organizational measures under Art. 18.1.
- Requirements for security measures under Art. 19.
- Observing data confidentiality



| | Data localization when using global solutions for PD processing

# Data localization



## Mitigating risks associated with parallel collection of personal data:

- Development and implementation of policies providing the processing of PD into a foreign database only after the localization of PD in the Russian database.
- A foreign database contains exactly the same personal data that was previously collected in the Russian database.
- PD volume in a Russian database is equal to or exceeds the PD volume in a foreign database.

| |

Thank you for your attention!

# Contact details



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