



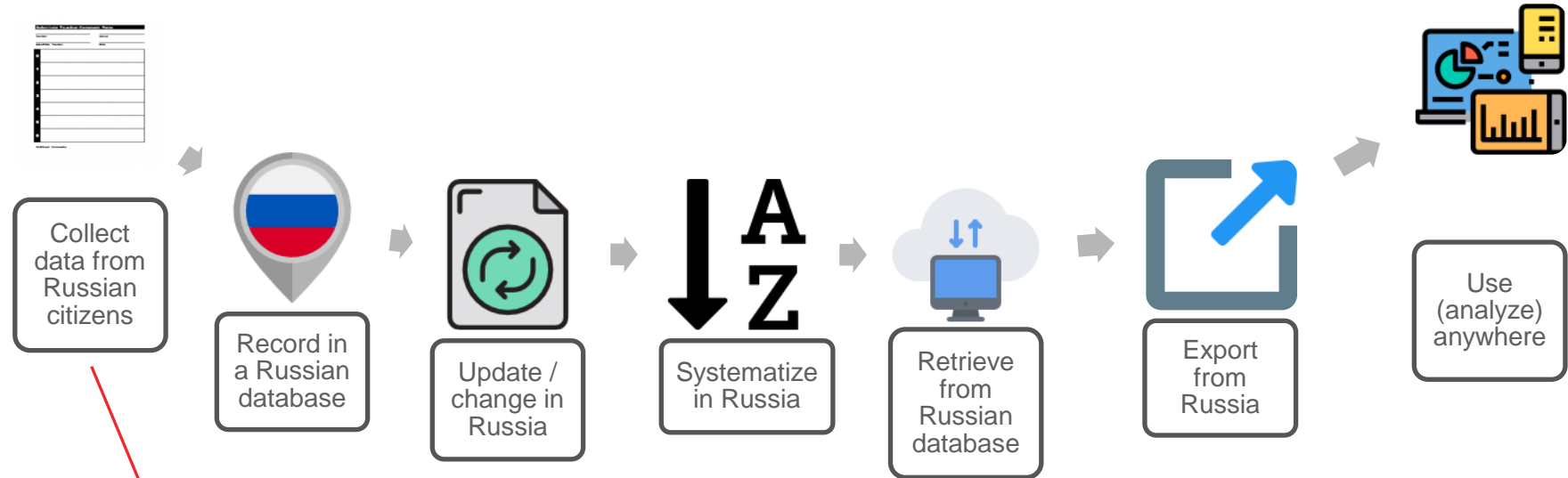
# Latest trends of the personal data localization in enforcement and court practice

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# Personal Data Localization Rule

Companies have to use IT facilities located in Russia to store personal data relating to Russian citizens



! personal data collected directly from data subjects

# Roskomnadzor's inspections of localization

## Onsite



Documents and information per request



Audit of data storage locations



Interviews with key employees



Modelling of various situations  
(including provocative)

## Documentary



Documents and information per request

# Documentary inspections

## Proof of localization

- Block diagram of the locations of workplaces where personal data of Russian users is stored
- Certificate verifying the recording of the acquired server capacities on the organization's balance sheet
- Server capacity purchase and sale agreement
- If renting server capacity - the relevant contract



# Case study: foreign IT company



- First request: measures on localization were accepted by Roskomnadzor
- Second request (next year): Roskomnadzor did not receive a response and initiated administrative proceedings
- In court, Roskomnadzor failed to explain why it changed the approach
- Also, in court Roskomnadzor invented a new argument – the company allegedly failed to provide a list of personal data processed in Russia
- The court:
  - agreed with Roskomnadzor
  - refused to replace the fine with a warning – a company is from the “unfriendly” state
  - imposed the fine below minimal

# Conclusions and recommendations

- Very broad interpretation and enforcement of localization requirements by Roskomnadzor
  - Absence in Russia does not rule out liability
  - Procedural questions - not an obstacle to the case quickly moving forward
  - Courts tend to agree with Roskomnadzor on legal issues, even despite the questionable nature of this approach
- “It will catch up with you in the end...”





**Any questions?**

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