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1 There is no such term as “privacy” in the Russian legislation. Translation of the term privacy in the Russian legislation covers nonmaterial goods in terms of confidentiality and personal data. The term nonmaterial goods is usually used in a much broader sense. Apart from the inviolability of private life, personal and family private data, nonmaterial goods also include such things as: life and health, human dignity, personal inviolability, inviolability of habitation, reputation and honor, goodwill, liberty of movement, freedom of choice of place of residence and location, name and authorship. According to the Russian legislation, information including personal data is not a nonmaterial good. In this article the term privacy is used according to common sense and includes confidentiality of private life and personal data.
Introduction

Confidentiality of a citizen’s private information is a comparatively new institution in the Russian legislation. In the USSR everything was state and public. The natural right of any human to privacy and the inviolability of private life was absent in the soviet legislation. Acknowledgement of the natural rights of citizens, the protection of private life and confidentiality of personal data appeared in the Constitution of the Russian Federation only in 1993.²

In an era of total computerization and the development of information systems, personal data of citizens is widely distributed, which makes the subject of protection of such data in the Internet more and more urgent. The State is traditionally more interested in such protection than citizens who successfully distribute facts about their private life on social networks. A huge reform of the informational legislation is focused first and foremost on obtaining control of the state on the Internet.³ Who needs this control?

Mutual research of the International Center of Research of Global Communications and Nationwide Center of Research of the Public Mind called “Drive of Russians to control the Internet” showed some interesting facts. Particularly, 49 percent of Russians are sure that the Internet should be censured, whereas 41 percent believe that this should be done by Secret Services. Russians are ready to defend the global freedom of the Internet only in the case where access to it is completely blocked. Only 10 percent of Russians voted for an absolutely unregulated Internet.⁴

Today we can see active cooperation of the State, represented by the Federal Service for Supervision of Communications, Informational Technologies and Mass Communications (“The Roskomnadzor”), and huge Internet companies in the area of informational control in cyberspace. One of the instruments of such control is a restriction of access to private data (privacy) of citizens on the Internet.

This review is written with the goal of analyzing public and private law mechanisms of restricting the distribution of private life data and personal data of citizens on the Internet.

This research consists of three parts. Part I reviews privacy legislation and gives a meaning to the subject of review: the private life of citizens and their personal data. In Part II, the authors analyze the legal status of Internet companies and Internet services that distribute private information. Special attention is given to state control mechanisms to protect personal data on the Internet and major legislation changes in this area. Part III is focused on the liability of participants for the distribution of protected information on the Internet.

² KONSTITUTSIIA ROSSIISKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 23, 24 (Russ.).
³ More on that in Part I, “Privacy Legislation” of this article.
I. Privacy in the Russian Legislation

The right to the inviolability of private life consists of several norms of different legal institutions. Different methods to protect the infringement of rights are used based on the violation of one or more legal norms.5

Norms of civil law consider private life as a nonmaterial good.6 As an inseparable piece of a person, nonmaterial goods individualize a person within society. Nonmaterial goods act through the whole life of a human; there is no such thing as a limitation of these actions where there is a violation of these rights.7 Nonmaterial goods that belonged to a deceased person can be protected by his or her children, parents or surviving spouse.8 Lawmakers have also created a special norm for the inviolable rights and freedoms of humans, separate from property rights, stating that these rights are not regulated, but are protected by civil legislation.9 This is the substance of nonmaterial goods.

Norms of the information legislation distinguish two categories of private confidential information.10 The first category is personal data, which includes information about facts, events and instances of the private life of a citizen that can help identify him or her. The second category concerns facts connected with professional activities, access to which is limited according to the Constitution of the Russian Federation and federal laws (medical, notary, lawyer confidentiality, correspondence privacy, privacy of phone calls, postal communication, telegraph and other messages and so on). The confidentiality of private data is regulated by law. All of this is privacy.

A. Privacy legislation.

5 More on that in Part III of this article.
6 Nonmaterial goods meet the following criteria: they have no material contents; they are inseparable from the subject; the individual the personality of the proprietor; and the cannot be precisely assessed. Rights, which assure nonmaterial goods, can be divided into three groups: (1) rights that warrant the inviolability of a citizen as a human, linked with the existence of personality: life and health, personal inviolability, inviolability of personal life, inviolability of habitat; (2) rights which make a person individual: the right to a name, surname, patronym, the inviolability of appearance and image, honor, reputation, goodwill, and authorship; and (3) Rights which support the autonomy of personality in society: the inviolability of habitat, phone call, privacy of correspondence, freedom of movement, and the freedom of choice as to residence and location.
7 See GRAZHDANSKII KODEKS ROSSIISKOI FEDERATSII [GK RF] [Civil Code] art. 208 (Russ.).
8 See Id. at art. 152.2, Part 5
9 See Id. at art. 2, Part 2
According to the Constitution of the Russian Federation, the rights and freedoms of every human being are the supreme values, and the state must approve, follow, and protect these values. Paragraph 1 of Article 23 of the Constitution of the Russian Federation states that everyone has the right to the inviolability of private life, as well as personal and family confidentiality. Paragraph 1 of Article 24 of the Constitution of the Russian Federation directly forbids the collection, storage, usage and distribution of information about a human’s private life without his or her consent. The Constitution guarantees the right to a private life and other legal norms, such as the inviolability of habitat; the ability to communicate conveniently with other people by postal means, telegraph, telephone and other means; the right to govern family budget, private and individual property, and monetary contributions. The confidentiality of all these rights is guaranteed by law. An exception to this common rule exists in that these protections are governed only by federal laws.

International law standards, in terms of human rights, are also part of the national legislation; these international standards guarantee the inviolability of private life, family and personal confidentiality. According to Paragraph 1 of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, every person has a right to his personal and family life, the inviolability of his habitat and the confidentiality of his or her correspondence will be respected. Article 12 of the Universal Declaration of Human Rights states that no one can be subject to an arbitrary interference into his or her private and family life, inviolable habitat, confidential correspondence, or his or her honor and reputation. Every man has the right to be protected by the law from such interference. Article 17 of the United Nations Covenant on Civil and Political Rights states that no citizen can be subject to arbitrary or illegal interference into his or her private and family life, inviolable habitat, confidential correspondence, or his or her honor and reputation. The main act in the sphere of protection of personal data of citizens is the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, (ETS No. 108), drawn up within the Council of Europe by a committee of governmental experts under the authority of the European Committee on Legal Co-operation (CDCJ). This convention was opened for signature by the Member States of the Council of Europe on January 28, 1981 in Strasbourg.

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11 Approved by a national vote on December 12, 1993.
12 Конституция Российской Федерации [Конст. РФ] [CONSTITUTION] art. 2 (Russ.).
13 Id. at art. 25.
The document was later supplemented with the Protocol of the powers of supervisory authorities and trans border transfer of data. Russia ratified this Protocol in 2005.

As for today, private life of a person is protected by two federal laws: the Civil Code of the Russian Federation (“Civil Code”) and the Federal Law No. 152-FZ of the Russian Federation on Personal Data (“Federal Law No. 152-FZ”). The latter unified the rules of gathering and processing the personal data of natural persons, and also provided legal, organizational and technical measures to protect the rights of citizens in terms of gathering and processing their own personal data. The Federal Law No. 152-FZ states that all the principles of processing personal data generally recognized by the European Union. Also, there are several laws that govern the right of a citizen to the confidentiality and inviolability of his personal data. Mass media law require a journalist to receive consent from a citizen or his legal representatives in order for the journalist to distribute information about the citizen’s his private life in the media.

Nevertheless, despite the massive legal force that limits intervention into private life, the violation of the integrity of private data has become common place, especially on the Internet. Real results of the requirements of the constitutional law on the protection of private life have become possible only after general reform of civil and informational legislation between 2013 and 2015.


Although the Federal Law No. 152-FZ was in force, a lot of data including passport data of citizens was sold openly on the Internet. Only in July of 2014 did the Roskomnadzor for the first time block the Internet site www.telkniga.com, which distributed passport data of Russian citizens. As a basis to include this site into the Register of domain names of sites, which contains information that may not be distributed, the decision of Angarsk (Irkutsk region) City Court to protect rights of indeterminate list of persons in connection with illegal processing of their personal data was taken. The Court stated that information on this site was forbidden to be distributed in the Russian Federation. There are more than 30 cases in the ongoing litigation proceedings in courts of general jurisdiction based on the complaints to the Roskomnadzor in order to protect rights of subjects of personal data. These cases cover more than 40 Internet web sites.

A new norm of the civil law protects a citizen's private life, as stated in Article 152.2 of the Civil Code.\textsuperscript{23} Thus, it states that gathering, storing, distributing and using any information about a citizen's private life is forbidden.\textsuperscript{24}

Many changes in the legislation, which focus on enforcing control over the Internet, have recently appeared. The Federal Law No. 97-FZ of the Russian Federation on Amendments in the Federal Law on Information, Informational Technologies and Protection of Information and Several Other Legislative Acts of the Russian Federation Related to Exchange of Information Using Information-telecommunication Networks ("Federal Law No. 97-FZ"),\textsuperscript{25} which was introduced on August 1, 2014, made Internet providers store data about Internet traffic and Internet users in Russia, as well as provide special services with this information upon request. There is also the Federal Law No. 242-FZ of the Russian Federation on Amendments in Separate Laws of the Russian Federation About Establishing a Defined Order of Processing Personal Data on Informational-Telecommunication Networks ("Federal Law No. 242-FZ"),\textsuperscript{26} which provides for the creation of a Register of people who infringe on the personal data rights of others.\textsuperscript{27} The same law provides for an allocation of storage of personal data of Russian users on the territory of the Russian Federation. This law created many difficulties for some of the Internet companies working in Russia. The Russian Association for Electronic Communications interviewed more than 40 representatives of Russian and foreign Internet companies. Fifty-four percent of the people answered positively that they were ready to follow the Federal Law No. 242-FZ starting on September 1, 2015.\textsuperscript{28} About 27 percent answered that their companies might not be completely ready by this date.\textsuperscript{29} Nineteen percent were absolutely not ready for such changes.\textsuperscript{30} The majority of representatives of companies, 81 percent, confirmed their readiness to follow the Federal Law No.

\textsuperscript{23} GK RF art. 152.2 (Russ.).
\textsuperscript{27} These functions will be performed by the Roskomnadzor.
\textsuperscript{29} See id.
\textsuperscript{30} See id.
242-FZ. Major difficulties for companies, according to the poll, were: 1) financial aspects (35 percent); and 2) limitations of technical abilities (24 percent). The majority of people interviewed confirmed having no difficulties with such legislation.31

A new law called “oblivion law,” 32 has stirred great public interest. This law states that search engines should stop delivering information about a person based on a request that is false, or no longer relevant because of subsequent events or actions, or was distributed via a violation of the legislation of the Russian Federation. In this way, the law makes it possible to delete links to the information that are no longer relevant to the protection of private data. The law also reduces the quality of the Internet search, because certain information that is true, important and interesting for society might be deleted.

Lawyers of the Legal Department of the State Duma of the Russian Federation did not like this approach. They found ambiguity in the term “no longer relevant information about a citizen which is not anymore relevant to him or her.”33 The Legal Department of the State Duma argues that even if the information is no longer relevant to a person, that does not mean that other people or society are no longer interested in such information. The lawyers argue that such a norm can lead to infringements of the constitutional rights of people to freely search, receive, transmit, create and distribute information.34 The Ministry of Communications and Mass Communications of the Russian Federation also disagree with major provisions of this proposed law. A Deputy minister, Alexey Volin, states that any information and links to it might be deleted only based on a decision of the court and only in the case if the court decides that this information is false.35

Moreover, Internet companies cannot tell how many requests to delete information they will face in near future. A representative of Yandex36 told Gazeta.ru that “It is difficult to predict an influence of this new law on the Internet right now. Nobody can say how many requests search engines will receive and what people will require.”

Legislative regulations enforcing the Federal Law No. 264-FZ of the Russian Federation on Amendments to the Federal Law on Information, Informational Technologies and Protection of Information (“Federal Law No. 264-FZ”) have not yet been introduced.

31 See id.
33 See id.
In this way, new informational legislation is focused on the state control over informational flows on the Internet and should provide localization of personal data on the Russian territory.

B. The private life of citizens.

Private life of a citizen is a non-material good. Rules to protect this good are stated in Article 152.2 of the Civil Code. The inviolability of private life means proscription of action by the state, society, or any civil servants that interfere with it.

Private life is an area of personal, intimate, family, domestic and other relations of people, which is controlled by the individual himself and is free from external influence. Information about the private life of a person means information about facts, events and circumstances of his private life, which could disclose his identity. This category of information includes: biographical facts, health conditions, property status, employment, past actions, views, opinions, beliefs, family relations, relations with other people, contacts, addictions, blemishes, concealed physical defects and similar information. Following this list, we can say that private life confidentiality is formed by the most intimate information about private life. Therefore, publication of such data is undesirable.

The right to the inviolability of private life, family and intimate confidentiality belong to each person from his or her birth. It is his or her natural right and part of the nonmaterial goods that make his or her inner world and interests inviolable. A special condition of this rule is that it does not define the borders of its provision, but rather defines the borders of an external invasion into a person’s intimate sphere. The gathering, storage, distribution and use of the information about the private life of a citizen is permitted if: it can be used in state, societal and other public interests; it is already widely known; and the information was already exposed by a person him or herself or by his or her will.37

The most difficult question here is whether state and societal interests exist in a particular case.38 Here we should strongly distinguish information about facts, even disputable facts, which can bring public attention and disclose information about a public officer or public figure who is performing his or her job, or release intimate facts about a person who is not a public officer of figure.39

37 See GK RF art. 152.2, part 1 (Russ.).
39 See id.
As court practice demonstrates, the presence or absence of the use of private data in public
interests will be defined in each case individually. For example, the Moscow City Court did not find
that an article on the Internet called “In order to go abroad RZD top-manager had to pay couple
millions of rubles of alimony” was a violation of a right to an inviolable private life. The author of
the article used such phrases as “his profession made him travel abroad frequently and only under
the threat of loss of good job he paid money to his child,” “he had high salary, which meant huge
sums to pay to his ex, but he didn’t hurry to share it with his child.” The court stated that one of
the goals of this publications was to attract public interest to the problem of alimony and to inform
people about the consequences of the inability to make the payment. It also stimulated people to
support small children.

The same decision was made in a case considering the article “Apple of Discord” with the
subtitle “A mentally sick patient takes away Michail Muromov’s apartment, author of the song
‘Apple of Discord.’” The court decision stated that this article only illustrates the litigation process
in which the singer, who bought this asset, participated; also it contained commentaries of the
lawyer. There is no description of the private life of the singer; all the data in the article is limited
by the borders and circumstances of the case, and thus, the discussion is public. Michail Muromov
is a public person, and an article with his photos cannot be considered an infringement of his right
to an inviolable private life and intimate confidentiality.

Protected by legal norms, private life data (intimate confidentiality) is also sometimes a basis
for professional confidentiality. Usually, such confidentiality is a result of the appearance of
liability. Parties to an agreement are not able to disclose information about the private life of a party
or a third party in the agreement.

In this way, medical communications, legal correspondence, or communications with regards
to adoption or other professional confidentialities also form the right of citizen to the inviolability
of his private life. Professional confidentialities are protected not only by the Civil Code, but also by

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40 Russian Railways Ltd.
41 See Apellyacionnoe Opredelenie Moskovskogo Gorodskogo Suda ot 2 avr. 2015 g., po delu No. 33-8534/15
t.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=1232218;dst=0;rnd=180312.017924845455148999;SRDSMODE=QSP_G
ENERAL;SEARCHPLUS=338534/15;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=8478616951803
120753367725126445 (Russ.).
42 See id.
43 He is a popular Soviet and Russian singer.
44 See Kassacionnoe Opredelenie Moskovskogo Gorodskogo Suda ot 14 mai 2015 g., No. 4g/2-4910/15 [Decision on
Appeal of the Moscow State Court of May 14, 2015, No. 4g/24910/15] 2015, http://base.consultant.ru/cons/cgi/online.c
gi?req=doc;base=SOJ;n=1209578;dst=0;rnd=180312.8047519028186798;SRDSMODE=QSP_GENERAL;SEARCHP
LUS=4%E3/24910/15;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=20847142118031234269788418
896496 (Russ.).
45 See GK RF art 152.2, part 2 (Russ.).

However, the right to disclose received information might be provided for directly in a deal or be implied in such a situation. For example, if you send an article to the editorial board of a newspaper or give an interview, you obviously agree to the publication of this information.

Paragraph 2 of Article 152.2, the "Presumption of a Confidentiality of Information," directly states the presumption of received information that is the subject of an agreement.\footnote{There are the same presumptions provided in other articles of the Civil Code, for example. Id. at arts. 762, 771, 857, 946, 1032, 1123.} If a person shares information about his private life with somebody else not stating clearly that he or she allows the disclosure of such information, the person who receives this information, according to the law, can store and use this information, but cannot disclose it and make it publicly available. This person can disclose it later if he or she receives permission to do so. Such permission should be supported by direct written consent.\footnote{The Supreme Court of the Udmurt Republic adjudged the amendment regarding a moral issue in a case where a photograph of the plaintiff's face was used on the website of a dental clinic. The plaintiff had signed an informed consent agreement to take photos and x-ray images before, during, and after her treatment to be used as in scientific publications, lectures, and the Internet. The court decided that the use of the plaintiff’s full-face photo was not explicitly clarified in the consent, and this use contradicted the signed agreement. Therefore, the publication of the plaintiff’s face in a photo, as opposed to the plaintiff’s teeth, violated the subject of the agreement. This was a violation of the plaintiff’s rights and resulted in a disclosure of confidential medical information. See Apellyacionnoe Opredelenie e Verhovnogo Suda Udmurtskoj Respubliki ot 30 sept. 2013 g., [Supreme Court of Udmurt Republic of Sept. 30, 2013] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=749636;dst=0;rnd=180312.3441164717078209;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%C0%EF%E5%EB%EB%FF%F6%E8%EE%ED%ED%EE%E5%20%EE%EF%F0%E5%E4%E5%EB%5E%8%EE%ED%ED%EE%E5%20%EE%F0%E5%F5%E2%ED%EE%E3%EE%20%F1%F3%E4%0%20%D%4%EC%3%F0%F2%F1%EA%EE%9%20%F0%5F1%EF%3%E1%EB%E8%EA%8%0%EE%0%3%F0%ED%FF%EF%E1%F0%FF%2020%;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%C0%EF%E5%EB%EB%FF%F6%E8%EE%ED%ED%EE%E5%20%EE%EF%F0%E5%E4%E5%EB%5E%8%EE%ED%ED%EE%E5%20%EE%F0%E5%F5%E2%ED%EE%E3%EE%20%F1%F3%E4%0%20%D%4%EC%3%F0%F2%F1%EA%EE%9%20%F0%5F1%EF%3%E1%EB%E8%EA%8%0%EE%0%3%F0%ED%FF%EF%E1%F0%FF%202013%20%E3%EE%4%E0;EXCL=PBUN%2CQSB0%2CRBO%2CPKBO;SRD=true;ts=1013738512180312390827079070732 (Russ.)} If a person stores information about his private life with somebody else not stating clearly that he or she allows the disclosure of such information, the person who receives this information, according to the law, can store and use this information, but cannot disclose it and make it publicly available. This person can disclose it later if he or she receives permission to do so. Such permission should be supported by direct written consent.

Article 152.1 of the Civil Code also provides protection for an image of a person that is a part of the person’s private life. The term “image” means photographs, video, or pieces of art in which the person is featured.\footnote{See GK RF art 152.2, part 1 (Russ.).} Parody on the image of the citizen is allowed.\footnote{Id. at art 1274, part 4.} The Moscow State Court declined a claim filed by a Russian singer Stas Mikhailov to protect the rights of his image from the movie "Body-double." The court explained its decision, stating that the movie makers did not use
the original image of the Plaintiff, but a generalized character of a Russian singer, gathered from various personalities. \textsuperscript{51}

Divulgation of an image of a person,\textsuperscript{52} as well as publication of this image on the Internet by the person himself does not give other people the right to freely use this image without the consent of the person. However, some circumstances of such publication on the Internet can testify about whether a person consents to the further use of his or her image; for example if the terms of a service agreement for web-site usage provide for such a right.\textsuperscript{53}

A service company was fixing a Plaintiff’s desktop, and her private photos were leaked. The court found out that the Plaintiff had previously posted her photos on her page on a social network for public. This circumstance made these photos non-confidential and allowed an indefinite circle of people to see them. Because of these circumstances, this case cannot be considered to be a disclosure of information about the plaintiff’s private life, which was distributed without her consent.\textsuperscript{54}

There are some exceptions to the rule. Three types of images are not protectable under the current law. First, an image that is used in state, common or other public interest is not protected.\textsuperscript{55}

Second, an image of a person that was taken in a place opened for free entrance, or during public events (meetings, conferences, concerts, shows, sport events and so on), is not protected, except for

\textsuperscript{51} Opredelenie Moskovskogo Gorodskogo Suda ot 3 okt. 2014 g., No. 4g/8-7212 [Moscow Court Ruling of Oct. 3, 2014, No. 4g/87212] 2014, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=1037475;dst=0;rnd=180312.4879517061635852;SRDSM ODE=QSP\_GENERAL;SEARCHPLUS=CE%EF%F0%E5%E4%E5%EB%E5%E D%E8%E5%20%CC%EE%F1%EA%EE%E2%F1%EA%EE%E3%20%E3%EE%F0%EE%EA%F1%EA%EE%E3%EE%20%E1%EA%EE%F1%F3%E4%E0%20%E2%20%E3%20%EE%F2%FF%E1%F0%FF%202014%20%E3.%20%B9%204%EE%87212;EXCL=PBUN%2CQSBO%2C%5CRBO%2C%5CPKBO;SRD=true;ts=11267349931803125836999993771315 (Russ.).

\textsuperscript{52} The Civil Code explains that the publication of a person’s image is an action that makes this image publicly available for the first time by means of publishing it in the media, including the Internet, by public demonstration, or by other means. See GK RF art 1268 (Russ.).


\textsuperscript{54} Apellyacionnoe Opredelenie Tomskogo Oblastnogo Suda ot 26 iuul’ 2013 g., po delu No. 33-2211/2013 [Decision on Appeal of the Tomsk Region Court from July 26, 2013, in the case No. 33-2211/2013] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=695010;dst=0;rnd=180312.6279345122165978;SRDSM ODE=QSP\_GENERAL;SEARCHPLUS=332211/2013;EXCL=PBUN%2CQSBO%2C%5CRBO%2C%5CPKBO;SRD=true;ts=5339353651803126892350811976939 (Russ.).

\textsuperscript{55} The Supreme Court explained that there is a public interest if publication or use of an image of a public person (civil servant, officer, politician, sportsman, actor and so on) is related to public or political discussion, or if there is a socially important interest to such person. However, consent is required if the goal of a publication or use of an image is to satisfy conventional interests regarding this person’s private life only for financial gain. Also, there is no need for consent if the use of the image is required to defend public safety and state security; for example, to search for a person who committed or witnessed crime. See Postanovlenie Plenuma Verhovnogo Suda Rossiskoi Federatsii “Primenenii Sudami Nekotoryh Polozhenii Razdela I Chasti Pervoy Grazhdanskogo Kodeksa Rossiskoi Federatsii” ot 23 iuun’ 2015 g., No. 25 [Russian Federation Supreme Court Plenary Ruling on Enforcing Provisions of the Civil Code of the Russian Federation in the Courts of 23 Jun. 2015, No. 25], ROSSIISKAIA GAZETA [ROS. GAZ.] Jun. 30, 2015.
in a case where such image is the particular object of use.\textsuperscript{56} Finally, an image of a person who has allowed another to take his or her photo, where a photographer paid money for the photos.

The first two cases are a little difficult to analyze because there are many vague judgments. Also, they contradict the Federal Law No. 152-FZ. Article 3 of this law defines personal data as an information that might be directly of relatively related to a person as private data. In this way, an image of a person might be considered private data. Here, we see a contradiction between Federal Law No. 152-FZ, which has a very broad definition of personal data, and the Civil Code, where cases when one can use personal data without consent are clearly and explicitly stated. There were cases when posting personal data of people without their written consent, on an honors board of a company, was considered an administrative violation.\textsuperscript{57} In the case considered by Vologodskaya region Magistracy Court, the illegal use of the personal data of employees (names, surnames, patronym, photo, position, work experience in the company) was proved.\textsuperscript{58} It is worth noting that the judge did not cite to Article 152.1 of Civil Code at all.

So, how do we compare confidentiality of private life and confidentiality of personal data?

C. Personal data.

Confidentiality of private life is a common term for professional and non-professional confidentialities. Personal data is one of the types of these confidentialities here. The goal of the Federal Law No. 152-FZ is to protect the rights and freedoms of a person during the processing of his personal data, including rights on the inviolability of his private life, as well as personal and family confidentiality. In this way, the processing of personal data is considered in light of right on inviolability of private life, family and personal confidentiality. The law uses the term confidentiality, for which the Russian analogue is secrecy.

However, the provision about the protection of confidentiality of personal data is not applicable in case of depersonalization of personal data, or in relation to commonly accessible personal data.\textsuperscript{59} In all other cases the confidentiality of personal data is guaranteed.

Personal data might be included in a separate document, for example, a passport, authorization document, or a document that defines the conditions of professional confidentiality, such as a legal service agreement, bank deposit agreement and so on.

\textsuperscript{56} A photo of a person, in particular, will not be considered as a usage if the photo reflects information about a public event when it was taken.

\textsuperscript{57} See Kodeks Rossii Vekslei Federatsii RF ob Administrativnykh Pravonaruasheniyakh [KOAP RF] [Code of Administrative Violations] art. 13.11 (Russ.).


\textsuperscript{59} “Generally accessible” means that access to personal data is opened to an indefinite number of people. See Federal'nii Zakon No. 152-FZ RF o Personal'nuyu Dannuyu [Federal Law No. 152-FZ of the Russian Federation on Personal Data], art. 7, Rossiiskaia Gazeta [ROS. GAZ.] July 29, 2006.
Personal data is any information which relates to the particular individual, or is determined based on information provided, including his or her: name, surname, patronym, date of birth, address, family, social position, financial position, education, profession, income and other information. Some information is unique, which makes it possible to identify a person, for example, passport data, the individual number of a taxpayer, or passport of a transport vehicle. Some data might be related to an individual only when considered with other data. For example, personal data includes names, surnames, patronyms, dates of birth, addresses, family, social position, financial positions, education, and profession. But not all of these elements are protected by law alone; they are protected only if they are included with other elements that help to identify a person. Just a name or surname is usually not enough to identify an individual, if the names are common. You need something more that would allow you to connect the data to the individual, for example, an address or place of work, etc. When personal data on the Internet is considered, it should be noticed that in cases where fragments of data are in the possession of one provider (operator), each fragment is considered personal data.

Personal data of a person can be processed only to achieve specific and defined goals, as well as to serve legal functions. One cannot process personal data for goals other than those stated for the gathering of personal data. Pin of the Pension Department published for public use an example of the request of a copy of an insurance certificate that contained the personal data of a Plaintiff (name, surname, patronym, date of birth, place of living, passport data). This data was provided to the Department in order to receive insurance coverage. The Department was charged with administrative liability and non-pecuniary damages.

Personal data can only belong to individuals. Contact information, information about a legal person, and other data that can identify a legal person are not considered private data. The legal

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61 A person who organizes or does the processing of personal data.

62 See Opredelenie Primorskogo Kraevogo Suda ot 14 iiul’ 2014 g., po delu No. 33-5960 [Decision of the Primorskiy Regional Court from July 14 2014, in the case No. 335960] 2014, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=932954;dst=0;rnd=180312.6199658315163106;SRDSMODE=QSP_GENERAL;SEARCHPLUS=33-5960;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=12937651561803128109589493833482 (Russ.).
status of an individual entrepreneur is considered to be the same as information about legal persons.63

Personal data is controlled by the State. Privacy of a citizen consists mostly of personal data. In this way, the State controls privacy indirectly.

II. Privacy on the Internet

A. The subjects of distribution of private information on the Internet.

There are several possible subjects of dissemination of personal data on the Internet. First of all, they are personal data operators,64 bloggers, the Internet Mass Media and others who might infringe privacy.

The Internet Mass Media should be registered as such and is subject to the Mass Media Law. The Federal Law No. 97-FZ establishes the responsibilities of bloggers and the Internet Mass Media; these responsibilities are almost identical, especially regarding collaboration with State officials. Thus, bloggers are subject to greater responsibilities in relation to the content of the information they provide.

According to Article 10.2 of the Federal Law No. 149-FZ on Information (“Federal Law No. 149-FZ”), a blogger is an owner of a web site and (or) page of a site on the Internet where publicly accessible information is placed, and more than 3,000 Internet users have access to it during a 24 hour period.65 The Roskomnadzor hosts a Register of such sites. It also monitors new web sites and requires the hosting providers to provide information that identifies the blogger. The blogger himself can request its registration by filling out a special online form, or the blogger can wait for a special notice from the Roskomnadzor Register. Hosting providers should inform the

63 The Ninth Adjudicatory Appellate Court declined a complaint of an individual entrepreneur regarding the infringement of his rights in a case of processing his personal data. As he is not a subject of personal data, no consent is required. See generally Postanovlenie Devyatogo Arbitrazhnogo Apellyacionnogo suda ot 19 nov. 2007 g., No. 09AP-15251/2007-AK po delu No. A40-33125/07-84-211 [Decision of the Ninth Adjudicatory Appellate Court of Nov. 19, 2007, No. 09AP-15251/2007AK] 2007, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=MARB;n=83002;dst=0;rnd=180312.887523666040003;SRDSMODE=QSP_GENERAL;SEARCHPLUS=09%CF15251/2007%CO%CA;EXCL=PBUN%2CQSB0%2CKRBO%2C PKBO;SRD=true;ts=790091663180312522443972110748 (Russ.).

64 An operator is any natural or legal person, who processes personal data on his own or together with other authorities or people. This entity also defines the goals of processing personal data, the contents of such data, and the actions taken with this data. See Federal'nyi Zakon No. 152-FZ RF o Personal'nyh Danniyh [Federal Law No. 152-FZ of the Russian Federation on Personal Data], art. 3, ROSSIISKAIA GAZETA [ROS. GAZ.] July 29, 2006.

Roskomnadzor about such bloggers. Registered bloggers should: provide information about themselves on their page; make sure this page is not used for illegal means; avoid unverified information; avoid intruding into the privacy of citizen; avoid disgracing the honor of other citizens; and avoid the use of obscene words.

So, who else is an operator of personal data of a citizen, which is disseminated through the Internet? It is the Internet service providers (ISPs): content providers, hosting providers, and access providers. The access providers are subject to the Federal Law No. 126-FZ of the Russian Federation on Communications (“Federal Law No. 126-FZ”), and they are considered to be communication service providers. Communication service providers also render services based on of the Roskomnadzor’s license. Communication service providers should also limit access to forbidden information, and should allow the installation of control means in their network to ensure that the requirements of the Federal Law No. 149-FZ are met. Communication service providers should also give information about the users of their services, services provided, and also any other information required for the work of the State security and the Internal affairs office.

Content providers and hosting providers are subject to the regulation of the Federal Law No. 149-FZ. Together, they are considered to be organizers of dissemination of the information on the Internet.

An organizer of dissemination of the information on the Internet is any natural or legal person who makes information systems and/or computer programs function properly. These systems and programs receive, transmit and deliver electronic communications of the Internet users. By these terms, almost any company that is active on the Internet is considered to be an organizer. This may not only be social networks, but also public mail services like Gmail or blog platforms like LiveJournal. Other organizations like Internet-shops or interactive web sites, which allow users to discuss goods or services, also fall into this category. Several kinds of entities are not considered to

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66 The penalty imposed on legal entities for nonfulfillment ranges from 50,000 to 300,000 rubles; repeated infringement during the year ranges from 300,000 rubles to 500,000 rubles or cease activities up to 30 days. KOAP RF art. 19.7.10 (Russ.).

67 “I can tell you for sure that this law is not about frightening someone, or to put someone in jail,” said Deputy Head of the Roskomnadzor Maxim Ksendsov in the meeting with bloggers. He added: “All people on Facebook, Twitter, Live journal are allowed to express their opinion freely, but we should follow cultural traditions.” Zakon O Bloggerakh Vstupayet V Silu V RF. Glava Roskomnadzora : " Vserossiyskoy Perepisi Bloggerov " Ne Budet, NEWSRU (Aug. 1, 2014), http://www.newsru.com/russia/01aug2014/zakon.html (Russ.).

68 This classification is given according to the international classification. See Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, 2000 O.J. (L 178), 1, 9.

69 A communications service provider is a legal person or an individual entrepreneur who provides network access services based on a license Federal’nyi Zakon No. 126-FZ RF o Sviazi [Federal Law No. 126-FZ of the Russian Federation on Communications], art. 2, ROSSIISKAIA GAZETA [ROS. GAZ.] July 10, 2003.

70 This information appears in the Register of the Roskomnadzor.

71 Federal Law No. 126-FZ, art. 46 (Russ.).

72 FSB, MIA, Attorney office.

73 Federal Law No. 126-FZ, art. 64 (Russ.).
be organizers of dissemination of information. Communication service providers do not fall into this category, as they fall into another legal classification and have almost the same list of responsibilities. State and municipal informational systems operators are likewise not a part of this category because they are part of the State body and will continue to work with security authorities following internal documentation. Finally, natural persons who provide these services for themselves are not organizers.

An organizer of dissemination of information on the Internet should store information about delivery, transmission, receipt and process of voice information, written text, images, voices or other electronic messages of Internet users and information of these users on the territory of the Russian Federation for six months. The organizer should also inform the state security authorities about this information.

A new subject of privacy data search on the Internet is a search provider. Though it is not a direct disseminator of information on the Internet, this type of provider allows for the search of such information and access to it via links. These providers are responsible for the deletion of links that are out of date, or that are no longer relevant to a person for whatever reason. No court ruling is required. A search operator should remove links to information that contains a person’s personal data within ten days of receiving a request from the individual. However, the question who actually defines the relevance of this information is very disputable.

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74 Storage of data about Internet traffic and users, and access to it based on requests of the state security authorities, as well as the use of special technical means.

75 List of such personal needs includes educational and scientific needs, creative activities needs, acquisition of goods and services, search for employees, information about vacancies, information about goods and services. Number of factual users of the Internet site should not exceed 10,000. Such Internet site should not provide the cabilities to receive, transmit, and process of electronic communication of the Internet users- indefinite circle of persons. See Postanovlenie Pravitel'vstva RF ot 31 iyul' 2014 g., No. 747 [Decree of the Government of the Russian Federation of July 31, 2014, No. 747] SOBRANIE ZAKONODATEL'STVA ROSSIISKOI FEDERATSIII [SZ RF] [Russian Federation Collection of Legislation] 2014, No. 32, Item 4520.


77 A search system is an informational system, which provides a user with the ability to search for information of a definite character based on his request and gives him data about the url-address of the Internet site to allow access to such information, which belongs to other people. See Federal Law No. 264-FZ, art. 1 ROSSIISKAIA GAZETA - FZ,CIONNYH T 704;DST=0;RND=180312.465210657.

78 See id.

79 “We always state that vague decisions and abstract notions could lead to problems with the law. For example, it is unclear how a person-applicant should state irrelevance of information and how a search should define it.” Golitsyna & Churakova, supra note 34.
Introducing this law, Russia followed the example of the European approach. Though sanctions for not following the requests of citizens to remove the information are not yet stated in the law, more likely, it will be the blocking of web sites.

Thus, all subjects that can disseminate private data on the Russian Internet should also be registered either with the Roskomnadzor, or with a specified authority of the Executive power. Also, all Internet providers should store information about their users and their Internet traffic, and should provide this information to the Federal security agencies upon their request.

B. State control over activities of personal data operators.

The current reform on the informational legislation is focused, first of all, on strengthening State control over the storage and processing of personal data on the Internet. State control over the processing of personal data is carried out by the Federal Service for Supervision of Communications, Informational Technologies and Mass Communications (“the Roskomnadzor”).

The goal of the Roskomnadzor is not only to control the transmission of data through the Internet, but also to know each and every operator of personal data that processes such information using the Internet. All operators should notify the Roskomnadzor about their intention to process personal data on the Internet. A majority of the companies that at least use e-mail communications in transmitting personal data in their daily life fall under this category of operators. However, there are several exceptions to this rule, including companies processing the personal data of: their employees; their contractors for purposes related only to the conclusion or execution of contracts,

80 In spring 2014, a precedent court decision was made in Europe. The European court ruled in favor of a Spanish citizen Mario Kosteha Gonzalez in the case against Google. The Plaintiff asked for a removal of a link leading to the article in newspaper about his house sold in the auction towards payment of his debt. He argued that he has already paid his debts in full. See Case C-131/12, Google v. Agencia Española de Protección de Datos, 2014 EUR-Lex 317 (May 13, 2014).


83 The Moscow Regional Court decided that Mail.ru had confidential information consisting of the personal data of the employees of the company. Mail.ru obtained this data when the employees of the company used Mail.ru to transmit this data. The company de facto processed the data through the internet; this was a violation of the Labor Code of the Russian Federation. See Opredelenie Moskovskogo Oblastnogo Suda ot 16 sept. 2010 g., po delu No. 35-181328 [Decision of the Moscow Regional Court of Sept.] 16, 2010, in the case No. 33 18051 2010, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=46704;dst=0;md=180312.4652106574936121;SRD=MODE=QSP_GENERAL;SEARCHPLUS=%CE%EF%F0%E5%E4%E5%ED%E8%E5%20%CC%EE%F1%EA%EE%E 2%F1%EA%EE%E3%EE%20%EE%E1%EB%E0%F1%F2%ED%EE%E3%EE%20%F1%F3%EE%20%EE%E2 %2016.09.2010%20%EF%EE%20%EE%E8%EE%F3%20%203318051;EXCL=PBUN%2CQSBO%2CKRBO%2CP EKBO;SRD=true;ts=5551133381803127224990704562515 (Russ.).
without transmitting data to third parties; publicly available data; and personal data that is limited to name, surname, and patronym.  

Another function of the Roskomnadzor is maintaining the Register of persons who infringe on the rights of subjects of personal data ("the Register"). The Register includes domain names and/or domain indexes of the Internet web pages, which contain personal data processed illegally. The Register also includes network (IP) addresses, which might help to identify web sites containing such information.

A ground of including a web page into the Register should be based on a court decision. If such judgement exists, the Roskomnador, within a three day period, should identify a hosting provider or other person that processes personal data, and notify it via email in two languages, both Russian and English. This notification should include a request to take measures to remove the infringing material that violates the legislation of the Russian Federation.

A hosting provider or other person that processes personal data should inform the owner of informational resource or take measures to limit access to such information within 24 hours. If no one takes action, limiting access to the personal data will be done by a communication service provider. The limitation will stay in place until the infringing content is removed, which will be done under the supervision and control of the Roskomnadzor.

In this way, the blocking of an Internet site is a real measure that effects foreign companies that do not have representation offices in Russia. The head of the Roskomnadzor, Alexander Zharov, has asked Facebook, Twitter and Google to comply with Russian law, and has warned about possible sanctions if these companies “continue [the] infringement of the Russian law.”

The sanctions he was talking about are monetary penalties and blocking of pages that contain illegal information.

Another function of the Roskomnadzor is to control the activities of the operators of dissemination of information in the Internet, and to ensure that they follow the rules to store facts of receiving, transmission, delivery and processing of the voice information, written text, images,

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84 Federal Law No. 152-FZ, art. 22(2) (Russ.).
85 This notification includes information about court rulings, domain names and IP-address of the site that might help to identify it.
86 The exact order of cooperation of the Roskomnadzor with the hosting providers and personal data operators will be stated in a Governmental Decree, which is yet to be approved.
88 See id.
89 In this case the definition covers only organizers of dissemination of information, who provide electronic correspondence between users of Internet; in this instance, almost every company which works with Internet.
sounds and other electronic messages of the Internet users.\textsuperscript{90} The Roskomnadzor has prepared a draft of the administrative regulation on enforcing this function.\textsuperscript{91} Based on this document, the Roskomnadzor will be able to control Internet companies that are registered as organizers of dissemination of the information. The Roskomnadzor should inform a company about such an intention 24 hours prior to the inspection. In some cases, the inspection will be conducted without a prior notice.

The Roskomnadzor can also review mail services, social networks, messengers and so on. This Agency will also have access to a list of registered users.

Moreover, administrators of the services must provide the Roskomnadzor with unlimited access to their offices and databases. The maximum period of inspection is 30 days, but in some cases it might be lengthened for an additional 20 days. If harm occurs during the inspection, a company can ask for remedies. Also, these companies should store the data for six months and provide it to the Roskomnadzor upon its request.


\textsuperscript{91} Postanovlenie Pravitel'stva RF ot 8 avr. 2015 g., No. 327 [Decree of the Government of the Russian Federation from Apr. 08, 2014, No. 327], SOBRANIE ZAKONODATEL'STVA ROSSIISKOI FEDERATSII [SZ RF] [Russian Federation Collection of Legislation] 2015, No. 16, Item 2367.
A chart below shows communications of the Roskomnadzor with operators of personal data in the foreign jurisdictions in order to control executing the Federal Law No. 242-FZ.92

The Roskomnadzor can issue an order to remove infringing material that is found, including an order to block or delete illegal or false data.

In this case, protection of privacy of the correspondence becomes especially important. Communication service providers bear full responsibility to protect the privacy of users’ correspondence.93 The right of citizens to the privacy of correspondence can be limited only by a decision of the court or directly by federal law. It is worth analyzing two absolutely different court decisions on two similar cases, made by the Ninth Arbitrage Appellate Court. The Federal Service for Financial Markets (“FSFM”) imposed a penalty on two companies, Mail.ru and Rambler, both for 500,000 rubles for their refusal to disclose certain data about the companies’ users, and particularly, e-mail addresses. Both companies mentioned that such information cannot be received without access to the contents of messages and violation of the right of the users to their privacy of

correspondence. Mail.ru and Rambler filed a law suit against the Federal Service for Financial Markets arguing that the penalty was improper.\textsuperscript{94} In the first case, the court agreed with the arguments of Mail.ru and found that the penalty was illegal, stating that privacy of correspondence may be limited only by a court decision,\textsuperscript{95} or, if it explicitly provided by federal law. No such explanations were found in this case.

The second case had an absolutely different decision and reasoning. The court ruled against Rambler. Here, the court explained its decision, stating that Rambler was capable of, but did not use, technical means that would have made it possible to retrieve e-mail addresses without accessing the contents of the correspondence. There was also no evidence that the Plaintiff did not have the technical ability to adjust its technology in a way that would allow FSFM to gather the required information without infringing on the right of privacy.

Such selective court practice and different approaches make it very difficult to apply and interpret privacy law. However, Russia is a civil law country. The absence of case law makes it difficult to unify the enforcement of Internet law that seems to be quite complicated and controversial. There is no uniform court practice, and there are some technical difficulties with using new legislative norms.\textsuperscript{96}

C. Issues with personal data localization.\textsuperscript{97}

Another novelty in the Russian law is a requirement that personal data be stored on the territory of the Russian Federation.\textsuperscript{98} Here, Russia again follows the European example.\textsuperscript{99} But when we look at the new legislation, we immediately see some issues with its enforcement.

\textsuperscript{94} Postanovlenie Devyatogo Arbitrazhnogo Apellyacionnogo Suda ot 5 mai 2014 g., No. 09AP-8322/2014 po delu No. A40-153867/13 [Decision of the Ninth Arbitrage Appellate Court of May 5, 2014, No. 09AP-8322/2014] 2014, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=MARB;n=664099;dst=0;rnd=180312.3310269932265995;SRDSMODE=QSP_GENERAL;SEARCHPLUS=09%C0%CF8322/2014;EXCL=PBUN%2CQSBO%2CKRBO%2CP KBO;SRD=true;ts=2666038331803124820188279263675 (Russ.); Postanovlenie Devyatogo Arbitrazhnogo Apellyacionnogo Suda ot 19 sept. 2013 g., No. 09AP-29641/2013 po delu No. A40-56844/2013 [Decision of the Ninth Arbitrage Appellate Court of Sept. 19, 2013, No. 09AP29641/2013] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=MARB;n=577802;dst=0;rnd=180312.8254116019234061;SRDSMODE=QSP_GENERAL; SEARCHPLUS=09%C0%CF29641/2013;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=1616872465 18031296237161318361 (Russ.).

\textsuperscript{95} FSFM had the ability to address the case to the Internal Affairs offices and ask for a corresponding actions, but did not do this and, thus, there was no subsequent court decision.

\textsuperscript{96} For example, experts argue that there is a technical situation where big Internet providers can block web-pages using their URL-address. Smaller operators can block web-sites only using domain names or IP-addresses, which automatically means that the whole web-site will be blocked even though just one page is included into the Register to be blocked.

\textsuperscript{97} Upon writing this article the Federal Law of the Russian Federation on Amendments in Separate Laws of the Russian Federation About Establishing a Defined Order of Processing Personal Data on Informational-Telecommunication Networks had not yet come into force and there is no court practice on it.
One of the major questions that foreign companies ask is whether it is possible to make copies of databases containing the personal data of Russian users and to store it on a territory of a foreign state?

The Ministry of Communication commented on the new law. It explained that if a company stores personal data of Russian users in the Russian database, it could use a copy of this database abroad. All actions with this database abroad can be undertaken only after undertaking similar actions with a Russian database in Russia. If a company follows the rules for the trans border transmission of data, which was collected in Russia and stored in a primary database, a company can later transmit the data abroad to the secondary database and use it for backup reasons or other services. The only requirement the law imposes here is to make sure that a country that participates in this chain has signed the European Council Convention on the Protection of Private Data, and personal data is adequately protected in this country. Also any data that was stored on foreign territories before September 1, 2015, can stay and be maintained there. Following the common rule, there is no retrospective law in this case. But if changes occur to this data (other than reading), this might be a basis to transmit such data to Russian data-centers.

One of the very important aspects with storage is the need to understand what volume and content of personal data of Russian users should be stored in Russian data-centers. In the current terms of the widely formulated notion of personal data, almost any personal data can be referred to it. This is not only registration data, which operators of dissemination of information should store according to the Federal Law No. 97-FZ. It is also content, particularly photos, text messages, user profiles and so on; in other words, anything that might potentially help to identify the user.

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101 It was not signed, for example, by China and the USA.

102 As an analytical report made by European Center of International Political Economy. See Kantyshev, supra note 100.

103 «A process of monitoring changes in the databases is yet to be approved. It's being in the process of reconciliation and will be approved by a Decree of the Government”, says representative of the Roskomnadzor Mr. Ampelonskiy. See Pavel Kantyshev, Nostrannym Internet - Servisam Ne Obyazatel'no Perenosit' V Rossiyu Personal'nye Dannyy Rossiyan Zdes' Dolzhny Khranit'nya Tol'ko Te, Chto Poluchenny Posle 1 Sentyabrya, VEDMOSTI (Apr. 21, 2015), http://www.vedomosti.ru/technology/articles/2015/04/21/nostrannym-internet-servisam-ne-obyazatelno-perenosit-v-rossiyu-vse-personalnie-dannie-svoih-klientov-rossiyan (Russ.).
Another problem is the definition of Russian citizenship for a subject of personal data. According to Russian law, the main documents, which identify a person’s citizenship are: passports, foreign passports, diplomatic passports, work passports and sailor passports.\textsuperscript{105} It is obvious that in a majority of purchases on Internet shops or while using Internet services, a purchaser is not required to provide such a document. Thus, it is unclear how an operator can be sure that personal data of a particular user belongs to a Russian citizen and should be stored on the Russian territory. It is even more difficult to distinguish Russian citizens who live abroad permanently. In the external data that an operator receives (for example, IP-address, location, credit card information), such people can look like foreigners.

Many foreign companies have already started to move personal data of their Russian clients into Russian data-centers.\textsuperscript{106}

\section*{III. Liability for Personal Data Distribution on the Internet.}

There is civil, administrative and criminal liability for the infringement of the privacy of a citizen. Operators of personal data and any other person who infringe on the privacy of someone will be the main subjects of such liability. The type of liability depends on the object and gravity of the offense. The infringement of personal data and professional confidentiality usually leads to administrative or criminal liability, whereas the infringement of the confidentiality of private life usually leads to civil liability.\textsuperscript{107}

\subsection*{A. Civil Liability.}

Infringement of the physical and intellectual inviolability of a citizen as a human has led to the establishment of specific liabilities and remedies: compensation for moral damages or non-pecuniary damages. Moral damages are recoverable for mental or physical suffering as a result of actions or absence of actions, which encroach on the nonmaterial, intangible rights belonging to a person from his or her birth (life, health, reputation, human dignity, inviolability of private life, confidentiality of private life, etc.).


\textsuperscript{107} Confidentiality of private life is a non-material right. GK RF arts. 152.1, 152.2 (Russ.)
family and intimate confidentiality and so on). According to Article 151 of the Civil Code, moral damages can be recovered for encroaching on personal non-property rights, nonmaterial goods or in other cases stated in the law. Moral damages are different from losses. That is why monetary compensation for moral suffering cannot be governed by the same rules provided for by general monetary damages. Monetary compensation of moral damages is accomplished differently. A court should first consider the level of physical or moral suffering related to the individual peculiarities of an affected person. In order to define the amount of compensation, the court takes into account a degree of fault of a person who caused the harm and other relevant circumstances. The minimum amount of compensation for moral damages is not defined in the law.

For example, the court found a violation of the law for the posting of personal data of a victim (such as the name, surname, patronym, date and place of birth, address, family, social position, education, profession, income, other information) on the official web-site of the district court, and awarded compensation of moral damages in the amount of 200 rubles in favor of the Plaintiff. In another case, the Plaintiff asked for 100,000 rubles for the illegal use of her picture on the web-site of a dental clinic, posted for advertising purposes. The court awarded only 20,000 rubles.

Such a low level of recovery of moral damages is quite common in the Russian court practice. Therefore, it is better for a Plaintiff to consider administrative or criminal liability and


The compensation for moral damages applies to any act of infringement of personal data, including a violation of the rules of processing personal data. Moreover, compensation of moral damages is a separate remedy from compensation of monetary damages and losses, and can be applied notwithstanding other remedies. See Federal'nyi Zakon No. 152-FZ o Personal'nyh Dannyh [Federal Law No. 152-FZ of the Russian Federation on Personal Data], art. 24(2), ROSSIISKAIA GAZETA [Ros. Gaz.] July 29, 2006.

109 Losses that result in actual damages or lost profit. GK RF art. 15 (Russ.).

110 Reshenie Leninskogo rajonnogo suda g.Cheboksary Chuvashskoi Respubliki ot 6 iul' 2010 g., po delu No. 2-2225/2010 [Decision of the Lenin District Court, Cheboksary City, Chuvash Republic from July 6, 2010, in the case No. 2_2225/2010], 2010, http://webcache.googleusercontent.com/search?q=cache:OBf5kDJwF0%20%EE%F6%E8%EE%ED%EE%EB%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%E5%EE%
file an administrative or criminal case without wasting his or her time on lengthy civil processes asking for compensation of moral damages.

Another means to protect infringed non-material rights is to remove an image of a person from the Internet upon his request. This method allows for the protection of a person's rights more adequately, taking into consideration the fact that the distribution of various data via the Internet is global and transmitted very quickly through commonly used social networks.

We have to mention that in such case, a domain administrator or owner of the site will not bear liability for moral damages for the dissemination of personal data of a citizen on the Internet. Also, the owner of a web-site where links to the private life data of a person are located will not be liable for damages.

Thus, as a mean of the civil liability, compensation for moral damages can be used only in the case of infringement of non-material rights such as the inviolability of private life or family

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113 For illegal dissemination of images and information about private life of a Plaintiff, a public person, in the magazine “This is Life!” the Moscow City Court awarded compensation for moral damages in the amount of 100,000 rubles. The Plaintiff asked for 6,000,000 rubles. Determining the amount of compensation, the court took into account the content and character of the disseminated information, including information about the Plaintiff’s pregnancy and private relations, personality of the Plaintiff, her social status and the high level of distribution of the printed edition (246,800 copies). See Apellacionnoe Opredelenie Moskovskogo Gorodskogo Suda ot 14 mar 2013 g., po delu No. 11-8112 [Decision of the Moscow City Court on Appeal from Mar. 24, 2013, No. 11-8112] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=599341;dst=0;rnd=180312.4136087715 1601017;NOQUERYLOG=1;SRDSMODE=QSP_GENERAL;SEARCHPLUS=118112;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=17404611951803123235176745802164 (Russ.).

114 GK RF art. 152.1(3) (Russ.).

115 The Constitutional Court of the Russian Federation strengthened the protections of citizens’ non-material rights on the Internet. A person who’s image or false/defamining information is distrubted on the Internet, which is not the Mass Media, can request that the site administrator remove such information, even if the particular distributor cannot be identified. See Postanovlenie Konstitucionnogo Suda Rossiskoi Federatsii ot 9 iiul’ 2013 g., No. 18-P [Ruling of the Russian Federation Constitutional Court from July 9, 2013, Np. 18-P] ROSSIISKAIA GAZETA [ROS. GAZ.] July 19, 2013.

116 The Moscow State Court acknowledged the illegal dissemination of personal data (name, surname, patronym, date and place of birth, address, work position, education, and home phone number) by a domain administrator but refused to satisfy Plaintiff’s claim to compensate for moral damages. See Opredelenie Moskovskogo Gorodskogo suda ot 28 fevr. 2012 g., po delu No. 33-6196 [Decision of the Moscow State Court from Feb. 28, 2012, in the case No. 33-6196] 2012, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=187919;dst=0;rld=180312.88639088743363; SRDSMODE=QSP_GENERAL;SEARCHPLUS=%CE%EF%F0%E5%E4%E5%EB%E5%ED%E8%E5%20%CC%E E%E1%EA%E2%F1%EA%EE%E3%E2%0E%EE%E0%F0%EE%E4%F1%EA%EE%E3%E2%0F%E1%F3%E4 %E0%20%EE%E2%20%EE%E2%0E%EE%E0%F0%EE%FF%2012%20%E3%20%EF%EE%E2%0E%EE%E5%EB %F3%0N%20336196;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=188771632180312642022085 434943 (Russ.).

117 The Novosibirsk Regional Court found in favor of the Defendant, Network Media, and did not satisfy Plaintiff’s claim to remove the controversial videotape to stop further dissemination and compensate for moral damages. The court decided that the controversial video was not located and posted on the web-site of the Defendant; there was only a link on the web-site to it. See Apellacionnoe Opredelenie Novosibirskogo Oblastnogo Suda ot 12 fev. 2015 g., po delu No. 33-786/2015 [Decision on appeal of the Novosibirsk Regional Court from Feb. 12, 2015, in case No. 33-786/2015] 2015, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=1244587;dst=0;rld=180312.931188 0355235189;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%C0%EF%E5%EB%EB%FF%E6%E8%EED%ED %EE%E5%20%EF%F0%E5%E4%E5%EB%E5%ED%E8%E5%20%CD%E2%EE%E2%EE%E1%E8%F0 %F1%EA%EE%E2%0E%E1%EB%EO%F1%F2%ED%EE%E3%E2%0F%E1%F3%E4%EO%20%E2%2012%20%E4%EE%E2%0E%EB%FF%2015%20%E3%20%EF%EE%20%E4%E5%EB%F3%0N%2033- 786%5C2015;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=18158586471803123293939991854131 (Russ.).
confidentiality, and the illegal use of images. However, this type of remedy is not financially effective in the Russian courts.

An ISP can be excluded from the civil liability for dissemination of illegal information\textsuperscript{118} in the case where it transfers this information without changes and without knowledge that it is illegal. Taking this legal provision into consideration, currently, communication service providers actively block\textsuperscript{119} Internet sites that illegally disseminate private data.

The major and most widely used form of liability for infringement of privacy law is administrative liability.

B. Administrative Liability

The Code of Administrative Violations of the Russian Federation (“CAV”) contains several provisions that are applicable to infringements of confidentiality of personal data.

The most widely seen violation is defined in Article 13.11 of the CAV. The district attorney is able to institute an action for an administrative violation under this Article. Then, the case will be considered by a court. The statute of limitation for such actions is three months.\textsuperscript{120}

This is the norm set up by the administrative law that can be applied to majority of cases on violations by an operator of its responsibilities to process personal data.\textsuperscript{121} Requirements and provisions of Article 13.11 are pretty common and widely used in different cases. One of the requirements for processing personal data is the responsibility of an operator to post a document about the processing of private data policies on its web-site and allow third party access.\textsuperscript{122} Also, it


\textsuperscript{119} They enforce decisions of the Roskomnadzor to block web-sites.

\textsuperscript{120} KOAP RF art. 4.5(1) (Russ.).


\textsuperscript{122} The CEO of a company was found guilty and was subjected to administrative liability under Article 13.11 of the Code of Administrative Violations for not following requirements provided by Article 18.1 of the Federal Law of the Russian Federation on Personal Data. See Postanovlenie Yaroslavskogo Oblastnogo Suda ot 15 fevr. 2013 g., No. 4A-21/2013 [Decision of the Yaroslavl Regional Court from Feb. 15, 2013, in case No. 4A-21/2013] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=SOJ;n=680148;dst=0;rnd=180312.6503946981392801;SRD SMODE=QSP_GENERAL;SEARCHPLUS=+%CF%EE%F1%F2%0%ED%EE%2%F1%F2%ED%EE%3%EE%2%EE%9%EE%0%F1%F2%ED%EE%3%EE%2%F1%F3%EE%0%2%EE%F%2015.02.2013%20N%204A-201/2013;EXCL=PBUN%2CQSBO%2CPRBO%2COKBO;SRD=true;ts=19189135981803125480120258871466 (Russ.).
should provide users with information about the means taken to protect privacy data.\textsuperscript{123} Although this regulation has been in force since 2011, not all companies that process private data on the Internet have posted such a document on their web-sites.\textsuperscript{124}

The administrative penalties for the violation of the processing, storage, usage and dissemination of personal data vary from 5,000 rubles to 10,000 rubles per each case of found infringement. These penalties are imposed on legal entities.

At the time of writing this article, the State Duma of the Russian Federation is considering changes to Article 13.11 of the CAV.\textsuperscript{125} The Roskomnadzor reported that in 2012, it received 5,677 claims addressed to it; that is 31 percent more than in 2011. In 2013, they received 10,016 claims, a growth of more than 43 percent. Moreover, there are repeated violations of operations;\textsuperscript{126} this is seen from the analysis of claims filed by natural persons and legal entities.

The draft of law will introduce three major changes. First, the Roskomnadzor will have a right to institute administrative actions under Article 13.11 of the CAV. Second, the elements of an administrative cause of action in the area of privacy are differentiated depending on the harm caused by the violation. The new law has established the following types of violations: posting information that is in excess of information given by a citizen in its written consent, the penalty for which for legal persons ranges from 15,000 to 50,000 rubles; the processing of private data without the consent of a citizen, for which the penalty for legal persons ranges from 30,000 to 50,000 rubles; the illegal processing of special categories of personal data related to racial and national identity, political views, religious or philosophical beliefs, health, intimate life and criminal records, for which the penalty for legal persons ranges from 150,000 to 300,000 rubles; not publishing or limiting access to a document that states a policy of an operator on processing of private data, for which the penalty for legal persons ranges from 15,000 to 30,000 rubles; breach of duty to provide a person with information about processing of his personal data, for which the penalty for legal persons ranges from 20,000 to 40,000 rubles; and a violation of terms to fulfill of the requests of a citizen or the Roskomnadzor to clarify personal data, block or remove it which can result in a penalty for legal persons ranging from 25,000 to 45,000 rubles. The third major change includes an increase in administrative penalties.

\textsuperscript{124} Many small company-operators do not have their own sites, and the confidentiality policies of foreign sites usually do not satisfy the requirements of the Russian Federation.
\textsuperscript{125} Proekt Federal'nogo Zakona No. 683952-6 o Vnesenii Izmenenij v Kodeks Rossijskoj Federacii ob Administrativnyh Pravonarusheniyah [Draft of the Federal Law of the Russian Federation About Some Changes in the Code of Administrative Violations of the Russian Federation, No. 683952-6],http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=PRJ;n=129000;dst=0;rnd=180312.5669137288350612;RS&DMSODE=QSP_GENERAL;SEARCHPLUS=683952-6;EXCL=PBUN%2CQSBO%2CKRBO%2CWPBO;SRD=true;ts=5792897671803126932552529033273(Russ.). This draft was approved in the first hearing on February 24, 2015.
\textsuperscript{126} Id. This information is found in an explanatory note.
This new legislation offers a system of penalties better corresponding to reality, but it does not provide for new responsibilities or change the current responsibilities of operators of personal data. However, it considers the most common types of infringements that were uncovered during revisions conducted by the Roskomnadzor and district attorneys and which were also reflected in court rulings.127

The Federal Law No. 97-FZ introduces administrative liability of an operator of dissemination of information on the Internet for nonfulfillment of the requirements to store and/or provide information about facts of delivery, transmission, receiving, and/or processing of voice information, written text, images, sounds and other electronic messages of Internet users and information about users to the State Security authorities and Internal Affairs. The law imposes a penalty on legal persons ranging from 300,000 to 500,000 rubles.

This legal norm is not yet fully in force at this time because of a legislative regulations package,128 which would establish a process of enforcement of such requirement by potential violator is not yet fully developed.

We also should mention Article 19.5, “Failure to comply with an order of the state authority conducting state control.” A penalty for legal entities is established from 10,000 to 700,000 rubles. Infringement of privacy in this case is done indirectly through a request for information that cannot be received without infringement of confidentiality, particularly, communication confidentiality. The Moscow Arbitrage Court considered a series of claims brought by huge Russian communication service providers against the Central Bank of the Russian Federation,129 where they appealed the administrative penalty of 500,000 rubles.130 The court found that the administrative penalty was wrongly imposed.131

There is also another law that allows administrative liability to be imposed on communication service providers, which is part 3 of Article 14.1 – Entrepreneurship activities breaching license conditions. One of the conditions of a license for providing internet services is a requirement to follow provisions of the Federal Law No. 149-FZ. Particularly, a communication service provider should block web-sites that illegally disseminate personal data of individual persons and web-sites, which are included into the Register of violators of rights of personal data. A

127 Id.
128 See Postanovlenie Pravitel'stva RF ot 8 avr. 2015 g., No. 327 [Decree of the Government of the Russian Federation from Apri. 08, 2015, No. 237], SOBRANIE ZAKONODATEL’STVA ROSSIISKOI FEDERATSII [SZ RF] [Russian Federation Collection of Legislation] 2015, No. 16, Item 2367; Postanovlenie Pravitel'stva RF ot 31 iul’ 2014 g., No. 759 [Decree of the Government of the Russian Federation from July 31, 2014, No. 759], SOBRANIE ZAKONODATEL’STVA ROSSIISKOI FEDERATSII [SZ RF] [Russian Federation Collection of Legislation] 2014, No. 32, Item 4526 These documents are currently in force. In order to prevent corruption, the executive authorities exercise all their functions according to administrative regulations. The Roskomnadzor has not yet adopted such regulation.
129 These claims were brought by MTS, Megafon, Rambler and Mail.ru.
130 There are penalties available for legal entities ranging from 500,000 to 700,000 rubles. KOAP RF art. 19.5(9) (Russ.).
131 Several aspects are explained in the Part II of this article.
penalty for legal entities for this violation is set from 30,000 to 40,000 rubles. If a court considers an infringement as “gross,” it might stop operations of a provider for to 90 days.\textsuperscript{132}

It is worth mentioning that the amount of penalty fees for infringement of the law in the area of privacy in European countries is significantly higher than in Russia. And in some cases, for late removal of the information or repeated infringement, an operator can be subject to criminal liability.

Following the current trend of reforms of the Russian legislation, penalties constantly increase. However, the established practice of the the Roskomnadzor regarding the Internet clearly demonstrates that it is quite difficult to control and punish foreign companies, especially the ones that are not represented in Russia.

C. \textit{Criminal liability}

Apart from administrative liability, violation of privacy law in some cases can lead to the criminal liability as well. The Russian legislation established criminal liability for infringement of confidentiality of private life;\textsuperscript{133} infringement of confidentiality of correspondence, phone calls, postal, telegraph and other messages;\textsuperscript{134} and the dissemination of confidentiality about adoption.\textsuperscript{135}

The subject of criminal liability might only be a person. A special participant here will be a state authority or representative of a company.

Article 137 of the Criminal Code states that a violation of the inviolability of private life (illegal gathering or dissemination of information about private life of a person without his consent or dissemination of this data on the Internet),\textsuperscript{136} is a criminal offense.

The most interesting aspect here is a violation under section 2 of Article 138.\textsuperscript{137} In this case, employees of communication service providers might be subject to this crime. In order to escape criminal liability of its employees for infringement of confidentiality of correspondence, the Rambler company had to pay a penalty in amount of 500,000 rubles for non-providing information to the Bank of Russia.\textsuperscript{138}

There were cases of criminal liability imposed on people who, for example, registered accounts on social networks under the name of other people, maintained correspondence from their

\textsuperscript{132} KOAP RF part 3, art. 14.1 (Russ.).
\textsuperscript{133} UGOLOVNYI KODEKS ROSSIISKOI FEDERATSI [UK RF] [Criminal Code] art. 137 (Russ.).
\textsuperscript{134} Id. art. 138.
\textsuperscript{135} Id. art 155.
\textsuperscript{136} A penalty from 150,000 to 350,000 rubles or the deprivation of liberty for up to five years with the removal of the right to practice in certain areas up to six years. Id. at art. 137.
\textsuperscript{137} A penalty from 100,000 to 300,000 rubles or the deprivation of liberty for up to four years.
\textsuperscript{138} See Postanovlenie Devyatogo Arbitrazhnogo Apellyacionnogo Suda ot 19 sept. 2013 g., No. 09AP-29641/2013 po delu No. A40-56844/2013 [Ruling of the Ninth Arbitrage Appelate Court from Sept. 19, 2013, in case No. 09AP-29641/2013] 2013, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=MARB;nr=577802;dst=0;rnd=180312.8254116019234061;SRDSMODE=OSP_GENERAL;SEARCHPLUS=09%0%CF29641/2013;EXCL=PBUN%2CQSBO%2CKRBO%2CPKBO;SRD=true;ts=16168724651803129623716131318361 (Russ.).
name and thus received personal data via messages from relatives and friends addressed to the people whose names they used.\textsuperscript{139}

Article 272 of the Criminal Code establishes liability for unlawful access to computer information that leads to the deletion, blockage, modification or a copying of the computer information. This article covers a wide set of actions and defines the information as any information including private data and personal data. Aggravation\textsuperscript{140} of this article results in a penalty up to 500,000 rubles or sentence up to five years in prison.

The State Duma is currently analyzing a piece of draft legislation that would extend criminal liability to legal entities. For example, unlawful access to computer information under Article 272 might cost a legal person up to 5,000,000 rubles or a deprivation of the right to engage in certain activities up to one year.\textsuperscript{141}

In this way, criminal liability of an ISP as a legal person is not provided for by Russian law at this time. Thus, full liability will be borne by a company's officials who are responsible for the decision-making, or who have an access to private data.

Conclusion

At this time, the Russian segment of the Internet has changed drastically. The reformed law on Information has offered new rules for the dissemination of information on the Internet. But almost none of this is new. The majority of novelties in the area of privacy protection has been taken from European legislation.

The main control means for unlawful dissemination of private data on the Internet are focused on the protection of personal data of citizens. Passport data, phone numbers and home addresses were freely distributed on the Internet for a long time. Car dealers, insurance companies and residential agencies openly and almost legally sold such data to anyone. Responsibility for such actions is now placed on operators of personal data. Such a person might be any internet service that stores, processes or disseminates personal data, including internet service providers. When we discuss provider responsibility, we should remember, firstly, that any provider that has information

\textsuperscript{139} The sentence of the Isakgorsky regional court of Arkhangelsk city from January 31, 2011. See A. I. Savel'ev, Elektronnaya kommeriya v Rossi i za rubezhom: pravovoe regulirovanie. IZDATEL’STVO, Statut 2014

\textsuperscript{140} Committing a crime by a group of people as a conspiracy or by an organized group, or by person holding an official position.

\textsuperscript{141} Proekt Federal'nogo Zakona N 750443-6 o Vnesenii Izmenenij v Nekotorye Zakonodatel'nye Akty Rossijskoj Federacii v Svyazi s Vvedeniem Instituta Ugolovnoj Otvetstvennosti Yuridicheskikh Lic [Draft Federal Law of the Russian Federation No. 750443-6 About Changes in Several Laws of the Russian Federation Related to the Establishment of an Institution for Criminal Liability of Legal Entities], http://base.consultant.ru/cons/cgi/online.cgi?req=sec;base=PRJ;n=129896;dst=0;rnd=180312.41298702522180974;SRDSMDE=QSP_GENERAL;SEARCHPLUS=%E7%E0%EA%EE%ED%EE%EF%F0%EE%E5%EA%F2%20%B9%20750443;EXCL=PBUN%2CQSO%2CQKRBO%2CPKBO;SRD=true;ts=12615475641803122006364645466208 (Russ.).
about personal data of his users and subscribers is subject to liability regarding this information. Secondly, the provider does not bear responsibility for limiting access to information based on a request of the Roskomnadzor in order to meet requirements of Federal Law No. 149-FZ. And thirdly, the ISA, as an operator of personal data, can technically and juristically infringe on the confidentiality of private data while satisfying the requests and orders of executive authorities. And this does not release ISPs from liability.

Today, the State imposes new restrictions and requirements on Internet companies. In fact, it has taken the self-organizational functions from the Russian segment of the network. To count bloggers and catch violators of personal data without additional funding is not an easy task and we would not want it to be selective.

To finalize this discussion, it is worth noting that the dialogue between the Roskomnadzor and big Internet companies continues, as well as a process of strengthening State control over the Russian segment of the Internet. The practices of controlling bloggers and providers, localizing personal data in Russian data-centers, and removing unwanted information from the network are not yet formed. Therefore, it is still very difficult to discuss real consequences of such explicit State control over the Internet in Russia.