

Russia – Data Privacy

The Constitution of the Russian Federation prohibits the processing of information about an individual's private life without the individual's consent. The collection, processing and transfer of personal data are also regulated by Federal Law No. 152-FZ "On Personal Data," dated 27 July 2006, which came into force on 26 January 2007 ("**Personal Data Law**"), the Convention of the Council of Europe No. 108 for the Protection of Individuals with Regard to Automatic Processing of Personal Data, dated 28 January 1981, and the Federal Law "On Information, Information Technologies and Protection of Information" No. 149-FZ, dated 27 July 2006. The Personal Data Law takes on a similar approach to the EC Data Protection Directive. In addition, employees' data protection is governed by specific rules set out in the Labor Code. The Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications ("**Federal Service**") enforces the personal data protection rules.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	<p>The personal data of the employee includes any information directly or indirectly related to a particular employee.</p> <p>As a general rule, processing of personal data (any operation including, inter alia, its collection, use, storing and transfer) requires the consent of the data owner.</p> <p>The processing of sensitive data (e.g., racial or ethnic origin, political opinions, religious or philosophical convictions, state of health and intimate life) and biometrical data is subject to special requirements.</p>
<i>Disclosure/ Registration</i>	<p>A local employer, being the personal data operator, must generally notify the Federal Service about the processing of personal data.</p> <p>Exceptions listed in the Personal Data Law include, among others:</p> <ul style="list-style-type: none"> (i) personal data processed in accordance with labor legislation; (ii) personal data processed for purposes of executing an agreement to which the subject of personal data is a party, if (a) the data is not distributed, (b) is not provided to any third party without consent of the subject of personal data and (c) is used by the operator solely for performance of agreement to which the subject of personal data is a party or entering in agreements with the subject of personal data. <p>That said, in the absence of clear guidance on implementation of these exceptions and give that they have not been sufficiently tested in practice, it is recommended to file a notification to the state authorities, following which the local employer will be registered as a personal data operator.</p>
<i>Other Requirements</i>	<p>The local employer must undertake all necessary organizational and technical measures to protect personal data from unauthorized or incidental access, their destroying, changing, blocking, copying, distributions, as well as from other unlawful actions, and to ensure confidentiality of personal data.</p>
Transfer of Personal Data	
<i>Compliance Alternatives</i>	<p>The transfer of employees' personal data to a parent company abroad will qualify as a transfer of personal data to a third party and also as a cross-border transfer of personal data.</p> <p>Even if an employer already has an employee's general consent to the processing of his/her personal data (e.g., as a part of employment agreement or by reading and accepting some internal policies), it is recommended to obtain a separate written consent to such personal data processing.</p>
<i>Other Requirements</i>	<p>None applicable.</p>

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans. With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.