[RU] New Rules to Protect Privacy and Reputation

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On 2 July 2013, the President of the Russian Federation signed into law the Federal Statute amending several provisions of the Russian Civil Code. This law was adopted as part of the civil legislation reform underway in Russia. Under the new law some aspects of non-material values protection are regulated in a slightly different way (including inter alia protection against defamation and protection of person's image, see IRIS 2013-8/32), and some brand-new provisions introduced (protection of privacy). The major focus of the Statute is the development of new legal mechanisms for the protection of non-material values.

An important innovation of the Statute is the development of the right to privacy. In addition to the Constitution, the new Article 152.2 of the Civil Code declares that the collection, keeping, dissemination and use of information about the private life of a person shall not be allowed without his/her consent. The Civil Code's provisions consider this regulation emphasizing that any use of information about the private life of a person is considered lawful when performed for pressing governmental, social or public needs. A special clause is devoted to the protection of the private life in artistic works. It shall be considered illegal to use information about the private life of a person if such use infringes on the lawful interests of such a person.

The Statute introduces a new version of Article 152 of the Civil Code concerning protection against defamation. One of its most significant new rules is the one providing that a person is protected not only from derogatory incorrect statements, but shall have the right to seek remedies against dissemination of any incorrect information about him/her. However, the difference is that the burden of proof of incorrectness in the latter situation shall rest upon person claiming for protection of his/her rights. Protection against the dissemination of incorrect information shall not necessarily give rise to compensation for moral damages for the affected party.

At the core of the Statute is the introduction of a diversity of specific remedies developed in order to strengthen the protection of non-material values. A person shall have the right to use both the usual civil law remedies and those specifically intended for the protection of non-material values. In particular, the latter include the power of a court to admit the infringing act on non-material values; the possibility of the publication of the court's decision admitting the infringing act;

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the prohibition by the court of activities infringing on non-material values.

In case of infringement of the reputation, privacy or right to use of one's image, a person shall be entitled to seek such remedy as the ceasing of dissemination of information inter alia by means of erasing such information as well as the termination of hard copies containing information (in cases when the erasing of information is not available). The Statute's provisions emphasize that termination of information carriers shall not imply any compensation for the of cost of such carriers to be paid to an owner of carriers. Also new is the right to claim the removal of defamatory information or image of such a person from the Internet. This person also has a specific right for the dissemination of refutation online in accordance with the procedures to be established by a court of law in each particular case.

The Statute shall enter into force on 1 October 2013.

Федеральный закон Российской Федерации от 2 июля 2013 г. N 142-ФЗ "О внесении изменений в подраздел 3 раздела I части первой Гражданского кодекса Российской Федерации "

http://www.rg.ru/2013/07/05/gk-dok.html

Federal Statute of 02 July 2013 # 142-ФЗ "On amending subsection 3 section 1 part 1 of the Civil Code of the Russian Federation"

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