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Legal Update – 27 May 2013

Further Liberalization of the Legal Regime for Personal Data Protection

Further to our Legal Alerts concerning the legal regime for personal data protection, we would like to update you on the most recent developments. On 14 May 2013 the Verkhovna Rada of Ukraine adopted the Bill No. 2836 dated 17 April 2013 (the "**Bill**"), which if signed by the President will fundamentally liberalize the personal data protection regime in Ukraine, including cancellation of registration requirement for personal databases and liquidation of the State Service of Ukraine on Personal Data Protection.

The President has until 6 June (inclusive) to sign or veto the Bill. If signed, the Bill will take effect on 1 January 2014. We will prepare detailed overview of the Bill once it is signed.

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The Bill introduces amendments to the Law "On Personal Data Protection" (the "**Law**"), the Code of Ukraine on Administrative Offences and to the Law "On Ratification of Convention for the Protection of Individuals regarding Automatic Processing of Personal data and the Supplementary Protocol to the Convention for the Protection of Individuals regarding Automatic Personal Data Processing on Supervisory Authorities and Transborder Data Flows". The Bill's key provisions are:

- Liquidation of the State Service of Ukraine on Personal Data Protection, while at the same time designating the Human Rights Commissioner of the Verkhovna Rada of Ukraine (the "**Ombudsman**") the authorized body for personal data protection with respective powers, including carrying out inspections, giving recommendations, monitoring new practices, etc. Ombudsman and courts shall monitor personal data protection compliance.
- The owners of personal data will no longer register personal databases; the State Register of Personal Databases is to be liquidated.
- Instead of personal data bases registration the owners of personal data shall only inform the Ombudsman regarding processing of personal data, which is of particular risk to the rights and liberties, and this information is to be published on Ombudsman's official web-page (the data subject to the notification requirements and the notification procedures are to be determined and adopted by the Ombudsman).

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