Approved by the Order of the FBA EAC Director General

*“Introduction of the Personal Data Policy and Regulations in the FBA EAC”*

from June 7, 2024.

**FBA EAC Regulations on Personal Data**

**1. General provisions**

1.1. These Regulations are local regulations of the ASSOCIATION “FINANCIAL AND BUSINESS ASSOCIATION OF EURO-ASIAN COOPERATION” (hereafter – FBA EAC) adopted in accordance with the requirements, namely those of chapter 14 of the Labor Code and Federal Law No. 152-FZ from July 27, 2006 “On personal data” (hereafter – Law No. 152-FZ).

1.2. The Regulations establish:

- purpose, procedure and conditions of personal data processing;

- categories of subjects whose personal data are being processed, categories (lists) of personal data processed, methods, terms of their processing and storage, and the procedure for destroying such data when the purposes of processing are achieved or when other legal grounds emerge;

- provisions concerning the protection of personal data, procedures aimed at detecting and preventing violations of the legislation of the Russian Federation in the field of personal data, as well as eliminating the consequences of such violations.

1.3. The Regulations use terms and definitions in accordance with their meanings defined in Law No. 152-FZ.

1.4. The Regulations come into force from the moment it is signed by the Director General and is valid until it is canceled by the Order of the Director General or until new Regulations are introduced.

1.5. Amendments to the Regulations are made by the Order of the Director General. The changes come into effect from the moment the relevant order is signed.

**2. Categories of personal data subjects**

2.1. The subjects whose personal data are processed in the FBA EAC in accordance with the Regulations include:

2.1.1. Candidates for employment with the FBA EAC;

2.1.2. FBA EAC employees and former FBA EAC employees;

2.1.3. Family members of the FBA EAC employees – in cases when, according to the legislation, information about them is provided by the employee;

2.1.4. Clients and counterparties of the FBA EAC (individuals);

2.1.5. Representatives of the FBA EAC members (individuals);

2.1.6. Representatives (employees) of the FBA EAC clients and counterparties (legal entities);

2.1.7. Any individuals using the Operator’s web page (https:www.fbacs.com).

**3. Purposes of personal data processing,**

**categories (lists) of personal data processed**

3.1. Personal data of the subjects referred to in paragraphs 2.1.1.-2.1.3. of these Regulations are processed for the purpose of applying and implementing the labor legislation within the framework of labor relations and other relations directly connected with labor, including: facilitating employment, accounting and maintaining personnel records, assistance to employees in getting education and promotion, granting of awards and incentives, provision of working conditions, guarantees and compensations by the FBA EAC that are established by law, filling out and submitting required reporting forms to authorized bodies, ensuring personal safety of employees and property, monitoring the quantity and quality of work performed.

In accordance with the stated purposes, the following personal data are processed in the FBA EAC:

* last name, first name, father’s name;
* gender;
* citizenship;
* date and place of birth;
* image (photo);
* passport data;
* address of registration at the place of residence;
* address of actual residence;
* contact information;
* individual taxpayer number;
* insurance number of the individual personal account (SNILS);
* information about education, qualifications, professional training and advanced training;
* information about employment, the availability of incentives, awards and (or) disciplinary penalties;
* information about military registration;
* information about the payment of maintenance;
* information about income from a previous job;
* other personal data provided by employees/owners of personal data in accordance with the requirements of labor legislation;
* other personal data contained in the documents, provision of which is provided by law, if the processing of these data corresponds to the purpose of processing stated in paragraph 3.1 of the Regulations;
* other personal data that the employee/owner of the personal data has chosen to disclose about himself, and the processing of which corresponds to the purpose of processing stated in this paragraph of the Regulations.

3.2. Personal data of the subjects referred to in paragraphs 2.1.4.-2.1.5. of these Regulations shall be processed for the purpose of conducting their activities in accordance with the Charter of the FBA EAC and carrying out access control.

In accordance with the stated purposes, the following personal data are processed in the FBA EAC:

* last name, first name, father’s name;
* date and place of birth;
* passport data;
* address of registration at the place of residence;
* contact information;
* current position;
* individual taxpayer number;
* current account number;
* other personal data which clients, counterparties (individuals) and members of the FBA EAC have chosen to disclose about themselves, and the processing of which corresponds to the purpose of processing stated in this paragraph of the Regulations.

3.3. Personal data of the subjects referred to in paragraph 2.1.6. of these Regulations shall be processed for the purpose of conducting their activities in accordance with the Charter of the FBA EAC and carrying out access control.

In accordance with the stated purposes, the following personal data are processed in the FBA EAC:

* last name, first name, father’s name;
* passport data;
* contact information;
* current position;
* other personal data provided by representatives (employees) of the FBA EAC’s clients and counterparties necessary for carrying out their activities in accordance with the Charter of the FBA EAC.

3.4. Personal data of the subjects referred to in paragraph 2.1.7. of these Regulations are processed for the purpose of authenticating the user of the FBA EAC web page.

In accordance with the stated purposes, the following personal data are processed in the FBA EAC:

* depersonalized data (cookies).

3.5. FBA EAC does not process special categories of personal data related to race, nationality, political views, religious or philosophical beliefs, intimate life, except in cases provided by the legislation of the Russian Federation.

**4. Procedure and conditions of personal data processing**

4.1. Before processing personal data, FBA EAC is obliged to notify Roskomnadzor about its intention to process personal data.

4.2. The legal basis for processing personal data is the Labor Code of the Russian Federation, other regulatory legal acts containing labor law norms, Federal Law No. 152-FZ from July 27, 2006 “On personal data”, Federal Law No. 1032-1 from April 19, 1991 “On employment in the Russian Federation”, Federal Law No. 402-FZ from December 6, 2011 “On accounting”, Resolution of the Government of the Russian Federation No. 719 from November 27, 2006 “On approval of the Regulations on military registration”.

4.3. The processing of personal data is carried out in compliance with the principles and conditions provided by the legislation in the field of personal data and by these Regulations.

4.4. FBA EAC processes personal data in the following ways:

- non-automated processing of personal data;

- automated processing of personal data with or without transfer of the received information vie information and telecommunication networks;

- mixed processing of personal data.

4.5. The processing of personal data in the FBA EAC is carried out with the consent to the processing of the personal data by a personal data subject, unless otherwise provided by the legislation in the field of personal data.

4.5.1. The processing of personal data authorized by the personal data subject for dissemination is carried out in compliance with the prohibitions and conditions provided in article 10.1 of Law No. 152-FZ.

Consent to the processing of such personal data is prepared separately from other consents to the processing of personal data. The consent is provided by a personal data subject personally or in the form of an electronic document signed with an electronic signature using the Roskomnadzor information system.

4.5.2. The processing of biometric personal data is allowed only with the written consent of a personal data subject. The exception is the situations specified in part 2, article 11 of Law No. 152-FZ.

4.6. FBA EAC does not carry out cross-border transfer of personal data received via information and telecommunication networks.

4.7. Personal data is processed by collecting, recording, systematizing, accumulating, storing, clarifying (updating, changing), extracting, using, depersonalizing, blocking, deleting, destroying personal data, also using computer technology.

4.7.1. Collection, recording, systematization, accumulation and clarification (updating, alteration) of personal data in the FBA EAC are carried out by:

- obtaining original documents or copies thereof;

- copying of original documents;

- entering information into accounting forms on paper and electronic media;

- preparing documents containing personal data on paper and electronic media;

- entering personal data into personal data information systems.

4.7.2. The following information systems are used in the FBA EAC:

- corporate email;

- electronic document management system;

- user’s workstation support system;

- system of regulatory and reference information;

- personnel management system;

- remote access control system;

- information portal.

4.8. The transfer (dissemination, provision, access) of personal data of personal data subjects is carried out in the cases and in accordance with the procedure provided by the legislation in the field of personal data and by the Regulations.

**5. Terms of personal data processing and storage**

5.1. The processing of personal data in the FBA EAC is terminated in the following cases:

- when the fact of illegal processing of personal data is detected. The deadline for termination of processing is within three working days from the date of detection of such a fact;

- when the purposes of their processing are achieved (with some exceptions);

- upon expiration or withdrawal of a consent to the processing of personal data (with some exceptions) by a personal data subject, if, in accordance with Law No. 152-FZ, the processing of the personal data is allowed only with consent;

- when a personal data subject applies to the FBA EAC with a request to terminate the processing of personal data (except for the cases specified in part 5.1, article 21 of Law No. 152-FZ). The deadline for termination of processing is no more than ten working days from the date of receipt of the request (with the possibility of extension for no more than five working days if a notification indicating the reasons for the extension is sent).

5.2. Personal data are stored in a form that makes it possible to identify a personal data subject for no longer than the purposes of their processing require. An exception is the cases when the retention period of personal data is established by federal law or an agreement to which a personal data subject is a party (beneficiary or guarantor).

5.3. Personal data on paper media are kept in the FBA EAC for the duration of storage of documents, for which storage periods are provided by the legislation on archiving in the RF (Federal Law No. 125-FZ from October 22, 2004 “On archiving in the Russian Federation”, List of standard administrative archival documents produced during the activities of state bodies, local self-government bodies and organizations, with indication of the duration of their storage (approved by the Order of Rosarkhiv No. 236 from December 20, 2019)).

5.4. The retention period for personal data processed in personal data information systems corresponds to the retention period for personal data on paper media.

**6. Procedure for blocking and destroying personal data**

6.1. FBA EAC blocks personal data in accordance with the procedure and conditions provided by the legislation in the field of personal data.

6.2. When the purposes of personal data processing are achieved or if it is no longer necessary to achieve these goals, the personal data are destroyed or depersonalized. An exception may be provided by federal law.

6.3. Illegally obtained personal data or those data that are not necessary for the purpose of processing are destroyed within seven working days from the date of submission by a personal data subject (his representative) of the supporting information.

6.4. Personal data, the processing of which has been terminated due to its illegality and the legality of the processing of which cannot be ensured, are destroyed within 10 working days from the date of detection of illegal processing.

6.5. Personal data are destroyed within 30 days from the date of achieving the purpose of processing, unless otherwise provided by an agreement to which a personal data subject is a party (beneficiary or guarantor), or by another agreement between him and the FBA EAC, or if the FBA EAC is not entitled to process personal data without the consent of a personal data subject on the grounds provided by federal laws.

6.5.1. Upon reaching the maximum retention period for documents containing personal data, the personal data are destroyed within 30 days.

6.6. Personal data are destroyed (if their storage is not required for the purposes of personal data processing) within 30 days from the date of receipt of the withdrawal of the consent to the processing of personal data by a personal data subject. Otherwise may be provided by an agreement, to which a personal data subject is a party (beneficiary or guarantor), or by another agreement between him and the FBA EAC. In addition, personal data are destroyed within the specified period if the FBA EAC is not entitled to process them without the consent of a personal data subject on the grounds provided by federal laws.

6.7. The selection of material carriers (documents, hard drives, flash drives, etc.) and (or) information in the information systems containing personal data subject to destruction is carried out by the FBA EAC units processing personal data.

6.8. The destruction of personal data is carried out by a commission established by the Order of the Director General.

6.8.1. The Commission compiles a list indicating documents, other material carriers and (or) information in the information systems containing personal data subject to destruction.

6.8.2. Personal data on paper media are destroyed with the help of a shredder. Personal data on electronic media are destroyed by mechanically violating the integrity of the media, which does not allow personal data to be read or restored, as well as by deleting data from electronic media using methods and means that ensure the removal of residual information.

6.8.3. The Commission confirms the destruction of personal data specified in paragraphs 6.4, 6.5, and 6.6 of the Regulations, in accordance with the Requirements for confirming the destruction of personal data approved by the Order of Roskomnadzor No. 179 from October 28, 2022, namely by:

- Act on the destruction of personal data – if the data are processed without the use of automation tools;

- Act on the destruction of personal data and downloading the personal data from the event log in the personal data information system – if the data are processed with the help of automation tools or simultaneously with and without the use of such tools.

The act can be prepared on paper media or in an electronic form, signed with electronic signatures.

The forms of the act and the download of personal data from the log, based on the information to be contained in the specified documents, are approved by the Order of the Director General.

6.8.4. After preparing an act on the destruction of personal data and downloading the personal data from the event log in the personal data information system, the commission transfers them to the accounting department for subsequent storage. The acts and downloads from the log are stored for three years from the moment of destruction of personal data.

6.8.5. The destruction of personal data not specified in paragraph 6.8.3 of the Regulations is confirmed by an act that is prepared immediately after the destruction of such data. The form of the act is approved by the Order of the Director General.

**7. Personal data protection. Procedures**

**aimed at preventing and detecting violations**

**of the legislation and eliminating the consequences of such violations**

7.1. FBA EAC does not disclose and disseminate personal data to third parties without the written consent of a personal data subject, unless otherwise provided by federal law.

7.1.1. Disclosure and dissemination of personal data of personal data subjects by telephone is prohibited.

7.2. In order to protect personal data, the FBA EAC appoints (approves) by the orders of the Director General:

- the employee responsible for organizing the processing of personal data;

- a list of positions where personal data are processed;

- a list of personal data to which employees holding positions that entail the processing of personal data have access;

- the procedure for accessing the premises where personal data are processed;

- the procedure for the transfer of personal data within the FBA EAC;

- a form of consent to the processing of personal data, a form of consent to the processing of personal data authorized by a personal data subject for dissemination;

- the procedure for the protection of personal data during their processing in personal data information systems;

- the procedure for conducting internal investigations and audits;

- other local regulations adopted in accordance with the requirements of legislation in the field of personal data.

7.3. Employees who hold positions entailing the processing of personal data are allowed to access it after signing a non-disclosure obligation.

7.4. The material carriers of personal data are stored in cabinets, lockable with a key. The FBA EAC premises, in which they are located, are equipped with locking devices. Keys to cabinets and rooms are issued under signature.

7.5. Access to personal information contained in the FBA EAC information systems is carried out with the use of individual passwords.

7.6. FBA EAC uses certified antivirus software with regularly updated databases.

7.7. The FBA EAC employees who process personal data are periodically trained with regard to the requirements of legislation in the field of personal data.

7.8. The job descriptions of the FBA EAC employees processing personal data include, in particular, provisions on the need to report any cases of unauthorized access to personal data.

7.9. FBA EAC carries out internal audits in the following situations:

- in case of illegal or accidental transfer (provision, dissemination, access) of personal data, which resulted in violation of the rights of personal data subjects;

- in other cases specified by the legislation in the field of personal data.

7.10. The employee responsible for organizing the processing of personal data carries out internal control:

- over the compliance of employees authorized to process personal data with the requirements of legislation in the field of personal data and local regulations;

- over the compliance of the specified acts with the requirements of legislation in the field of personal data.

Internal control is carried out in the form of internal audits.

7.10.1. Internal scheduled audits are carried out on the basis of an annual plan approved by the Director General.

7.10.2. Internal unscheduled audits are carried out by decision of the employee responsible for organizing the processing of personal data. They are based on information about violations of legislation in the field of personal data received orally or in writing.

7.10.3. Based on the results of the internal audit, a memorandum is prepared for the Director General. If violations are detected, the document provides a list of measures to eliminate them and the appropriate deadlines.

7.11. An internal audit is carried out if the fact of illegal or accidental transfer (provision, dissemination, access) of personal data has been detected, resulting in a violation of the rights of personal data subjects (hereafter – incident).

7.11.1. In case of an incident, within 24 hours, the FBA EAC notifies Roskomnadzor of:

- the incident;

- its alleged causes and harm caused to the rights of a personal data subject (subjects);

- measures taken to eliminate the consequences of the incident;

- the representative of the FBA EAC, who is authorized to interact with Roskomnadzor on issues related to the incident.

When sending a notification, it is necessary to follow the Procedure and conditions of interaction of the Federal Service for Supervision of Communications, Information Technology and Mass Media with operators within the framework of maintaining a register of personal data incidents, approved by the Order of Roskomnadzor No. 187 from November 14, 2022.

7.11.2. Within 72 hours, the FBA EAC is obliged to do the following:

- notify Roskomnadzor of the results of the internal investigation;

- provide information about the persons whose actions caused the incident (if any).

When sending a notification, it is also necessary to follow the Procedure and conditions of interaction of the Federal Service for Supervision of Communications, Information Technology and Mass Media with operators within the framework of maintaining a register of personal data incidents, approved by the Order of Roskomnadzor No. 187 from November 14, 2022.

7.12. If a personal data subject (his representative) provides confirmed information that the personal data are incomplete, inaccurate or outdated, changes are made to them within seven working days. FBA EAC notifies the personal data subject (his representative) in writing of the changes made and reports (by e-mail) them to third parties to whom the personal data have been transferred.

7.13. FBA EAC notifies a personal data subject (his representative) about the elimination of violations regarding the illegal processing of personal data. Roskomnadzor is also notified if it has sent a request of a personal data subject (his representative) or has made the request itself.

7.13.1. In the case of destruction of personal data that have been illegally processed, a notification is sent in accordance with paragraph 7.13 of the Regulations.

7.14. In the case of destruction of personal data illegally obtained or not necessary for the stated purpose of processing, the FBA EAC notifies a personal data subject (his representative) of the measures taken in writing. FBA EAC also reports (by e-mail) the measures taken to third parties to whom such personal data have been transferred.

**8. Responsibility for violation of the rules governing personal data processing**

8.1. Persons guilty of violating the provisions of the legislation of the Russian Federation in the field of personal data when processing personal data shall be subject to disciplinary and material responsibility in accordance with the procedure established by the Labor Code of the Russian Federation and other federal laws. In addition, they are subject to administrative, civil, or criminal responsibility in accordance with the procedure established by federal laws.

8.2. Moral damage caused to a personal data subject as a result of violation of his rights, violation of the rules for processing personal data, as well as non-compliance with the requirements for personal data protection established by Law No. 152-FZ, is subject to compensation in accordance with the legislation of the Russian Federation. The compensation for moral damage is carried out independently of the compensation for property damage and losses suffered by the personal data subject.