

By the Judgement of 13 May 2021 No. 22-II the Constitutional Court of the Russian Federation examined constitutionality of Article 6, part 1, item 8 of the Federal Law “On Personal Data”.

This legal provision was subject to consideration since it served as basis to determine whether it was lawful for a media organisation (online media) to process personal data of a medical worker without his or her consent by way of disseminating this data in order to collect and publish opinions of patients of such medical worker on his or her professional activity.

The challenged provision was recognised as not contradicting the Constitution of the Russian Federation insofar as within the current legal framework this provision:

allows publishing by media organisation on its Internet website of personal data of the medical worker which was previously published on the website of the relevant medical organisation under the law (i.e. regardless of his or her consent);

provides for obligation of editorial board of the media organisation to prevent publishing on its website of third persons’ opinions that do not relate to professional activities of a medical worker, or manifestly unlawful statements;

provides for obligation of editorial board of the media organisation to take measures, on the basis of application of the medical worker, to verify within reasonable time an opinion containing allegedly untruthful statements tarnishing honour, dignity or reputation of the medical worker, with the aim to delete or amend such an opinion, as well as to publish, in accordance with the law, a refutation (answer) on the same website; pending verification, access to the opinion should be discontinued or the opinion should be marked as problematic;

does not exclude prohibiting such media organisation from disseminating personal data of the medical worker and (or) opinions on his or her professional activity; such prohibition to be imposed in accordance with judicial decision delivered upon application of the medical worker if the media organisation allows systematic abuse of rights in publishing personal data of a medical worker, or systematically fails to prevent such abuse of rights by persons publishing their opinions, and if other remedies were not able (are not able) to secure protection of rights of the medical worker.