Federal Act on December 3, 2008

On the National Genetic Registration in Russia

N 242-FZ

- Published on December 9, 2008
- Effective: January 1, 2009

Adopted by the State Duma on November 19, 2008
Council approved on Nov. 26, 2008

Chapter 1. **General**

Article 1. **Concepts**

This federal law, the following basic concepts:

1) national genetic registration - activities carried forth in the present federal law by state bodies and institutions for receiving, recording, storage, use, transfer and destruction of biological material and the processing of genetic information;

2) the biological material - containing genomic information and the provision of human tissue or body (remains) of the deceased person;

3) genomic information - personal data, including coded information about the specific piece of deoxyribonucleic acid, a natural person or unidentified body, do not characterize their physiological characteristics;

4) processing of genomic information - actions (operations) with the genomic information, including receiving (collecting), systematization, accumulation, storage, refinement (update, change), use, distribution (including transmission) and the destruction of genomic information;

5) a federal database of genomic information - federal automated information system for the processing of genomic information, operated by the federal executive body authorized by this Federal Law;

6) an unidentified corpse - the body (remains) of the deceased man, whose identity at the time of discovery of the body (remains) is not installed.

Article 2. **The objectives of the national genetic registration**

In Russia the national genetic registration is carried out in order to identify the individual person.

Article 3. **The principles of national genetic registration**

1. National Genomic registration is carried out in compliance with the universally recognized human rights and freedoms and civil rights in accordance with the principles of legality, humanism, privacy, a combination of voluntary and obligatory.

2. Conduct public genomic registration should not pose a danger to human life and health, to humiliate his honor and dignity.

Article 4. **The legal basis for national genetic registration**

The legal basis for national genetic registration Constitution of Russia, the generally recognized principles and norms of international law, international treaties of Russia, the legislation of Russia on information, information technologies and data protection legislation Russia in the field of personal data, the present Federal Law, other federal laws taken in accordance with regulations of the President of Russia, normative legal acts of the RF Government and regulations of federal bodies of executive power.

Article 5. **Persons subject to national genetic registration**

In Russia the state is held national genetic registration RF citizens and foreign citizens and stateless persons residing or temporarily staying in the territory of Russia.

Article 6. **Types of national genetic registration**

In accordance with this federal law in Russia is voluntary national genetic registration and mandatory national genetic registration.

7. **Mandatory national genetic registration**

1. State of Genomic compulsory registration be:

1) persons convicted and serving a sentence of imprisonment for committing grave or especially grave crimes, as well as all categories of crimes against sexual inviolability and sexual freedom of the individual;

2) unidentified persons, the biological material are removed in the course of investigative action.

2. Compulsory national genetic registration of unidentified corpses.

Chapter 2**. Implementation of the national genetic registration**

Article 8 Implementation of a voluntary public genome registration

1. Voluntary national genetic registration agencies conducted forensic belonging to the state health system, together with units of the internal affairs of Russia, which belongs to the competence of the specified activity.

2. Voluntary national genetic registration RF citizens and foreign nationals and stateless persons residing or temporarily staying in the territory of Russia, conducted on the basis of their written application and on payment basis.

3. Fee for conducting a voluntary public genetic registration will be charged on order and sizes are set by the RF Government, and shall be credited to the federal budget in full.

4. Voluntary national genetic registration of minors is conducted on the basis of written statements of their parents (adoptive parents) or guardians.

5. Voluntary national genetic registration RF citizens recognized in the legislation of Russia order of the court as incapable or limited in capacity, conducted on the basis of written statements by their guardians. Obtaining biological material is carried out in the presence of the guardians of these citizens.

6. Procedures for voluntary registration is determined by the state of genomic RF Government.

Article 9. **Conduct mandatory national genetic registration**

1. Mandatory public genetic registration:

1) persons referred to in paragraph 1 of Part 1 of Article 7 of this Federal Law, held institutions, enforcing criminal penalties of imprisonment, together with parts of bodies of internal affairs of Russia, the responsibility for the specified activity;

2) persons referred to in paragraph 2 of Part 1 of Article 7 of this Federal Law, conducted a preliminary investigation bodies, bodies of inquiry, together with parts of bodies of internal affairs of Russia, the responsibility for the specified type of activity, and agencies of Forensic Medicine, affiliated to the state health system;

3) unidentified dead bodies carried out a preliminary investigation, inquiry bodies and the bodies authorized to exercise operational-search measures on the search for missing persons and unidentified corpses on the establishment of individual rights, together with units of the internal affairs of Russia, the responsibility for the specified kind of activity, and agencies forensic belonging to the public health system.

2. Conduct of compulsory national genetic registration defined by the RF Government.

Chapter 3. Obtaining, recording, storage, use, transfer and destruction of biological material and the processing of genomic information

Article 10. **The main requirements for obtaining, recording, storage, use, transfer and destruction of biological material and the processing of genomic information**

1. Conditions for obtaining, recording, storage, use, transfer and destruction of biological material and the processing of genomic information in a public genome registration must be designed to prevent loss, damage, misrepresentation, unauthorized access and transmission.

2. State organizations and institutions conducting the public genome registration, provide safety and use of biological material and genomic information in accordance with international treaties, Russia, hereby, other federal laws and other normative acts of Russia.

3. Violation of the rules of receiving, recording, storage, use, transfer and destruction of biological material and the processing of genomic information, public officials and agencies, conducting public genomic registration, and those with access to biological material and genomic information in connection with the performance of their official or professional duties, responsibility, established by RF legislation.

4. Rules of receipt, registration, storage, use, transfer and destruction of biological material and the processing of genomic information are determined in the manner determined by the RF Government.

Article 11. **Accounting genomic information**

Accounting for the genomic information obtained during the state of genomic registration is a federal executive authority performing functions of formulating and implementing government policies and the regulatory oversight of the Interior, during the formation and maintenance of a federal database of genomic information.

Article 12. **The shelf life of genomic information**

1. Genomic information obtained during the state registration of genomic RF citizens and foreign nationals and stateless persons residing or temporarily staying in the territory of Russia, including the persons referred to in paragraph 1 of Part 1 of Article 7 of this Federal law, shall be deposited to determine whether their deaths, but in the absence of information about their deaths - until the date when they would have turned 100 years old.

2. Genomic information received during the state of genomic registration of persons referred to in paragraph 2 of Part 1 of Article 7 of this Federal Law, stored 70 years from the date of its receipt.

3. Genomic information obtained during the state registration of genomic unidentified bodies are stored to identify the man, but not more than 70 years.

Article 13. **To obtain and use biological material**

1. Obtaining biological materials for the national genetic registration is carried out:

1) from the citizens of Russia, as well as foreign citizens and stateless persons residing or temporarily staying in the territory of Russia, during a voluntary public genomic registration - institutions, forensic, outside the public health system;

2) the persons referred to in paragraph 1 of Part 1 of Article 7 of this Federal Law - institutions, enforcing criminal penalties of imprisonment;

3) the persons referred to in paragraph 2 of Part 1 of Article 7 of this Federal law - public bodies engaged in proceedings in criminal cases, involving experts in the field of criminology and (or) forensic medicine;

4) of unidentified bodies - agencies, forensic, outside the public health system.

2. Biological material obtained during the national genetic registration will be used only to obtain genomic information for the purposes stipulated in Article 14 of this Federal Law, and in the manner established by RF legislation.

Article 14. **To obtain and use genomic information**

Getting the genomic information in a state of genomic registration is carried out:

1) of the biological material obtained from the citizens of Russia, as well as foreign citizens and stateless persons residing or temporarily staying in the territory of Russia, during the voluntary registration of public genome, as well as from unidentified bodies - agencies, forensic belonging to the public health system;

2) a biological material obtained from the persons referred to in paragraph 1 of Part 1 of Article 7 of this Federal Law - Sub-offices of Interior of Russia, the responsibility for the specified activity;

3) of the biological material obtained from the persons referred to in paragraph 2 of Part 1 of Article 7 of this Federal Law - Sub-offices of Interior of Russia, the responsibility for the specified type of activity, together with the institutions of Forensic Medicine, affiliated to the state system Health.

2. Genomic information obtained as a result of public genomic registration, used for the following purposes:

1) prevention, detection and investigation of crimes, as well as the identification and establishment of persons who have committed them;

2) search for the missing RF citizens and foreign citizens and stateless persons residing or temporarily staying in the territory of Russia;

3) identification of the person whose body has not been identified in other ways;

4) establishment of the relationship sought by (installed) persons.

Article 15. **The right to use genomic information**

1. The right to use genomic information are the courts, the preliminary investigation, the investigative bodies and authorities, carrying out operational investigative activities.

2. The use of genomic information in the interests of foreign states is carried out in accordance with international treaties Russia.

Article 16. **Destruction of genomic information**

1. Genomic information obtained as a result of public genomic registration is destroyed by the federal executive power body which carries out its storage, the expiry date provided for in Article 12 of this Federal Law.

2. Genomic information obtained as a result of a voluntary public genomic registration, can be destroyed by a written statement:

1) persons who received voluntary genomic state registration;

2) parents (adoptive parents) or guardians have passed the voluntary public genomic registration of minors;

3) guardians passed the voluntary public genomic registration RF citizens recognized in the legislation of Russia order of the court as incapable or limited in capacity.

Chapter 4. **Surveillance and control over the execution of this Federal Law**

Article 17. **Prosecutor's supervision**

Supervision of the execution of this Federal Law shall Prosecutor General of Russia and his subordinate prosecutors.

Article 18. **Monitoring the state bodies and agencies, conducting public genomic registration**

1. The federal bodies of state power and bodies of state power of RF subjects within its competence, in the prescribed manner control over the activities of state bodies and agencies, conducting public genomic registration.

2. Departmental control over the activities of state bodies and agencies, conducting public genomic registration is carried out by the parent bodies and their officials. The order of institutional control is determined by the relevant laws and regulations.

Article 19. **Judicial review**

Actions (decisions), government officials and agencies, conducting public genomic registration, violate the rights and freedoms of man and citizen, could be challenged in court in the manner established by RF legislation.

Chapter 5. **Final provisions**

Article 20. **Financing activities for the public registration of genomic**

Financing activities for the public genome registration is carried out at the expense of the federal budget.

Article 21. **The entry into force of this Federal Law**

This Federal Law shall enter into force on 1 January 2009.

President of Russia

Dmitry Medvedev Д. Медведев