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Our Ref: AP/HS/16637.1

9 August 2018

**Attention: Legal Department
Vimeo LLC
555 West 18th Street New York
New York 10011**

By Email: support@vimeo.com

Carter-Ruck

**URGENT
NOT FOR PUBLICATION STRICTLY PRIVATE &
CONFIDENTIAL:**

Dear Sirs

Mrs Natalia Nikolaevna Magnitskaya

We are instructed on behalf of Mrs Natalia Nikolaevna Magnitskaya, the mother of the late Sergei Magnitsky. We write to put you on notice of a film that has been uploaded on to your website, at <https://vimeo.com/ondemand/themagnitskyact> which contains footage and other personal data of our client, used without her consent.

For the reasons set out below, the film and its subsequent publication on your website violates the EU General Data Protection Regulation (GDPR), which came into force on 25 May 2018. The film also breaches your own Community Guidelines and should be removed immediately.

Background

On 14 May 2015 we wrote on behalf of our client to the producers and director of the film, putting them on notice that our client expressly refused consent to the use of footage containing her image, voice, and other uniquely identifiable information. A copy of that letter is enclosed. In summary, our client was provisionally interviewed for a film which she had been informed by the film's director, Mr Nekrasov would be a fair and balanced film about the death of her son, Sergei Magnitsky, who died at the hands of the Russian State Officials he had exposed for their involvement in defrauding the Russian treasury of US\$230 million.

Prior to completion of the film our client had become aware that the premise for the film had been misrepresented to her and thus instructed us to write to Mr Nekrasov and Piraya Films AS putting them on notice that she expressly did not consent for any footage of her to be used in the film. That letter stated that "*our client does not consent to the use of any parts of her interview and/or recorded footage taken of our client by Mr Nekrasov (or anyone else on behalf of Mr Nekrasov or Piraya Films AS)*".

GDPR

Pursuant to Article 6 of the GDPR data processing is only lawful in certain circumstances, and Article 6(1) provides that processing is lawful if the data subject has given consent to the processing of their information. Furthermore,

pursuant to Article 7 of the GDPR a data subject is entitled to withdraw their consent to such processing at any time. Therefore, where consent to use the footage had been expressly refused by our client, and no other lawful basis for processing applies, there is no lawful authorization whatever for the dissemination of this film which includes personal data of our client.

Notwithstanding the above, and in breach of our client's rights referred to above, the film includes the following footage and personal data of our client, used without her consent (see: 43:56 – 47:02; 1:14 – 1:14:15). She is uniquely identifiable in the film as her image, voice and full name has been used.

Content breaches Vimeo's Community Guidelines

Furthermore, the film breaches Vimeo's own Community Guidelines which require consent for the use of a person's image and voice, and at paragraph 10 of those guidelines state as follows:

"For each piece of content that you submit, you represent and warrant that: (i) you have the right to submit the content to Vimeo to grant the licences set forth above... (iii) the content does not infringe any third party's rights, including intellectual property rights and privacy rights; and (iv) the content complies with this Agreement and all applicable laws".

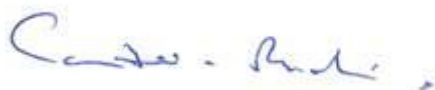
In light of the breaches identified above, it is incumbent on you to immediately remove the film and offending content from your site.

If the content is not removed as a matter of urgency, we anticipate being instructed immediately to make a formal complaint to the UK Information Commissioner's Office in relation to the breaches identified above, and to take all other action as may be appropriate to protect our client's rights.

We await your urgent response to this letter within 48 hours of receipt of this letter.

For the avoidance of doubt, our client's full rights are expressly reserved.

Yours faithfully



Carter-Ruck