

Law of the Republic of Azerbaijan 'On information and protection of information'

## **Chapter I. General provisions**

### **Article 1. Scope of the Law**

The present Law shall regulate relations arising at formation of information resources based on creation, collection, processing, accumulation, keeping, search, dissemination of information, at establishment and use of information systems, technology and means for their insurance and at protection of information. The Law shall establish rights of subjects involving in information processes.

The present Law shall not concern relations that are regulated by the Laws of Azerbaijan Republic "On Mass Media" and "On Copyright and Related Rights".

### **Article 2. Basic Definitions**

The following definitions shall be used in the Law:

**information** - data on persons, objects, facts, events and processes regardless of a form of their representation;

**document information (document)** - information fixed on a material bearer with requisites allowing to identify it;

**mass information** - documented information whose receiving, processing, transfer or use shall not be restricted by legislation of Azerbaijan Republic and which is intended for common use;

**confidential information** - documented information whose receiving, processing, transfer and use is restricted under legislation of Azerbaijan Republic;

**information processes** - processes of creation, collection, processing, keeping and dissemination of information;

**information technologies** - methods and systems of means used during information processes, including means of computer engineering technique and communication;

**information system** - a totality of information technologies and documents arranged in organisational and technical respects, including with the use of means of computer engineering technique;

**information resources** - documents and files of documents, including separate documents and their files in information systems (libraries, archives, foundation, data banks, etc.);

**means for support of information systems and technologies** - software, hardware, linguistic, legal, organizational means used at creation of information systems and technologies and ensuring their operation;

**owner of information systems, technologies, resources, means of their support** - a subject exercising the authority to own, use, dispose of the specified subjects in accordance with procedure established by law;

**user of information** - a subject directly applying to information system or to intermediary to get needed information and having only a right to use it;

**information product** - documented information created based on users' demand and meant for meeting of their needs or for use, and information systems, technologies and means for their provision;

**information services** - the activity of subjects (owners, proprietors of intermediaries) on supply of users with information products;

**informatisation** - organizational, social-economic and scientific and technical process of creation of optimal conditions to meet information needs and to exercise rights of the state power bodies and institutions of local government, all enterprises, institutions and organizations regardless of their organizational - legal forms and a form of ownership, and citizens based on formation, submission and use of information resources.

### **Article 3. State Policy in the Sphere of Informatisation**

Basic directions of a state policy in the sphere of informatisation shall be the following:

- to form national information space; to identify basic directions of activities on information and to regulate relations arising during that;
- to foster development of all forms of ownership for information resources, systems, technologies and means for their provision, facilitate formation of a market of information products and services;
- to create necessary conditions for formation and protection of information resources;
- to establish territorial information networks, to determine needed institutional, legal, technical policy in order to ensure their compatibility and interaction with international networks;
- to create conditions in order to ensure bodies of the state power, institutions of local government, all enterprises, institutions and organisations regardless of their organisational-legal forms and forms of ownership, and citizens with adequate information based on state information resources;
- to ensure national security in information space;
- to stop and ban the monopoly activity and unfair competition of subjects of information relations, including foreign subjects at a market of information products

and services;

- to ensure rights in the sphere of informatisation for bodies of the state power, institutions of local government, all enterprises, institutions and organizations regardless of their organizational - legal forms and forms of ownership, and citizens;
- to form and implement scientific-technical and industrial policy in the sphere of informatisation;
- to support informatisation projects and programmes,
- to establish a system for attraction of investments and an incentive mechanism for their development and implementation;
- to develop legal framework in the sphere of information processes, informatisation and protection of information.

## **Chapter II. Information resources**

### **Article 4. Legal Framework for Information Resources**

Information resources shall be the objects of relations between natural persons, legal entities and the State. They are information resources of Azerbaijan Republic and shall be protected by Law together with other resources.

Legal framework for information resources shall be determined by norms that shall establish;

- procedure for documenting of information;
- title for documents and for files of documents;
- category of information by the level of its accessibility;
- procedure for legal protection of information.

### **Article 5. Documenting of Information**

Documenting of information shall be a binding condition for inclusion of information into information resources. Information shall be documented in accordance with procedure established by the relevant bodies of the executive power being responsible for security of Azerbaijan Republic, for organization of record- keeping, standartisation of documents and their files.

Under legislation of Azerbaijan Republic, a document received from information systems, including automatised systems, shall become valid upon its signature by an official.

Document being in circulation of automatised information and telecommunication systems may also be confirmed by electron digital signature.

Under legislation of Azerbaijan Republic, electron digital signature shall be made and its validity shall be recognised at availability of software and hardware ensuring identification of the signature in the automatised information system, and at observance of established conditions for their use.

## **Article 6. Title for Information Resources, Systems, Technologies and Means for their Support**

All types of ownership provided for by legislation of Azerbaijan Republic shall be allowed for information resources, systems, technologies and means for their support.

Natural persons and legal entities shall be owners of information resources, systems, technologies and means for their support, created at their expense, acquired by them on legal grounds and received in order of granting, and inheritance.

Information resources, systems, technologies and means for their support created , acquired, accumulated at the expense of the budget of Azerbaijan Republic and funds of state owned enterprises, institutions and organization shall be the state property.

Procedure for exercise of title for information resources, systems, technologies and means for their support shall be established by legislation of Azerbaijan Republic.

Subjects that submit a documented information to bodies of the executive power and to relevant organizations in accordance with procedure established by legislation of Azerbaijan Republic, shall not lose their rights for these documents and for use of information they contain. These documents shall be in joint ownership of the state and subjects submitting them.

Prices for information products and services shall be established under legislation of Azerbaijan Republic by bodies of the executive power or based on concluded agreements.

All natural persons and legal entities involving in information processes, selling freely information products and services, shall be considered participants of common information market. Users of information, proprietors and owners of information products and services shall be entitled to select freely intermediaries, types of information and means for their processing, nomenclature of information products and services, except cases provided for by legislation of Azerbaijan Republic.

Title for ownership for means for information processing shall not create title for information resources. At joint use of means for processing, initial documents shall belong to their owners, and belonging of by-products created in such a case shall be regulated by an agreement. Owner of title for information resources shall be responsible for quality of information created.

Rules for work with information resources being the state secret, and property

relations shall be regulated by the Law of Azerbaijan Republic "On State Secret" and other legislative acts.

#### **Article 7. State Information Resources**

Bodies of the State power and institutions of local government, all enterprises, institutions and organizations regardless of their organizational-legal forms and forms of ownership, and citizens may participate in formation of state information resources.

Bodies of the state power shall form state information resources concerned to them and ensure their use subject to established authority.

Activity of bodies of the state power and organizations on formation of State information resources shall be financed from the state budget, special funds and other foundations.

Activity of organizations specialized in the field of formation of state information resources and provision of services shall be carried out based on special permits.

#### **Article 8. Submission of Documented Information for Formation of State Information Resources**

A list of bodies and organizations being in charge of formation and processing of information resources, and procedure for submission of documented information by bodies of the State power and institutions of local government, all enterprises, institutions and organizations regardless of their organizational- legal forms and forms of ownership, and citizens shall be established by relevant body of the executive power.

Procedure for formation and processing of information being the state secret and of confidential information shall be established by legislation of Azerbaijan Republic.

#### **Article 9. National Information Resources**

Information resources of bodies of the state power and institutions of local government, of all enterprises, institutions and organizations regardless of their organizational legal forms and forms of ownership, and of citizens, or some part of these resources may be declared national information resources, pursuant to legislation of Azerbaijan Republic and should be protected as national property.

#### **Article 10. Information Resources by Categories of Access**

Information resources by categories of access may be open and with limited access. Pursuant to legislation of Azerbaijan Republic and decisions of relevant bodies of the executive power, information resources, except documented information with limited access, shall be open for access.

Documented information with limited access pursuant to the terms of its legal framework shall be divided into information considered state secret and confidential

one.

Classification of information as state secret, procedure for its use and protection shall be established by the Law of Azerbaijan Republic "On State Secret".

Information not being state secret but needed to be kept in secrecy in order to protect legal interests of citizens, institutions, enterprises and organizations shall be confidential one. Gathering, processing, use and dissemination of the confidential information shall only be allowed in cases established by legislation of Azerbaijan Republic.

### **Chapter III. Use of information resources**

#### **Article 11. Right to Access to Data of Information Resources**

Users shall have equal right to get access to state information, resources and shall not be obliged to ground for these resources" proprietor or owner the necessity to get the information they request, except documented information with limited access under legislation of Azerbaijan Republic and decisions of relevant bodies of the executive power.

The use of indirect information products from information obtained on sound grounds from state information resources for the business purposes shall only be permitted to users with reference to a source of its receipt. In such a case the users" profit shall be generated not from receipt of information from state information resources but as a result of creation of indirect information products.

Procedure for access of users to the work with information shall be established by relevant body of the executive power or by the owner subject to the requirements of the present Law. Charge shall not be collected for receipt of information on the procedure and on services provided.

A list of information services for which charge is not collected from users of information resources or whose costs are paid partially shall be established by a relevant body of the executive power. Compensation of a difference between charges for services provided shall be reimbursed from the state budget, special funds and other sources.

#### **Article 12. Right of Natural Persons and Legal Entities to Get Access to Information about Them**

A list of documented information on natural persons and legal entities and procedure for its use in information systems shall be established by legislation of Azerbaijan Republic.

Natural persons and legal entities shall have a right to get access to documented information about them, to require to clarify the information; they shall be entitled to know, who and for which purposes uses the information, except cases determined by legislation of Azerbaijan Republic.

### **Article 13. Responsibility of Proprietor or Owner of Information Resources**

A proprietor or owner of information resources and officials shall bear the responsibility in accordance with procedure established by legislation of Azerbaijan Republic for infringement of rules of the use of the information resources and for groundless restriction of users' rights.

### **Chapter IV. Informatisation, information systems, technology and means of their support**

#### **Article 14. Elaboration and Production of Information Systems, Technology and Means for their Support**

State bodies and institutions of local government, all enterprises, institutions and organizations, regardless of their organizational-legal forms and forms of ownership, and citizens shall have equal rights to elaborate and produce information systems, technology and means for their support.

The State shall create conditions for fulfilment of scientific and experimental-and-constructor's works in the field of development and production of information systems, technology and means for their support.

Identification of priority directions for the development of informatisation, implementation of adequate measures for its development, creation of state information systems shall be established by the relevant bodies of the executive power, the works fulfilled shall be financed from the state budget, special funds and other sources.

#### **Article 15. Copyright for Information Systems, Technology and Means for their Support**

Copyright for information systems, technology and means for their support and copyright protection shall be governed by appropriate legislation of Azerbaijan Republic.

#### **Article 16. Certification of Information Systems, Technology and Means of their Support, Special Rules for Activity on their Formation and Use**

Information systems, data base and banks, intended for information service of citizens and organizations, State bodies dealing with processing of confidential information, information systems of institutions, enterprises and organizations and also means for these systems protection should be certificated in accordance with established procedure.

The activity in the field of designing and production of means for information protection shall be carried out on the basis of special permits.

### **Chapter V. Information protection**

## **Article 17. Objectives of Protection in the Field of Information Resources and Processes**

The objectives of information protection are as follows:

- to prevent destruction, loss, forgery of information;
- to ensure security of the state, society and citizens;
- to prevent unauthorized actions on information destruction, modification, copying and blockade;
- to keep information being state secret, and to keep secrecy of confidential information;
- to ensure rights of natural persons and legal entities in information processes and at elaboration, production and use of information systems, technology and means for their support.

## **Article 18. Organization of Information Protection**

Any documented information should be protected whose improper use may cause damage to its proprietor, owner, user or other person.

Conditions for information protection, depending on its secrecy category and type of its access, shall be established by the Law of Azerbaijan Republic "On the State Secret", the present Law, other regulatory-legal acts and by the information proprietor.

A proprietor of information resources or, pursuant to legislation of Azerbaijan Republic, structural units responsible for information protection shall be entitled to exercise control over execution of requirements on information protection and to prohibit or suspend information processing in case of non- fulfillment of these requirements.

A proprietor or owner of documented information shall be entitled to apply to bodies of the State power for evaluation of correctness of fulfillment of norms and requirements on protection of its information in information systems. These bodies shall observe requirements of confidentiality of the information itself and of the check-up results.

## **Article 19. Rights and Duties of Subjects in the Field of Information Protection**

A proprietor of documents, file of documents, information systems or relevant bodies of the executive power, shall establish, pursuant to the present Law, procedure for provision of information to a user and shall ensure access to information for users.

The responsibility for the use of non-certificated information systems and means, and



for provision of services shall be laid on a proprietor or owner of these systems and means; the responsibility for the use of information received from such systems shall be laid on the user.

#### **Article 20. Protection of Subjects' Rights in the Sphere of Informatisation**

Information user shall bear the liability for observance of rights of information proprietor or owner.

Relations between owners and users of information products and services shall be formalized on the basis of agreements in accordance with procedure provided for by legislation of Azerbaijan Republic. Conflicts arising between them shall be settled at the court in accordance with procedure established by legislation of Azerbaijan Republic. Natural persons and legal entities who cause damage to an information owner through corruption or change of the information, shall bear the liability pursuant to legislation of Azerbaijan Republic.

Protection of subjects' rights in the sphere of formation of information resources, use of information resources, elaboration, production and application of information systems, technology and means for their support shall be carried out in order to prevent delicts, restore infringed rights, compensate damage caused. Protection of rights shall be carried by relevant bodies of the executive power in accordance with procedure established by legislation of Azerbaijan Republic.

Restriction or refusal to provide access to open information, provision of deliberately unauthentic information to a user and non-fulfillment of the provisions of Azerbaijan Republic legislation or of concluded agreements may be appealed against in legal form, and compensation of damage resulted from such actions may be claimed. Officials being guilty in groundless restrictions in citizens' rights to work with information shall bear the liability in accordance with procedure established by legislation of Azerbaijan Republic.

### **Chapter VI. International relations in the field of information**

#### **Article 21. International Cooperation in the Sphere of Information**

Inter-governmental cooperation in the field of information shall be carried out pursuant to agreements concluded by Azerbaijan Republic.

In case if international agreements of Azerbaijan Republic provide for rules other than those in the present Law, the provisions of the international agreements shall be applied.

President of Azerbaijan Republic  
Heydar ALIEV  
Baku, April 3, 1998