Information, informatisation and protection of information

The Law of the Republic of Azerbaijan

Chapter I
GENERAL PROVISIONS

Paragraph 1. The scope of Law

This Law regulates the formation of information resources on the basis of the information collection, processing, storage, search and distribution, the information systems, technologies and creation and use the tools for their provision, the relations arising in connection with the protection of information and determine the rights of the subjects participated in the information processes.

The Law applies to the relations regulated by laws of the Republic of Azerbaijan "On mass media" and "On Copyright and Related Rights".

Paragraph 2. Basic definitions

The law used the following definitions:

information - regardless of the history of creation, presentation form, classification and created as a result of any activity, or the facts, opinions, knowledge, news or other data;
documented information (document) - a text, voice on carrier material or recorded in the image form and allowing the identification from any source of requisites information, from the storage place, official status, the type of ownership belonging to the organization regardless of creation the documented information;
open information - documented information for acquisition, processing and not limited by the legislation of the Azerbaijan Republic use and aimed for general use;
confidential information – restricted information in order to protect legitimate interests of the citizens, regardless of the type of ownership, enterprises and organizations, and other legal entities, as well as professional (doctor, lawyer, notary), commercial and the secrets of the investigation and court;
information processes - information creation, collection, processing, storage, search, distribution;
information technology – the used methods and tools in information processes including computing and communication technology systems;
information systems - information technology and organizational and technical documents,
including the use of computing techniques arranged in a set;

**information resources** – the documents and collection of documents in the information systems (libraries, archives, funds, banks and other information.) as well as existing separately documents and their collections;

**support methods of information systems and technologies** - programs, technical, linguistic, legal and organizational tools developed during the creation of information systems and technologies and providing their exploitation;

**information systems, technologies, resources and the owner of their support methods** - the full ownership on shown objects, the subject having rights to use them and to give the orders;

**information systems and technologies, resources and the owner of their support methods** - a subject having the rights of use and ownership on shown objects in the manner prescribed by law;

**the user of information** – a subject appealing directly to the information system or to the negotiator for the purpose of obtaining the information for himself and having only the right to use it; information products - documented information, information systems, technologies and their means of support created on the basis of users requirements and have been appointed to cover their needs;

**information services** – the activity of the subjects to provide users with information products (owners, businesses and mediators);

**informatisation** - formation of the information resources, presentation, organizational, social - economic and scientific-technical process to ensure optimal conditions for use of state power and local government bodies, regardless organizational-legal form of ownership of all enterprises, institutions and organizations, providing the information needs of citizens and establishing their rights in this area.

Paragraph 3. **The state policy in the field of informatisation**

The main directions of state policy in the field of informatisation are the follow:

formation of a national information space;

the definition of the main directions of activity in informatisation and regulation of arising relations;

support to the development of information resources, systems, technologies and all forms of ownership over their provision tools and to the formation of products and services market;

establishment of the necessary conditions for formation and protection of state resources;

establishment of information networks and their compatibility with international information networks, determination of necessary organizational, legal, technical policies to ensure their interaction;

create conditions to provide relevant information on the basis of the information resources for state power and local government bodies, for all enterprises, institutions and organizations
regardless of their organizational-legal form of ownership and for citizens; ensure the national security in information space; prevent a monopolistic activities of the subjects of information relations in the market of information products and services, as well as unfair competition of foreign entities; ensure the rights of state and local government bodies, of all enterprises, institutions and organizations regardless of the organizational-legal form of ownership, citizens in the informatisation environment; formation and implementation of scientific-technical and production policy in the informatisation environment; support of informatisation projects and programs, creation the system for attraction of investments for their development and implementation and for the stimulation mechanism; development of the legal framework in the field of information processes, informatisation and information protection.

Chapter II
INFORMATION RESOURCES

Paragraph 4. The legal regime of information resources

Information resources are the relation objects of the physical, legal persons and of the state. They are considered to be information resources of the Republic of Azerbaijan and protected by law as other resources. The legal regime of information resources is determined by the following norms:
by the rules for documentation of information;
by ownership on the documents and collection of documents;
by the categories of information according to the type of admission to work;
by legal rules for protection of the information.

Paragraph 5. Documentation of information

Documentation of information is the necessary condition for it inclusion to information resources. Documentation of information is carried out in accordance with rules established by relevant executive power bodies, the organization responsible for security of the Republic of Azerbaijan, clerical work, the issues of standardization of documents and document collections. The document obtained from information as well as automated systems will have legal power after the signing by an official in accordance with the legislation of the Republic of Azerbaijan. The document circulated in the information and telecommunication systems may be approved with electronic signature.
Paragraph 6  **Information resources, systems, technologies and their ownership of the support methods**

All forms of ownership of information resources, systems, technologies, and their support methods specified in the legislation of the Republic of Azerbaijan are permitted. Physical and legal persons created at their own expense, legally obtained or inherited the information resources, information systems, technologies and support methods are their owners. Information resources, systems, technologies and tools for their provision created, received and collected with the state budget funds of the Republic of Azerbaijan, funds of enterprises and organizations are the state property. Implementation of the right on property shall be determined by the legislation of the Azerbaijan Republic for information resources, systems, technologies and their support methods. The subjects presented documented information to the executive power bodies and relevant organizations in the manner established by the legislation of the Azerbaijan Republic are not losing the rights on property and the use information in these documents. The state and subjects submitted them this documentation have the joint right for ownership. Prices of information products and services are determined by the executive authorities or signed agreements in accordance with the legislation of the Republic of Azerbaijan. All individuals and legal entities participating in the information processes, freely realizing information products and services are considered as participants in the information market. Information users, the owners of information products and services, owners have the right to choose mediators, information type and processing method, information products and the nomenclature of services, except the cases provided in the legislation of the Azerbaijan Republic. The ownership on information development tools does not create a right on ownership of information resources. In case of joint use of development tools the primary documents are belongs to the owner, but a derivative product is determined by the contract. The owner of information resources is responsible for the quality of the information. The rules for working with state secret information, resources and property relations are regulated by the "On State Secret" Law of the Republic of Azerbaijan and by other legislative acts.

Paragraph 7. **State information resources**

The bodies of state power and local government, all enterprises, institutions and organizations regardless of their organizational and legal form of ownership and citizens can participate in the formation of state information resources.
The state authorities forming the state information resources and within their power ensure their use. The activities in the field of formation the information resources of state government agencies and organizations are financed from the state budget, special and other funds.

Paragraph 8. Presentation of documented information for formation of state information resources

The relevant executive authority shall determine the order of presentation of documented information, a list of bodies and organizations, as well as state and local government bodies, all enterprises, institutions and organizations regardless of their organizational-legal form of ownership, citizens responsible for the formation and development of information resources. The rules of formation and development of confidential information containing state secrets shall be established by the legislation of the Republic of Azerbaijan.

Paragraph 9. National information resources

Information resources or their certain parts of state authorities and local government bodies, all enterprises, institutions and organizations regardless of the organizational-legal form of ownership, of citizens may be declared a national information resource and should be protected as national wealth in accordance with the legislation of the Azerbaijan Republic.

Paragraph 10. Classification of information

According to the type of acquisition the information divided into open for general use and for acquisition restricted information. Information available for acquisition by the Law of the Republic of Azerbaijan is considered to be open. Information is restricted by law for acquisition according to the legal regime will be confidential and hidden (confidential). The state confidential secret, for citizens, enterprises and organizations regardless of the type of ownership and other legal entities with the purpose of protecting the legitimate interests the restrictions imposed on the obtaining of the professional (doctor, lawyer, notary), commercial, investigation and court secrets are confidential. Personal data are divided into confidential and open categories according to the type of access (the acquisition). Making the information a state secret, the rules for its use and protection are defined by the Law "On state secret" of the Republic of Azerbaijan. Collecting, processing, use and distribution of confidential information is permitted only in cases established by the legislation of the Republic of Azerbaijan.
Chapter III
USE OF INFORMATION RESOURCES

Paragraph 11. **Rights to work with information resources**

Users have equal rights to work with the information resources with exception of restricted for obtaining documented information and are not obliged to explain to the owner of information resources and the necessity for the use. Information legally obtained by users from information resources and establishment of derivative information for commercial purposes is allowed only with the use of a reference to source. In this case the user profit is not obtained from the state information resources and is the result of the creation of derivative information product. Permission for users to work with the information procedure shall comply with the requirements of this Law and shall be determined by the relevant executive authority or the owner. These rules and to provide information on services provided free of charge. Information resources for those who use the services without payment or partial payment of the expenses incurred in the list of information services shall be determined by the relevant executive authority. Compensation for the difference of expenses incurred for provided services shall be paid from the state budget, special funds and from other sources.

Paragraph 12. **Information about own permission right for physical and legal persons**

The list of documented information about the physical and legal persons and the use of their information systems are defined by the legislation of the Azerbaijan Republic. Physical and legal persons have free permission right to documented information, with the exception the cases determined by the legislation of the Republic of Azerbaijan, require this information to be accurate and know who and with what purpose of use the information.

Paragraph 13. **Responsibility of the owner of information resources**

The owner or owners, officials are responsible in accordance with the legislation of the Azerbaijan Republic for violation of the rules on the use of information resources, as well as unreasonable restriction of the rights.
Chapter IV
INFORMATISATION, INFORMATION SYSTEMS, TECHNOLOGIES AND TOOLS FOR THEIR PROVISIONS

Paragraph 14. Information systems, technologies and creation and production of tools for their provision

State authorities and local government bodies, all enterprises, institutions and organizations regardless of their organizational-legal form of ownership, citizens have equal rights on information systems, technologies and creation and production of tools for their provision. The state creates conditions for creation of information systems, technologies and tools of their creation provision and in the field of production of scientific and practical-project of works. The relevant executive authorities determine the leading directions of informatization, take appropriate measures for its development, creation of the state information systems and the work done from the state budget, private funds and other sources.

Paragraph 15. Copyright on information systems, technologies and their provision tools

Copyright on information systems, technologies and their provision and protection regulated by the relevant legislation of the Azerbaijan Republic.

Paragraph 16. Information systems, technologies and certification of their provision tools, special rules in the field of the creation and use

Citizens and organizations for the provision of information and information systems, database and data bank, state agencies engaged in the development of confidential information, information systems of departments, institutions and organizations, as well as the protection of these systems should be certified in specified way. Design and production of tools in the field of information protection is carry out on the basis of a special permission.

Chapter V
PROTECTION OF INFORMATION
Paragraph 17. **Purposes of protection in the field of information resources and processes**

Protection of information has the following purposes:

- prevention of information destruction, loss, falsification;
- ensure the security of state, public and citizens;
- prevention of information destruction, modification, copying, falsification actions related to the isolation;
- protection of state secrets and confidential information;
- ensuring the rights of individuals and legal entities during development of information processes and information systems, technologies and of their provisions, production and application.

Paragraph 18. **The organization of information protection**

Any documented information that could hit damage as a result of illegal actions and behavior with respect to the current owner, user or other persons should be protected.

The information protection regime depending of its legal regime should be determined by the Law of the Republic of Azerbaijan "State secret", by this Law, by Law of the Republic of Azerbaijan "About obtaining the information " and other normative legal acts, as well as by owners.

The owner of information resources or the structural divisions responsible for the protection of information in accordance with the legislation of the Republic of Azerbaijan have the right to control the conformance to the requirements of the information protection, at violation of these requirements to prohibit work with information or terminate.

The owner of documented information or proprietor may apply to the relevant authorities to determine compliance with the norms and requirements of the information security of information systems belonging. These bodies must comply with the terms of the confidentiality of the information itself and the results of the inspection.

Paragraph 19. **The rights and duties of the subjects in the field of information protection**

The owner of documents, document files, information systems, or the relevant executive power bodies define the rules of submission the information to user in accordance with this law and the Law of the Republic of Azerbaijan "About obtaining the information" and provide the users access to work with documents.

The use of certified information systems and tools and provision of related services is the
Paragraph 20. **Protection of the rights of the subjects in the informatisation environment**

The user of the information is responsible for failure to comply with the owner or proprietor rights.

The relations between owners and users of information products and services are provided by the legislation of the Republic of Azerbaijan, regulations, contracts. The disputes between them shall be settled by a court as defined by the legislation of the Republic of Azerbaijan.

Individuals and legal entities shall bear liability in accordance with the legislation of the Azerbaijan Republic for damage to its owner information by the actions of corruption or changing.

Formation of information resources, use, processing, information systems, production and application of technologies and tools of their provisions is designed to prevent rights violations of natural and legal persons, restore the violated rights, pay for the damage. Protection of these rights is carried out by the relevant authorities in accordance with legislation of Azerbaijan Republic.

At imposing restrictions or disallow the user to work with an open information, giving false information and do not follow the terms of legislation of the Azerbaijan Republic or contracts the user should appeal to higher authority on the owner of information or to Commissioner of information, as well as appeal to the court as has the right to demand payment of damages of these actions.

The guilty officials shall bear responsibility in accordance with the legislation of the Republic of Azerbaijan for baseless restriction of citizens right to work with the information.

Chapter VI

**INTERNATIONAL RELATIONS IN THE FIELD OF INFORMATION**

Paragraph 21. **International activities in the field of information**

Intergovernmental cooperation in the field of information is provided in accordance with the agreements signed by the Republic of Azerbaijan.

If the differences in the rules between international treaties and this Law of the Republic of Azerbaijan are determined the provisions of international treaties should be applied.
The President of the Republic of Azerbaijan

Heydar Aliyev

Baku, April 3, 1998
№ 460-IQ