Improving Legal Protection for Information

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ABSTRACT

In the article on the analysis of legislation and the study of the opinion of foreign scientists, the article identifies problems in the field of providing legal protection for information. Having studied the normative legal acts regulating the information sphere, a number of proposals and opinions were put forward for their improvement.

Keywords: legal protection, information, information bases, information rights of citizens, personal data

Introduction

It is difficult to imagine modern society without information technology. Currently, in the Republic of Uzbekistan, the quantity, quality and degree of use of information are becoming factors that determine the level of development of the country and society.

The formation and development of information bases presupposes the existence of conditions that ensure its reproduction and development.

Main Part

As the head of state noted, «... For full coverage of the population with telecommunication services, it is planned to lay 2 thousand kilometers of fiber-optic communication lines in remote areas, increase the Internet speed by 2.5 times and put into operation more than 4 thousand base stations of mobile communications.

As a result of these measures, more than 600 settlements will have access to the Internet and mobile services»[1].

At the same time, I would like to note that one of the main factors of this process is ensuring the implementation of citizens' information rights. In this regard, an appeal to the study of the legal mechanism for the protection of information rights and freedoms of man and citizen is extremely relevant.

It should be noted that the right to information is enshrined in the Constitution of the Republic of Uzbekistan, so in accordance with Article 29 of the Constitution of the Republic of Uzbekistan «... Everyone has the right to seek, receive and disseminate information, any information, with the exception of information directed against the existing constitutional system and other restrictions provided for by law».

The main sources of legal regulation of ensuring citizens' information rights include:
- The Constitution of the Republic of Uzbekistan;
- The Law of the Republic of Uzbekistan «On the openness of the activities of public authorities and management» dated May 5, 2014,
- The Law of the Republic of Uzbekistan «On Personal Data» dated July 2, 2019, etc.

Analysis of the legislation showed that information is understood as an organizational socio-economic and scientific and technical process of creating conditions for meeting the needs of legal entities and individuals in information using information resources, information technologies and information systems[2].

Let us consider what types of information fall into the legal field that regulates information processes in society and the state. Information resources by access categories are divided into public information resources and information resources with limited access.

Publicly available information resources are information resources intended for an unlimited number of users.

Publicly available information is the information that should be available to everyone. An example is information on the activities of public authorities and administration, the introduction of information technology, crime detection, etc.

As the head of state noted, «It is necessary to get to the very roots of each crime, to create immunity in society to fight crime. Otherwise, we will only have to deal with the consequences. I will not allow us to work with such a mood»[3].

Also, this category can include regulatory legal acts affecting the rights and freedoms, duties of a citizen, the legal status of state bodies, organizations, etc.

Information resources of limited access include information resources containing information about state secrets and confidential information or information, access to which is limited by the owners of information resources.

In accordance with article 6 of the Law of the Republic of Uzbekistan «On the openness of the activities of public authorities and management», access to information on the activities of public authorities and management is limited if this information is attributed in the manner prescribed by law to information constituting state secrets or other protected by law secret.

The list of information related to information on the activities of public authorities and administration, access to which is limited, as well as the procedure for classifying information as such information, is established by law.

In turn, information of limited access is divided into information constituting a state secret and information, the observance of the confidentiality of which is established by law.

Personal data is an important type of information. These include any information relating to a specific or determined on the basis of such information an individual (subject of personal data), including his last name, first name, patronymic, year, month, date and place of birth, address, family, social, property status, education, profession, income, other information.

In accordance with Article 28 of the Law of the Republic of Uzbekistan «On Informatization», it defines the confidentiality of personal data, which is mandatory for the owner and (or) operator or other person who has gained access to personal data, the requirement that they should not be disclosed and disseminated without the consent of the subject or the presence of another legal grounds. The owner and (or) operator and other persons who have gained access to personal data are obliged not to disclose or disseminate personal data without the consent of the subject.

Recently, a number of measures have been taken to streamline this sphere of relations. In 2019, legislation introduced a new norm in the Code of the Republic of Uzbekistan on Administrative Responsibility, which toughened the liability for violation of legislation on personal data.

However, the measures taken are clearly not enough to ensure the safety of personal data. There are many ways to get hold of this information. There are many examples in the specialized literature, such as hacking databases, intercepting information over Internet channels, using various kinds of viruses, Trojans, worms, etc.

According to the foreign scientist Kharitonov I.K. There are especially many problems in ensuring the protection of personal data by organizations that have access to the data of their employees. Perhaps this is one of the most caustic areas of personal information circulation[4, p. 178].

In accordance with the legislation, the owner and (or) the operator have the right to process personal data are obliged to comply with the legislation on personal data; provide, upon the request of the subject, information regarding the processing of his personal data, take the necessary legal, organizational and technical measures to protect personal data, etc.[5].
So, in order to protect and restrict access to personal data, the operator is obliged to provide a high-quality and timely system for their protection.

Thus, we propose to fix some organizational requirements for the collection and processing of personal information on the part of the operator, since hardware and software measures are especially important to maintain the information secrecy regime, since the main threat to computer systems comes from these systems themselves (hardware failures, software errors, misses by users and administrators, etc.).

**Conclusion**

In conclusion, we came to the conclusion that it is necessary to consolidate the provision according to which the operator collecting and processing personal data must equip one or more protected special automated workstations, which will ensure the accumulation and processing of all personal data of employees. Without regulation of standards in this area of relations, it will be difficult to prevent information leakage.

**References**

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