

The Law of Ukraine

On Information

As amended by the Laws of Ukraine

N 1642-III of April 6, 2000

N 3047-III of February 7, 2002

This Law asserts the rights of citizens of Ukraine to information, sets forth the legal principles of activities in the information sphere.

Proceeding from the Declaration of National Sovereignty of Ukraine and the Act on Declaring Independence of Ukraine, this Law asserts Ukraine's information sovereignty and determines the legal forms of international co-operation in the sphere of information.

CHAPTER I GENERAL PROVISIONS

Article 1. Information Definition

Information in the context of this law shall be understood as documented or publicly announced data about events and phenomena occurring in society, the state, and the environment.

Article 2. Objective and Tasks of the Law

This Law establishes the general legal principles for receiving, using, distribution, and storing information, securing the right of the person to information in all spheres of public and political life of Ukraine and the system of information, its sources, determines the status of participants in information relationships, regulates access to information and secures its protection, protects the person and society from false information.

Article 3. Scope of the Law

This Law shall apply to information relationships in all spheres of life and activities of the society and state when receiving, using, distributing, and storing information.

Article 4. Legislation on Information

The legislation of Ukraine on information shall consist of the Constitution of Ukraine, this Law, legislative acts relating to certain branches, types, forms, and means of information,

international treaties and agreements ratified by Ukraine, and principles and norms of international law.

Article 5. Basic Principles of Information Relationships

The basic principles of international relationships shall be as follows:

guaranteed right to information;

transparency, accessibility, and freedom of information exchange;

unbiased and authentic information;

complete and accurate information;

legitimacy of receipt, use, distribution and storage of information.

Article 6. National Information Policy

The national information policy shall be understood as a set of guidelines and methods of activities of the state, concerning receipt, use, distribution, and storage of information.

The core directions and methods of state informational policy are:

securing citizens' access to information;

setting up national information systems and networks;

enhancing the material and technical, financial, organizational, legal, and scientific foundations of information activities;

securing effective use of information;

assistance in constant updating, enriching, and preserving the national information resources;

establishment of a general system of data protection;

assisting international co-operation in the information sphere and guaranteeing Ukraine's informational sovereignty.

The national information policy shall be worked out and implemented by bodies of state power of general competence and by those of special competence.

Article 7. Subjects of Information Relationships

The following shall be the subjects of information relationships:

citizens of Ukraine;

legal entities;

the state.

Subjects of information relationships under this Law may also be other countries, their citizens, legal entities, international organisations, and stateless persons.

Article 8. Objects of Information Relationships

Objects of information relationships shall be documented or publicly announced information about events and phenomena in politics, economy, culture, public health, as well as in the social, ecological, international, and other spheres.

(Article 8 as amended according to the Law of Ukraine
N 1642-III of April 6, 2000)

Article 9. The Right to Information

All citizens, legal entities, and state bodies of Ukraine shall have the right to information, envisaging the possibility of free receipt, use, distribution, and storage of any data as may be required for the implementation of their rights, freedoms, and lawful interests, as well as for carrying out their tasks and their functions.

The implementation of the right to information by citizens, legal entities, and the state shall not infringe the civil, political, economic, social, cultural, ecological, and other rights, freedoms, and lawful interests of other citizens, as well as the rights and interests of legal entities.

Every citizen shall be ensured free access to information relating to that citizen, except in cases envisaged by the laws of Ukraine.

Article 10. Guarantees of the Right to Information

The right to information shall be secured by:

bodies of state power and bodies of local and regional self-government being under the obligation to inform about their activity and decisions;

setting up special information services or systems within state bodies, meant to secure access to information in keeping with set forth procedures;

free access of the subjects of information relationships to statistics, archives, libraries, and museum materials, with access restrictions possible only due to the specificities of values thus stored and those of their storage as determined by the law;

development of a mechanism for implementation of the right to information;

fulfilment of state control over the observance of the legislation on information;

establishment of responsibility for transgression the legislation on information.

Article 11. Information Language

The language of information shall be determined by the Law "On Languages in Ukraine", other legislative acts of Ukraine in this sphere, and international treaties and agreements ratified by Ukraine.

CHAPTER II INFORMATION ACTIVITIES

Article 12. Definition of Information Activities

Information activities shall be understood as actions aimed at meeting information needs of citizens, legal entities, and the state.

In order to meet these needs, bodies of state power, local and regional self-government shall set up information services, systems, networks, databases, and data banks.

The procedures of their formation, their structure, rights and obligations shall be determined by the Cabinet of Ministers of Ukraine or other bodies of state power and local and regional self-government.

Article 13. The Core Directions of Information Activities

The following shall be the core directions of information activities: political; economic; social; cultural; ecological; scientific and technical; international, et al.

The state shall be under the obligation to take constant measures to timely create, effectively operate, and develop information systems, networks, databases, and data banks in all directions of information activities.

The state shall guarantee the freedom of information activities to all citizens and legal entities within the scope of their rights, freedoms, functions, and powers.

Article 14. Basic Types of Information Activities

Receipt, use, distribution, and storage of information shall be the basic types of information activities.

Receipt of information shall be understood as obtaining, acquiring, and accumulation of documented or publicly announced information by citizens, legal entities or the state in accordance with current legislation.

Use of information shall be understood as meeting information needs of citizens, legal entities, and the state.

Distribution of information shall be understood as circulation of documented and publicly announced information, making it public and other its materialization according to the procedure established by law.

Storage of information shall be understood as measures to secure the proper condition of information and data-carrying media.

Receipt, use, distribution, and storage of documented or publicly announced information shall be carried out in accordance with the procedures set forth in this Law and other legislative acts in the sphere of information.

Article 15. Professional Education in the Information Sphere

There shall be provided conditions for professional education in the informational sphere in Ukraine using its system of educational establishments.

The procedures for setting up educational establishments of the information sector (journalism, statistics, library science, archives, research and information, informatics, computers, etc.) and their operating principles shall be governed by the Law of Ukraine "On Education" and other legislative acts.

Article 16. Organisation of Researches in the Information Sphere

Fundamental and applied researches programs shall be carried out in the sphere of information to secure the effective operation and development of national information systems in Ukraine.

To this end, research institutions, scientific-production divisions, associations, amalgamations and progressive information technology centres, divisions etc., shall be established, including those with foreign investment.

Fundamental and scientific survey programmes, as well as projects of national importance carried out at research centres and educational establishments shall be financed from the state budget, own funds, and those of customers.

Applied researches and developments shall be financed on a contractual basis, as a rule, and their results may be subject to commodity relations.

CHAPTER III INFORMATION BRANCHES, TYPES, SOURCES AND ACCESS MODES

Article 17. Information Branches

Information branches shall be understood as set of documented or publicly announced information about relatively independent spheres of life and activities of society and the state.

The following shall be the key information branches: political; economic; cultural; research and technology; social; ecological; international.

Article 18. Types of Information

Information types shall be as follows:

statistical information;

administrative information (data);

(Article 18 is added with new paragraph three
according to the Law of Ukraine N 3047 of February 7, 2002;
therefore paragraphs three-eight
shall be considered to be paragraphs four-nine)

mass information;

information reflecting the performance of bodies of state power and local and regional self-government;

legal information;

personal information;

reference-encyclopaedic information;

sociological information.

Article 19. Statistical Information

Statistical information shall be understood as official documented state information with quantitative characteristics of mass events and phenomena taking place in the economic, social, cultural, and other spheres of life in Ukraine.

(Part one of Article 19 in wording of

the Law of Ukraine N 3047-III of February 7, 2002)

Official statistical information shall be made public on a systematic basis. Citizens, educational establishments, and other interested organisations shall have open access to statistical data that are not published provided they are not subject to restrictions set forth in this Law and the Law of Ukraine "On State Statistics")

(Part two of Article 19 in wording of

the Law of Ukraine N3047-III of February 7, 2002)

The system of statistical information, its sources, and regime shall be determined in accordance with the Law of Ukraine "On State Statistics" and other legal acts in this field.

Article 19-1. Administrative Information (Data)

Administrative information (data) shall be understood as official documented data providing quantity characteristics of events and phenomena taking place in economic, social, cultural and other spheres of life that is collected, used, distributed and stored by state power bodies (except for state statistics bodies), bodies of local self-government, legal entities in accordance with legislation in order to carry out administrative duties and tasks within their competence.

System of administrative information (data), authorities of the bodies involved in activities connected with collection and use of administrative data, their sources and regime shall be established in accordance with legislation.

(Article 19-1 is added to this Law according to
the Law of Ukraine N 3047-III of February 7, 2002)

Article 20. Mass Information and Media

Mass information shall be understood as publicly distributed printed and audio-visual information.

Printed mass media shall be understood as periodicals (the press), - newspapers, magazines, journals, bulletins, etc., and separate editions with certain print runs.

Audio-visual mass media shall be understood as radio, television, cinema, audio and videotape recording etc.

The procedures for creation (founding) and organising activity of certain mass media shall be determined by the relevant legislative acts thereof.

Article 21. Information of State Bodies and Bodies of Local and Regional Self-Government

Information from bodies of state power and local and regional self-government shall be understood as official documented information developed in the course of current activity of legislative, executive, judicial power, and local and regional self-government bodies.

The main sources of this information shall be: legislative acts of Ukraine; other acts enacted by the Verkhovna Rada and its bodies; acts of the President of Ukraine; acts of subordinate legislation; non-normative acts of state bodies; acts of bodies of local and regional self-government.

Information from bodies of state power and local and regional self-government shall be made known to the interested parties by way of:

publications in official printed editions and distribution by the information services of relevant state bodies and organisations;

publications in periodicals or public announcements in audio and audiovisual mass media;

direct communication to the interested parties (orally, in writing or otherwise);

providing access to archives;

announcements during public presentations made by officials.

The sources and procedures of receiving, using, distributing, and storing official information from bodies of state power and bodies of local and regional self-government shall be determined by legislative acts on these bodies.

Unpublicised legislative and other normative acts relating to the rights, freedoms, and lawful interests of citizens shall have no legal force.

Article 22. Legal Information

Legal information shall be understood as set of documented or publicly announced information about laws, the legal system, sources, implementation, juridical facts, legal relationships, law and order, transgressions, and ways to combat and prevent them, etc.

The sources of legal information shall be the Constitution of Ukraine, legislative acts and acts of subordinate legislation, international treaties and agreements, norms and principles of international law, as well as non-normative acts announcements carried by the media, public presentations, and other sources of information concerning legal issues.

In order to secure access to legislative and other normative acts to all citizens, the state shall provide for mass publication of such acts within the shortest possible time since their enactment.

Article 23. Personal Information

Personal information shall be understood as documented or publicly announced information about the person.

Basic information about the person (personal data) shall include: nationality; education; marital status; religion; state of health; address; date and place of birth.

The sources of documented information about the person shall be documents issued in his/her name, signed by that person documents, and personal data collected by bodies of state power and bodies of local and regional self-government, acting within their respective competence.

Collection of personal data without a given person's prior consent shall be prohibited, except in cases envisaged by the law.

Every person shall have the right to be familiarized with information on him/herself.

Information about the person shall be protected by the Law.

Article 24. Reference and Encyclopaedic Information

Reference and encyclopaedic information shall be understood as systematised, documented or publicly announced information about public and state life, as well as about the environment.

The main sources of this information shall be encyclopaedias, dictionaries, reference books, ads and commercials, guidebooks, cartographical materials etc., and references provided by competent state authorities and bodies of local and regional self-government, citizens' associations, organisations, their officials, and computerized information systems.

This information system and access thereto shall be regulated by the legislation on libraries, archives, as well as by other branch legislation.

Article 25. Sociological Information

Sociological information shall be understood as documented or publicly announced information reflecting the attitude of certain citizens and social groups to social events, phenomena, processes, and facts.

The main sources of sociological information shall be documented or publicly announced information reflecting the results of polls, observations, and other sociological surveys.

Sociological surveys shall be carried out by state institutions and citizens' associations registered in keeping with established procedures.

Article 26. Sources of Information

Sources of information shall be understood as information carriers envisaged or established by the law: documents and other information carriers in the form of material objects capable of storing information, as well as information provided by the mass media, and public presentations.

Article 27. Document in Information Relationships

A document shall be understood as envisaged in the Law material form of receipt, storage, use, and distribution of information by committing it to paper, recording it on a magnetic tape, film, video tape, or placing it in other media.

A primary document shall be understood as a document containing output data.

A secondary document shall be understood as a document resulting from an analytical and synthetic and other processing of one or several documents.

Article 28. Information Access Modes

Information access modes shall be understood as legally established procedures for of receiving, using distributing, and storing information.

In terms of access mode, information shall be categorised as open information and information with restricted access.

The state shall exercise control over information access modes.

The task of the access mode control shall be to secure observance of the legally established information requirements by all state bodies, enterprises, institutions, and organisations, to prevent unmotivated classification of information as subject to restricted access.

State control over the observance of the established access mode shall be exercised by special bodies designated by the Verkhovna Rada and Cabinet of Ministers of Ukraine.

In accordance with the control procedure the Verkhovna Rada may request and receive from government establishments, ministries, and departments reports containing information about their activities to provide information to the concerned persons (e.g., the number of cases of denying access to information, specifying the reasons; number and motivation of restricted access cases relating to certain types of information; number of complaints about unlawful actions of officials denying such access to information and sanctions applied, etc.).

Article 29. Access to Open Information

Access to open information shall be secured by way of:

systematic publication of such information in official printed periodicals (bulletins, collections);

distribution of such information by the media;

providing such information directly to the concerned citizens, state bodies , and legal entities.

The procedures and conditions of providing information as requested by citizens, state bodies legal entities, and public representatives shall be governed by this Law or by agreements (contracts) provided such information is subject to contractual terms.

Imposing restrictions on the right to receive open information shall be prohibited by law.

The right of priority in receiving information shall be vested in citizens requiring such information in the line of professional duty.

Article 30. Restricted Access Information

Restricted access information, in terms of legal regime, shall be categorised as confidential and secret.

Confidential information shall be understood as data being possessed, used or disposed by certain natural persons legal entities, to be disclosed at their discretion, subject to conditions established by these persons.

Citizens and legal entities possessing professional, business, production, banking, commercial, and other information received using their own funds, or information affecting their professional, business, production, banking, commercial and other interests, provided such information does not infringe the legally established secrecy procedures, shall independently determine its access mode, including confidential status, and shall take measures to secure its protection.

The exception from the above rule shall be commercial and banking information, as well as data whose legal regimes is determined by the Verkhovna Rada as submitted by the Cabinet of Ministers of Ukraine (in the case of statistics, ecology, banking transactions, taxes, etc.), and information which, if concealed, can hazard human life and health.

Secret information shall be understood as information, which contains data qualified by law as the state and other secrets, the disclosure of which will damage the person, society, and the state.

Categorizing information as state secrets and determining, the access mode to be followed by citizens shall be governed by the law on this information.

The procedure for secret information circulation and protection shall be determined by relevant state bodies provided they abide by the requirements set forth in this Law.

A relevant law shall determine the procedures and terms for disclosing secret information.

Article 31. Citizens' Access to Their Personal Information

Every citizen shall have the right to:

know, when information is being collected, precisely what data relating to that citizen is being furnished, by whom, and for what purpose;

have access to information relating to them, challenge its authenticity, completeness, relevance, etc.

State bodies and organizations, bodies of local and regional self-government, whose information systems contain data relating to citizens, shall be under the obligation to provide unimpeded and free of charge access to this information, except in cases envisaged by the law, and to take measures to prevent unauthorised access thereto. If any of the foregoing requirements are infringed, the law shall guarantee protection of citizens against the damage resulting from use of such information.

Unauthorised access of other persons to information relating to the (definite) person and collected by state bodies, organisations, and officials in keeping with the current legislation shall be prohibited.

Information relating to the person shall not be stored longer than necessary to reach a lawfully set target.

All organisations collecting personal information relating to the person shall, prior to handling this information, have the relevant databases officially registered, in keeping with procedures established by the Cabinet of Ministers of Ukraine.

The required amount of information relating to a person that can be legally obtained shall be reduced to a minimum and used only for reaching a lawfully set target.

Denial of access to such information, its concealment, or its unlawful collection, use, storage or distribution may be appealed to the court.

Article 32. Information Requests to Access Official Documents and Written or Oral Information

Information request (hereinafter - request) shall be understood as a statement requesting possibility to access official documents. This request may be individual or collective. It shall be submitted in writing.

A citizen shall have the right to request state bodies to access any official document, regardless of whether the document relates to that citizen, except in cases of restricted access stipulated by this Law.

In the context of this Law, a request for written or oral information shall be understood as a statement requesting oral or written information relating to the activities of legislative, executive, and judicial authorities of Ukraine, as well as officials thereof with regard to certain matters.

Citizens of Ukraine, state bodies, organisations, and citizens' associations (hereinafter referred to as requesters) shall submit their requests to a given legislative, executive or judiciary authority, or an official thereof.

Each such request shall contain the requestor's name in full, the document or written or oral information required, and the forwarding address.

Legislative, executive, and judiciary authorities, as well as officials thereof shall be under the obligation to provide information relating to their activities orally, in writing, by phone, or in their officials' public presentations.

Article 33. Terms for Addressing Requests for Access to Official Documents

The terms for addressing such request shall not exceed ten calendar days.

During this period a state body shall inform in writing the requestor that his/her request will be addressed or that the document required cannot be disclosed.

A request shall be met within a month, unless otherwise provided by law.

The same shall apply to a request for written information.

Article 34. Denial of Request and Postponement of Access to Official Documents

Denial of a request shall be made known to a requestor, along with an explanation of the procedures to appeal this denial.

Each statement of denial shall specify:

- 1) official of the state institution denying this request;
- 2) date of the denial;
- 3) motivated reason for denial.

Postponement in meeting a request shall be allowed if the required document cannot be made available within a month. The requestor shall be informed in writing by means of a notice on such postponement, along with an explanation of the procedures for appealing this decision.

Each statement of postponement shall specify:

- 1) official of the state institution refusing to meet request within the stipulated monthly period;

date of the postponement notice, mailed or received;

2) reasons due to which the required document cannot be made available within the time-limit established by this Law;

3) the period over which this request shall be met.

Denial and postponement of requests for written information shall be executed using the same procedures.

Article 35. Appeal of the Denied and Postponed Requests for Access to Official Documents

Denied or postponed requests for access to official documents may be appealed.

If the access to official documents is denied or request for such access is postponed the requestor shall have the right to appeal the denial or postponement to a higher authority.

If the grievance filed with higher authority is negatively answered, the requestor may appeal such refusal to a court.

When bringing the matter the requestor appeals to court, the state body being the defendant shall be under the obligation to prove the lawfulness of denial or postponement.

The court, in order to secure the completeness and correctness of the adjudication, shall have the right to request and receive the official documents access to which was denied and, having studied them, make decision whether actions of officials of state bodies have been sufficiently grounded or not.

If the denial or postponement is found ungrounded, the court shall bind the state institution to give the requestor access to the official document and pass a separate ruling on the official(s) who denied access to the document.

Ungrounded denial of access to official documents or infringements of the prescribed time-limit within which this access is to be provided without valid reasons shall entail disciplinary or other responsibility with regard to officials of state institutions in keeping with procedures determined by the laws of Ukraine.

Official documents provided by legislative, executive, and judicial authorities of Ukraine, as requested, may be published.

Requestors shall have the right to make notes using official documents thus provided, as well as to photograph them, record the text on magnetic tape, etc. The owner of the documents

shall have the right to make copies of the documents requested by a requestor on a paid basis.

No fees shall be collected for searching official documents.

A denial or postponement of a request for written information shall be appealed using the same procedures.

Article 36. Procedures of Reimbursement of Expenses with Regard to Requests for Access to Official Documents and Written Information

Requestors shall fully or partially recompense the expenses entailed to meet requests on providing access to official documents and written information.

State institutions shall determine the payment procedures for copies of requested documents.

The Cabinet of Ministers of Ukraine or other state institutions shall determine payment procedures and fees for the collection, search, preparation, creation, and supply of requested written information, provided the said fees do not exceed the expenses actually entailed to meet such requests.

Article 37. Documents and Information that are not Subject to Access by Requests

Compulsory access to official documents as per request shall not apply to documents containing:

information duly qualified as a state secret;

confidential information;

information relating to operational and investigation activities of bodies of the Interior Ministry, Security Service of Ukraine, courts, criminal investigation, prosecution in cases when such disclosure may harm the investigation or citizens' right to a just and impersonal adjudication or threaten human life or health;

information relating to private life;

documents referred to as departmental service correspondence (reports, memoranda, letters, etc.), provided they relate to a given institution's policy, decision-making precede adoption of decisions;

information not to be disclosed pursuant to other legislative or normative acts . Institution to whom such request is addressed may bar access to the requested documents provided it contains information not be divulged as per another government institution's normative documents and the institution receiving the request has no right to make a decision relating disclosure of such information;

financial institutions' information prepared for controlling fiscal authorities.

Article 38. The Property Right to Information

The property right to information shall be understood as regulated by law social relations arising out of possession, use and disposal of information.

Information shall be considered the subject of property rights of citizens, organisations (legal entities, and the state. Information may be an object of property right as a whole or in part, to be possessed, used or disposed.

The owner of information shall have the right to perform any lawful actions using this property.

The property right to information shall emerge on the basis of:

creation of information using one's own resources and at one's own expense;

contract for creation of this information;

contract providing for the transfer of property rights title to information to a third party.

Information created by several citizens or legal entities shall be collective property belonging to the creators. The procedure and rules for its use shall be determined by a contract concluded between the joint owners.

Information created by organisations (legal entities or otherwise acquired by them using legitimate methods shall be property of these organisations.

Information created using budget funds shall be state property. Information created on the basis of individual property shall be referred to state property in case it is transferred to databases or is stored in relevant funds or archives on a contractual basis.

The owner of information shall have the right to appoint a person to possess, use and dispose of this information, as well as to determine the rules of processing these data and access thereto, along with determination of other terms and conditions relating thereto.

Article 39. Information as a Commodity

Information products and services of citizens and legal entities operating in the information sphere may be subject to commodity relations regulated by the civil and other legislation.

Prices and pricing with regard to information products and information services shall be determined on a contractual basis, except in cases stipulated by the Law.

Article 40. Information Products

Information products shall be understood as the materialised result of informational activities, meant to satisfy the information needs of citizens, state bodies, enterprises, institutions, and organisations.

Article 41. Information Services

Information services shall be understood as information activities carried out/in the form determined by law, aimed at conveying information products to consumers, so as to meet their information needs.

CHAPTER IV PARTICIPANTS IN INFORMATION RELATIONSHIPS, THEIR RIGHTS AND RESPONSIBILITIES

Article 42. Participants in Information Relationships

Participants in information relationships shall be citizens, legal entities or the state, assuming legally envisaged rights and obligations in the course of information activities.

Authors, consumers, distributors, and keepers (protectors) of information shall be the principal participants in these relationships.

Article 43. Rights of Participants in Information Relationships

Participants in information relationships shall have the right to receive (produce, obtain), use, distribute, and store information in any form, using any means, except in cases envisaged by the law.

Each participant, in order to secure his/her rights, freedoms, and lawful interests, shall have the right to receive information concerning:

activities of bodies of state power;

activities of People's Deputies;

activities of bodies of local and regional self-government and local administrations;

personal/private aspects.

Article 44. Obligations of Participants in Information Relationships

Participants in information relationships shall be under the obligation to:

respect other entities' information rights;

use information in keeping with the law or agreement (contract);

secure the principles of information relationships set forth in Article 5 hereinbefore;

secure all consumers access to information subject to the terms and conditions stipulated by the law or by contract;

store information in proper condition throughout the established term and provide it to other citizens, legal entities or state bodies in keeping with procedures established by law;

compensate for damage resulting from infringements of the laws on information.

CHAPTER V

INFORMATION PROTECTION. RESPONSIBILITY FOR INFRINGEMENTS OF LEGISLATION ON INFORMATION

Article 45. Protection of the Right to Information

The right to information shall be protected by the law. The state shall guarantee all participants in information relationships equal rights and opportunities in terms of information access.

No one shall restrict the right of the person to choose the form and sources of information, except in cases provided by law.

Entities having the right to information may demand the elimination of any infringements of this right.

Confiscation of printed periodicals, exhibits, data banks, archival, library, and museum documents, as well as their destruction for ideological or political reasons shall be prohibited.

Article 46. Inadmissibility of Abuses of the Right to Information

Information shall not be used to incite the overthrow of the constitutional order, violate the territorial integrity of Ukraine, or to propagandise war, violence, cruelty, fan racial, ethnic or religious animosity, or encroach on human rights and freedoms.

Information legally qualified, as state or other secrets shall not be disclosed.

Information qualified as medical secrets or those of bank deposits, business revenues, adoption, correspondence, telephone conversations, and telegraphic messages shall not be divulged except in cases envisaged by the law.

Article 47. Responsibility for Infringements of Legislation on Information

Infringements of the legislation of Ukraine relating to information shall entail disciplinary, civil, and administrative liabilities, as well as criminal prosecution in keeping with the laws of Ukraine.

Responsibility for infringements of information laws shall be borne by persons found to have committed the following transgressions:

ungrounded denial of information;

false (untrue) information;

untimely provided information;

deliberate concealment of information;

coercion of distribution or obstruction of distribution or ungrounded denial of distribution of certain information;

distribution of false (untrue) information or that discredit honour and dignity of a person;

use and distribution of information relating to private life without given person's consent by the owner of this information who came in possession thereof in the line of duty;

divulging of state or other secrets protected by the law by a person responsible for keeping these secrets;

infringements of information storage procedure;

deliberate destruction of information;

ungrounded categorisation of some kinds of information as having restricted access data.

Article 48. Procedures to Appeal Against Unlawful Actions

In the event of unlawful actions envisaged by this law, committed by state bodies, bodies of local and regional self-government, officials thereof, political parties, other citizens' associations media, government-run organisations with the legal entity status, and private citizens, the said acts shall be appealed to higher-level bodies or to the court.

Complaints about unlawful acts on the part of officials shall be submitted to bodies having jurisdiction over these officials.

If complaints thus submitted are not dealt with to the claimant's satisfaction, the interested citizen or legal entity shall have the right to bring the matter to the court.

Article 49. Compensations for Material and Moral Damage

In cases when unlawful actions inflict material or moral damage on citizens, enterprises, institutions, organisations, and state bodies, the guilty parties shall recompense this damage as ruled by the court. The court shall determine the amount to be paid as damages.

CHAPTER VI

INTERNATIONAL INFORMATION ACTIVITIES. CO-OPERATION WITH OTHER COUNTRIES, FOREIGN AND INTERNATIONAL ORGANISATIONS IN THE INFORMATION SPHERE

Article 50. International Information Activities

International information activities shall be understood as supplying citizens, state bodies, enterprises, institutions, and organisations with official documented or publicly announced information, concerning Ukraine's foreign policy, events and phenomena in other countries, and as a purposeful distribution abroad of comprehensive information about Ukraine by state bodies, citizens' associations, and the media and citizens.

Citizens of Ukraine shall have the right to free and unimpeded access to information using foreign sources, including live telecasts, broadcasts, and the press.

The legal status and professional activities of foreign correspondents accredited to Ukraine, as well as other representatives of foreign mass media, information activities of diplomatic missions, consular offices, and other official representatives of foreign countries in Ukraine shall be governed by the laws of Ukraine and relevant international treaties signed by Ukraine.

The establishment and activities of joint ventures in the information sphere, involving national and foreign legal entities and citizens, shall be subject to the laws of Ukraine.

Should an international treaty contain rules other than those set forth in the laws of Ukraine relating to the information sphere, the rules of the international treaty signed by Ukraine shall be applied.

Article 51. International Treaties

International co-operation in the information sphere, concerning matters of mutual interest, shall be carried out as per international treaties signed by Ukraine and legal entities operating in the information sphere field.

State bodies and other legal entities involved in information activities may carry out directly foreign economic activities for their own benefit and for that of individual and collective consumers whom they serve and guarantee supply of foreign information.

Article 52. Export and Import of Information Products (Services)

Information products (services) shall be exported and imported in accordance with the laws of Ukraine relating to foreign economic activities.

Article 53. Information Sovereignty

Ukraine's information sovereignty shall be based on the national information resources.

Ukraine's information resources shall include all information belonging to Ukraine, regardless of contents, form, time, and place of creation thereof.

Ukraine shall independently form information resources and shall freely manage them, except in cases stipulated by the law and international treaties.

Article 54. Guarantees of Ukraine's Informational Sovereignty

The information sovereignty of Ukraine shall be secured by:

Ukraine's exclusive property right to the informational resources formed using state budget funds;

creation of national information systems;

establishment of procedures enabling other countries to access Ukraine's informational sources;

use of informational resources based on equal co-operation with other countries.

President of Ukraine
Kravchuk

L.

Kyiv,
October 2, 1992
N 2657-XII
