

Russian Federation

Russian Federation Law of the Russian Federation on Information, Informatisation and Information Protection

Passed by the State Duma on 25th January 1995(Extracts)

- Translation -

Part 1 General principles

Article 1 Scope of this law

1. The provisions of this federal law apply to the following areas:

- Structuring and use of the information resources, i. e. formation, collection, editing, collation, retention, official search, dissemination and supply of documented information to the users,
- Formation and use of information technologies and corresponding protective measures,
- Protection of information and the rights of subjects involved with the information processes and informatisation.

2. This federal law has applications in the specified areas, so far as they do not come under the provisions of the federal law "On the Copyright and similar rights".

Article 2 Definition of terms

Terms in the sense of this law: "Information" - Messages about persons, objects, facts, events, phenomena and processes independent of the form in which they are represented;

"Informatisation" - Economic and scientific organisational process for the purpose of creating optimal conditions for satisfying information requirements and granting the rights of citizens, governmental and territorial (agencies, municipal) self-governing bodies, organisations, social institutions in connection with the structuring and use of information resources;

"Documented information (Document)" - Information fixed (stored) on an information carrier, together with the identification marks;

"Information processes" - Collection, processing, storage, retention, search and dissemination of information;

"Information system" - Organisationally arranged document set together with information technologies, including computer-based techniques, which execute the information processes;

"Information resources" - Individual documents and document sets, documents and document sets in the information systems (libraries, archives, collections, databases and other information collections);

"Information about citizens (personal data)" - Reports on facts, events and lifestyles of citizens which allow for the identification of individual citizens;

"Confidential information" - Documented information which because of the applicable legislation is only partially (with restrictions) accessible;

"Means of safeguarding automated information systems and automated information technologies" (subsequently: "Information security facilities") - Programmed, technical, linguistic, legal and organisational facilities (software, hardware and telecommunications, computer programs, technical dictionaries, thesauri and classifications, instructions and methodologies, pragmatics, rules, plans and their descriptions and other documentation), which emerge in the development or exploitation of the information systems and safeguard their ability to function;

"Owner (holder) of the information resources, information systems, technologies and information security facilities" - Any subject who may exercise the proprietary rights over these objects without restriction;

"Possessor of the information resources, information systems, technologies and information security facilities" - Any subject who has these objects at his disposal as owner and possessor and disposes of them in a legal framework;

"Information user" - Any subject who satisfies his information requirements with the help of an information system or an intermediary.

Article 10 Information resources arranged by type of access

1. Government information resources of the Russian Federation are public; they are generally accessible. Exceptions relate to the information resources in so far as they have been designated by law as for restricted access.
2. Documented information for restricted access arises from the information concerning state secrecy and from confidential information.
3. It is forbidden to qualify the following documents as information with restricted access:
 - Laws and other regulations which concern the legal position of the government bodies, territorial self-governing bodies, organisations and social associations, or the rights, freedoms and duties of the citizens, and procedures involved;
 - Documents which report on unusual events, ecological, meteorological, demographic, health and epidemic-related facts, or contain other information which is of importance for the functioning of supply and production facilities or for the safety of the citizens and the economy;
 - Documents which report on activities of the government bodies and territorial self-governing bodies, on use of the budget funds or other governmental and local stocks, on economic situation and supply requirements, except for documents affecting state secrets.
 - Documents in the public collections of libraries and archives, information systems of government bodies, territorial self-governing bodies, social associations and organisations, which are of public interest or essential for the exercise of citizens' rights, freedoms and duties.
4. The federal law "On State Secrecy" determines the significance of the information for state secrecy.
5. The decision about confidentiality of information is made on the basis of the Russian Federation's legislation; Section 11 of this federal law should be applied.

Article 11 Information on citizens (personal data)

1. The nature of personal data which should be stored in the federal information resources, information resources of the territorial self-governing bodies and nongovernment organisations is specified by federal law.
Personal data is regarded as confidential information.
Collection, storage, usage and dissemination of information about private life, and processing of information which concerns personal and family secrecy, or encroaches upon post, telephone or telegram secrecy or the secrecy of other forms of communication between persons is only permissible if a legal provision provides for this, or the person affected has agreed.
2. Personal data may not be used to inflict economic or moral damage on citizens, or to impede the exercise of the rights and freedoms of the citizens of the Russian Federation. Restriction of the citizens' rights on the basis of information on social origin, race, nationality, language, religion or party membership is forbidden and is punished according to the law.
3. Natural and legal persons, who within their jurisdiction process, collect or use personal data, bear the responsibility based on the Russian Federal legislation for the violation of the provisions which govern the collection, processing and use of this information.
4. The activity of non-government organisations and private persons in the processing of personal information is compulsorily licensed. The licensing procedure is specified in the Russian Federal legislation.
5. On application by the subjects acting according to Sections 14 and 15 of this law and corresponding provisions of the law on personal data, the illegality of the storage of personal data undertaken by the government bodies and organisations may be established in legal proceedings.

Part 3 Use of the Information Resources

Article 12 Realization of the access right to the information contained in resources

1. The users - citizens, government bodies, territorial self-governing bodies, organisations and social associations - have the same rights at their disposal to the government information resources, and are not obliged to demonstrate the necessity of their requirement. The exception is the restricted access information.

The access of the natural and legal persons to the government information resources represents an important precondition for the execution of social control of all government bodies, territorial self-governing bodies, social, political and other organisations; the control of the economic and ecological situation and control in the other areas of community life are also made easier by this means.

2. According to the statutes, official regulations and information supply agreements, the possessors of informational resources grant information users access to the information needed by them on the basis of the applicable legislation.

Information which the citizens and organisations obtain from the government information resources may be used for preparing commercial information; information altered in this way may only be disseminated afterwards with references to its origin.

The source of profit results in this case from the aggregate of work used in creating the commercial information and applied resources, but the emergence of the information from the information resources is unavoidable.

3. Information access arrangements (access location and time, persons responsible, obligatory procedures) are specified by the owners or possessors of the information resources; these are obliged to take into account the legal conditions.

Directories of information and information services, as well as information about the procedures and conditions of access to information, are available to the users free of charge.

4. Government bodies and other organisations responsible for the structuring and use of the information resources assure operative and unimpeded access to the documented information for those who need it, according to the duties specified in their statutes.

5. The way of collecting and storing documented information with restricted access, and the protection rules and conditions of use relating to this, are given by the government bodies who are responsible for certain types of information or information sets. They may also be specified directly by the information owner according to the legal provisions.

Article 13 Granting access to information

1. Government bodies and territorial self-governing bodies are obliged to establish generally accessible information collections, which store information about their area of operation and those of their subordinate organisations.

Within their jurisdiction they also guarantee public access to the information about citizens' freedoms and duties, and about their safety; and also to the other information which is important from the point of view of the public interest.

2. Refusal of access to the information resources mentioned in Section 13 Subsection 1 can be challenged in court.

3. The Committee for Informatisation Policy of the President of the Russian Federation is carrying out the registration of all information resources, information systems and publications concerning this, in order to guarantee thereby the right to information access.

4. The Government of the Russian Federation is setting up an information services directory, which users of the government information resources may take advantage of, against payment, without payment or partially against payment.

Costs arising from these services are reimbursed from the budget funds of the Russian Federation or its subjects.

Article 14 Access of citizens and organisations to the information stored about them

1. Citizens and organisations have the right of access to the documented information about them, to correct it and supplement it, for the purpose of ensuring the credibility and completeness of this information. They have the right to be informed who is using this information or had previously used it, and for what purpose.

Restrictions on the rights of citizens and organisations to access information concerning them can only come into being on the basis of the federal laws.

2. The processors of the documented information concerning the citizens are obliged to make the information available to those concerned without charge. Limitations of this liability are only permitted under the statutory conditions.

3. Subjects who surrender information concerning themselves according to sections 7 and 8 of this law, for the purpose of forming the information resources, are entitled to make use of this information free of charge.

4. If the holder of information resources refuses the person concerned access to the information concerning him, this person can bring proceedings in court.

Article 15 Obligations and liabilities of the holder of information resources

1. Holders of information resources are obliged to satisfy the processing conditions and information access rules determined by the legislation of the Russian Federation or by the owner of the information resource.

2. Holders of information resources are liable for the violation of the information procedure envisaged in the legislation of the Russian Federation.

Part 5 Protection of information and subjects' rights in the course of the information and informatisation processes

Article 20 Aim of the protection

Aim of the protection is:

- to prevent the decrease, theft, loss and falsifying of information;
- to remove dangers to the security of persons, society and the state;
- to prevent unauthorised destruction, changing, falsifying, copying, locking and other illegal forms of intervention in the information resources and information systems;
- to secure rights of ownership to documented information;
- to grant constitutional rights of citizens to privacy and confidentiality of personal data in the information systems;
- to grant state secrecy and confidentiality of the documented information according to the applicable legislation;
- to protect rights of subjects in the course of information processes and in the design, manufacture and use of information systems, technologies and information security facilities.

Article 21 Information protection

1. All documented information, unauthorised access to which could lead to damage for owners, possessors, or other persons, is protected.

The information protection regime should be established for individual categories of information by the following subjects:

- Responsible bodies, named in the federal law "On State Secrecy" to determine the corresponding protection order for information affecting state secrecy
- The holders of information resources, or their representatives, according to the present federal law, in the case of the confidential information.

The provisions of this law determine the information protection for the personal data.

2. Government bodies and organisations which are responsible for the structuring and use of the information resources which require protection, and similarly bodies and organisations which produce and use information systems and information technologies for processing restricted access information, are subject to the legislation of the Russian Federation in their activity.

3. The government bodies exercise control of information protection, of the corresponding software and hardware resources and also of the organisational rules by which the restricted access information is processed in the information systems. This control is executed according to the rules determined by the government of the Russian Federation.
4. Organisations which process government-owned restricted access information are also obliged to set up special information protection services.
5. The holders of information resources, or the persons authorised by them, can check the observance of the information protection measures, and forbid or suspend information processing if the protection rules are not observed.
6. The owner or possessor of the documented information may approach the government bodies to discover whether his information is processed in observance of the information protection rules. Appropriate monitoring bodies are named by the government of the Russian Federation. These bodies are obliged themselves to observe the conditions of information confidentiality, and regard monitoring results as confidential.

Article 22 Rights and obligations of the subjects in the area of information protection

1. The owner of documents, document sets and information systems or the persons authorised by him draw up, in accordance with the corresponding federal law, rules on information usage. The location, time, persons responsible and the processing procedure are specified in these rules.
2. The possessors of documents, document sets and information systems secure a qualifying information protection level according to the legislation of the Russian Federation.
3. The risk involved in the use of non-certified information systems and non-certified information protection facilities is borne by their holders.
Use of information taken from non-licensed information systems is at the information user's risk.
4. The holder of documents, document sets and information systems may approach organisations concerned with certification, and request a check of the information protection in the information resources and information systems belonging to him; he may also request advice.
5. The possessor of the documents, document sets and information systems is obliged to inform the owner of the information resources and/or information systems about all violations of the information protection provisions.

Article 23 Protection of subjects' rights in the area of information processes and information

1. The granting of subjects' rights in the structuring and use of information resources, in designing, producing and using information systems, technologies and information protection facilities should protect against violations of law and illegal dealings, contribute to the restoration of the legal system and secure the compensation of those affected.
2. The courts, arbitration tribunals and arbitration commissions implement the protection of the subjects in the given areas, taking into account the peculiarities of violations of law and damages thereby arising.
3. Responsibility for violations of law which can arise in dealing with the documented information is borne by the government bodies, organisations and responsible persons according to the legislation of the Russian Federation and the legislation of its subjects.
For the purpose of investigating the conflict situations and granting personal rights, in the structuring of information resources, setting up and use of information systems, technologies and information protection facilities, arbitration tribunals can be formed for a limited period or permanently.
Arbitration tribunals decide upon conflicts and settle disputes submitted to them. They are guided by the procedural order which was determined by legislation for the procedures of arbitration tribunals.

4. Responsibility for violations of the international norms and rules in the structuring and use of the information resources, production and exploitation of the information systems, technologies and information protection facilities is borne by the government bodies, organisations and citizens in accord with agreements which were concluded with the foreign partners. The corresponding international agreements of the Russian Federation should be taken into account.

Article 24 Protection of the information access right

1. Refusal of access to the generally accessible information, or deliberate issue of incomplete information, may lead to prosecution.

Arbitration courts settle disputes between the organisations about non-fulfilment or inadequate fulfilment of the information obligations following from the delivery contracts, purchase contracts or other legal forms.

Persons who were denied access to information or received incomplete information only may demand corresponding compensation/reparations for damage.

2. The court decides in disputes about qualification or non-qualification of an item of information as for restricted access, and decides about reparations for damages in the case of an unjustified refusal of information or other violations of the rights of information users.

3. Managers and other staff of government bodies and organisations which are responsible for illegal restriction of access rights and violation of the information protection order are liable under the criminal, civil and administrative law.

Article 25 Coming into force of this federal law

1. This law comes into force on the day after the official publication.

2. It is proposed to the president of the Russian Federation that legal deeds passed by him are coordinated with this law.

3. The government of the Russian Federation is recommended:

- to adapt legal deeds passed by the government to this law;
 - to propose to the State Duma the corresponding changes in the legislation of the Russian Federation within a period of three months, in the envisaged procedure;
- to pass the corresponding legal deeds.