

# Law Of The Republic Of Belarus "On Information, Informatization and Protection of information"

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## Unofficial translation

Draft Proposed by the Council of Ministers of the Republic of Belarus

Adopted by the Chamber of Representatives

Approved by the Council of Republic

## CHAPTER 1 GENERAL PROVISIONS

### Article 1. Incidence of the present Law

1. The present Law shall regulate social relations observed in cases of:

exercising the right to search, transmission, receipt, storage, processing, use, distributing and (or) provision of information, including informational resources (hereinafter, if not defined otherwise, referred to as information);

creation and usage of informational technologies, informational systems and networks (hereinafter referred to as informational technologies, systems and networks);

rendering informational services;

organizing and ensuring protection of information.

2. Peculiarities of social relations connected with mass media activity shall be regulated by the Legislation of the Republic of Belarus on Mass Media.

3. Peculiarities of social relations connected with usage and protection of information constituting state secrets or with usage and protection of informational systems that contain state secrets shall be regulated by Legislation of the Republic of Belarus on State Secrets.

4. The present Law shall not regulate social relations connected with protection of information as a subject of intellectual property. 5. Whereas not regulated by the present Law, relations in the sphere of information, informatization and protection of information should be regulated by other legislative acts of the Republic of Belarus.

### Article 2. Basic notions used in the present Law, and their definitions

The present Law shall use the following basic notions and their definitions:

database - a combination of structured and interrelated information that is arranged on material carriers according to certain rules;

databank - an organizational technical system that includes one or several databases and their control system;

owner of program and technical means (hardware), informational systems and networks - a state body (organization), citizen, private entrepreneur or legal entity that upholds the property and use of

program and technical means, informational systems and networks and uses the powers placed at his disposal within the norms specified by acts of legislation or an agreement;

state informational system - an informational system created and (or) obtained at the expense of state or local budgets, state off-budget funds, or by means of state legal entities;

state informational resources - informational resources created and (or) obtained at the expense of state or local budgets, state off-budget funds, or by means of state legal entities;

citizens - citizens of the Republic of Belarus; foreign citizens and stateless persons;

documented information (document) - information that has been fixed on a material carrier with requisites that allow to identify it;

domain name - a character (character-numerical) key formulated according to addressing rules of an informational network, that is assigned with a certain network address or a group of addresses;

access to information - a possibility to acquire information, including informational resources, and its (their) usage;

protection of information - a complex of legal, organizational and technical measures set to provide integrity (invariability) of confidentiality, accessibility and safety of information from illegal (unsanctioned) access, destruction, freeze, copying, provision, distribution and other unlawful actions towards information under protection;

informatization - organizational, socio-economic, scientific and technical process of creation and development of a joint informational space of the Republic of Belarus as a combination of interconnected informational resources, informational systems and informational networks that provide conditions for realization of informational relations;

information - data about individuals, objects, facts, events, phenomena and processes regardless the form of its provision;

information of limited provision and (or) distribution - information, access to which is limited by the legislation of the Republic of Belarus or by the owner of information in accordance with the legislative acts of the Republic of Belarus;

information of denied provision and (or) distribution - information, access to which is forbidden by legislation of the Republic of Belarus or by the owner of information in accordance with the legislative acts of the Republic of Belarus;

informational system - a combination of information concentrated within databases and of informational technologies and complex of program and technical means that provide processing of this information;

informational system with limited access - an informational system that contains information limited for provision and (or) distribution;

informational network - a complex of program and technical means that is designed to transmit information through telecommunication networks and to provide access to information;

informational service - activity that provides search, acquisition, storage, processing, distribution and (or) provision of information;

informational resources - separate documents and separate massifs of documents, documents and massifs of documents within informational systems (libraries, archives, funds, databanks, other informational systems);

information intermediary - a citizen, private entrepreneur or legal entity that renders informational services to owners and (or) users of information;

informational relations - relations that appear during the process of collection, search, transmission, receipt, storage, processing, accumulation, use, distribution and (or) provision of information and its protection with the usage of informational technologies, systems and networks;

informational technologies - a combination of processes and methods of search, transmission, receipt, storage, processing, use, distribution and (or) provision of information;

complex of program and technical means - a combination of program and technical means that provide implementation of informational processes;

confidentiality of information - a demand not to permit provision and (or) distribution of information without an approval of its owner or on another basis set by legislation of the Republic of Belarus;

non-governmental informational system - an informational system created and (or) obtained at the expenses of citizens and (or) non-governmental legal entities;

non-governmental informational resources - informational resources formed and used by citizens and (or) non-governmental legal entities;

owner of information, informational technologies - a state body (organization), citizen or a legal entity that has created information or has obtained proprietorship of information in accordance with the present Law on the basis of a legal act of the Republic of Belarus;

publicly available information - information, provision and (or) distribution of which is not limited;

publicly available informational system - an informational system containing informational resources that are provided and (or) distributed by their owner without indicating terms of their subsequent use; informational resources, provision and (or) distribution of which is free and does not depend on the form and way of their distribution and (or) provision;

operator of an informational system - a legal entity, private entrepreneur that operates an informational system;

official website of a state body (organization) - a site containing information about a state body (organization) and created by its (body's/organization's) decision;

personal data - a combination of documented information about a citizen that allows to identify him;

provision of information - activities that aim at getting a certain circle of parties acquainted with information;

user of information, informational systems and networks - a state body (organization), citizen, private entrepreneur or a legal entity that has obtained access to information, informational systems and networks within the order of legislation of the Republic of Belarus or according to an agreement between parties that exercise the right to receive and use information, informational systems and networks in accordance with the present Law or other legislative acts of the Republic of Belarus;

professional secret - information about third parties obtained by citizens when fulfilling their professional (labor, official) duties;

public information - information about work of state bodies (organizations), legal entities and their decisions that is liable to be provided and (or) distributed in cases and within the norms defined by legislation of the Republic of Belarus;

distribution of information - activities that aim at getting a non-specified circle of parties acquainted with information;

owner of program and technical means, informational system and networks - a state body (organization), citizen or a legal entity that exercises rights to own, use and manage informational systems and networks;

website - an informational resource allocated within an informational network and assigned to a certain address together with an exceptional right to use a domain name, databases and computer programs that provide access to such informational resource;

net address - an address of location of information within an informational network;

Internet - a global (international) public informational network;

technical protection of information - ensuring security of information that contains state secrets or other data shielded by legislation from drain through technical channels, unsanctioned and unpremeditated influences;

e-message - textual, graphic, audio-visual or other type of information subject to transmission and receipt in an electronic format within informational systems;

legal entities - legal entities of the Republic of Belarus, foreign legal entities.

### **Article 3. Legislation on Information, Informatization and Protection of information**

Legislation on Information, Informatization and Protection of information is based on the Constitution of the Republic of Belarus and consists of acts of the President of the Republic of Belarus, the present Law, other legislative acts of the Republic of Belarus and international agreements of the Republic of Belarus that regulate informational relations.

### **Article 4. Principles of legal regulation of informational relations**

Legal regulation of informational relations shall be conducted on the basis of the following principles:

freedom of creation, search, transmission, receipt, storage, processing, use, distribution and (or) provision of any type of publicly available information;

timeliness of provision, objectivity, completeness and authenticity of information that is, by provisions of legislation of the Republic of Belarus, obligatory for public distribution and (or) provision by state bodies (organizations);

inviolability of a private life of a citizen, protection of personal data;

protection of personal, societal and state security while using information and informational technologies;

inadmissibility of prioritizing one type of informational technologies over other types, should obligatoriness of using certain informational technologies for creation and operation of state informational systems not be specified by legislative acts of the Republic of Belarus;

combination of state regulations and self-regulation while using informational systems and networks.

#### **Article 5. Objects of informational relations**

Objects of informational relations shall be:

information;

databases and databanks;

informational resources;

informational technologies;

complexes of program and technical means;

informational systems;

informational networks;

informational services.

#### **Article 6. Subjects of informational relations**

1. Subjects of informational relations shall be:

The Republic of Belarus and its administrative and territorial units represented by state bodies (organizations);

citizens;

private entrepreneurs;

legal entities;

international organizations;

foreign states.

2. Subjects of informational relations in accordance with the present Law may act as:

owners of information and informational technologies;

owners and other legal possessors of program and technical means, informational systems and networks;

users of information, informational systems and networks;

informational intermediaries;

operators of informational systems.

## CHAPTER 2 STATE REGULATION WITHIN THE SPHERE OF INFORMATION, INFORMATIZATION AND PROTECTION OF INFORMATION

### **Article 7. Basic trends of state policy in the sphere of information, informatization and protection of information**

Basic trends of state policy within the sphere of information, informatization and protection of information shall be:

to provide conditions for realization and protection of rights of citizens and legal entities in the sphere of information, informatization and protection of information;

to create an effective system of informational support on solving strategic and current tasks of socio-economic, scientific and technical development; to ensure independent and equal in rights existence of the Republic of Belarus within the framework of international community;

to provide conditions for development of informational technologies, informational systems and networks on the basis of unified principles of technical normalization and standardization, estimation of correspondence to requirements of technical legal acts in the sphere of technical normalization and standardization;

to form and implement joint scientific, scientific and technical, industrial and innovation policy within the sphere of information, informatization and protection of information taking into account available scientific and industrial potential and modern level of global informational technologies development;

to create and improve the system of fundraising and mechanisms of encouragement for development and implementation of projects in the sphere of information, informatization and protection of information;

to assist in development of a market of informational technologies and services, to provide conditions for formation and development of all types of informational resources, informational systems and networks;

to provide conditions for active participation of citizens, legal entities and state in the process of international cooperation;

to create conditions for effective use of global (international) informational networks in the country;

to ensure informational security of citizens, legal entities and state;

to improve legislation of the Republic of Belarus in the sphere of information, informatization and protection of information.

### **Article 8. Bodies that perform state regulation and control in the sphere of information, informatization and protection of information**

State regulation and control in the sphere of information, informatization and protection of information shall be carried out by the President of the Republic of Belarus, Council of Ministers of the Republic of Belarus, State Center on Information Security of/under the President of the Republic of Belarus, Ministry of Communication and Informatization of the Republic of Belarus, National Academy of

Science of Belarus and other state bodies in accordance with competency assigned by the present Law and other legislative acts of the Republic of Belarus.

**Article 9. Powers of the President of the Republic of Belarus in the sphere of information, informatization and protection of information**

The President of the Republic of Belarus, in accordance with the Constitution of the Republic of Belarus, the present Law and other legislative acts of the Republic of Belarus, shall define joint state policy and conduct other state regulations in the sphere of information, informatization and protection of information.

**Article 10. Powers of the Council of Ministers of the Republic of Belarus in the sphere of information, informatization and protection of information**

Council of Ministers of the Republic of Belarus in the sphere of information, informatization and protection of information shall:

ensure implementation of the joint state policy;

coordinate, guide and control work of republican bodies of state management;

approve of state programs and ensure their implementation;

fulfill other powers assigned to it by the Constitution of the Republic of Belarus, laws, acts of the President of the Republic of Belarus.

**Article 11. Powers of the State Center on Informational Security under/of the President of the Republic of Belarus in the sphere of information, informatization and protection of information**

State Center on Informational Security under/of the President of the Republic of Belarus in the sphere of information, informatization and protection of information shall:

define priority areas of technical protection of information; coordinate activities within the sphere of technical protection of information;

within the range of its powers control activities on ensuring technical protection of information;

participate in the process of drafting normative and legal acts in the sphere of technical protection of information;

conduct licensing of work within the sphere of technical protection of information;

organize and implement activities on technical protection of information allocated in the national segment of Internet;

fulfill other powers in accordance with the present Law and acts of the President of the Republic of Belarus.

**Article 12. Powers of the National Academy of Sciences of Belarus in the sphere of information, informatization and protection of information**

National Academy of Sciences of Belarus in the sphere of information, informatization and protection of information shall:

participate in the process of drafting normative and legal acts;

ensure scientific and methodological maintenance for development of informatization and implementation of state programs;

fulfill other powers in accordance with the present Law and other legislative acts of the Republic of Belarus.

**Article 13. Powers of the Ministry of Communication and Informatization of the Republic of Belarus in the sphere of information, informatization and protection of information**

Ministry of Communication and Informatization of the Republic of Belarus in the sphere of information, informatization and protection of information shall:

implement joint state policy, conduct state regulation and control;

develop and implement state programs;

participate in the process of drafting normative and legal acts;

form and use own informational resources, coordinate work on generating informational resources of state bodies (organizations);

define compatibility conditions of informational resources of state bodies (organizations);

encourage creation of modern informational technologies, informational systems and networks;

conduct international cooperation, including cooperation with international organizations, ensure implementation of international treaties the Republic of Belarus is engaged into;

fulfill other powers in accordance with the present Law and other legislative acts of the Republic of Belarus.

**Article 14. Powers of other state bodies in the sphere of information, informatization and protection of information**

State bodies in the sphere of information, informatization and protection of information shall, within the bounds of their powers:

participate in implementation of joint state policy;

generate and use own informational resources;

carry out technical normalization and standardization in the sphere of informatization, informational technologies, informational systems, networks and their maintenance tools;

define affirmation of comprehension of informational technologies, informational resources, systems and networks and requirements of legal and normative technical acts in the sphere of technical normalization and standardization;

fulfill other powers in accordance with the present Law and other legislative acts of the Republic of Belarus.



## CHAPTER 3 RIGHT TO INFORMATION. LEGAL REGULATIONS OF INFORMATION

### **Article 15. Content of the right to information**

1. State bodies, citizens and legal entities shall, in accordance with the present Law and other legislative acts of the Republic of Belarus, have a right to create, search, request, transmit, receive, store, proceed, use and distribute information.

2. A citizen shall have a right to receive information from state bodies (organizations) about himself, as well as information that touches directly upon his rights, freedoms, legal interests and obligations, within the order specified by the present Law and other legislative acts of the Republic of Belarus.

A legal entity shall have a right to receive from state bodies (organizations) information that touches directly upon its rights, freedoms, legal interests and obligations, within the order specified by the present Law and other legislative acts of the Republic of Belarus.

3. Citizens and legal entities shall have a right to get acquainted with information about work and activities of state bodies (organizations) within the bounds and norms specified by the present Law and other legislative acts of the Republic of Belarus.

### **Article 16. Inadmissibility of abuse of the right on information**

Abuse of the right on information shall not be allowed.

Right on information cannot be used for a violent change of a constitutional system, violation of territorial integrity of the state, for propaganda of war, violence and cruelty, for raising social, national, religious or racial hostility or discord, for conducting activities that aim at humiliation of national honor and dignity, for infringement on rights, freedoms and legal interests of citizens and legal entities, and for conducting other unlawful actions.

### **Article 17 Guarantees for the right on information**

1. State shall secure implementation of the right on information to its citizens and legal entities.

2. State bodies (organizations), their officials shall be liable to:

create conditions necessary for implementation of the right to information;

ensure reliability and completeness of information they render, observing timeframes and conditions of its provision;

take no charges for providing information, should other not be specified by legislative acts of the Republic of Belarus.

3. Action (inaction) of state bodies (organizations) or their officials that violates the right to information may be appealed against to a higher state body (organization) (higher authority) and (or) in court.

4. Officials of state bodies (organizations) guilty in violating the right on information shall bear responsibility in accordance with the legislation of the Republic of Belarus

5. Should an illegitimate denial of access to information, violation of timeframes of provision of information, provision of deliberately false or incomplete information cause damage, it shall be compensated accordingly with provisions of civil legislation of the Republic of Belarus.

## **Chapter 18. Types of information**

1. Depending on the form of its provision, information shall be divided into:

documented information (document);

undocumented information.

2. Depending on the possibility of distribution and (or) provision of information, information shall be divided into:

publicly available information;

information of limited provision and (or) distribution.

3. Depending on the order of provision and (or) distribution, information shall be divided into:

information distributed by its owner without limitations;

information that is spread and (or) distributed according to an agreement between parties taking part in provision and (or) distribution of information;

information, provision and (or) distribution of which is set as obligatory by the legislation of the Republic of Belarus (public information);

information with special rules of its provision and (or) distribution set by the legislation of the Republic of Belarus;

information, provision and (or) distribution of which is prohibited.

4. Acts of legislation of the Republic of Belarus may define other types of information; special legislative regulations of separate types of information (statistical, legal, scientific and technical, etc.) have been set depending on the character (content) of information.

### **Article 19. Documented information (document)**

Requirements for creation, processing, storage, use, provision and (or) distribution of documented information shall be defined by legislative acts of the Republic of Belarus or accordingly to an agreement between the parties involved into informational relations.

### **Article 20. Publicly available information**

1. Publicly available shall be information that has on the legal basis been promulgated through mass-media, put into informational networks, directories and transmitted through other publications; as well as other information, provision and (or) distribution of which is not limited by its owner or by legislative acts of the Republic of Belarus.

2. State bodies (organizations), citizens and legal entities shall have a right to:

search, receive, use and distribute publicly available information;

get acquainted with publicly available information and store it;

in case of distribution of publicly available information, upon a request of the owner of information, mention him as a source of information.

### **Article 21. Information of limited provision and (or) distribution**

1. Information of limited provision and (or) distribution shall include:

information about private life of a citizen and his personal data;

information that constitutes a state, trade or professional secret;

official (service) information of limited distribution;

information contained in materials of criminal prosecution or court bodies until the case is dismissed;

information connected with organizational and technical provision for work of a state body (organization), legal entity, including information about preliminary decision, internal official (service) correspondence;

other information according to the acts of Belarusian legislation.

2. Limitations for provision and (or) distribution of information constituting state secrets by foreign citizens, stateless persons and citizens who permanently live on the territory of a foreign country shall follow the order defined by The President of the Republic of Belarus.

3. Users of information of limited provision and (or) distribution shall be liable to ensure its safety and not distribute it (fully or partially) to third parties without a concord of the owner of information.

Owner of information of limited provision and (or) distribution shall be liable to take preventive measure of protection of such information.

4. Limitations for provision and (or) distribution cannot be set to information:

on rights, freedoms, legal interests and responsibilities of citizens, as well as on rights, legal interests and responsibilities of legal entities and on the order of realization of rights, freedoms and legal interests;

about emergency situations, environmental and anthropogenic catastrophes, ecological, meteorological, sanitary-epidemiological and other information that ensures public security;

on legal status of state bodies (organizations), apart from information that constitute state secrets or other information protected by legislation of the Republic of Belarus;

on status of crime prevention process;

information accumulated in open funds of libraries and archives, informational systems of state bodies (organizations), legal entities that have been created (generated) for rendering informational services to citizens.

### **Article 22. Information of denied provision and (or) distribution**

It shall be forbidden to spread and distribute information that:

is directed towards a violent change of a constitutional system, propaganda of war, raising racial, national or religious hostility or discord towards humiliation of national honor and dignity;

infringes upon morals, dignity, honor and business reputation of citizens, business reputation of legal entities;

other information, provision and (or) distribution of which is prohibited according to legislative acts of the Republic of Belarus.

### **Article 23. Information about private life of a citizen and personal data**

1. Every person shall have a right to protection of personal information, including the right to inviolability of private life from intervention of and (or) control by third parties, for privacy of correspondence, phone and other conversations, for private and family secret.

Content of information that contains data about private life of a citizen shall be defined by a citizen himself.

Content of information that contains personal data, as well as order of receipt, collecting, processing, use and storage of personal data shall be defined by the legislative acts of the Republic of Belarus.

Personal information shall be gathered, processed, used and stored in accordance with a consent of a citizen, should other not be specified by legislative acts of the Republic of Belarus.

2. No one shall have the right to demand from a citizen information about the facts of his personal life, including information that constitutes private and family secrets, information about his health, viewpoints, political and religious beliefs, or to collecting such information in any other way against the will of the person, apart from cases specified by legislative acts of the Republic of Belarus.

3. Every person shall have the right to take any legal measures in order to protect information about his private life and to demand any other party to follow stipulations of these measures.

4. Collecting, processing, use and storage of personal information shall be defined by the purpose for which it is collected, processed, used and stored.

### **Article 24. Information that constitutes state secrets, official (service) information of limited distribution, business and professional secrets**

1. Legal regulations of information that constitutes state secrets shall be defined by the legislation of the Republic of Belarus on State Secrets.

2. Legal regulations of official (service) information of limited distribution shall be defined by the Council of Ministers of the Republic of Belarus.

3. Legal regulations of information that constitutes a trade secret shall be defined by civil legislation of the Republic of Belarus.

4. Professional secret shall be a subject to legal protection in cases if parties assigned with access to information are empowered by legislation of the Republic of Belarus to take measures on ensuring protection of such information.

Professional secrets shall include patient confidentiality, advocacy secret, seal of confession, banking and taxation secrecy, social security confidentiality, secret of notarial act, secret of the ballot of

rendition proceedings and other secrets defined as professional in accordance with the legislation of the Republic of Belarus.

5. Information that constitutes a professional secret may be revealed on the basis of a court decision, if other measures are not specified by the present Law or other legislative acts of the Republic of Belarus.

Information that constitutes advocacy secrets and seal of confession shall never be revealed.

6. Responsibilities for ensuring non-discretion of information that constitutes a professional secret shall be fulfilled by parties that carry out corresponding professional activities, by taking legislative, organizational and technical access-preventive measures.

7. Time frames on fulfilling responsibilities for non-discretion of a professional secret cannot be limited.

8. Peculiarities of legal regulation of information constituting professional secrets shall be defined by legislation of the Republic of Belarus.

#### CHAPTER 4 ORDER OF PROVISION AND DISTRIBUTION OF INFORMATION

##### **Article 25. Provision and distribution of information**

1. Distribution of information in the Republic of Belarus shall be done freely, if all requirements set by legislation of the Republic of Belarus are observed.

2. Information for distribution shall contain authentic facts about its owner and distributor, in the form and scope sufficient to identify these persons.

3. When distributing information using technical means that allow a certain circle of people get acquainted with information, owner of information and information intermediary shall provide users of information with an option of a refusal to receive information that is being spread by such means.

4. Should the owner of information, information intermediary or the owner of an informational network receive (or by any other legislative means acquire) notification about unwillingness of a certain user to receive information distributed, the owner of information, information intermediary or the owner of informational network must take measures to prevent receipt of such information by the user of information that has claimed his unwillingness to receive such information.

5. When distributing information of advertising or similar content by post or through informational networks, distributors shall observe legislative requirements of the Republic of Belarus on Telecommunications, Mail service and Advertising.

6. Cases and requirements of compulsory distribution and (or) provision of information, including provision of mandatory copies of documents, shall be regulated by legislation, legal acts of the President of the Republic of Belarus and the Council of Ministers of the Republic of Belarus.

##### **Article 26. Order of provision of publicly available information upon a request**

1. Access of an interested party to publicly available information upon a request may be conducted in form of:

acquaintance with official documents that contain requested information;

receiving a copy of the corresponding document, certificate or extracts from it;

receiving a written reply (reference) that contains requested information;

receiving a verbal statement of the content of requested information;

receiving an e-message transmitted through informational networks, including Internet.

2. Requests of information shall be addressed to the owner of information in the form of a:

verbal inquiry;

written request;

electronic message transmitted through informational networks, including Internet.

3. Citizens and legal entities shall have the right to request information in person or through representatives.

4. A written request of publicly available information shall contain:

name and residence address of the owner of information;

information about the requester (last name, first name of a citizen, his residence information, residence address of a private entrepreneur, name and address of a legal entity);

title of a requested document or content of requested information;

individual signature of a citizen (private entrepreneur, head of a legal entity or its authorized representative).

5. Electronic request of publicly available information shall include data specified in paragraphs 2-4 pt.4 of the present Article.

6. Written request of information shall be submitted together with documents proving powers of persons who request information on behalf of other people in cases foreseen by civil law of the Republic of Belarus (copies of a letter of attorney, court decision, birth certificate, act of a state body, other documents).

#### **Article 27. Order of processing verbal and electronic requests on providing publicly available information**

1. Verbal inquiry of publicly available information shall be subject to registration and accountability by the owner of this information.

2. Registration of verbal inquiries of publicly available information shall be done by the owner of information on a paper carrier or electronically with specification of the date and time of receipt of such inquiry.

3. In cases if requested information cannot be presented while processing a verbal inquiry, the inquiry shall be developed into a written request that shall consequently be processed as specified by Article 28 of the present Law.

4. Electronic requests of publicly available information shall be processed if such a responsibility is fixed in the legislation of the Republic of Belarus or by the owner of publicly available information.

#### **Article 28. Order of processing written requests of provision of publicly available information**

1. Upon the results of processing a written request, a decision shall be made about presenting publicly available information to a requester or a denial of presenting such information.

2. Decision about a written request shall be made and corresponding information presented, or a decision on a denial of information shall be made within one month after receipt of the query; and requests of information that need no additional investigation shall be processed within 15 days.

In cases if requested information cannot be presented within the timeframes specified in part one of the present pt., a requester shall, in a written form, be notified about extension of a deadline for presenting information, but not longer than for fifteen days. Written notification shall contain reasons of such prolongation of a deadline for presenting requested information.

Written requests submitted to state bodies (organizations), legal entities that are not owners of information, shall, within five days, be forwarded to corresponding owners of information, and a notice about this process shall be sent to a requester of information; or an explanatory answer shall be given within a fifteen-days term about state body (organization) or a legal entity that should be addressed when requesting such information.

3. Peculiarities of provision and distribution of publicly available information that is being stored in archives and library funds shall be regulated by legislation of the Republic of Belarus on Archive and Library Affairs.

4. Grounds for a denial of provision of information shall include:

non-observance of requirements set towards form and content of information request specified in pt. 4 Article 26 of the present Law;

cases when information requested is information of limited and (or) denied provision and (or) distribution;

cases when distribution of requested information may harm national security, state or public interests;

cases when provision of information lies outside competences of a state body (organization), does not fall under a range of activities a legal entity (private entrepreneur) that has received a request of information is entitled to;

impossibility of presenting information due to its absence, full or partial loss of information.

5. Denial of provision of information may be appealed against to a higher state body (organization) (higher authority) and (or) in court

6. Information received upon a written request within the order specified in Article 26 of the present Law may not be used, distributed and (or) spread for commercial purposes.

#### **Article 29. Order of provision and (or) distribution of publicly available information on activities of state bodies (organizations)**

1. Main types of provision and (or) distribution of publicly available information on activities of state bodies (organizations) shall be:

promulgation (publication) of publicly available information by state bodies (organizations);

placement of information on activities of state bodies (organizations) in public places;

installment of publicly available information into informational networks, including Internet;

provision of publicly available information to interested citizens and legal entities on the basis of their requests.

2. In order to inform citizens and legal entities about their activities, state bodies (organizations) shall:

arrange informational boards and other technical means of similar purpose in public places in order to get citizens and legal entities acquainted with information about activities of a corresponding state body (organization);

design and support official websites and other informational resources within informational networks, place information about activities of a corresponding state body (organization) onto these websites and other informational resources.

### **Article 30. Requirements for official websites of state bodies (organizations) within Internet**

1. Official websites of state bodies (organizations) shall obligatory contain the following information:

official name of a state body (organization);

residence address of a state body (organization), contact phone number (fax), email address;

organizational structure of a state body (organization) (leadership, departments, contact phone numbers);

work schedule of a state body (organization) and appointment time for citizens;

legal acts that regulate activities of a state body (organization);

other information upon a decision of a head of a state body (organization).

Legislation of the Republic of Belarus may establish specifications for placing information on the official websites of state bodies (organizations).

2. An official website of a state body (organization) may not contain:

pre-election agitation materials, agitation materials about referendums;

advertisements, including social advertising;

information of limited and (or) denied provision and (or) distribution.

3. Information on types of access to official websites of state bodies (organizations) shall be promulgated (published) for general knowledge.



## CHAPTER 5 INFORMATIONAL RESOURCES

### **Article 31. Types of informational resources. Legal regulations of informational resources**

1. Informational resources shall be divided into state and non-governmental informational resources.
2. State informational resources shall include basic, departmental and territorial informational resources.

Content of state informational resources, as well as order of their formation and provision to users shall be defined by the Council of Ministers of the Republic of Belarus.

3. State bodies (organizations), citizens and legal entities shall present documented information to state bodies (organizations) and legal entities empowered to form state informational resources, according to the order set by legislation of the Republic of Belarus.

Order and terms of provision of information mentioned in part one of the present pt. shall be set by the Council of Ministers of the Republic of Belarus.

4. Informational resources that supply sovereignty of the Republic of Belarus, that determine its economic, social, cultural and defence development may, by a decision of the President of the Republic of Belarus, be considered as resources of a national value.

### **Article 32. State registration of informational resources**

1. State registration of informational resources shall be done for the purpose of creating a joint system of record and integrity of informational resources, in order to create conditions for their transfer into archive storage, to provide informational support for work of state bodies (organizations), in order to inform citizens and legal entities about the content of informational resources of the Republic of Belarus.
2. State registration of informational resources shall be conducted by the National Academy of Sciences of Belarus through adding informational resources into State register of informational resources.

Order of formation and administration of the State register of informational resources shall be provided by the Council of Ministers of the Republic of Belarus.

3. Informational resources that are subject to compulsory state registration shall be:

state informational resources;

informational resources considered resources of national value and containing no data that constitute state secrets or other information under protection by legislation of the Republic of Belarus.

4. Informational resources, apart from those mentioned in pt.3 of the present Article, shall be registered within the State register of informational resources on a voluntary basis.
5. Order of registration of informational resources containing information of limited provision and (or) distribution, shall be defined by the State Center on Information Security of/under the President of the Republic of Belarus.
6. Order of registration of informational resources of the state security bodies of the Republic of Belarus shall be defined by the Committee on State Security (KGB) of the Republic of Belarus.

7. Informational resources undergoing state registration shall be submitted in the format allowing to process them using program and technical means.

### **Article 33. Basic informational resources**

1. Basic informatinal resources shall be resources of public use, including national registries (records) created on the basis of legislative acts of the Republic of Belarus, and used for the purpose of informational provision of work of state bodies (organizations), and satisfaction of informational needs of citizens and legal entities.

2. Basic informational resources shall form the basis for integration of informational resources of a national value.

3. Basic informational resources shall include:  
population register;

Joint state register of legal entities and private entrepreneurs;

Joint state real estate register, register of rights to real estate and real estate contracts;

National register of legal acts of the Republic of Belarus; other informational resources e defined as basic informational resources by the legislation of the Republic of Belarus.

### **Article 34. Departmental informational resources**

1. Departmental informational resources shall contain information needed for informational provision of work of state bodies (organizations) and in connection with their competences defined by legislation of the Republic of Belarus, as well as for satisfying informational needs of citizens and legal entities.

2. Departmental informational resources shall be formed and used by state bodies (organizations) that own these informational resources.

### **Article 35. Territorial informational resources**

1. Territorial informational resources shall contain information needed for informational provision of work of local executive and administrative bodies in connection with their competences defined by the legislation of the Republic of Belarus, and in order to satisfy informational needs of citizens and legal entities.

2. Territorial informational resources shall be formed and used by local executive and administrative bodies that own these informational resources.

## **CHAPTER 6 INFORMATIZATION, INFORMATIONAL TECHNOLOGIES, INFORMATIONAL SYSTEMS AND NETWORKS**

### **Article 36. Types of informational networks. Creation and operation of informational networks**

1. Informational systems shall be divided into state and non-governmental, publicly available and with limited access.

2. State informational systems shall be created in order to render social services, optimize work of state bodies (organizations) and to provide exchange between them.

3. Non-governmental informational systems shall be created by citizens and legal entities in order to satisfy informational needs and render informational services.
4. State informational systems shall be created in accordance with the order and norms specified by the legislation of the Republic of Belarus on Delivery of Goods and Contract Services for State Purposes.
5. Operation of state informational systems shall not be allowed without implementation of preventive steps for protection of information, legalization of rights to use informational systems components protected by legislation of the Republic of Belarus on intellectual property.
6. Access to a non-governmental informational system and order of operating it shall be defined by the owner of information or his authorized representative.
7. Provision for integrity and safety of information contained within state informational systems shall be done by means of creation and observance of requirements for protection of information.
8. Order of creation and operation of non-governmental informational systems shall be defined by their owners on account of requirements established by legislative acts of the Republic of Belarus.
9. Informational systems that contain state informational resources and non-governmental informational resources provided to form state informational resources shall be considered property of the Republic of Belarus.

#### **Article 37. State registration of informational systems**

1. State registration of informational systems shall be done for the purpose of creating a joint system of informational systems record, for ensuring their security, provision for work of state bodies (organizations) and exchange of information between informational systems.
2. State registration of informational systems shall be done by the Ministry of Communication and Informatization of the Republic of Belarus by means of adding informational systems into a State register of informational systems.

Order of forming and operating the State register of informational systems shall be defined by the Council of Ministers of the Republic of Belarus.

3. State and publicly available informational systems shall be a subject to compulsory state registration.

Registration of non-governmental informational systems shall be done on a voluntary basis.

4. Informational systems with limited access shall be registered according to the rules specified by State Center on Information Security of/under the President of the Republic of Belarus.

Informational systems containing state secrets shall be registered in accordance with the order specified by Committee on State Security (KGB) of the Republic of Belarus.

#### **Article 38. Creation of informational technologies, informational systems and networks.**

1. The right to create informational technologies, informational systems and networks shall belong to state bodies (organizations), citizens and legal entities.

2. Informational systems containing data about citizens and legal entities shall be created by state bodies (organizations), competences of which include creation and operation of informational networks containing data about citizens and legal entities, as well as by legal entities to whom this right has been granted by legislation of the Republic of Belarus.

3. Creation of international informational networks on the territory of the Republic of Belarus shall be done in compliance with the legislation of the Republic of Belarus.

4. State bodies (organizations), citizens and legal entities shall have the right to create local, intersectoral and international informational networks and (or) enter international networks with own informational systems.

Order of inclusion into informational networks mentioned by part one of the present pt., as well as rules of exchange of information within informational networks, shall be defined by their owners or authorized representatives and in accordance with the legislation of the Republic of Belarus.

5. Activities on designing, planning, generating state informational systems and ensuring their functioning, as well as services on formation and usage of state informational resources, including creation of databases, their operation and provision of information, shall be done by citizens and legal entities on the basis of corresponding agreements, and according to norms established by legislation of the Republic of Belarus.

#### **Article 39. Use of informational systems**

1. Use of informational systems on the territory of the Republic of Belarus shall be done on the basis of Legislation of the Republic of Belarus on Telecommunications, the present Law and other legislative acts of the Republic of Belarus.

2. Legislation of the Republic of Belarus may presuppose obligatory identification of people taking part in the exchange of information using informational networks. Recipient of an e-message on the territory of the Republic of Belarus shall have the right to conduct verification in order to determine that the message comes from a sender, and in cases presupposed by legislation of the Republic of Belarus or an agreement between parties - must conduct such a verification test.

3. International exchange of information through informational networks shall be done freely and without limitations in case of observance on the territory of the Republic of Belarus of requirements of Legislation of the Republic of Belarus on Provision of Information and Protection of Intellectual Property.

Limitations and (or) suspension of international exchange of information through informational networks can be done exclusively within the order and on the basis of the present Law and other legislative acts of the Republic of Belarus.

### **CHAPTER 7 LEGAL STATUS OF SUBJECTS OF INFORMATIONAL RELATIONS**

#### **Article 40. Owner of information**

1. Should other not be specified by the present Law and other legislative acts of the Republic of Belarus, the owner of information shall have a right to:

use and distribute information at own discretion;

allow or limit access to information, define order and terms of such access;

transfer the right to use information in accordance with the legislation of the Republic of Belarus or by an agreement;

protect, within a legislatively established order, his rights in case of illegal receipt or use of information by third parties;

conduct measures of protection of information within the order and conditions specified by the present Law and other legislative acts of the Republic of Belarus.

Owner of information shall as well exercise other rights in compliance with the present Law and other legislative acts of the Republic of Belarus.

2. Rights of the owner of information contained within a database, including an informational system database, shall be subject to protection despite author's right and other entitlements for a database.

3. When exercising his rights, the owner of information shall: observe rights and legal interests of other persons;

take measures for protection of information if such a responsibility is presupposed by legislation of the Republic of Belarus;

provide information that is considered by legislation of the Republic of Belarus as obligatory for provision;

limit and (or) ban access to information, if such a responsibility is set by legislative acts of the Republic of Belarus.

Owner of information shall fulfill other responsibilities in accordance with the present Law and other legislative acts of the Republic of Belarus.

#### **Article 41. User of information**

1. User of information shall be liable, within the order and conditions set by the present Law and other legislative acts of the Republic of Belarus, to:

exercise his right to information;

get acquainted with own personal data;

use informational technologies, informational systems and networks.

2. User of information shall exercise other rights in accordance with the present Law and other legislative acts of the Republic of Belarus.

3. When exercising his rights, the user of information shall be liable to:

not abuse the right to information;

observe rights of other persons while using informational technologies, systems and networks.

User of information shall fulfill other responsibilities in accordance with the present Law and other legislative acts of the Republic of Belarus.

#### **Article 42. Owner of program and technical means, informational systems and networks.**

1. Owner of program and technical means used when processing informational resources, shall be considered owner of a corresponding informational system, if he is the owner of information and uses it legitimately.

Order of operating an informational system in cases if different persons are owners of program and technical means and owners of informational systems shall be defined by an agreement between these parties.

2. Right to information that is a part of informational systems, shall be defined by an agreement between the owners of information and owners of informational systems.

3. Competences of the owner of a state informational system shall be fulfilled by the client of a state contract on contract works to fulfill state needs on generation of such information system, should other not be specified by a decision of its creation.

4. Owner of an informational system shall, should other not be specified by the owner of information, have the right to ban or limit relocation and distribution of information, including distribution of copies and provision into temporary usage material carriers that contain such copies.

#### **Article 43. Owner of program and technical means of informational systems and networks**

1. Owner of program and technical means, informational systems and networks shall define conditions of their usage observing sole rights to intellectual property.

2. Owner of program and technical means, informational systems and networks shall conduct measures for protection of information on the basis of and under conditions set by the present Law and other legislative acts of the Republic of Belarus.

#### **Article 44. Informational intermediary**

Informational intermediary shall ensure rendering of informational services to the owner and user of information upon their requests or according to provisions of an agreement between an informational intermediary and owner or user of information or their authorized persons.

#### **Article 45. Operator of an informational system**

Operator of an informational system shall operate state and non-governmental informational systems according to an agreement with their owners or authorized persons or by the owner himself who in this case shall be considered an operator of an informational system.

#### **Article 46. Relations between the owner of information and informational technologies, informational intermediary and owner of program and technical means, informational systems and networks**

1. Owner of information or his authorized representative shall define order of processing and rules of using information within informational systems and networks.

2. Informational intermediary shall be liable to provide completeness, exactness and quality of information and informational technologies defined by an agreement on informational services.

3. It shall be forbidden for an informational intermediary to forward information to third parties, apart from cases presupposed by the agreement with the owner of information.

4. Rights of the owner of information and informational technologies do not cover program and technical means, informational systems and networks that belong to an owner and are the instrument to process information.

#### **Article 47. Responsibilities of subjects of informational relations.**

1. Owner of information or his authorized representative shall bear responsibility for provision of deliberately false or incomplete information, information presented with violations of timeframes of its provision; shall be liable to compensate damage caused in connection with the latter to the user in accordance with norms and order set by the legislation of the Republic of Belarus.

2. Owner of program and technical means, informational systems and networks shall bear responsibility for violating exclusive rights on results of intellectual activities.

3. Subjects of informational relations shall bear responsibilities presupposed by legislation of the Republic of Belarus for the content of information distributed from their names, including distribution through informational systems and networks.

4. Operators of state informational systems or informational systems containing information of limited access, shall be responsible for ensuring integrity and safety of information within informational systems and must take measures to prevent disclosure, loss or corruption of information, and if needed - measures to restoration of lost information.

5. Should provision of certain information be limited and (or) denied by legislation of the Republic of Belarus, informational intermediary shall not bear responsibility for its distribution (apart from cases when his actions reveal signs of crime or administrative delinquency) on the account that his services:

are limited to transmission of information provided to him by other party, and information mentioned is transmitted without major changes and (or) corrections;

are defined as storage of information and provision of access to information on the basis that the informational intermediary could not know about unlawfulness of provision of information.

6. Exemption of an informational intermediary from bearing responsibilities mentioned in pt.5 of the present Article do not release him from obligations to fulfill in due timing the order of authorized state bodies (organizations) on cessation of a violation (stopping of distribution, access to information or removal of information).

#### **CHAPTER 8 PROTECTION OF INFORMATION**

##### **Article 48. Aims of protection of information**

Aims of protection of information shall be:

to prevent illegal access, deletion, freeze, copying, distribution and (or) provision of information, as well as other unlawful actions towards information;

to prevent drain of information under protection, illegal (unsanctioned) influences upon information under protection;

to protect rights of citizens to protection of information containing privacy secrets and non-disclosure of personal data contained within informational systems;

to ensure rights of parties of informational relations when designing, producing and using informational technologies, informational systems and networks, means of their support.

#### **Article 49. Basic requirements for protection of information**

1. Any type of information, misuse of which may cause damage to its owner, user or other person shall be liable to protection.
2. Requirements for protection of publicly available information shall be set exclusively for the purpose of reaching goals of protection of information from illegal access, deletion, modification, freeze, copying, provision, distribution or other illegal actions towards such information.
3. Requirements for protection of information within state informational systems, as well as within systems containing information of limited and (or) denied provision and (or) distribution, including methods and ways of such protection, shall be defined by legislation of the Republic of Belarus.
4. Requirements for protection of information contained within state informational systems shall be set by owners of informational networks, Committee on State Security (KGB) of the Republic of Belarus and State Center on Information Security of/under the President of the Republic of Belarus within the limits of their competences.
5. Information of limited and (or) denied provision, as well as information contained in state informational systems, shall be processed in informational systems with the use a complex system of protection of information certified in accordance with provisions specified by the Council of Ministers of the Republic of Belarus.
6. Ensurance of integrity and security of information contained in state informational systems shall be done by setting and observing unified set of requirements for protection of information from illegal (unsanctioned) access and (or) modification, including cases of access to informational networks.
7. In order to create a complex system of protection of information, protective measures shall be certified by the National system of correspondence confirmation of the Republic of Belarus or verified by a positive expert conclusion in accordance with the results of a state expertise, procedures of which shall be defined by the Council of Ministers of the Republic of Belarus.
8. Citizens and legal entities that specify on designing tools for protection of information and implementation of measures for informational protection, shall conduct their work within this sphere of activities according to permissions issued by Committee on State Security (KGB) of the Republic of Belarus, State Center on Information Security of/under the President of the Republic of Belarus and within the order defined by the President of the Republic of Belarus.
9. Order of protection of information shall be regulated by the present Law and other legislative acts of the Republic of Belarus.

#### **Article 50. Measures for protection of information and informational systems.**

1. Legal measures for information protection shall include agreements between the owner and user of information that specify conditions of access to certain information and responsibility for violating provisions of access and usage of information.
2. Organizational methods of information protection shall include ensurance of rules of special access to territories (areas) where access to information (material carriers of information) can take place, as well as delimitation of acces to information according to a circle of people and character of information.
3. Technical (program and technical) means of protection of information and informational systems shall include means of physical protection of informational systems, using tools of information



protection, including cryptography, as well as systems of access control and registration of cases of access to information.

4. State bodies (organizations) and legal entities that process information of limited and (or) denied provision and (or) distribution, shall create special departments or determine functionaries responsible for protection of information.

#### **Article 51. Organizing protection of information**

1. Protection of information shall be organized:

towards publicly available information - by the distributor of such information;

towards information of legislatively limited and (or) denied provision and (or) distribution - by the owner or operator of the informational system that contains such information, or by the owner of information that is not contained within any informational systems;

towards information, spread and (or) distribution of which is limited by its owner - by the owner of information.

2. Parties of informational relations mentioned in pt.1 of the present Article, shall take measures of information protection that:

prevent illegal (unsanctioned) acces to information; ensure integrity (invariability) and safety of information;

timely disclose facts of illegal (unsanctioned) acces to information if such illegal (unsanctioned) acces to information has failed to be prevented;

lower the level of potentially harmful consequences of violation of order of acces to information;

debar influences upon tools of operating and transmitting information;

provide an opportunity to restore information modified and (or) deleted because of an illegal (unsanctioned) acces to it.

#### **Article 52. Rights and responsibilities of parties of informational relations in connection with information protection**

1. Owner of information, program and technical means, informational systems and networks or his authorized representatives shall have the right to:

prohibit or suspend processing of information in case of violation of requirements of informational protection;

appeal to state bodies (organizations) defined by the President of the Republic of Belarus for valuation of correctness of accomplishment of norms and requirements for protection of his information within the informational systems.

2. Owner of information, program and technical means, informational systems and networks or his authorized representatives shall have the right to appeal to state bodies (organizations) defined by legislation of the Republic of Belarus, for an analysis of sufficiency of measures of protection of his resources and systems, and for consultations.

Proprietor of informational systems and networks shall notify their owner as well as owner of information about all the facts of violation of information protection order.

3. Owner of information, operator of informational system shall be liable, in cases presupposed by legislation, to:

ensure the level of protection of information according to legislation of the Republic of Belarus, as well as conduct permanent control of compliance with requirements for information protection;

establish a procedure of provision of information to a user, together with defining measures necessary for ensuring conditions for users' access to information;

prevent illegal (unsanctioned) acces to information and (or) transmission of it to persons unauthorized for access to information;

in due timing detect facts of illegal (unsanctioned) acces to information;

prevent possibility of adverse consequences of violation of order of acces to information;

debar influence upon technical means of processing information that results in infracting their functioning;

provide opportunities for immediate recovery of information modified or destroyed by an illegal (unsanctioned) acces to information.

### **Article 53. Protection of personal data**

1. Measures for protection of personal data from disclosure shall be taken from the moment personal data is presented by a person to whom this information relates to another person or when provision of personal data is done on the basis of legislation of the Republic of Belarus.

Measures specified in the first part of the present pt. shall be taken prior to destruction or depersonalization of personal data, or prior to receiving an agreement from a person this information relates to for disclosure of such information.

Consequent transfer of personal data shall be allowed only on the basis of consent of the person this information relates to, or according to the legislation of the Republic of Belarus.

2. If personal data has been received with violations of requirements mentionend by pt.1 of the present Article, a party that has obtained such information shall not be entitled to use it and is bearing responsibility in accordance with the legislation of the Republic of Belarus.

## **CHAPTER 9 INTERNATIONAL RELATIONS**

### **Article 54. International cooperation**

Parties of informational relationships may take part in implementation of international programs and projects, sign agreements with foreign and international organizations, enter foreign and international scientific communities, association and unions in accordance with the legislation of the Republic of Belarus.

### **Article 55. Intermational treaties**

Should an international treaty specify other norms than those presupposed by the present Law, norms of an international treaty shall apply.

## CHAPTER 10 FINAL PROVISIONS

### **Article 56. Amenabilities for violating provisions of the present Law**

Violation of provisions of the present Law shall lead into disciplinary, civil, administrative or criminal responsibilities in accordance with legislative acts of the Republic of Belarus.

### **Article 57. Effect of the present Law**

The present Law shall enter into effect six months after its official publication, apart from pt.2 of Article 58 that shall enure after official publication of the present Law.

Article 58. Measures of conformation of legislation of the Republic of Belarus with the present Law

1. Nullify the powers of:

The Law of the Republic of Belarus "On Informatization" from September 6, 1995 ( *Herald of the Council of Ministers of the Republic of Belarus*, 1995, #33, pg. 428);

Article 14 of the Law of the Republic of Belarus " On Revision and Addendum to some Legislative Acts of the Republic of Belarus on Questions of Technical Normalization, Standardization and Valuation of Correspondence to Provisions of Technical Legal Acts in the Sphere of Technical Normalization and Standardization" from July 20, 2006

(National register of legal acts of the Republic of Belarus.

2. The Council of Ministers of the Republic of Belarus shall, in the course of six months after the official publication of the present Law:

conform decisions of the Government of the Republic of Belarus with the present Law;

provide for revision and nullification of governmental bodies of state control subordinated to the Council of Ministers of the Republic of Belarus, their legal and normative acts that contradict the present Law;

take other measures necessary for implementation of the present Law.

President of the Republic of Belarus