

LAW OF AZERBAIJAN REPUBLIC “ON DATA, DATA PROCESSING AND DATA PROTECTION”

(Extracts)

Chapter V

PROTECTION OF DATA

Article 17. Purposes of protection in the field of data resources and data processing

Purposes of protection of data consists of as follows:

- to take preventive measures against destruction, loss and falsification of data;
- to provide safety of state, public and citizens;
- to take preventive measures against unauthorized acts connected with destruction, modification, copying and isolation of data;
- to protect confidentiality of data that constitutes the state secret;
- to guarantee the rights of physical and legal persons while data processing and during the use, production and application of data systems, technologies and their securing means.

Article 18. Organization of protection of data

Any documented data, as a result of the actions or illegal operations in respect of which ones there can be caused the damage to a proprietor, owner, user or other persons, shall be protected.

Protection regime of data, depending on the degree of confidentiality and type of entry, shall be determined by the Law “On State Secret” of Azerbaijan Republic, this Law and other legal acts.

Proprietor of data resources or the structural divisions, which are responsible for protection of data in accordance with the legislation of Azerbaijan Republic, shall have the right to control the observance of requirements concerning the protection of data and in case where these requirements are broken – to suspend the work with data.

Owner or proprietor of the documented data can apply to relevant bodies to determine the observance of standards and requirements related to protection of data that belongs to him/her in data systems. These bodies must respect the conditions of confidentiality of data and the results of check-up.

Article 19. Rights and obligations of entities in the field of protection of data

The proprietor of documents, document files, data systems or the relevant executive authorities shall determine the rules concerning the presentation, in accordance with present Law, of data to the user and provides for the access of users to the work with documents.

Proprietor or owner of these systems and means shall be responsible for the use of uncertified systems and means for providing of certain services. And for the use of data obtained from such systems the responsibility shall be borne by user.

Article 20. Protection of rights of persons in data environment

User of data shall be responsible for violation of rights of data proprietor or owner.

Relations between users and proprietors of data products and services shall be arranged by the rules and agreements provided for in the legislation of Azerbaijan Republic. The disputes arising from between them shall be resolved by court via the procedure specified in the legislation of Azerbaijan Republic.

The physical and legal persons, whose actions caused the damage or the change of data, shall bear responsibility in accordance with the legislation of Azerbaijan Republic.

The protection of the rights of physical and legal persons in the field of formation, use and processing of data resources, production and application of data systems, technologies and means of their securing is aimed at prevention of transgressions, restoration of violated rights and reparation of damages caused. The protection of these rights shall be implemented by the relevant bodies via the procedure specified in the legislation of Azerbaijan Republic.

In case where the user's access to the work with data is limited or banned or where the user is provided with deliberately false information and in case of violation of legislation of Azerbaijan Republic or the conditions of the concluded agreements the user shall have the right to lodge a complaint with court and to demand reparation of damages caused to him/her as a result of these actions.

Officials who are guilty in ill-founded limitation of rights of citizens to work with data shall bear responsibility in accordance with the legislation of Azerbaijan Republic.