

Access to Documents of the National Archival Fund Excerpt from The Law of Ukraine

*"On the National Archival Fund and Archival Institutions",
Article 15*

Documents of the National Archival Fund and its reference stuff are issued for the use at archival institutions beginning from the time of their receipt for storing, and at private archival collections – on decision of their owners.

The State encourages owners of private archival institutions to increase the access to documents of the National Archival Fund, contributes to publication and exhibiting these documents at shows and making a reference apparatus available to everyone.

(Part 2 of Article 15 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

It is prohibited to attribute to state and other provided by the law secret information about place of keeping documents of the National Archival Fund, owned by the State, territorial communities, as well as to create secret archives for keeping such documents.

Citizens of Ukraine have the right to use documents of the National Archival Fund or their copies on the basis of personal application and identification document. Persons, who use documents of the National Archival Fund on official matter, deliver the document certifying their authority.

Foreigners and persons without citizenship, legally staying in Ukraine, enjoy the same rights of access to documents of the National Archival Fund, as well as they have the same obligations as citizens of Ukraine.

It is prohibited to require from users to present documents, which are not provided by this Law.

The user is informed on refusal of access to documents of the National Archival Fund in writing with specification of exhaustive reasons of refusal.

THE STATE ARCHIVAL SERVICE OF UKRAINE



ARCHIVAL LEGISLATION OF UKRAINE

1991–2011



THE STATE ARCHIVAL SERVICE OF UKRAINE

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OF UKRAINE
1991–2011

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THE DECREE OF THE PRESIDUM OF THE VERKHOVNA RADA OF UKRAINE

on Passing of Archives of the Communist Party of Ukraine to Subordination of the Main Archival Administration under the Cabinet of Ministers of Ukraine

Because of great historical, scientific and social-legal value of the documents of archives of the Communist Party of Ukraine, the Presidium of the Verkhovna Rada of Ukraine enacts:

1. To pass documents of archives of the Communist Party of Ukraine to subordination of the Main Archival Administration under the Cabinet of Ministers of Ukraine and its local institutions together with premises, technological equipment and employees personnel.
2. The Main Archival Administration under the Cabinet of Ministers of Ukraine should secure acceptance and safe keeping of documents from corresponding archives of committees and institutions of the Communist Party of Ukraine.

Chairman of the Verkhovna Rada of Ukraine

L. KRAVCHUK

Kyiv City
August, 27, 1991



THE DECREE OF THE PRESIDUM OF THE VERKHOVNA RADA OF UKRAINE

On Passing of Archival Documents of the State Security Committee (SSC) of Ukraine to Governmental Archives of the Republic

Due to the fact that archives of services of the State Security Committee of Ukraine keep documents, which have a great value for objective appreciation of social and political processes, mass repression, rehabilitation and securing of legal interests of citizens, the Presidium of the Verkhovna Rada of Ukraine enacts:

- 1) to determine that the State Security Committee of Ukraine passes in permanent custody to the Main Archival Administration under the Cabinet of Ministers of Ukraine and its local institutions according to the procedure provided for ministries and other governmental and republican authorities.
- 2) the Main Archival Administration under the Cabinet of Ministers of Ukraine and the State Security Committee of Ukraine should form a commission with participation of people's deputies and representatives of public organizations for working out of procedure and criteria for selection and transfer of documents to the state archives. Transfer of archival documents of the State Security Committee of Ukraine is to be completed within six months.
- 3) The Cabinet of Ministers of Ukraine must consider financial and material supply of safe keeping of these funds at state archives.

Chairman of the Verkhovna Rada of Ukraine

L. KRAVCHUK

Kyiv City
September, 9, 1991



THE LAW OF UKRAINE

On Information

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1992, No 48, p. 650)

(Brought into effect by the Decree of the Verkhovna Rada No 2658-XII (2658-12) from 02.10.92, the VVR, 1992, No 48, p. 651)

(Official interpretation of the Law see the Decision of the Constitutional Court of Ukraine No 5-bill (v005p710-97) from 30.10.97)

(With changes, introduced according to laws

No 1642-III (1642-14) from 06.04.2000, the VVR, 2000, No 27, p. 213

No 3047-III (3047-14) from 07.02.2002, the VVR, 2002, No 29, p. 194

No 676-IV (676-15) from 03.04.2003, the VVR, 2003, No 28, p. 214)

No 1268-IV (1268-15) from 18.11.2003, the VVR, 2004, No 11, p. 141

No 1703-IV (1703-15) from 11.05.2004, the VVR, 2004, No 32, p. 394

No 2707-IV (2707-15) from 23.06.2005, the VVR, 2005, No 33, p. 429)

No 2388-VI (2388-17) from 01.07.2010, the VVR, 2010, No 37, p. 496

No 2592-VI (2592-17) from 07.10.2010, the VVR, 2011, No 10, p. 63

No 2724-VI (2724-17) from 30.11.2010, the VVR, 2011, No 12, p. 86

No 2756-VI (2756-17) from 02.12.2010, the VVR, 2011, No 23, p. 160)

(As amended by the Law No 2938-VI (2938-17) from 13.01.2011, the VVR, 2011, No 32, p. 313)

(In text of the Law (2657-12) the word “secret” in all declinations has been changed to “confidential” in corresponding case in accordance with the Law No 1703-IV (1703-15) from 11.05.2004)

(In text of the Law (2657-12) the words “and regional” are excluded according to the Law No 2388-VI (2388-17) from 01.07.2010)

This Law regulates the relations on creation, compilation, receiving, storage, use, dissemination, protection, defence of information.

Section I

GENERAL PROVISIONS

Article 1. Definition of Terms

1. In this Law the following terms shall mean:

document – material media that contains information with the key functions to preserve and disseminate it in time and space;

protection of information – set of legal, administrative, organizational, technical and other activities to ensure preservation and integrity of information and a proper access to it;

information – any information and/or data that may be stored on material media or retrieved in electronic format;

authority – state power body, self-governing body or another subject with authority that functions under the law, including to perform delegated authority.

Article 2. Main Principles of Information Relations

1. Main principles of information relations are:

guaranteed right to information;

openness of and access to information, freedom to exchange information;

trustworthiness and completeness of information;

freedom to express views and convictions;

legality to receive, use, disseminate, protect and defend information;

protection of the person from intrusion in his personal and family life.

Article 3. State Information Policy

1. Main guidelines of the state information policy are to:

ensure everyone's access to information;

ensure equal opportunities to create, compile, receive, store, use, disseminate, protect and defend information;

create conditions to form information society in Ukraine;

ensure openness and transparency of activities of authorities;

establish information systems and networks, develop e-governance;

ever renew, enrich and protect the national information resources;

ensure information security of Ukraine;

foster international cooperation in the information sphere and ensure access of Ukraine to global information network/resources.

Article 4. Subjects of Information Relations and Object of Information Relations

1. Subjects of information relations are:

natural persons;

legal persons;

citizen associations;
authorisation is the object of information relations.

Article 5. Right to Information

1. Everyone has right to information, which stipulates a possibility to freely receive, use, disseminate, protect and defend the information necessary to enjoy one's rights, freedoms and legitimate interests.

The implementation of one's right to information should not violate civil, political, economic, social, spiritual, ecological and other rights, freedoms and legitimate interests of other citizens, rights and interests of legal persons.

Article 6. Guaranteed Right to Information

1. The right to information shall be ensured through:

the establishment of a mechanism to implement the right to information;

the creation of conditions conducive for free access to statistics data, archive, library and museum archives, other information pools, database, information resources;

the obligation of authorities to inform the public and mass media about their activities and passed decisions;

the obligation of authorities to set aside special units or persons to ensure applicants' access to information;

government and public control of compliance with the Law on information;

liability for violation of the Law on information.

2. The right to information may be limited by law to ensure the national security, territorial integrity and public order, to prevent revolts or crime, to protect popular health, to defend repute or rights of other people, to prevent confidential information disclosure, or to support authority and objectivity of justice.

Article 7. Protection of the Right to Information

1. The right to information is protected by the Law. The State guarantees equal rights and opportunities for access to information to all subjects of information relations.

2. Nobody may limit the right of a person to choose forms and sources of information obtaining, except the cases stipulated by the Law.

A subject of information relations may demand to eliminate any breach of his right to obtain information.

3. It is prohibited to seize and destroy publications, exhibits, information pools, documents from archival, librarian and museum funds, except the cases stipulated by the Law or based on court decisions.

4. The rights to information developed in the course of natural or legal person's activity, authorities' performance, or at the cost of natural/legal person, the State Budget of Ukraine, local budgets, shall be protected in the manner prescribed by the Law.

Article 8. Language of Information

1. The language of information shall be specified by the Law on languages, other legislation that regulates this sphere, international treaties/agreements the Verkhovna Rada of Ukraine has consented to.

Article 9. Main Types of Information Activities

1. Main types of information activities are to create, compile, receive, store, use, disseminate, protect, and defend information.

Section II

TYPES OF INFORMATION

Article 10. Types of Information According to the Content

According to the content information can be divided on such types:

information on natural person;
reference and encyclopedic information;
information on environment (ecology information);
information on goods (works, services);
science and technology information;
tax information;
legal information;
statistics information;
sociological information;
other types of information.

Article 11. Information on Natural Person

1. Information on natural person – ID data, other information or information pool about a natural person.

2. It is not allowed to compile, store, use and disseminate the confidential information about the person without his/her agreement, except the law specified cases, and only in the national interests, economic welfare and human rights defence. Confidential personal ID information is: nationality, education, marital status, faith, health, address, DOB, POB.

Everyone has a free access to personal information except the cases set by the Law.

Article 12. Reference and Encyclopedic Information

1. Reference and encyclopedic information is systemized, documented or publicly disclosed data about social, public life and environment.
2. Main sources of this information are encyclopedias, dictionaries, reference-books, advertisements and announcements, guide-books, cartographic materials and other, as well as references, issued by authorized for that governmental bodies, local and regional authorities, unions of citizens, organizations, their employees and automated information systems.
3. Legal regime of reference and encyclopedic information is specified by laws of Ukraine and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.

Article 13. Information on Environment (Ecology Information)

1. Information on environment (ecology information) – information/data on: environment status and its components, including genetically modified organisms and interaction between these components; factors that affect or may affect environment components (substances, energy, noise, radiation, as well as activities or events, including administrative agreements on environment, policies, legislation, plans and programs); status of health and personal security, living conditions, status of objects of culture and constructions to a degree they may be affected by environment components.
2. Legal regime of the information on environment (ecological information) is specified by the Law of Ukraine and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.
3. The information on environment, except the information about the location of military facilities, may not be classified as information of limited access.

Article 14. Information on Product (Works, Services)

1. Information about product (works, services) – information/data about quantitative, qualitative and other characteristics of goods (works, services).
2. The information on the impact of product (services, works) on life and health of people may not be classified as information of limited access.
3. Legal regime of information about product (works, services) is specified by laws of Ukraine and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.

Article 15. Science and Technology Information

1. Science and technology information – any information and/or data about domestic and foreign achievements in science, technology and manufacturing obtained in the course of science and research, development, design and technology, production and public activities that can be recorded on material media or retrieved electronically.
2. Legal regime of science and technology information is specified by the Law “On Science and Technology Information (3322-12)”, other laws and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.
3. Science and technology information is open for access if it is not stipulated otherwise by laws of Ukraine.

Article 16. Tax Information

1. Tax information – database created and obtained by subjects of information relations in the course of current activity and necessary for realization of tasks and functions entrusted to control organs in order determined by the Tax Code of Ukraine (2755-17).
2. The legal regime of the tax information shall be specified by the Tax Code of Ukraine (2755-17) and other laws.

Article 17. Legal Information

1. Legal information – any data on law, its system, sources, implementation, legal facts, legal relations, legal order, torts, counter measures and prevention thereof.
2. Sources of legal information are the Constitution of Ukraine (254c/96-VR), other laws and by-laws, international treaties and agreements, international law norms and principles of international law and also non-normative legal acts, mass media publications, public speeches, other sources of information on legal matters.
3. With the purpose of granting access to legislative and other normative acts to natural/legal persons the State secures issuing of these acts by general circulation within the shortest terms after its coming in legal effect.

Article 18. Statistics Information

1. Statistics information is documented information, which provides qualitative characteristics of mass phenomena and processes, occurred in economical, social, cultural and other spheres of life.
2. Official state statistics information is a subject to systemic promulgation.
3. The state guarantees free access to official state statistical information for all subjects of information relations, except for the information of limited access as stipulated by the Law.

4. The legal regime of state statistical information is determined by the Law of Ukraine “On Governmental Statistics” (2614-12), other laws and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.

Article 19. Sociological Information

1. Sociological information – any documented information about the attitude towards some persons, phenomena, events, processes, facts, etc.

2. Legal regime of sociological information is specified by laws of Ukraine and international treaties/agreements the Verkhovna Rada of Ukraine has consented.

Article 20. Access to Information

1. According to the ways of access information is divided into information of open and limited access.

2. Any information is open, except for information specified by law as information of limited access.

Article 21. Information of Limited Access

1. Information of limited access is confidential and secret and service information.

2. Personal information is confidential, as well as information of limited access by natural/legal person, except the authorities. Confidential information may be distributed by will (at consent) of certain person in the way and on terms determined by the person, as well as in other cases determined by the Law.

Relations related to the legal regime of confidential information are regulated by the Law.

3. Order of referring information as secret or service information, as well as order of access to it, is determined by laws.

4. The following data cannot be considered as information of limited access:

1) On condition of the environment, foodstuffs and habitual use goods quality;

2) On accidents, disasters, natural calamities and other extremities that occurred or may occur and thus threaten human security;

3) On state of health of citizens, living standards, including nourishment, clothes, housing, healthcare, welfare, social/demographic indicators, law and order, education and culture;

4) On cases of violation of rights and freedoms of human and citizen rights;

5) On arbitrary acts of authorities, self-governance, their incumbents and officers;

6) Other information, access of which may not be limited under laws of Ukraine and international treaties/agreements the Verkhovna Rada of Ukraine has consented to.

Section III

ACTIVITY OF JOURNALISTS, MASS MEDIA AND ITS STAFF

Article 22. Mass Media and its Means

1. Mass information – information distributed to outreach unlimited number of persons.
2. Mass media – are means aimed at public circulation of printed and audio-visual information.

Article 23. Information Products and Services

1. Information products – material result of information activity aimed at satisfaction of needs of subjects of information relations. Information service is activity aimed at providing users with information products to satisfy their needs.
2. Information products and services are objects to civil relations regulated by the Civil Law of Ukraine.

Article 24. Prohibition of Censorship and Intrusion into Professional Activities of Journalists and Media

1. Censorship prohibition – any request to journalists or mass media, its founder (cofounder), publisher, executive officer, distributor to approve previously the information before its distribution, or ban and prevent in any way from publication or distribution of information is prohibited.

This prohibition does not cover the cases when the preliminary coordination of information is carried out on the basis of law or court adjudications to ban information distribution.

2. It is prohibited to interfere in professional activity of journalists, control content of information, which is to be distributed, namely in order to distribute or do not distribute certain information, conceal socially significant information, impose prohibition on ascertaining of some themes, demonstration of certain persons or distribution of information about them, prohibit criticizing governmental bodies or local authorities or their officials in any form, not provided by legislation of Ukraine, agreement between founder (cofounders) and the staff or editorial statutes.
3. Purposeful prevention of legal professional activity of journalist and/or persecution of a journalist for fulfilling of his professional duties and for criticism means criminal liability according to legislation of Ukraine.

Article 25. Guarantees of Activity of Mass Media and Journalists

1. While performing his duties, a journalist can take notes, record, film using technical devices, except the cases determined by the Law.
2. A journalist is free to enter the premises occupied by authorities, open events they carry out, and be personally accepted by an official or public servant within reasonable terms, except for the cases determined by the Law.
3. A journalist has a right not to disclose the information source or the information that might lead to source disclosure, except the cases when he is bound to by court decision or the Law.
4. After submission of professional ID having produced document, media worker can gather information in areas of natural calamity, disaster, accidents, public disorder, military operations, except the cases determined by the Law.
5. A journalist can distribute his own materials (audio records, video recordings, notes etc.) signed (authorship) or penname signed.
6. A journalist of mass media can refuse his authorship (signature) of material if the edited content counters his beliefs.
7. The rights and obligations of journalist, media worker, determined by this Law, are valid for foreign journalists, foreign media staff who work in Ukraine.

Article 26. Accreditation of Journalists and Media Workers

1. In order to create favorable conditions for professional activity of journalists and media workers, the authorities can accredit them.

All actions on accreditation shall be based on principals of transparency, equity, justice to ensure citizens' rights to obtain information through the mass media. Lack of accreditation can be a reason for refusal to let journalists visit open events sponsored by the authorities.

2. Accreditation of a journalist, media worker is free on the grounds of his application or based on his outlet application.

The application shall specify name, address, telephone, e-mail (if available). The application shall be backed by professional ID copy.

The media outlet application shall specify his full name, date/number of registration, address, telephone, e-mail (if available) and journalist's name to represent the outlet. The application shall be backed by professional ID copy.

An application cannot be rejected in case when all necessary documents specified herein have been filed.

The authorities may simplify the accreditation process.

3. The accreditation process set by the authorities shall be made public.
4. The authorities who accredit journalists shall foster their professional activities, timely notify them about place and time of their sessions, conferences,

meetings, briefings, etc.; provide them with information set for media, and assist in creating conditions for recording and information transmission, conducting interviews, getting comments from officials.

5. In case an event is carried out according to international or other special protocols, special conditions for journalists' access can be set. Such special conditions shall be posted on the authorities' official website before the event takes place.

6. A journalist, media man shall follow commission from the government, labor routine rules set by officials and don't prevent the officials from fulfilling their duties.

7. The authorities who accredit a journalist, a media man can stop accreditation in case:

a journalist filed an application for that matter;

a journalist constantly violates his obligations set by this Article;

mass media application for accreditation.

8. Name of official (authorities) who took such decision, the date, reason for reaching such decision, order of appeal shall be indicated in decision about accreditation termination. An advice note written on accreditation termination shall be handed in or dispatched to the mass media or journalist within five working days from the day the decision was taken.

9. The decision about accreditation termination can be appealed at court in accordance with established procedure.

Section IV

AMENABILITY FOR VIOLATING THE LEGISLATION ON INFORMATION

Article 27. Amenability for Violating the Legislation on Information

1. Violation of the legislation of Ukraine on information is a subject to disciplinary, civil, legal, administrative or criminal law amenability under laws of Ukraine.

Article 28. Inadmissibility of Abuse of the Right for Information

1. Information can not be used as appeal for overthrowing the constitutional regime, violation of territorial integrity of Ukraine, propaganda of war, violence, brutality, instigation of interethnic, racial, religious hostility, perpetration of acts of terrorism, encroachment on human rights and freedoms.

Article 29. Dissemination of the Information Necessary for Society

1. Information of limited access may be disseminated if it is socially necessary, i.e. is of interest for society and the right of the public to know this information prevails over harm of its distribution.
2. The subject of social interest is information which affirms threat to the national sovereignty, territorial integrity of Ukraine; ensures realization of constitutional rights, liberties and obligations; proves the possibility of human rights violation, leads to public misrepresentation, harmful ecological and other negative consequences of natural/legal persons' activity (inactivity).

Article 30. Exemption from Liability

1. Nobody can be sued for the expression of value judgments.
2. Value judgments, except for defamation, are statements which do not contain actual data, criticism, assessment of actions, as well as statements which can be considered as those containing actual data, in particular according to usage of linguistic means (hyperbole, allegory, satire). Value judgments are not a subject to negation or proof of credibility.

If any person considers that value judgments or opinions humiliate his honor, dignity or professional reputation and also other personal immaterial rights, the person can use the right to respond granted by the Law, as well as personal interpretation of the matter by means of the same mass media in order to substantiate the groundlessness of widespread judgments by evaluating them in different way. If an individual opinion is expressed in brutal, humiliating or improper form that humiliates one's dignity, honor or professional reputation then the person who expressed his opinion or estimation speculations in that form may be obligated to compensate caused moral harm.

3. Subjects of information relations shall be relieved of responsibility for disclosure of information of limited access if the court considers that the information is socially needed.
4. Extra grounds for mass media and journalists discharge from liability shall be set by the laws of Ukraine on: the Printed Media (the Press) in Ukraine; Television and Radio; Information Agencies and others.

Article 31. Compensation for Material and Moral Damage

1. In case one's violated right for freedom of information caused him material or moral damage then he has the right for indemnification through the court.
2. The authorities that act as prosecutors in cases concerning dignity, honor or professional reputation protection can only demand in legal form disproof unauthentic information about them and do not have right for moral (non-material) damage compensation. This provision shall not deprive public servants from the right to defend their dignity, honor or professional reputation in the court.

Section V

FINAL PROVISIONS

1. This Law shall be in effect three months after it has been promulgated.
2. Until the Ukrainian legislation has been brought in compliance with this Law the acts shall be enforced in the part that does not contravene it.
3. Amend the following laws of Ukraine:
 - 1) In the Code of Ukraine “On Administrative Torts” (80731-10, 80732-10) (The Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1984, annex to No 51, p. 1122)
In Article 212-3:
In the second paragraph of the first part words “fifteen to twenty five” shall be replaced with words “from twenty five to fifty”;
In the second paragraph of the second part words “from twenty five to fifty” shall be replaced with words “from fifty to eighty”;
In Article 212-26:
In the second paragraph of the first part first words “twenty five” shall be replaced with “thirty”;
In the first paragraph of the second part shall read as follows:
“Unlawful refusal of a person to provide information, untimely or incomplete provision thereof, dissemination of information which does not correspond to the facts, in case if such information should be given at the request of such information being requested by law enforcing bodies or the Court of Auditors”;
 - 2) Part one of the Article 200, the Civil Code of Ukraine (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2003, No 40-44, p. 356) shall be expressed as follows:
“1. Information is any facts and/or data that may be stored on material media or retrieved in electronic format”;
 - 3) Paragraph 12 of Article 1 of the Law of Ukraine “On State Statistics” (2614-12) (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2000, No 43, p. 362) shall be expressed as follows:
“statistic information – documented information which gives quantitative characteristics of mass events and processes that occur in economical, social, cultural and other spheres of public life.”
 - 4) In the Law of Ukraine “On the Printed Media (the Press) in Ukraine” (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1993, No 1, p. 1, No 46, p. 427; 1997, No 15, p. 115; 2003, No 29, p. 234, No 30, p. 247; 2004, No 7, p. 51, No 11, p. 141, No 16, p. 238, No 32, p. 394):
exclude Article 27;

in Article 40:

the title shall be read as follows:

“Article 40. Establishment of Foreign Press Representations”;

Exclude part three;

5) In the Law of Ukraine “On Scientific and Technical Information” (3322-12) (The Vidomosti of the Verkhovna Rada of Ukraine, 1993, No 33, p. 345):

Paragraph two of Article 1 shall be read:

“scientific and technical information – any information/data about national and foreign achievements in science, technologies and manufacturing obtained in the course of scientific, research, design, technological, manufacturing and public activity that can be recorded on material media or retrieved electronically”;

In Part 1 of Article 2 words “documented on any medium or promulgated” shall be deleted;

6) Part two of Article 37 of the Law of Ukraine “On Information Agencies” (The Vidomosti of the Verkhovna Rada of Ukraine, 1995, No 13, p. 83) shall be deleted;

7) Article 3 of the Law of Ukraine “On Order of Presentation of the Activity of State Power Bodies and Local Self-Governance of Ukraine in the Media” (The Vidomosti of the Verkhovna Rada of Ukraine, 1997, No 49, p. 299; 1998, No 45, p. 271; 2002, No 48, p. 361; 2006, No 13, p. 109) shall be deleted;

8) Articles 45 and 69 of the Law of Ukraine “On Television and Radio” (The Vidomosti of the Verkhovna Rada of Ukraine, 2006, No 18, p. 155 with further amendments) shall be deleted.

4. The Cabinet of Ministers of Ukraine within six months after the Law has been in effect shall:

Bring its acts in compliance with this Law;

Ensure that ministries and other central executives review and cancel their acts if they contravene this Law.

President of Ukraine

L. KRAVCHUK

Kyiv City

October, 2, 1992

No 2657-XII



FROM THE ENACTMENT OF THE VERKHOVNA RADA OF UKRAINE

On Interpretation of the Law of Ukraine “On Rehabilitation of Victims of Political Repressions in Ukraine”

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR) 1994, No 15, p. 88)

11. [...] Law-enforcement bodies, archives and other public institutions of Ukraine at the request of public and social institutions, as well as of private persons from countries – republics of the former USSR provide legal assistance on issues, concerned with rehabilitation.

15. Rehabilitated persons or, at their consent or due to their death, their close relatives have the right to familiarize with materials of classified criminal and administrative files and receive copies of documents of non-procedural character. They can familiarize with such files only in case, when these files do not contain data, which may negatively influence dignity, legal rights and interests of victims and their relatives themselves, as well as other citizens.

Rehabilitated persons and their heirs have the right to receive manuscripts, photographs, other personal stuff, which were kept in files. Governmental bodies are obliged to inform relatives of rehabilitated about place of its death, if such data are available.

Chairman of the Verkhovna Rada of Ukraine

I. PLUSHCH

Kyiv City
December, 24, 1993

No 3812-XII



THE LAW OF UKRAINE

On the National Archival Fund and Archival Institutions

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1994, No 15, p. 86)

(Brought into effect by the Decree of the Verkhovna Rada

No 3815-XII (3815-12) from 24.12.93, the VVR, 1994, No 15, p. 87)

(With changes introduced according to laws

No 498/95-VR from 22.12.95, the VVR, 1996, No 3, p. 11

No 608/96-VR from 17.12.96, the VVR, 1997, No 8, p. 62)

(As amended by the Law

No 2888-III (2888-14) from 13.12.2001, the VVR, 2002, No 11, p. 81)

(With changes introduced according to laws

No 534-V (534-16) from 22.12.2006, the VVR, 2007, No 10, p. 91

No 2756-VI (2756-17) from 02.12.2010, the VVR, 2011, No 23, p. 160)

This Law regulates relations, concerned with formation, stocktaking, preservation and use of the National Archival Fund and other main issues of archival affairs.

Section I

GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law the below mentioned terms have the following meaning:

archival document – the document regardless of its type, form of material data media, time, place of its creation and preservation, and its ownership, which terminated fulfilling its principal functions, but is kept or to be kept due to its significance to a person, society or state or due to value for the owner as an object of movable property; (Paragraph 2 of Article 1 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

document of the National Archival Fund – the archival document, which cultural value is determined by special expertise and which is the subject of state registration and preservation; (Paragraph 3 of Article 1 of the Law edition No 534-V (534-16) from 22.12.2006)

the National Archival Fund – collection of archival documents, which display history of spiritual and material life of Ukrainians and other nationalities, have great cultural value and are heritage of the Ukrainian nation;

unique document – the document of the National Archival Fund, which has an exclusive cultural value, is of great importance for formation of national self-consciousness of the Ukrainian nation and determines its contribution to world cultural heritage;

private archival document – the archival document which is created by an individual or concerns him directly; (Article 1 is supplemented with the paragraph according to the Law No 534-V (534-16) from 22.12.2006)

archival affairs – branch of vital activity of the society, which includes scientific, organizational, legal, technological, economical and other issues of activity of natural persons and legal entities, concerned with accumulation, stocktaking, preservation of archival documents and use of included in them data;

records keeping – a complex of processes, securing documentation of administrative information and organization of work with office files;

archival institution, archive, archival subdivision, archival department – correspondingly the institution or structural subdivision, which secures stocktaking and storing of archival documents, use of included in them data, and formation of the National Archival Fund and/or conducts managing, research and information activity in the sphere of archival affairs and records keeping;

state archival institution – the archival institution, which carries out its activity at the expense of the State Budget of Ukraine;

private archival collection – collection of archival documents, owned by one or several persons;

secret archive – archival institution, which existence is not publicly disclosed;

user of archival documents – natural or legal person, who acquaints himself with archival documents according to the legislation; (Paragraph 13 of Article 1 is in the Law edition No 534-V (534-16) from 22.12.2006)

Paragraph 14 is excluded on the basis of the Law No 534-V (534-16) from 22.12.2006);

reference staff – references in any form (guidebooks, inventories, catalogues, indexes, databases, files, nomenclatures and others), assigned for search of archival documents and information included in them;

files nomenclature – obligatory to each legal person systematized list of files names, which are formed in its records keeping, specifying terms of files storing;

archival certificate – the document of archival institution, issued in accordance with legislation, which contains information about the subject of inquiry on the basis of archival documents, specifying their search data.

Article 2. Legislation of Ukraine on the National Archival Fund and Archival Institutions

Legislation of Ukraine on the National Archival Fund and archival institutions is based on the Constitution of Ukraine (254k/96-VR) and consists of this Law and other normative legal acts of Ukraine, passed according to it.

If international agreement, obligation of which is given by the Verkhovna Rada of Ukraine, provides norms other from those in legislation of Ukraine on the National Archival Fund and archival institutions, the norms of international agreement prevail.

Article 3. Public Policy in the Sphere of Archival Affairs and Records Keeping

The State guarantees conditions for storing, augmenting and use of the National Archival Fund, contributes to achieving the first-rate level of development in archival affairs and records keeping.

The Verkhovna Rada of Ukraine regulates state policy concerning archival affairs and records keeping.

The Cabinet of Ministers of Ukraine, other bodies of executive power, as well as local authorities ensure carrying out of state policy in the sphere of archival affairs and records keeping within their competence.

Section II

THE NATIONAL ARCHIVAL FUND AND ITS FORMATION

Article 4. The National Archival Fund

The National Archival Fund, which is a constituent part of native and world cultural heritage and informational resources of society, is under state protection and destined for satisfaction of information needs of society and state, realization of rights and legal interests of each person.

Documents of the National Archival Fund constitute cultural valuables, which are permanently kept on the territory of Ukraine or in accordance with international agreements, obligation of which is given by the Verkhovna Rada of Ukraine, are to be returned to Ukraine.

Natural and legal persons are obliged to ensure safety of the National Archival Fund and contribute to its replenishment.

Article 5. General Basis for the Formation of the National Archival Fund

The National Archival Fund is formed according to the procedure, provided by this Law, of archival documents of state authorities, local authorities, enterprises, organizations and institutions of various ownership forms, as well as of archival documents of citizens and their unions.

The State takes measures for replenishment of the National Archival Fund with documents of cultural heritage of Ukraine, founded abroad, and with documents of foreign origin, which concern the Ukrainian history, in priority order finances their discovering, registration, transmission, purchase and copying. Centralized records keeping of mentioned documents is carried out according to the procedure, provided by central body of executive power in the sphere of archival affairs and records keeping. Natural or legal persons inform the central body of executive power in the sphere of archival affairs and records keeping about finding out of the indicated documents.

(Part 2 of the Article 5 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

Article 6. Inclusion of Documents into the National Archival Fund

The inclusion of documents into the National Archival Fund or exclusion of documents from it is carried out on the basis of the expertise of their value by commission of specialists in archival affairs and records keeping, representatives of scientific and creative society, other specialists.

The Cabinet of Ministers of Ukraine approves principles and criteria for the determination of value of documents and the procedure of creation and activity of expert commissions.

The expertise of documents' value is carried out on the initiative of their owner or state archival institution at owner's consent. Should any danger of destruction or sufficient condition worsening of mentioned documents, their owner has to inform about that any state archival institution to organize the expertise of value of these documents. The destruction of documents without the previous expertise of their value is forbidden.

(Part 3 of Article 6 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

Legal and natural persons, who have documents aging 50 years and more, or who sell or bring archival documents abroad, have to inform about that to one of state archival institutions in order to decide the question concerning expertise of value of these documents. Selling or bringing of the archival documents abroad without the previous notification of a state institution is forbidden.

(Part 4 of Article 6 of the Law edition No 534-V (534-16) from 22.12.2006)

The demands mentioned in the parts 3 and 4 of this Article do not extend to owners of the private archival documents.

(Article 6 is supplemented with the paragraph according to the Law No 534-V (534-16) from 22.12.2006)

Legal and natural persons, who have documents aging 50 years and more, or who sell or bring archival documents abroad, have to inform about that to one of state archival institutions in order to decide the question concerning expertise of value of these documents.

The documents are included into the National Archival Fund well-ordered at owner's expense in accordance with the requirements, provided by central body of executive power in the sphere of archival affairs and records keeping.

The decision on exclusion of documents from the National Archival Fund is accepted by the expert commission on approval with central body of the executive power in the sphere of archival affairs and records keeping. It is prohibited to exclude documents from the National Archival Fund at motives of a secret or confidentiality contained in it, as well as for political or ideological reasons.

All disputes between archival institutions and owners of documents concerning designation of expertise of their value, inclusion of documents to the National Archival Fund or exclusion from it are to be decided ad litem.

(Article 7 is excluded on the basis of the Law No 534-V (534-16) from 22.12.2006)

Section III

OWNERSHIP FOR DOCUMENTS OF THE NATIONAL ARCHIVAL FUND

Article 8. Ownership for Documents of the National Archival Fund

The documents of the National Archival Fund may be of any ownership form, provided by the Constitution (254k/96-VR) and laws of Ukraine.

The Law protects the ownership for the documents of the National Archival Fund.

Archival documents, which are accumulated within the period of activity of state power bodies, public enterprises, institutions and organizations, as well as documents, passed to state archival institutions by other legal and natural persons without saving of ownership, are the property of the State.

Archival documents, which are accumulated within the period of activity of local authorities, communal enterprises, institutions and organizations, as well as documents, passed to archival departments city councils by other legal and natural persons without saving of ownership, are the property of territorial communities.

Archival documents, which have no owner or which owner is unknown, are carried over to state ownership on the basis of court decision, made at inquiry of state archival institution, except the cases provided by Ukrainian laws.

It is prohibited to exclude the documents of the National Archival Fund from the owner or authorized by him person without their consent, except the cases, provided by Ukrainian laws. Documents of the National Archival Fund, excluded in accordance with the Law for holding inquiry, preliminary (pre-judicial) investigation, carrying out legal proceedings, are to be compulsory returned to the owner or authorized by him person, but not later than within a year after finishing of the case proceeding.

Article 9. Realization of the Ownership for Documents of the National Archival Fund

The owner possesses, uses and disposes the documents of the National Archival Fund taking into consideration restrictions, provided by the Law.

The owner of the documents of the National Archival Fund and other persons, who use the mentioned documents, have no right to destroy, damage them or change their content.

Disputes concerning the realization of the ownership for the documents of the National Archival Fund are to be decided ad litem.

Article 10. Transfer of the ownership for the Documents of the National Archival Fund

The documents of the National Archival Fund, owned by the State or territorial communities, can not be objects of privatization, sale or purchase, mortgage or any other agreements, concerned with transfer of the ownership, and can be issued only for temporary use. The ownership for mentioned documents can be transferred only in accordance with international agreements, obligation of which is given by the Verkhovna Rada of Ukraine, and laws of Ukraine.

The ownership for the documents of the National Archival Fund, owned by the State, territorial communities, can be transferred only after the preliminarily written notification of central body of executive power in the sphere of archival affairs and records keeping or authorized by it archival institutions about the intention to do the documents' alienation. In case of sale of the documents of the National Archival Fund the State has a predilection to purchase them at set prices. In case of a refusal of its right or non-conclusion of it in a month time beginning from the day of the message receipt an owner or authorized by him

person has the right to sell the document. The State predominant right on a document of the private ownership's purchase is not used if buyers of it are the children, the wife or the husband, parents, brothers and sisters, grandparents both of maternal or paternal side. The owner to whom the right of ownership to the document of the National Archival Fund was transmitted have to inform the central body of executive power in the sphere of archival affairs and records keeping or authorized by it archival institution about it in writing.

(Part 2 of Article 10 of the Law edition No 534-V (534-16) from 22.12.2006)

The documents of the National Archival Fund are to be pecuniary valued according to norms and methods, approved by the Cabinet of Ministers of Ukraine.

The change of location and conditions of preservation and use of the documents of the National Archival Fund, is allowed only after the preliminarily written notification of central body of executive power in the sphere of archival affairs and records keeping and authorized by it archival institution.

(Part 4 of Article 10 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

The documents of the National Archival Fund, owned by the State or territorial communities, can not be the object of mortgage, if pawnbroker is a foreigner or a person without citizenship, who does not live permanently in Ukraine.

Article 11. Withdrawal of Ownership for the Documents of the National Archival Fund

The owner of the documents of the National Archival Fund, who does not ensure the appropriate safe keeping of them, may be withdrawn of the ownership for these documents according to the court decision.

Section IV

RECORDS KEEPING AND PRESERVATION OF THE NATIONAL ARCHIVAL FUND

Article 12. State Records Keeping of the Documents of the National Archival Fund

The documents of the National Archival Fund are subjects to compulsory state registration, which is kept according to the procedure, provided by central body of executive power in the sphere of archival affairs and records keeping, and is concluded with the purpose of control under the presence of a document, its condition, place and conditions of preservation.

(Part 1 of Article 12 of the Law edition No 534-V (534-16) from 22.12.2006)

Archival institutions that act as owners, legal and natural persons, which own documents of the National Archival Fund, have to follow the set procedure of their records keeping.

Article 13. Ensuring Safety of the National Archival Fund

The owners of documents of the National Archival Fund or authorized by them legal or natural persons are obliged to keep in appropriate condition the buildings and premises of archival institutions, keep appropriate technological regime, as well as in cases, provided by the Law, make copies to the Insurance Fund and the Fund of Use of Documents of the National Archival Fund, ensure their safety in any other way, and in case of their determination as unique items or issuing them for use outside archival institutions, to guarantee insurance in accordance with the rules, provided by legislation.

The owner, who passed archival documents for preservation at archival institution saving ownership for them, has the right to require ad litem to return documents, if such institution violated the norms of documents preservation.

State archival institutions, archival departments of city councils can provide legal and natural persons, who have documents of the National Archival Fund, with assistance, within appropriate assignments, for improvement of preservation conditions, restoration and creation of funds of use, as well as at owner's request to accept documents of the National Archival Fund for permanent or temporary storing.

It is prohibited to place archival institutions, containing documents of the National Archival Fund, at premises, which do not meet the requirements for preservation of such documents and protection of labor of employees of archival institutions, or moving such institutions without providing another equal premise, prepared for keeping the archival documents, work of employees and users.

Requirements for keeping of archival documents and their order of registration are determined by central body of executive power in the sphere of archival affairs and records keeping.

(Part 5 of Article 13 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

Article 14. Peculiarities of Keeping and Preservation of the Unique Documents of the National Archival Fund

The procedure of determination of the National Archival Fund documents as unique ones, including them to the State Register of the National Cultural Heritage, as well as preservation procedure is determined by the Cabinet of Ministers of Ukraine.

Persons, who keep unique documents, provide state archival institutions with opportunity to create at the expense of the State Budget of Ukraine copies to

the Insurance Fund and the Fund of Use of these unique documents with the right for their further use at the owner's expense.

Section V

USE OF THE NATIONAL ARCHIVAL FUND

Article 15. Access to Documents of the National Archival Fund

Documents of the National Archival Fund and its reference stuff are issued for the use at archival institutions beginning from the time of their receipt for storing, and at private archival collections – on decision of their owners.

The State encourages owners of private archival institutions to increase the access to documents of the National Archival Fund, contributes to publication and exhibiting these documents at shows and making a reference apparatus available to everyone.

(Part 2 of Article 15 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

It is prohibited to attribute to state and other provided by the law secret information about place of keeping documents of the National Archival Fund, owned by the State, territorial communities, as well as to create secret archives for keeping such documents.

Citizens of Ukraine have the right to use documents of the National Archival Fund or their copies on the basis of personal application and identification document. Persons, who use documents of the National Archival Fund on official matter, deliver the document certifying their authority.

Foreigners and persons without citizenship, legally staying in Ukraine, enjoy the same rights of access to documents of the National Archival Fund, as well as they have the same obligations as citizens of Ukraine.

It is prohibited to require from users to present documents, which are not provided by this Law.

The user is informed on refusal of access to documents of the National Archival Fund in writing with specification of exhaustive reasons of refusal.

Article 16. Restriction of Access to Documents of the National Archival Fund Owned by the State and Territorial Communities

Archival institutions are entitled to restrict the access to documents of the National Archival Fund, owned by the State or territorial communities, for the term up to one year due to their scientific technical processing, check of their presence, condition and restoration. In case of carrying out of great volume of mentioned activities the term of restriction may be extended by authority of central body of executive power in the sphere of archival affairs and records keeping, but not more than for one year.

Archival institutions are entitled to deny access to documents of the National Archival Fund, owned by the State or territorial communities, to minors, persons, acknowledged by the court as incapable, and persons, who severely violated the procedure of archival documents use.

For the sake of information protection, attributed to as state or other provided by the Law secret, contained in documents of the National Archival Fund, access to these documents is restricted according to the Law until cancellation of decision of attributing this information to state or another secret.

Access to documents of the National Archival Fund, which contain confidential information on a person, or threaten life or inviolability of the home, is restricted for 75 years from the moment of their creation, if the other is not provided by the Law. Before this term access is possible at consent of a citizen, whose rights and legal interests might be violated, and in case of his death – at his legatee's consent.

In case of transfer of documents of the National Archival Fund, owned previously by the State or territorial communities, under the treaty to state archival institutions or archival departments of city councils, conditions of their keeping are to be determined with previous owners in mentioned agreement. The mentioned procedure may be also provided in cases of transfer of documents for keeping without any changes of their ownership.

Article 17. Restriction of Access to Documents of the National Archival Fund, which Belong to Other Owners

Archival subdivisions of people associations, religious organizations, as well as of private enterprises, institutions and organizations, archival institutions, founded by natural persons, are entitled to restrict the access to documents of the National Archival Fund in order to secure the safety of documents and protection of rights and legal interests of documents owners or other persons. Restriction is placed at the request of documents owner or other interested persons by written notification to central body of executive power in the sphere of archival affairs and records keeping.

In cases, provided by the Law, restrictions, mentioned in the fourth and fifth paragraphs of Article 16 of this Law and the first paragraph of this Article, do not concern officers of state archival institutions, courts, law-enforcement, control-revision and tax authorities, who accomplish official missions. The Law may provide other cases, not covered by such restriction.

Article 18. Forms of Use of Data, Contained in Documents of the National Archival Fund

According to the procedure, provided by legislation, archival institutions issue documents of the National Archival Fund for use by natural and legal persons, create corresponding references for that; issue archival certificates,

copies of documents and satisfy in any other ways inquiries of natural and legal persons; inform about documents, containing information, which may be used by governmental bodies and local authorities, as well as other interested parties; publish, exhibit and popularize in any other way archival documents, as well as perform other functions, destined at effective use of information, contained in documents of the National Archival Fund.

Article 19. Procedure of Use of Documents of the National Archival Fund

The procedure of use of documents of the National Archival Fund, owned by the State or territorial communities, is determined by central body of executive power in the sphere of archival affairs and records keeping.

The procedure of use of documents of the National Archival Fund owned by other owners, is determined by the owner and authorized by him person taking into account recommendations of central body of executive power in the sphere of archival affairs and records keeping.

Article 20. Rights of Users of Documents of the National Archival Fund

Users of documents of the National Archival Fund, owned by the State or territorial communities, have the right to:

- 1) use at reading hall of archival institution copies of documents from the use funds, and in case of their absence, originals, if their access is not legally restricted, and in accordance with the Law to use documents of limited access;
- 2) receive from archival institutions certificates on information, contained in documents, access to which is not restricted on legal basis;
- 3) receive documents or their copies for temporary use outside archival institutions on written approval of archival institutions;
- 4) use references to documents, and on approval of archival institutions – registration documents;
- 5) make, including with the help of technical appliances, or receive from archival institutions copies of documents and excerpts from them, if it does not threatens documents condition and does not violate copyright and related rights, as well as to require that these copies or excerpts were certified by archival institution;
- 6) publish, declare, quote and recreate in any other way the content of archival documents referring to the place of their holding and keeping to the terms, provided by legislation.

In case of discovering the unreliable data about a person in the archival document, any individual has the right to demand from an archival institution to

attach the document with the written substantiated refutation or supplement of the data.

(Article 20 is supplemented with the paragraph according to the Law No 534-V (534-16) from 22.12.2006)

Rights of users of documents of the National Archival Fund, owned by other owners, are determined by the owner of a document taking into consideration recommendations of central body of executive power in the sphere of archival affairs and records keeping.

Actions of the officials of archival institutions, who prevent realization of legal rights of users of documents of the National Archival Fund, may be claimed in subordination order or ad litem.

Article 21. Responsibilities of Users of Documents of the National Archival Fund

Users of documents of the National Archival Fund must:

- 1) follow provided by legislation procedure for use of documents, timely fulfill legal requirements of archival institutions workers;
- 2) secure safeness and timely return of documents, issued them for use;
- 3) immediately inform archival institution about discovered damages or insufficiency of documents;
- 4) prevent confusion or falsification of used information, contained in archival documents;
- 5) timely inform owner of documents or authorized by him archival institution on intentions to use contained in documents information with commercial purpose;
- 6) fulfill the obligations, provided by agreements, concluded between the user and owner of the documents or authorized by owner legal or natural person;
- 7) compensate caused by him losses to archival institutions subject to the Law or agreement terms.

Section VI

SYSTEM OF ARCHIVAL INSTITUTIONS

Article 22. Archival Institutions

Archival institutions can be founded in any form of ownership. State power bodies, local self-governing bodies, legal and natural persons can be founders of archival institutions.

Activity of archival institutions is conducted according to the procedure, provided by this Law, rules, regulations and instructions, approved by central

body of executive power in the sphere of archival affairs and records keeping, state standards and other normative legal acts.

Activity of archival institutions, which do not ensure safeness of documents of the National Archival Fund, may be terminated according to the procedure approved by central body of executive power in the sphere of archival affairs and records keeping.

(Part 3 of Article 22 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

Liquidation of archival institutions is carried out at decision of founders, owners or on other basis, provided by the Law. In these cases, owner of documents of the National Archival Fund has to ensure their safeness in accordance with legislation.

Article 23. System of Archival Institutions

System of archival institutions of Ukraine consists of:

specialy authorized central body of executive power in the sphere of archival affairs and records keeping;

the Central State Archives of Ukraine;

branch-wise state archives;

the State Archives in the Autonomous Republic of Crimea;

local state archival institutions;

other local archival institutions;

archival subdivisions of state scientific institutions, museums and libraries;

archival subdivisions of state power bodies, local self-governing bodies, state and communal enterprises, institutions and organizations;

archival subdivisions of people associations, religious organizations, as well as private enterprises, institutions and organizations;

archival institutions, founded by natural persons;

archival institutions, founded by natural and/or legal persons of the Private Law; (Paragraph 11 of Article 23 of the Law edition No 534-V (534-16) from 22.12.2006)

scientific research institutions, as well as enterprises and organizations in the sphere of archival affairs and records keeping.

Article 24. Specially Authorized Central Body of Executive Power in the Sphere of Archival Affairs and Records Keeping

Specially authorized central body of executive power in the sphere of archival affairs and records keeping (central body of executive power in the sphere of archival affairs and records keeping) within its provided by the Law authority:

introduces motions to the Cabinet of Ministers of Ukraine concerning formation of state policy in the sphere of archival affairs and records keeping, secures their realization;

conducts normative legal regulation of relations in the sphere of archival affairs and records keeping;

determines perspectives and priorities in development of archival affairs and records keeping;

conducts inter-branch coordination and functional regulation in the sphere of archival affairs and records keeping;

controls activity of archival institutions and records keeping services;

organizes normative-legal, scientific-methodical and information supply of archival institutions activity and records keeping services;

disposes of the National Archival Fund, organizes its formation, state stock-taking and storing of its documents, use of data, contained in them; (Paragraph 8 of Part 1 of Article 24 with changes introduced according to the Law No 534-V (534-16) from 22.12.2006)

carries out international cooperation in the sphere of archival affairs and records keeping.

Acts of the central body of executive power in the sphere of archival affairs and records keeping, passed within its authority, are binding for state power bodies, local authorities, enterprises, institutions, organizations, irrespective of their subordination and ownership form, as well as for citizens.

Central body of executive power in the sphere of archival affairs and records keeping performs other authorities, provided by the Law.

Article 25. The Central State Archives of Ukraine

The Central State Archives of Ukraine are created by the decision of the Cabinet of Ministers of Ukraine for keeping of documents of the National Archival Fund according to its type, which has national meaning.

The Central State Archives of Ukraine as state power bodies perform missions and functions of the State in managing of archival affairs and records keeping. Status of officials of these institutions is determined according to the Law of Ukraine "On State Service" (3723-12).

Regulations on the Central State Archives of Ukraine are confirmed by the central body of executive power in the sphere of archival affairs and records keeping.

Article 26. Branch-Wise State Archives

Branch-wise state archives are created for keeping geological, hydrometeorological, cartographic and other specific types of archival documents, which need special conditions of their preservation and use of information contained in them.

The Cabinet of Ministers of Ukraine makes decision on creation of branch-wise state archives on the basis of common presenting of central body of executive power in the sphere of archival affairs and records keeping and central body of executive power, which realizes state policy in the branch, where certain archives are formed.

Regulations on branch-wise state archives are confirmed by central body of executive power in the sphere of archival affairs and records keeping and central body of executive power, which realizes state policy in the branch, where certain archives are formed.

Article 27. The State Archives in the Autonomous Republic of Crimea

The State Archives in the Autonomous Republic of Crimea subordinates to the Council of Ministers of Autonomous Republic of Crimea and in its activity accounts to and is controlled by central body of executive power in the sphere of archival affairs and records keeping.

Regulations on the State Archive in the Autonomous Republic of Crimea are confirmed by the Council of Ministers of the Autonomous Republic of Crimea on agreement with central body of executive power in the sphere of archival affairs and records keeping.

Article 28. Local State Archival Institutions

Local state archival institutions are created according to the procedure, provided by the Law, for keeping of documents of the National Archival Fund, which have local meaning, and for conducting management of archival affairs and records keeping at corresponding territory.

Local state archival institutions consist of state archives of regions, cities of Kyiv and Sevastopol, archival departments of district state administrations and district state administrations in cities of Kyiv and Sevastopol.

Regulations on local state archival institutions are confirmed according to the procedure, provided by the Law of Ukraine “On Local State Administrations” (586-14).

Article 29. Other Local Archival Institutions

Local authorities and local governmental bodies create archival institutions for centralized temporary keeping of archival documents, collected within the process of documentation of official, labor and other legal relations between legal and natural persons at certain territory (district, city), and other archival documents, belonging to the National Archival Fund.

Archival institutions of councils of republican (the Autonomous Republic of Crimea), regional significance cities obtain authorities of executive power bodies, provided by Part 1 of Article 28 of this Law, concerning keeping the documents of the National Archival Fund at certain territory.

Archival institutions of city councils in concern with fulfillment of delegated authorities are controlled by corresponding executive power body according to procedure, provided by the Law.

Regulations on archival institutions of local councils are confirmed by corresponding city councils.

Article 30. Archival Subdivisions of State Scientific Institutions, Museums and Libraries

State scientific institutions, museums and libraries are entitled to create archival subdivisions for keeping documents of the National Archival Fund, as well as to refill their funds and collections with profile documents.

Regulations on mentioned archival subdivisions are confirmed correspondingly by state scientific institutions, museums and libraries taking into account recommendations of central body of executive power in the sphere of archival affairs and records keeping.

Article 31. Archival Subdivisions of State Power Bodies, Local Self-Governing Bodies, State and Communal Enterprises, Institutions and Organizations

State power bodies, local self-governing bodies, state and communal enterprises, institutions and organization create archival subdivisions for keeping archival documents, collected within the period of their activity, use of contained in these documents information, for official, productive, scientific and other purposes, as well as for protection of rights and legal interests of citizens. Mentioned legal persons transfer documents of running records keeping to their archival subdivisions according to the procedure, provided by central body of executive power in the sphere of archival affairs and records keeping.

Terms of temporary preservation of archival documents at archival subdivisions of state power bodies, local authorities, state and communal enterprises, institutions and organization are determined by central body of executive power

in the sphere of archival affairs and records keeping taking into account legal status and peculiarities of activity of mentioned legal persons.

Mentioned in the first part of this Article legal persons after finishing of term of temporary keeping of documents of the National Archival Fund, including electronic, cine-, video-, photo- and phono-documents, are obliged to transfer them for permanent keeping correspondingly to central state archives of Ukraine, branch-wise state archives, local state archival institutions or archival departments of city councils according to the procedure, provided by central body of executive power in the sphere of archival affairs and records keeping.

In case of liquidation or reorganization of state power bodies, local authorities, state and communal enterprises, institutions and organization, documents, collected within the period of their activity, are transferred by liquidation commission (liquidator) to successors according to the procedure, provided by central body of executive power in the sphere of archival affairs and records keeping, saving corresponding ownership form for mentioned documents, and if successor is absent – to corresponding state archival institutions or other local archival institutions.

Regulations on archival subdivisions of state power bodies, local authorities, state and communal enterprises, institutions and organizations are confirmed by mentioned legal persons on the basis of typical provisions, approved by central body of executive power in the sphere of archival affairs and records keeping.

Article 32. Archival Subdivisions of People Associations, Religious Organizations, as well as Private Enterprises, Institutions and Organizations

People associations, religious organizations, as well as private enterprises, institutions and organizations are entitled to create archival subdivisions for permanent or temporary keeping of documents, owned by state or territorial communities, transfer documents of the National Archival Fund for keeping to state and other archival institutions. Mentioned legal persons are obliged to secure the safeness of documents, collected within the period of their activity, until carrying out of their value expertise according to the procedure, provided by this Law, and within one year from the date of these legal persons registration in accordance with the procedure, provided by legislation, to agree their files nomenclature with one of state archival institution or archival department of city council.

Minimal terms of keeping of archival documents by legal persons, mentioned in Part 1 of this Article, are to be determined by central body of executive power in the sphere of archival affairs and records keeping, if other is not provided by the Law.

In case of liquidation of above mentioned legal persons liquidation commissions have to secure the safeness of their archival documents and at approval of central body of executive power in the sphere of archival affairs and records keeping or authorized by it archival institution to determine the place of further keeping of their archival documents of these legal persons (all source documents, registers accounting, financial statements and other documents associated with calculation and payment of taxes and duties (mandatory payments) during 1095 days, preceding the date of the last business operations, – during three years from the date of submission to archive, documents relating to the calculation and payment of wages to employees – during seventy years).

(Part 3 of Article 32 with changes introduced according to the Law No 2756-VI (2756-17) from 02.12.2010)

Regulations on archival subdivisions of people associations, religious organizations, as well as private enterprises, institutions and organizations are confirmed by their founders taking into consideration recommendations of central body of executive power in the sphere of archival affairs and records keeping.

Article 33. Archival Institutions Founded by Natural and/or Legal Persons of the Private Law

(Title of Article 33 of the Law edition No 534-V (534-16) from 22.12.2006)

Archival institutions, founded by natural and/or legal persons of private law according to provided procedure, are entitled to keep archival documents, which do not belong to the State or territorial communities.

(Part 1 of Article 33 in the Law edition No 534-V (534-16) from 22.12.2006)

Terms of keeping archival documents at mentioned archival institutions are determined by the agreement, concluded between the founder and owner of the documents or authorized by him person, taking into consideration minimal terms of documents keeping, provided in accordance with legislation. This agreement also determines the place of further keeping of documents in case of liquidation of mentioned institutions.

Observance of the archival documents preservation terms, demands to conditions of their preservation, order of registration and access to the documents of the National Archival Fund is under control of the central body of executive power in the sphere of archival affairs and records keeping or a state archival institution authorized by it.

(Article 33 is supplemented with the part according to the Law No 534-V (534-16) from 22.12.2006)

Section VII

FINANCIAL, MATERIAL AND PERSONNEL SUPPORT OF ARCHIVAL INSTITUTIONS

Article 34. Sources of Financing of Archival Institutions

Financing of state archival institutions is carried out at the expense of the State Budget of Ukraine, as for other archival institutions – at the expense of their founders or owners.

Archival institutions are entitled to attract funds from other sources, not prohibited by the Law, for maintenance of buildings and premises of archives, for improvement of material and technical and social basis, development of reference apparatus, carrying out of scientific investigations in the sphere of archival affairs and records keeping.

Article 35. Paid Services of Archival Institutions

Archival institutions may render paid service to legal and natural persons concerned with use of information, contained in archival documents. Archival institutions may perform for remuneration main activities, concerned with scientific-technical processing and securing of safeness of archival documents, owned by the State, territorial communities, natural and legal persons, perform other not prohibited by the Law activities in the sphere of archival affairs and records keeping. Works are performed on a contractual basis with remuneration according to prices and tariffs, approved in accordance with legislation.

Issuing of archival certificates, necessary for providing social security of citizens, issuing archival documents, owned by the State and territorial communities to natural persons for use at reading hall of archival institution, and issuing archival certificates to courts, law-enforcement, control-revision authorities of Ukraine, as well as to legal and natural persons, who transferred mentioned documents for storing, is carried out free of charge.

Article 36. Preferences for Archival Institutions and Owners of Private Archival Collections

Archival institutions and citizens, who own documents of the National Archival Fund or purchase documents of cultural heritage of Ukraine, founded abroad, or documents concerning Ukraine of foreign origin, in order to include them into the National Archival Fund, may be given certain privileges according to laws on taxing.

Article 37. Material and Personnel Support of Archival Institutions

Material support of archival institutions includes buildings, structures, land areas, communications, inventory, mechanization and automation means of archival works and other.

Material and personnel support of archival institutions is carried out by their founders and owners.

Executive power bodies and local authorities provide archival institutions, where documents of the National Archival Fund owned by the State and territorial communities are kept, with corresponding premises, mechanization and automation means of archival works, material resources and personnel.

Article 38. Professional Activity in the Sphere of Archival Affairs

Citizens with higher education may conduct professional activity at archival institutions.

Specialists, who have been specially trained, may conduct professional activity in the sphere of archival affairs at enterprises, institutions and organizations of all ownership forms.

Article 39. Social Guarantees and Protection of Workers of Archival Institutions

Social guarantees and protection of workers of archival institutions are secured in accordance with legislation.

Amount of official salaries of archival institutions workers, except mentioned in articles 32 and 33 of this Law, rises for unhealthy working conditions, for long service, for use of old languages in work, other conditions of remuneration of work at these archival institutions are determined by the Cabinet of Ministers of Ukraine, if another is not provided by the Law.

Section VIII

INTERNATIONAL COOPERATION IN ARCHIVAL AFFAIRS

Article 40. Development of International Cooperation in Archival Affairs

Ukraine contributes to developing of cooperation in archival affairs with other countries, which may be realized by way of mutual exchange of archival documents or their copies, granting to foreigners or persons without citizenship, staying legally in Ukraine, and access to documents of the National Archival Fund, participation in work of international organizations or in any other ways, allowed by legislation.

The Cabinet of Ministers of Ukraine may restrict the access to documents of the National Archival Fund, owned by the State or territorial communities, and set special terms for their use by citizens of those countries, where access to their state archival documents is restricted for citizens of Ukraine.

Article 41. Bringing Documents of the National Archival Fund Abroad

Bringing abroad documents of the National Archival Fund is prohibited, except cases of their temporary exhibiting, scientific expertise or restoration abroad.

Bringing abroad copies of documents of the National Archival Fund and excerpts from them, made according to legal procedure and certified by documents owners or authorized by them persons, is made freely by owners of mentioned copies and excerpts or by authorized by him person. Bringing abroad copies of documents, containing information, considered as state or other provided by the Law secret, as well as excerpts from these documents, is prohibited.

Section IX

RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON THE NATIONAL ARCHIVAL FUND AND ARCHIVAL INSTITUTIONS

Article 42. Responsibility for Violation of Legislation on the National Archival Fund and Archival Institutions

Workers of archival institutions, users of archival documents, including documents of the National Archival Fund, and other persons, guilty of negligent storing, spoiling, unlawful elimination, falsification, hiding, plundering, illegal bringing abroad or illegal transfer to another person of archival documents, as well as of illegal access to mentioned documents, and other violations of legislation on the National Archival Fund and archival institutions, are responsible according to the Law.

(Article 42 of the Law edition No 534-V (534-16) from 22.12.2006)

Article 43. Compensation for Losses Incurred due to Violation of Legislation on the National Archival Fund and Archival Institutions

Application of disciplinary actions and criminal punishments does not exempt person, guilty of violation of legislation on the National Archival Fund and archival institutions, from liability to compensate the loss, incurred by owner of documents of the National Archival Fund or to authorized by him

person. Disputes concerned with compensation of loss, incurred by owner of documents, are decided ad litem.

Section X

FINAL PROVISIONS

1. This Law comes into effect on the date of its publishing, except Part 2 of Article 25, which comes into effect on January, 01, 2003.

2. Before bringing laws of Ukraine, other normative legal acts into accord with this Law, they have an effect with their parts, which are not contrary to this Law.

3. The Cabinet of Ministers of Ukraine within six months from the effective date of this Law has to:

prepare and bring to the Verkhovna Rada of Ukraine propositions on introduction of changes to laws of Ukraine, which come up of this Law;

develop and bring its normative-legal acts into accord with this Law;

secure reconsideration and annulment by ministries and other central executive power bodies of their normative-legal acts, which are contrary to this Law.

4. Introduce changes to the following legislative acts of Ukraine:

1) in the Code of Laws of Ukraine on Administrative Violations of the Law (80731-10, 80732-10) (The Vidomosti of the Verkhovna Rada of the Ukraine SSR, 1984, appendix to No 51, p. 1122):

The Code of Laws should be supplemented with Article 92-1 of the following reduction:

“**Article 92-1.** Violation of legislation on the National Archival Fund and archival institutions

Negligent storing, spoiling, elimination, hiding, unlawful transfer of documents of the National Archival Fund or documents, which are to be included into it to another person, illegal access to mentioned documents –

result in warning or imposing of penalty to citizens from three to seven non-taxable minimal incomes of citizens and warning or imposing of penalty to officials – from five to ten non-taxable minimal incomes of citizens.

The same actions, performed by a person, who within a year had been imposed such penalty for violation, mentioned in Part 1 of this Article –

result in imposing of penalty to citizens from seven to twenty non-taxable minimal incomes of citizens and to officials – from ten to forty non-taxable minimal incomes of citizens.”

in Article 218:

first part after figures 92 should be added with figures “92 – 1”;

second part after figures 92 should be added with figures and word “92 – 1, by Article”;

paragraph 1 of the first part of Article 255 should be supplemented with paragraph of the following reduction:

“managing bodies of archival affairs and records keeping (Article 92-1)”;

2. Article 19 of the Law of Ukraine “On Single Customs Tariff” (2097-12) (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1992, No 19, p. 259; 1993, No 24, p. 270; 1996, No 41, p. 192; 1999, No 31, p. 253; 2000, No 3, p. 20, No 21, p. 163, No 35, p. 283, No 38, p. 318, No. 48, p. 406; 2001, No 11, p. 46, No 30, p. 143, No 50, p. 261; 2002, No 5, p. 31, p. 34) should be supplemented with paragraph “c” of the following context:

“c) archival documents, purchased with the purpose of their introduction into the National Archival Fund”.

President of Ukraine

L. KRAVCHUK

Kyiv City
December, 24, 1993

No 3814-XII



EXCERPT FROM THE LAW OF UKRAINE

On State Secret

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1994, No 16, p. 93)

(Put into effect by the Enactment of the VR 3856-XII (3856-12) from 21.01.94, the VVR, 1994, No 16, p. 94)

(In wording of the Law No 1079-XIV (1079-14) from 21.09.99, the VVR, 1999, No 49, p. 428)

(With changes introduced according to laws

No 971-IV (971-15) from 19.06.2003, the VVR, 2003, No 45, p. 361

No 1519-IV (1519-15) from 19.02.2004, the VVR, 2004, No 23, p. 320

No 293-VI (293-17) from 21.05.2008, the VVR, 2008, No 27-28, p. 252

No 2432-VI (2432-17) from 06.07.2010, the VVR, 2010, No 46, p. 537

No 2592-VI (2592-17) from 07.10.2010, the VVR, 2011, No 10, p. 63

No 2978-VI (2978-17) from 03.02.2011, the VVR, 2011, No 33, p. 329)

(In text of the Law the words “state power body” in all cases and numbers have been changed to “governmental body” in the proper case and number in accordance with the Law No 2432-V (2342-17) from 06.07.2010)

This Law regulates public relations, concerned with referring of information to state secret, classifying and declassifying of its material media and protection of state secret with the purpose of protection of national security of Ukraine.

Section I

GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

state secret (hereinafter referred to also as secret information) – type of secret information, which covers data in the sphere of defence, economy, science and technology, international relations, state security and protection of legal order, which disclosure may harm national security of Ukraine and which were

acknowledged, according to legal procedure, as state secret and are subject to public protection;

referring of information to state secret – procedure of making (by public expert on state secrets) a decision on referring of data category or certain data to state secret, specifying secrecy rate by way of description and defining of probable harm to national security of Ukraine in case of these data disclosure, by way of including this information to Summary of Data, which constitute state secret, and publishing this Summary and changes to it;

secrecy stamp – property of material secret information media, which confirms secrecy rate of given information;

public expert on state secrets – official, authorized to perform according to the requirements of this Law referring of information to state secret in sphere of defence, economy, science and technology, international relations, state security and protection of legal order, to change secrecy rate of this information and its declassifying;

admittance to state secret – execution of citizen's right for access to secret information;

access to state secret – providing by authorized official to the citizen of access to familiarize with certain secret information and carrying out of activity, concerned with state secret, or familiarizing with certain secret information and carrying out of activity, concerned with state secret, by this official according to its official competence;

classifying of material information media – introduction, according to legal procedure, of restrictions for distribution and access to certain secret information by way of providing of documents, products and other material information media with corresponding secrecy stamp;

Summary of Data, which constitute state secret – act, providing list of data, which according to decision of public experts on state secrets, constitute state secret in spheres, defined by this Law;

category of secrecy mode – category, which characterizes significance and volume of data, which constitute state secret and which are concentrated at public authorities, local authorities, enterprises, institutions and organizations;

cryptographic protection of secret information – type of protection, which is realized by way of transformation of information with the use of special data (key data) in order to conceal (or restore) content of information, confirmation of its authenticity, integrity, authorship and other;

material secret information media – material objects, including physical fields, in which state secret data are displayed in the form of texts, signs, symbols, images, technical solutions, processes and other;

protection of secret information – complex of organization-legal, technical engineering, cryptographic and operative-searching measures, destined at prevention of disclosure of secret information and losses of its material media;

secrecy mode – provided according to the requirements of this Law and other, issued in accordance to it, normative-legal acts single procedure of securing of state secret protection;

declassifying of material secret information media – lifting, according to legal procedure, of restrictions for distribution and access to certain secret information by way of cancellation of previously provided secrecy stamp from documents, products and other material secret information media;

special expertise of availability of conditions for carrying out of activity, concerned with state secret – expertise, which is carried out in order to determine at public authorities, local authorities, enterprises, institutions and organizations the availability of conditions, provided by this Law, for carrying out of activity, concerned with state secret;

secrecy rate (“specially important”, “top secret”, “secret”) – category, which characterizes importance of secret information, rate of restriction of the access to it and level of its protection by the State;

technical protection of secret information – type of protection, destined at securing of confidentiality, integrity with the help of technical-engineering means, and impossibility to block the information.

Article 2. Legislation of Ukraine on State Secret

Relations in the sphere of state secret are regulated by the Constitution of Ukraine (254k/96-VR), the Law of Ukraine “On Information” (2657-12), this Law, international agreements, obligation of which is provided by the Verkhovna Rada of Ukraine, and other normative-legal acts.

Article 3. Scope of the Law

Scope of this Law covers bodies of legislative, executive and judicial power, bodies of the Prosecutor’s Office in Ukraine, other governmental bodies, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local self-governing bodies, enterprises, institutions and organizations of any ownership, unions of citizens (hereinafter referred to as governmental bodies, local self-governing bodies, enterprises, institutions and organizations), which carry out the activity, concerned with state secret, citizens of Ukraine, foreigners and persons without citizenship, who were granted with access to state secret according to the procedure, provided by the Law.

Passed over to Ukraine data which constitute the secret of a foreign country or international organization, are protected according to the procedure provided by this Law. If international agreement, obligation of which is given by the Verkhovna Rada of Ukraine, provides rules for protection of a secret of foreign country or international organization other from those in this Law, rules of international agreement of Ukraine prevail.

Article 4. Public Policy on State Secret

Public policy on state secret as a part of basis for internal and external policy is defined by the Verkhovna Rada of Ukraine.

Article 5. Competence of Governmental Bodies, Local Authorities and their Officials in the Sphere of State Secret Protection

The President of Ukraine, providing national security, issues decrees and regulations on state secret protection, referred by this Law and other laws to its competence.

The Council of National Security and Defence of Ukraine coordinates and controls activity of executive bodies in the sphere of state secret protection.

The Cabinet of Ministers of Ukraine directs and coordinates the work of ministries, other executive bodies concerning performing of public policy in the sphere of state secret protection.

Central and local executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local authorities perform public policy in the sphere of state secret protection within their competence, provided by the Law.

Specially authorized public authority in the sphere of state secret protection is the Security Service of Ukraine.

Securing of state secret protection according to requirements of secrecy mode at public authorities, local authorities, enterprises, institutions and organizations, which activity is concerned with state secret is to be ensured by managers of mentioned bodies, enterprises, institutions and organizations.

Article 6. Execution of Ownership for Secret Information and its Material Media

Owner of secret information or its material media executes its ownership taking into account restrictions, provided in the interests of national security of Ukraine according to this Law.

If restriction of ownership for secret information or its material media harms their owner, compensation is carried out at the expense of the state according to the procedure and at the rate, provided by agreement between owner of such information or its material media and public authority (authorities), which is provided by the State Expert on State Secrets with the right to deci-

de on subjects, which will have access to such information and its material media. Mentioned agreement also provides procedure and terms for state secret protection, including secrecy mode while using or disposing of secret information and its material media; it also provides consent of an owner of this information and its material media for execution of ownership taking into account restrictions, provided by this Law, undertaking by an owner of obligations concerning keeping of state secret and familiarizing him with measure of responsibility for violation of legislation on state secret.

If owner of secret information or its material media refuses to conclude an agreement or violates its, according to the court decision this information or its material media may be withdrawn to public property on assumption of prior and complete compensation of their value to the owner.

Article 7. Financing Expenses for Carrying out of Activity Concerned with State Secret

Financing expenses for carrying out of activity, concerned with state secret, at budget institutions and organizations is carried out at the expense of the State Budget of Ukraine, the Budget of the Autonomous Republic of Crimea and local budgets. Funds for mentioned expenses are to be provided as separate line in corresponding budget. Mentioned expenses of other institutions and organizations, as well as enterprises, are to be referred to gross expenses of a manufacturer of a product, which production is concerned with state secret.

Expenses for taking measures concerning referring of information to state secret, classifying, declassifying and protection of such information material media, its cryptographic and technical protection, other expenses, concerned with state secret, at non-governmental enterprises, institutions and organizations are to be financed on the basis of agreement with a customer of works, concerned with state secret.

Enterprises, institutions and organizations, which activity is concerned with state secret, may be granted with tax and other privileges according to the procedure, provided by the Law.

Section II

REFERRING OF INFORMATION TO STATE SECRET

Article 8. Information which May Be Referred to State Secret

State secret, according to the procedure, provided by this Law, includes the following information:

1) in the sphere of defence:

on content of strategic and operative plans and other documents of battle control, on preparing and carrying out of military operations, strategic and mobilization

deployment of forces, as well as on other most important showings, which characterizes organization, quantity, dislocation, battle and mobilization readiness, battle and other military training, armament and material-technical supply of the Armed Forces of Ukraine and other military formations;

on directions of development of certain types of armament, military and special machinery, their quantity, performance characteristics, organization and technology of production, scientific, research and scientific works, concerned with development of new models of armament, military and special machinery or their modernization, as well as on other works, which are planned or carried out in the interests of country defence;

on distribution, descriptions of management points, maintenance of national and regional measures, if necessary on city and district level, in relation to bringing to readiness the unique state system of civil defence of population and territories to implementation of tasks in a special period and about organization of communication (notification) network in a special period, possibilities of settlements, regions and separate objects in relation to evacuation, dispersal of population and providing of their vital functions; providing of production activity of objects of national economy in war-time; *(Paragraph 4 of Clause 1 of Part 1 of Article 8 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

on geodesic, gravitational, cartographic and hydrometeorological data and characteristics, which are important for defence of the country;

2) in the sphere of economy, science and technology:

on maintenance of mobilization plans of public authorities and local governments, mobilization powers, measures of mobilization preparation and mobilizations and volumes of their financing, supplies and volumes of supply of strategic types of raw material and materials, as well as final lists nomenclature and accumulation levels, total volumes of supplies, output, laying, renovation, location and actual stock of state reserve; *(Paragraph 2 of Clause 2 of Part 1 of Article 8 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

on use of transport, communication, capacities of other branches and objects of infrastructure of the State in the interests of its security ensuring;

on plans, content, volume, financing and performing of public order for satisfying of needs of security and defence; *(Paragraph 4 of Clause 2 of Part 1 of Article 8 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

on plans, volumes and other most important characteristics of mining, production and realization of certain strategic types of raw materials and products;

on state resources of precious metals of monetary group, jewels, currency and other valuables, on operation, concerned with production of banknotes and

securities, their storing, security and protection from falsification, circulation, exchange or withdrawal from circulation, as well as on other special measures of financial activity of the State;

on scientific, research, research-construction and design works, on which basis it is possible to create progressive technologies, new types of production process, products and technological processes, which have important defence and economic value or sufficiently influence foreign economic activity and national security of Ukraine;

3) in the sphere of international relations:

on directives, plans, instructions to delegations and officials on foreign political and economical activity of Ukraine, destined at securing of its national interests and security;

on military, scientific-technical and other cooperation of Ukraine with foreign states, if disclosure of such information may harm national security of Ukraine; on export and import of armament, military and special machinery, certain strategic types of raw materials and products;

4) in the sphere of national security and legal order protection:

on personnel of bodies, which carry out operative-investigation or intelligence or counterintelligence activities; *(Paragraph 2 of Clause 2 of Part 1 of Article 8 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

on means, content, plans, organization, financing and material-technical supply, forms, methods and results of operative-investigation, intelligence or counterintelligence activities; on persons, who cooperate or previously cooperated on confidential basis with bodies, which carry out such activity; on personnel and certain persons, which are secret permanent employees of bodies, which carry out operative-investigation, intelligence or counterintelligence work; *(Paragraph 3 of Clause 4 of Part 1 of Article 8 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

on organization and procedure of securing of administrative buildings and other public objects, officials and other persons, which security is carried out according to the Law of Ukraine "On Public Security of Governmental Bodies of Ukraine and Officials";

on system of governmental and special communication;

on organization, content, state and plans for development of cryptographic protection of secret information, content and results of scientific researches in the sphere of cryptography;

on systems and means of cryptographic protection of secret information, their development, production, technology of production and use;

on public codes, their development, production, technology of production and use;

on organization of secrecy mode at public authorities, local authorities, enterprises, institutions and organizations, government programs, plans and other measures in the sphere of secret information protection;

on organization, content, state and plans for development of technical protection of secret information;

on results of checks, carried out according to the Law by prosecutor according to the procedure of corresponding control of compliance to laws, and on content of materials of inquiry, pre-judicial investigation and legal proceedings on issues, mentioned in this Article concerning spheres;

on other means, forms and methods of state secret protection.

Certain data may be referred to state secret according to rate of their secrecy “specially important”, “top secret”, “secret” on assumption that they belong to category of mentioned in Part 1 of this Article, and their disclosure will harm interests of national security of Ukraine.

It is prohibited to refer to state secret any data, if it may cause constriction of content and volume of constitutional rights and freedoms of a person and citizen, or if it may harm health and safety of a person.

The following information may not be referred to state secret:

on state of environment, on quality of food and household goods;

on accidents, catastrophes, dangerous natural phenomena and other extraordinary events, which occurred or may occur and threaten citizens’ security;

on health state of population, its living standard, including meals, clothes, accommodations, medical care and social security, as well as on social-demographic showings, level of legal order, education and culture of population;

on facts of violation of rights and freedoms of a person and citizen;

on illegal actions of governmental bodies, local authorities and their officials;

other information, which according to laws and international agreements, obligation of which is provided by the Verkhovna Rada of Ukraine, may not be classified.

Article 9. The State Expert on Secrets

The State Expert on Secrets according to requirements of this Law performs referring of information in the sphere of defence, economy, science and technology, external relations, national security and legal order protection to state secret, as well as change secrecy rate of this information and declassifies it.

Performing of functions of the State Expert on Secrets is put on the following certain officials (987/2009):

at the Verkhovna Rada of Ukraine – the Chairman of the Verkhovna Rada of Ukraine;

at other public authorities, National Academy of Sciences of Ukraine, enterprises, institutions and organizations – the President of Ukraine on advice of the Security Service of Ukraine based on propositions of managers of corresponding governmental bodies, National Academy of Sciences of Ukraine, enterprises, institutions and organizations. *(Paragraph 3 of Part 2 of Article 9 as amended by the Law No 971-IV (971-15) from 19.06.2003)*

Interfering into activity of the State Expert on Secrets by a person, to which this expert is subordinated, is prohibited.

The State Expert on Secrets, according to provided to him tasks:

1) determines:

basis, on which the information may be referred to state secret;

basis and expediency of referring to state secret the information on inventions (efficient models), assigned for use in spheres, mentioned in Part 1 of Article 8 of this Law;

expediency of referring to state secret the information on inventions (efficient models), which have dual application, on the basis of comparative analysis of effectiveness of their target application and at author's (patent owner's) consent;

secrecy rate of information, referred to state secret;

governmental body (bodies), which has the right to decide on circle of subjects, which will have access to secret information;

2) provides conclusion on harm to national security of Ukraine in case of disclosure of certain secret information or loss of material data media; *(Clause 2 of Part 4 of Article 9 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

3) sets and continues validity terms for decisions on referring of information to state secret, specifying date of its declassifying;

4) provides the Security Service of Ukraine with conclusions on change of secrecy rate of information and cancellation of decision on referring of information to state secret in case, when basis, on which this information had been previously referred to state secret, have been terminated; *(Paragraph 4 of Part 4 of Article 9 with changes, introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

5) approves at consent with the Security Service of Ukraine expanded lists of data, which constitute state secret, changes to them, controls compliance of these lists to Summary of Data, which constitute state secret;

6) considers propositions of governmental bodies, local self-governing bodies, enterprises, institutions, organizations, unions of citizens and certain citizens concerning referring of information to state secret and its declassifying;

7) approves conclusions on familiarity with state secret of citizens, which have or had access to state secret;

8) controls validity and correctness of providing documents, products and other material information media, which contain data, included into the Summary of Data or expanded lists of data, which constitute state secret, with corresponding secrecy stamp, timeliness of changes of such stamp and declassifying of these media, providing them with “declassified” property;

9) participates in development of criteria for determination of loss, which may be caused to national security of Ukraine in case of disclosure of secret information or loss of material media of such information. *(Clause 9 of Part 4 of Article 9 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

The State Expert on Secrets while performing its functions is obliged:

1) to approve through the mediation of the Security Service of Ukraine its conclusions on referring of information to interstate secrets with corresponding officials of countries-participants of international agreements of Ukraine on mutual securing of interstate secrets and inform them on made decisions concerning referring of information to state secret, which is covered by the effect of these agreements;

2) to submit to the Security Service of Ukraine, within ten days after signing, decision on referring of information to state secret and conclusion on cancellation of these decisions, and extended lists of data, which constitute state secret, – at the same time from the moment of their approval; *(Clause 2 of Part 5 of Article 9 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

3) to consider propositions of the Security Service of Ukraine on referring of information to state secret, its declassifying, carrying out of an expertise for determination of secrecy rate of data, making of decisions concerning termination of validity of a decision on referring of information to state secret *(Clause 3 of Part 5 of Article 9 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

4) to provide with corresponding secrecy stamp decisions on referring of information to state secret and conclusions on cancellation of these decisions depending on importance of their content; *(Clause 3 of Part 5 of Article 9 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

5) to participate in meetings of state experts on secrets;

6) to initiate prosecution of officials who violate the legislation of Ukraine on State Secrets. *(Part 5 of Article 9 is supplemented with clause 6 according to the Law No 2432-VI (2432-17) from 06.07.2010)*

The State Expert on Secrets has the right:

1) to check freely the execution by public authorities, local authorities, enterprises, institutions, organizations, which are in the sphere of its activity, of decisions on referring of information to state secret, conclusions on cancellation of these decisions, keeping of procedure of information classifying

and, in case of violations revealing, submit binding for execution instruction for their elimination; *(Clause 1 of Part 6 of Article 9 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

2) to form expert commissions, consisting of specialists and scientists, which have access to state secret, for preparing of draft decisions on referring of information to state secret, decreasing of its secrecy rate and cancellation of mentioned decisions, conclusions regarding the awareness of citizens who have or had access to state secrets, and also for preparing appropriate findings in the case of disclosure of classified information or loss of material information media; *(Clause 2 of Part 6 of Article 9 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

3) to cancel unreasonable decisions on providing of information media with secrecy stamp, change or cancellation of this stamp;

4) to solicit for calling to account of officials, who violate legislation of Ukraine on State Secret;

5) to receive according to provided procedure from governmental bodies, local self-governing bodies, enterprises, institutions and organizations data necessary for performing of its functions.

The State Expert on Secrets, as well as specialists, which are involved into preparing of decisions and conclusions of the State Experts on Secrets, are granted with additional payments provided at the rate and according to the procedure, provided by the Cabinet of Ministers of Ukraine. *(Part 7 of Article 9 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

The State Expert on Secrets is personally liable for legality and validity of its decision on referring of information to state secret or decision on decreasing of secrecy rate of such information or cancellation of decision on its referring to state secret, as well as for purposely non-making of decision on referring to state secret of information, which may harm interests of national security of Ukraine. *(Part 8 of Article 9 with changes, introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

Article 10. Procedure of Referring Information to State Secret

Referring of information to state secret is carried out at sound decision of The State Expert on Secrets at its own initiative, at inquiry of heads of corresponding governmental bodies, local self-governing bodies, enterprises, institutions and organization.

The State Expert on Secrets refers information to state secret on issues, making decision on which belongs to his competence according to his position. In case, when making of decision on referring of information to state secret belongs to competence of several state experts on secrets, it at the initiative of state experts and at proposal of the Security Service of Ukraine is to be made jointly

and approved by simple majority of votes. At that each expert has the right to express its opinion.

Information is considered as state secret from the time of publishing of the Summary of Data, which constitute state secret, which includes this information, or changes to it, performed according to the procedure, provided by this Law.

Article 11. Decision of the State Expert on Secrets

Decision of The State Expert on Secrets on referring of information to state secret should include: (Paragraph 1 of Part 1 of Article 11 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)

information, which may be a state secret, and its compliance to categories and requirements, provided by Article 8 of this Law;

reasons for referring of information to state secret and substantiation of loss to national security of Ukraine in case of its disclosure;

secrecy rate of mentioned information;

volume of financing of measures, necessary for protection of such information;

state authority, local authority, enterprise, establishment, organization or citizen, who has made a proposal to refer information to state secret, and governmental body (bodies) which is granted with the right to determine the circle of subjects, which will have access to this information;

term, within which decision on referring of information to state secret is in effect.

Decision on referring of information to state secret is made by The State Expert on Secrets within one month from the date of receiving of inquiry of corresponding public authority, local authority, enterprise, establishment, organization or citizen.

Decision on referring of information to state secret, extension of previous decision on referring of information to state secret, change in security classification of information, revoking previous decision on referring of information to state secret are accepted by The State Expert on Secrets within one month from the time of receipt of application to governmental bodies, local self-governing bodies, enterprise, institution, organization or citizen. Such decision shall be registered by the Security Service of Ukraine and is the basis for forming the Summary of Data constituting state secret, and amendments to this Summary, the branch or departmental detailed lists of registers constituting state secrets. The order of registration of decisions of state experts on State Secrets is determined by the Cabinet of Ministers of Ukraine. *(Part 2 of Article 11 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

(Part 3 of Article 11 is excluded according to the Law No 2432-VI (2432-17) from 06.07.2010)

(Part 4 of Article 11 is excluded according to the Law No 2432-VI (2432-17) from 06.07.2010)

(Part 5 of Article 11 is excluded according to the Law No 2432-VI (2432-17) from 06.07.2010)

Article 12. Summary of Data which Constitute State Secret

Summary of data, which constitute state secret, is formed and published at official prints by the Security Service of Ukraine on the basis of the decision of state experts on Secrets. The mentioned Summary and changes to it shall take effect upon publication in the official editions of Ukraine. *(Part 1 of Article 12 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

Changes to Summary of data, which constitute state secret, are to be published not later than within three months from the date of receiving by the Security Service of Ukraine of corresponding decision or conclusion of The State Expert on Secrets. *(Part 2 of Article 12 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

Sample forms of decisions of state experts on Secrets, procedure and mechanism of formation of the Summary of Data, which constitute state secret, and its publishing are defined by the Cabinet of Ministers of Ukraine. *(Part 3 of Article 12 with changes, introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

On the basis and within limits of the Summary of Data, which constitute state secret, in order to concretize and systemize data on secret information public authorities create branch-wise or departmental extended lists of data, which constitute state secret, as well as may create interbranch and interdepartmental extended lists of data, which constitute state secret. Enterprises, institutions and organizations of any ownership, which carry out the activity, concerned with state secret, may create their own extended lists of data, which constitute state secret. Such lists are to be approved by the Security Service of Ukraine, and certified by state experts on Secrets and registered at the Security Service of Ukraine.

Extended lists of data, which constitute state secret, may not be contrary to the Summary of Data, which constitute state secret.

In case of inclusion to the Summary of Data, which constitute state secret, or to extended lists information, which does not meet the requirements and categories, provided by Article 8 of this Law, or violation of set procedure of referring information to state secret interested citizens or legal persons have the right to appeal corresponding decisions at court. In order to prevent disclosure of state secret, court sitting may be held in form of close sessions according to the Law.

Article 13. Term of Validity of Decision on Referring of Information to State Secret

Term, within which decision on referring of information to state secret, is defined by The State Expert on Secrets taking into account secrecy rate of information, determination criteria for which are provided by the Security Service of Ukraine, and other circumstances. It may not exceed: concerning information with “specially important” stamp – 30 years, with “top secret” stamp – 10 years, with “secret” stamp – 5 years.

After termination of provided by part one of this Article term of validity of decision on referring of information to state secret, The State Expert on Secrets makes a conclusion on cancellation of decision on referring it to state secret or makes decision on extension of term of validity of mentioned decision within terms, provided by Part 1 of this Article. *(Part 2 of Article 13 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

The President of Ukraine at his own initiative or on the basis of propositions of state experts on secrets or at inquiry of governmental bodies, local self-governing bodies, enterprises, institutions, organizations or citizens may define longer terms of validity of decisions on referring of information to state secret, then those, provided by Part 1 of this Article.

Article 14. Change of Secrecy Rate of Information and Cancellation of Decision on Referring of Information to State Secret

Increase or decrease of secrecy rate of information and cancellation of decision on referring of information to state secret are carried out on the basis of conclusion of The State Expert on Secrets or on the basis of court decision in cases, provided by Article 12 of this Law, and are registered by the Security Service of Ukraine by way of making corresponding changes to the Summary of Data, which constitute state secret. *(Part 1 of Article 14 with changes, introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)*

Information is considered as state secret with higher or lower secrecy rate or being not a state secret from the moment of publishing of corresponding changes to the Summary of Data, which constitute state secret.

Section III

CLASSIFYING AND DECLASSIFYING OF MATERIAL INFORMATION MEDIA

Article 15. Classifying and Declassifying of Material Information Media

Classification of material information media is carried out under the Summary of Data that constitute state secrets (detailed list of information constituting

state secrets), the relevant document, product or other material information media with secrecy stamp by the secrecy officer who prepares or creates a document, product or other material information media.

(Part 1 of Article 15 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)

the security classification of each material secret information media must meet the level of classified information contained in it, according to the Summary of Data that constitute state secret – “specially important”, “top secret”, “secret”. Details of each material secret information media consist of:

secrecy stamp;

copy number;

Article of the Summary of Data, which constitute state secret, on the basis of which the classifying is made position and signature of a person who provided the secrecy stamp. *(Part 2 of Article 15 as amended by the Law No 2432-VI (2432-17) from 06.07.2010)*

If properties, mentioned in Part 2 of this Article, may not be put directly to material secret information media, they should be mentioned in forwarding documents.

It is prohibited to provide secrecy stamps, provided by this Law, to material media of another secret information, which does not constitute state secret, or confidential information.

List of positions, which provide possessing them persons with the right to provide material secret information media with secrecy stamps, is to be approved by the head of public authority, local authority, enterprise, establishment or organization, which carries our activity, concerned with state secret.

(Part 5 of Article 15 with changes introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)

Secrecy rate of scientific-research, research-constructive and scientific works, which are performed in the interests of ensuring of national security and defence of the Sta

te, are defined by The State Expert on Secrets, which perform its functions in the sphere of customer’s activity, together with contractor.

(Part 6 of Article 15 with changes, introduced according to the Law No 2432-VI (2432-17) from 06.07.2010)

After termination of provided terms of classifying of material information media and in case of increase or decrease of defined by The State Expert on Secrets secrecy rate of such information or cancellation of decision on referring of it to state secret, heads of public authorities, local authorities, enterprises, institutions and organizations, in which classifying of material information media was held, or heads of public authorities, local authorities, enterprises, institutions and organizations, which are their successors, or managers of

higher level are obliged within six months to ensure change of secrecy stamp or declassifying of these material secret information media and inform in writing about it managers of public authorities, local authorities, enterprises, institutions and organizations to which such material secret information media were passed.

Article 16. Term of Classifying Material Information Media

Term of classifying material information media should correspond to term of validity of decision on referring of information to state secret, defined by the decision of The State Expert on Secrets.

Course of term of classifying of material information media begins at the time of providing them with secrecy stamp.

Article 17. Appeal of Decision on Classifying Material Information Media

Citizens and legal persons have the right to make to officials, who provided material media of secret information with secrecy stamp, obligatory for consideration reasonable proposition on declassifying of this information media. Within one month, mentioned officials should provide the citizen and legal person with the answer on this matter.

Decision on declassifying material information media may be appealed by citizen or legal person in subordination order to higher body or official or at court. In case of rejection of a complaint, submitted according to subordination order, citizen or legal person has the right to appeal decision of higher body or official at court.

[...]

President of Ukraine

L. KRAVCHUK

Kyiv City
January, 21, 1994

No 3855-XII



EXCERPT FROM THE LAW OF UKRAINE

On Libraries and Librarian Affairs

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1995, No 7, p. 45)

(This Law comes into force by the Decree the Verkhovna Rada No 33/95- the VR from 27.01.95, the VVR, 1995, No 7, p. 46)

(Edition of the Law

No 1561-III (1561-14) from 16.03.2000, No 23, p. 177)

(With changes introduced according to laws

No 2120-III (2120-14) from 07.12.2000, the VVR, 2001, No 2–3, p. 10

No 2905-III (2905-14) from 20.12.2001, the VVR, 2002, No 12–13, p. 92

No 380-IV (380-15) from 26.12.2002, the VVR, 2003, No 10–11, p. 86

No 594-IV (594-15) from 06.03.2003, the VVR, 2003, No 24, p. 159

No 1344-IV (1344-15) from 27.11.2003, the VVR, 2004, No 17–18, p. 250

No 107-VI (107-17) from 28.12.2007, the VVR, 2008, No 5–6, No 7–8, p. 78

– changes actual up to December, 31, 2008)

(In addition see the Decision of the Constitutional Court of Ukraine

No 10-rp/2008 (vo10r710-08) from 22.05.2008)

(With changes introduced according to the Law

No 1388-VI (1388-17) from 21.05.2009, the VVR, 2009, No 39, p. 557)

This Law provides status of libraries, legal and organizational bases for activity of libraries and librarian affairs in Ukraine. This Law guarantees the right for free access to information, knowledge, involvement to values of national and world culture, science and education, which are kept in libraries.

Section I

GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

library – information, cultural, educational establishment (institution, organization) or a structural unit, which has ordered documents fund, access to other sources of information the main task of which is provision with information, scientific, research, educational, cultural and other needs of library users;

library-depository – library, which provides with constant preservation of the librarian fund, formed of documents, which are rarely used and have scientific and/or artistic value; [...]

librarian fund – ordered collection of documents, which is kept in library;

library resources – ordered funds of documents on various information media, reference-search apparatus, material and technical means for processing, keeping and transmission of information;

document – material form of receiving, keeping, use and distribution of information, recorded on paper, magnetic, cine- or photo film, mirror disk or another media; [...]

Section V

LIBRARIAN FUNDS

Article 16. Librarian Funds

Librarian funds are formed according to significance, library users and type of the library as ordered collection of documents. [...]

The State Librarian Fund consists of funds of libraries which are in state and private property, funds of libraries of self-governing organizations, interrelated by cooperated acquisition, common inquiry and search organ, system of depository preservation, redistribution and reciprocal usage of the funds and reflects scientific, cultural, information potential of society.

The most valuable, rare documents and collections are included to the State Register of National Cultural Heritage of Ukraine.

For the purpose of ensuring of preservation of documents and collections, which are included and/or subject to inclusion to the State Register of National Cultural Heritage of Ukraine, their insurance copies are created in order determined by a special authorized organ of the executive power in the field of culture. (*Article 16 has been supplemented according to the Law No 1388-VI (1388-17) from 21.05.2009*)

Archival documents, gathered at the library, are a part of the National Archival Fund of Ukraine according to the Law of Ukraine “On the National Archival Fund and Archival Institutions” (3814-12). (*Part of Article 16 with changes introduced according to the Law No 594-IV (594-15) from 06.03.2003*)

Special regime of protection, keeping and use is applied to documents, which are introduced into or subject to be introduced into the State Register of National Cultural Heritage of Ukraine, and to documents, which constitute unique documents of the National Archival Fund of Ukraine and are kept in libraries. *(Part of Article 16 with changes introduced according to the Law No 594-IV (594-15) from 06.03.2003) [...]*

President of Ukraine

L. KUCHMA

Kyiv City
January, 27, 1995

No 32/95-VR



EXCERPT FROM THE LAW OF UKRAINE

On Museums and Museum Affairs

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1995, No 25, p. 191)

(Put into effect by the Enactment of the Verkhovna Rada No 250/95-VR from 29.06.95, the VVR, 1995, No 25, p. 192)

*(With changes introduced according to the Law No 659-XIV (659-14) from 14.05.99, the VVR, 1999, No 28, p. 231
No 2120-III (2120-14) from 07.12.2000, the VVR, 2001, No 2–3, p. 10
No 2905-III (2905-14) from 20.12.2001, the VVR, 2002, No 12–13, p. 92
No 380-IV (380-15) from 26.12.2002, the VVR, 2003, No 10–11, p. 86
No 594-IV (594-15) from 06.03.2003, the VVR, 2003, No 24, p. 159
No 1344-IV (1344-15) from 27.11.2003, the VVR, 2004, No 17–18, p. 250
No 107-VI (107-17) from 28.12.2007, the VVR, 2008, No 5–6, No 7–8, p. 78*

– changes have an effect up to December, 31, 2008)

(In addition see the Resolution of the Constitutional Court of Ukraine No 10-rp/2008 (v010r710-08) from 22.05.2008)

(With changes introduced according to laws

No 1709-VI (1709-17) from 05.11.2009, the VVR, 2010, No 5, p. 45)

(In text of the Law words “Ministry of culture of Ukraine” and “governmental executive bodies” in all declensions are exchanged with “Ministry of culture and arts of Ukraine” and “executive bodies” in corresponding declensions according to the Law No 659-XIV (659-14) from 14.05.99)

This Law regulates social relations in the sphere of museum affairs, provides legal, economical, social bases of creation and activity of museums of Ukraine, and peculiarities of academic formation, studying, stocktaking, keeping, protection, and use of the Museum Fund of Ukraine.

This Law is extended at all kinds of museums and reserves in the part of their museumification, registration, preservation, protection, restoration of museum objects, museum collections and objects of museum matter. *(Enacting clause No 1709-VI (1709-17) from 05.11.2009)*

Section I

GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

[...]

museum – is a scientific, research, cultural and educational institution, created for studying, preservation, use and promotion of museum objects and museum collections with scientific and educational aim, attraction of citizens to national and world cultural heritage.

museum collection – is the amount of museum objects, united according to one or several signs.

museum affairs – special kind of scientific, cultural and educational activity, which includes completing, preservation, protection and use, including conservation, restoration, museumification, scientific study, exhibiting and promotion of cultural values and objects of cultural heritage of Ukraine by museums.

museum gathering – total amount of museum collections and museum objects, and also librarian funds, archives, catalogues and scientific documentation of museums; [...]

Section III

THE MUSEUM FUND OF UKRAINE

Article 15. The Museum Fund of Ukraine

The Museum Fund of Ukraine is national wealth, inevitable constituent of cultural heritage of Ukraine, protected by the Law.

Museum objects of the Museum Fund of Ukraine are cultural values, constantly preserved on the territory of Ukraine and abroad or according to international treaties are subjects to restitution to Ukraine.

Museums, legal and natural persons are obliged to provide with preservation of the Museum Fund of Ukraine and contribute to its replenishment.

Regulations on the Museum Fund of Ukraine (1147-2000-p) are confirmed by the Cabinet of Ministers of Ukraine.

Museum objects and museum collections of the state part of the Museum Fund of Ukraine are assigned to museums on the score of operative administration. *(Article 15 with changes introduced according to the Law No 659-XIV (659-14) from 14.05.99; edition of the Law 1709-VI (1709-17) from 05.11.2009)*

Article 15-1. Structure of the Museum Fund of Ukraine

The Museum Fund of Ukraine consists of state and private part.

The state part the Museum Fund of Ukraine includes museum objects and museum collections, which are the state property stored at the national museums including museum objects and museum collections, which are stored at museums, which belong to the sphere of local authorities of executive power and local self-governing bodies, and also museums created at enterprises, institutions, organizations and educational institutions of state and municipal property forms. The state part of the Museum Fund of Ukraine also contains museum objects, which are to be included to the state part of the Museum Fund of Ukraine, museum collections, which are stored at enterprises and organizations of state and municipal forms of property.

The private part of the Museum Fund of Ukraine consists of museum objects and museum collections, which are stored in museums in private ownership, museums of enterprises, institutions, organizations in private ownership and those which do not belong or are not attributable to the state part of the Museum Fund of Ukraine, in particular, objects of museum value, which should be entered into the private part of the Museum Fund of Ukraine and are the property of religious organizations, citizens and unions of citizens. *(This Law was complemented with Article 15-1 according to the Law No 1709-VI (1709-17) from 05. 11. 2009)*

Article 15-2. Peculiarities of Realization of the Property Rights for Museum Objects and Museum Collections of the Museum Fund of Ukraine

Museum objects and museum collections of the state part of the Museum Fund of Ukraine do not subject to alienation, except for exchange with other museum objects, museum collections. Decision about exchange with museum objects, museum collections, which belong the state part of the Museum Fund Ukraine, is adopted by the central organ of the executive power in the field of culture and tourism.

In case of assignation of complexes of museums from state form of property into private form of property museum objects, museum collections stay in state property and belong to the state part of the Museum Fund of Ukraine.

Enumeration of museums (including museums of the system of the National Academy of Sciences of Ukraine, the Ukrainian Society for the Preservation of Historical and Cultural Monuments, the Pedagogical Society of Ukraine, other self-governing organizations), which preserve museum objects, museum collections, which are the state property and belong to the state part of the Museum Fund of Ukraine, is ratified by the Cabinet of Ministers of Ukraine.

Museum objects, museum collections which belong to the state part of the Museum Fund of Ukraine and objects of museum matter, which subject to inc-

clusion them to the state part of the Museum Fund of Ukraine, do not subject to privatization and cannot be a mortgage. Museum objects, museum collections, which belong to the private part of the Museum Fund of Ukraine and objects of museum matter, which can be entered into the private part of the Museum Fund of Ukraine, cannot subject to mortgage, if a mortgagee is a foreigner or a person without citizenship, who does not reside in Ukraine.

In case of selling of museum objects, museum collections, which belong to the private part of the Museum Fund of Ukraine, the State has a preferential right for their acquisition, which is carried out by the central organ of executive power in the field of culture and tourism or authorized state museums.

(The Law has been completed by Article 15-2 according to the Law No 1709-VI (1709-17) from 05.11.2009)

Article 16. Museum Objects of the Museum Fund of Ukraine within the State Register of National Cultural Heritage

Unique museum objects, museum collections of the Museum Fund of Ukraine and objects of museum matter, which subject to inclusion them to the Museum Fund of Ukraine and have unique artistic, historical, ethnographic and scientific significance irrespective of their form of ownership, place of preservation can be included by the central organ of executive power in the field of culture and tourism to the State Register of National Cultural Heritage.

Provision on the State Register of National Cultural Heritage is ratified by the Cabinet of Ministers of Ukraine.

The order of inclusion of museum objects of the Museum Fund of Ukraine to the State Register of National Cultural Heritage and conditions of their storage are approved by the central organ of executive power in the field of culture and tourism.

(Article 16 with changes, introduced according to the Law No 659-XIV (659-14) from 14.05.99; edition of the Law No 1709-VI (1709-17) from 05.11.2009)

Article 17. Stocktaking, Keeping and Use of Documents of the National Archival Fund

Stock-taking, keeping and use of documents of the National Archival Fund, which are stored in museums, is carried out according to the Law of Ukraine “On the National Archival Fund and Archival Institutions” (3814-12).

(Article 17 of reduction of the Law No 594-IV (594-15) from 06.03.2003; with changes introduced according to the Law No 1709-VI (1709-17) from 05.11.2009) [...]

President of Ukraine

L. KUCHMA

Kyiv City

June, 29, 1995

No 249/95-VR



EXCERPT FROM THE CONSTITUTION OF UKRAINE

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1996, No 30, p. 386)

*(With changes introduced according to laws
No 2952-VI from 01.02.2011, the VVR, 2011, No 10, p. 68)*

Article 32. No one can suffer from interference into his personal and family life, except cases, provided by the Constitution of Ukraine.

(Official interpretation of the first part of Article 32 see the Decision of the Constitutional Court of Ukraine No 2-rp/2012 from 20.01.2012)

It is not allowed to collect, keep, use and distribution of confidential information about a person without his consent, except cases, provided by the Law, and only in the interests of national security, economical wealth and rights of a person.

(Official interpretation of Part 2 of Article 32 see the Decision of the Constitutional Court of Ukraine No 2-rp/2012 from 20.01.2012)

Every citizen has the right to familiarize at public and local authorities, organizations and institutions with information about him, which is not a state or other protected by the Law secret.

Each one is guaranteed with judicial protection of the right to refute false information about himself and members of his family and the right to require requisition of any information, as well as the right for compensation of material and moral loss, caused by collection, keeping, use and distribution of such false information.

Article 34. Everyone is guaranteed with the right for freedom of thinking and speech, for free expression of his views and beliefs.

Everyone has the right for free collection, keeping, use and distribution of information orally, in writing or in any other way at his own discretion.

(Official interpretation of Part 2 of Article 34 see the Decision of the Constitutional Court of Ukraine No 2-rp/2012 from 20.01.2012)

Exercising of these rights may be limited by the Law in the interests of national security, territorial integrity or public order with the purpose to avoid public disorders or crimes, for protection of health of the population, for protection of reputation or rights of other people, to prevent disclosure of information, obtained in confidential way, or for support of authority or impartiality of justice.

(Official interpretation of Part 3 of Article 34 see the Decision of the Constitutional Court of Ukraine No 2-rp/2012 from 20.01.2012)



THE LAW OF UKRAINE

On Applying of Citizens

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1996, No 47, p. 256)

(Put into effect by the Enactment of the Verkhovna Rada No 394/96-VR from 02.10.96, the VVR, 1996, No 47, p. 257)

(With changes introduced according to laws

No 653-XIV (653-14) from 13.05.99, the VVR, 1999, No 26, p. 219

No 1294-IV (1294-15) from 20.11.2003, the VVR, 2004, No 13, p. 181

No 2384-IV (2384-15) from 20.01.2005, the VVR, 2005, No 11, p. 200

No 1254-VI (1254-17) from 14.04.2009, the VVR 2009, No 36-37, p. 511

No 4054-VI (4054-17) from 17.11.2011)

This Law regulates issues on realization by citizens of Ukraine their right, provided by the Constitution of Ukraine (254k/96-VR), to make to governmental bodies, unions of citizens according to their statute propositions on improvement of their activity, reveal drawbacks in activity, appeal against actions of officials, governmental and public bodies. The Law secures to citizens of Ukraine opportunity to participate in management of state and social affairs, to influence improvement of work of governmental bodies and local authorities, enterprises, institutions, organizations of any ownership form, to defend their rights and legal interests and their recovery in case of violation.

Section I

GENERAL PROVISIONS

Article 1. Applying of Citizens

Citizens of Ukraine have the right to apply to government bodies, local authorities, unions of citizens, enterprises, institutions, organizations of any ownership, mass media, officials concerning their functional duties with remarks, complaints and propositions, which concern their statutory activity, application or petition for realization of their social-economic, political and personal rights and legal interests and complaint about their violation.

Military personnel, workers of law enforcement and state secret bodies, individual soldiers and officers of the State Criminal-Executive Service of Ukraine have the right to apply on issues, which do not concern their official

duties (*Part 2 of Article 1 with changes made according to the Law No 1254-VI (1254-17) from 14.04.2009*)

Persons, who are not citizens of Ukraine and legally staying on its territory, have the same right to apply, as citizens of Ukraine have, if other is not provided by international agreements.

Article 2. Legislation on Applying of Citizens

Legislation of Ukraine on applying of citizens includes this Law and other acts of legislation, issued according to the Constitution of Ukraine and this Law.

Article 3. Main Terms Used in this Law

Applying of citizens should be meant as presented in writing or orally propositions (remarks), applications (petitions) and complaints.

Propositions (remarks) – applications of citizens, which express advice, recommendation concerning activity of governmental bodies and local authorities, deputies of all levels, officials, as well as which express thoughts on regulation of social relations and living conditions of citizens, improvement of legal basis of state and public life, social-cultural and other spheres of the State and society.

Application (petition) – application of citizens with the request to assist in realization of their provided by the Constitution and current legislation rights and interests or notification of violation of current legislation or drawbacks in activity of enterprises, institutions, organizations of any ownership, people's deputies of Ukraine, deputies of local councils, officials, as well as to express thought concerning improvement of their activity. Petition – application in writing with the request to acknowledge its corresponding status, rights and freedoms and other.

Complaint – application with the request to renewal of rights and protection of legal interests of citizens, violated by actions (inactivity), decisions of governmental bodies, local self-governing bodies, enterprises, institutions, organizations, unions of citizens, officials.

Article 4. Decisions, Actions (Inactivity) which May Be Appealed

Decisions, actions (inactivity), which may be appealed, include such in the sphere of administrative activity, which result in:

violation of rights and legal interests or freedoms of a citizen (group of citizens);

appearing of barriers in citizen's realization of his rights and legal interests or freedoms;

illegal imposing of any obligations to the citizens of its illegal calling to account.

Article 5. Requirements to Application

Applications are addressed to governmental bodies and local authorities, enterprises, institutions, organizations of any ownership, unions of citizens and officials, which competence includes solving of matters, touched upon in applications.

Application should contain full name, place of residence of a citizen, the crux of the problem set forth, remarks, propositions, statements or complaints, requests or demands.

Application may be oral (set forth by the citizen and registered by the official at personal reception) or written, sent by post or passed by a citizen to corresponding body or establishment personally or via authorized person, if such authorization had been legally approved.

Application may be passed by separate person (individual), as well as by a group of persons (collective).

Application in writing should be signed by applicant (applicants), specifying date.

Application, made without compliance with these requirements, is returned to an applicant with corresponding explanations within ten days from the date of its receipt, except cases, provided by Part 1 of Article 7 of this Law.

Article 6. Language of Applications and Decisions and Answers to them

Citizens have the right to apply to governmental bodies, local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, officials in Ukrainian or in another language acceptable to both parties.

Decisions on applications of citizens and answers to them are made in accordance with requirements of legislation on languages. Such decisions and answers may be laid out in translation to language of an applicant.

Article 7. Prohibition to Reject Acceptance and Consideration of Applications

Applications, properly made and legally presented, are to be compulsorily accepted and considered.

It is prohibited to reject acceptance and consideration of application referring to political views, belonging to some party, sex, age, religion, nationality of a citizen, or lack of knowledge of its application language.

If questions, touched upon in application, received by state power body, local authority, enterprise, establishment, organization of any ownership, union of citizens, official, are not included in their competence, within five days it should be sent to the proper body or official, on which applying citizen should

be informed. In case, when application does not contain data, necessary for making of reasonable decision by the authority or official, within the same term it should be returned to the citizen with corresponding explanations.

It is prohibited to direct complaints of citizens to those authority and official, whose actions or decisions were appealed.

Article 8. Applications which do not Subject to Consideration and Solving

Application in writing without specified place of residence, not signed by the author (authors), as well as such, that does not allow to define the authorship, is approved to be anonymous and does not subject to consideration.

Repeated applications, presented to the same body by the same citizen on the same issue, will not be considered, if it was previously completely solved, as well as those applications, which term of consideration is provided by Article 17 of this Law, and application of persons, who are acknowledged by the court as incapable.

Decision on termination of consideration of such application is made by the head of the body, on which applying person should be informed.

Article 9. Prohibition of Persecution of Citizens for Applying and Unacceptability of Forcing them to Apply

It is prohibited to persecute citizens and members of their families for applying to governmental bodies, local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, officials, for critics of their activity and decisions, contained in applications. No one may be forced to apply personally or sign collective application or participation in actions for support of applications of other persons or organizations.

Article 10. Prohibition to Disclose the Data Contained in Applications

It is not allowed to disclose received from applications data about personal life of citizens without their consent or data, which constitute state or other secret, protected by the Law, and other information, if it infringes rights and legal interests of citizens. It is not allowed to define data about personality of a citizen, which do not concern the application. At citizen's request, presented in oral form or mentioned in the application, his name, place of residence and place of work are not to be disclosed too.

This prohibition does not cover cases of disclosure of information, contained in application, to persons, which concern solving of the matter.

Article 11. Application to Unions of Citizens

Received by unions of citizens applications with remarks and propositions concerning their activity are considered by these unions and their bodies in accordance to statutes of unions, and application and complaint on their infringement or violation of citizens rights according to this Law.

Article 12. Scope of the Law

Scope of this Law does not cover procedure of consideration of applications and complaints of citizens, provided by criminal-procedural, civil-procedural, labour legislation and legislation on protection of economic competition, laws of Ukraine “On Judiciary and Status of Judges” (2453-17) and “On Access to the Courte Decisions” (3262-15), the Code of Administrative Procedure of Ukraine (2747-15) (Article 12 with changes made according to laws No 653-XIV (653-14) from 13.05.99, No 1294-IV (1294-15) from 20.11.2003, No 4054-VI (4054-17) from 17.11.2011).

Article 13. Records Keeping on Application of Citizens

Records keeping on application of citizens is performed according to the procedure, provided by the Cabinet of Ministers of Ukraine (348-97 – p).

Section II

PROCEDURE OF CONSIDERATION OF CITIZENS APPLICATIONS

Article 14. Consideration of Propositions (Remarks) of Citizens

Governmental bodies and local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, officials are obliged to consider propositions (remarks) and inform the citizen of results of consideration.

Propositions (remarks) of Heroes of the Soviet Union, Heroes of Socialist Work, and disabled veterans of the Great Patriotic War are to be considered by prime executives of governmental bodies, local authorities, enterprises, institutions and organizations personally.

Article 15. Consideration of Applications (Petitions)

Governmental bodies, local authorities and their officials, managers and officials of enterprises, institutions, organizations of any ownership, unions of citizens, which competence includes consideration of applications (petitions) are obliged to consider them objectively and timely, check contained in them facts, make decisions according to current legislation and secure their fulfillment, inform citizens on results of applications (petitions) consideration.

Applications (petitions) of Heroes of Soviet Union, Heroes of Socialist Work, and disabled veterans of the Great Patriotic War are to be considered by prime executives of governmental bodies, local authorities, enterprises, institutions and organizations personally.

Answer on results of consideration of applications (petitions) must be given by that body, which received these applications and which competence includes solving of questions, mentioned in applications (petitions), signed by the head or person, who fulfills its duties.

Decision on rejection to fulfill the request, contained in application (petition), is to be brought to citizen's notice in writing referring to the Law and specifying reasons of rejection, as well as explaining the procedure of appealing of such decision.

Article 16. Consideration of Citizens' Complaints

Complaint for actions or decision of governmental bodies, local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, mass media, officials is submitted in subordination order to higher body or official, which does not exclude citizen's right to apply to court in accordance to current legislation, and in case of absence of such body or disagreement of a citizen with decision, made in concern with the complaint.

Complaints of Heroes of Soviet Union, Heroes of Socialist Work, and disabled veterans of the Great Patriotic War are to be considered by prime executives of governmental bodies, local authorities, enterprises, institutions and organizations personally.

Complaints for decisions of general meeting of members of collective agricultural enterprises, joint-stock companies, legal persons, founded on the basis of collective property, as well as for decisions of higher public authorities are to be settled at court.

The citizen may submit a complaint personally or via another authorized person. Complaint in the interests of underage or incapable persons is to be submitted by their legal representatives.

Complaint in the interests of a citizen on his behalf, issued according to legally approved procedure, may be submitted by another person, labor collective or organization, which carries out legal-protective activity.

The complaint should be enclosed with available decision or copies of decision concerning its previous application, as well as other documents, necessary for complaint consideration, which should be returned to a citizen after finishing of consideration.

Article 17. Term for Submission of Complaints

Complaint for decision, which had been already appealed, may be submitted to body or official of higher level within one year from the moment of its acceptance, but not later than within one month from the date of citizen's familiarization with made decision. Complaints, lodged with violation of mentioned time, should not be considered.

Time, missed due to good reason, may be restored by the body or official, which considers the complaint.

Decision of higher governmental body, which considered the complaint, in case of disagreement with it, may be lodged to the court within the term, provided by legislation of Ukraine.

Article 18. Rights of the Citizen at Consideration of Application or Complaint

The citizen, who submitted application or complaint to governmental bodies, local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, mass media, officials, has the right to:

personally provide arguments to a person, who checked the application or complaint, and participate in check of submitted by it complaint or application;

familiarize with materials of the check;

submit additional materials or insist on their inquiry by the body, which considers application or complaint;

be present at consideration of application or complaint;

use services of a lawyer or representative of labor collective, organization, which carries out legal protection function, legalizing this authorization according to the legal procedure;

receive written answer on results of application or complaint consideration;

express orally or in writing requirement concerning keeping of secret of application or complaint consideration;

require compensation of losses, if they are the result of violation of set procedure for application consideration.

Article 19. Obligations of State Power Bodies, Local Authorities, Enterprises, Institutions, Organizations of any Ownership, Unions of Citizens, Mass Media, their Managers and other Officials Concerning Consideration of Complaints and Applications

State power bodies, local authorities, enterprises, institutions, organizations of any ownership, unions of citizens, mass media, their managers and other officials within their competence are obliged:

to check applications and complaints objectively, timely and thoroughly; at citizen's request to invite him to session of corresponding body, which considers his application or complaint;

in case of decision-making about the restriction of a citizen's access to the appropriate information to make the explained decision at examination of a statement or a complaint; *(Part 1 of Article 19 is supplemented by the paragraph according to the Law No 2384-IV (2384-15) from 20.01.2005)*

to cancel or change appealed decisions in cases, provided by legislation of Ukraine, if they are contrary to the Law or other normative acts, immediately take measures for termination of illegal actions, reveal, eliminate reasons and conditions, which contributed to violation;

to secure renewal of violated rights, actual execution of decisions, made in concern with the application or complaint;

to inform in writing the citizen on results of application or complaint check and the crux of made decision;

to take measures for compensation according to legally provided procedure material losses, if they were caused to a citizen, due to infringement of its rights or legal interests, decide issues on responsibility of persons, due to which fault such violation occurred, as well as at citizen's request, within one month to bring made decision to notice of local authority, labor collective or union of citizens at citizen's place of residence;

in case, when application or complaint had been acknowledged as unreasonable, to explain the procedure for appealing of such decision;

not to allow unreasonable passing of applications and complaints to other bodies for consideration;

to organize personally and check the state of consideration of citizens' applications or complaints, take measures for elimination of reasons, that caused it, systematically analyze and inform population about progress of this activity.

If necessary and if possible, consideration of applications and complaints of citizens is to be carried out by an official or subdivision of official personnel, which are specially authorized to perform this work, within the limits of budget assignments. This provision does not cancel requirement of paragraph 9 of Part 9 of this Article.

Article 20. Term for Consideration of Citizens' Applications

Applications are considered and solved within not more than one month from the date of their receiving, and those, which do not need additional consideration – immediately, but not later than within fifteen days from date of their receiving. If it is impossible to solve questions, mentioned in application, within one month, manager of corresponding body, enterprise, establishment, organization or its deputies define necessary term for its consideration, on

which applying person should be informed. At that total term of solving of questions, mentioned in application, may not exceed forty-five days.

At reasonable written request of a citizen term of consideration may be decreased from term provided by this Article.

Applications of citizens, which have privileges, provided by legislation, are considered first of all.

Article 21. Gratuitousness of Consideration of Application

State power bodies and local self-governing bodies, enterprises, institutions, organizations of any ownership, unions of citizens and officials consider applications of citizens free of charge.

Article 22. Personal Reception of Citizens

Managers and other officials of state power bodies and local self-governing bodies, enterprises, institutions, organizations of any ownership, unions of citizens are obliged to carry out personal reception of citizens.

Reception is carried out regularly on provided dates and time, at convenient for citizens time, at place of their work and residence. Schedules of reception are informed to citizens.

Procedure of reception of citizens at governmental bodies and local authorities, enterprises, institutions, organizations of any ownership, unions of citizens is determined by their managers.

All applications of citizens at personal receptions are to be registered. If it is impossible to solve questions, presented at personal reception, it should be considered in the same way as written application. The citizen is informed about results of consideration in writing or orally, according to citizen's choice.

Article 23. Organization of Reception of Citizens by Senior Officials

Senior officials of the State – the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime-Minister of Ukraine – carry out reception in accordance with the order established by them.

Section III

RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON APPLYING OF CITIZENS

Article 24. Responsibility of Officials for Violation of Legislation on Applying of Citizens

Persons, guilty of violation of this Law, bear civil, administrative or criminal responsibility, provided by legislation of Ukraine.

Article 25. Compensation of Losses to the Citizen Caused by Violation of Requirements of this Law while Considering his Complaint

In case of satisfaction of complaint, body or official, which made illegal decision concerning application of a citizen, have to compensate his all material losses, concerned with presenting and consideration of complaint, reasonable losses, suffered due to coming to complaint consideration at the request of corresponding body, and lost profit within this time. Disputes on payment of compensation should be settled at court.

The citizen at his request and according to the procedure, provided by current legislation, may receive compensation of moral losses, caused by illegal actions or decisions of a body or official at consideration of complaint. Volume equivalent of compensation of moral (non-property) losses to money amount is to be determined by the court.

Article 26. Responsibility of citizens for Providing of Illegal Applications

Providing by the citizen of application, which contains slander or offence, discredit of state power bodies, local self-governing bodies, unions of citizens and their officials, managers and other officials of enterprises, institutions and organizations of any ownership, calls to unleashing of national, racial or religious disorders and other acts, results in responsibility, provided by current legislation.

Article 27. Compensation of Expenses for Check of Applications, which Contain Deliberately False Information

Expenses, suffered by state power body, local self-governing body, enterprise, establishment, organization of any ownership, union of citizens, mass media, concerned with check of applications, which contain deliberately false information, may be collected form a citizen at the decision of the court.

Article 28. Control of Compliance to Legislation on Applying of Citizens

Control of compliance to legislation on applying of citizens according to their competence is carried out by the Verkhovna Rada of Ukraine, people's deputies of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Human Rights Ombudsman of the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district, district in cities of Kyiv and Sevastopol state administrations, village, settlement, city councils and their executives committees, deputies of local councils, as well as ministries, other central bodies of executive power concerning enterprises, institutions and organizations, subordinated to them.

**Article 29. Prosecutor's Control of Compliance
of Legislation on Applying of Citizens**

Control of compliance to legislation on applying of citizens is carried out by the General Prosecutor of Ukraine and subordinated to him prosecutors. Within their competence, provided to them by current legislation, they take measures for restoring of violated rights, protection of legal interests of citizens, calling of infringers to account.

President of Ukraine

L. KUCHMA

Kyiv City

October, 02, 1996

No 393/96-VR



EXCERPT FROM THE LAW OF UKRAINE

On Bringing out, Bringing in and Return of Cultural Values

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1999, No 48, p. 405)

(With changes introduced according to the Law No 594-IV (594-15) from 06.03.2003, the VVR, 2003, No 24, p. 159)

This Law regulates relations of bringing out, bringing in and return of cultural values, and destined at protection of national cultural property and development of international cooperation of Ukraine in the sphere of culture. [...]

Section I GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

cultural values – objects of material and spiritual culture, which have artistic, historical, ethnographic and scientific significance and are subject to be kept, recovered and protected according to legislation of Ukraine, namely: [...] ancient books and other issues, which constitute historical, artistic, scientific and literary value, separately or in collection;

manuscripts and incunabulum, ancient printings, archival documents, including cine-, photo- and phonodocuments, separately or in collection; [...]

bringing out of cultural values – actual moving out of Ukrainian territory of cultural values by legal or natural persons over customs border of Ukraine with any purpose without obligation to return them back into Ukraine. [...]

Article 3. Cultural Values of Ukraine

According to legislation of Ukraine cultural values of Ukraine are:

cultural values, created on the territory of Ukraine by citizens of Ukraine;

cultural values, created on the territory of Ukraine by foreigners or other persons without citizenship, who permanently reside or resided in Ukraine;

cultural values, discovered in Ukraine;

brought into Ukraine cultural values, purchased by archeological, archeographic, ethnographic, scientific-natural and other expeditions at consent of corresponding bodies at country of origin of such values;

brought into Ukraine cultural values, obtained as a result of voluntary exchange;

brought into Ukraine cultural values, received as a present or legally purchased at consent of corresponding bodies at country of origin of such values;

illegally brought out cultural values of Ukraine, which are staying abroad; cultural values, which were displaced from Ukrainian territory during wars and military conflicts and not returned;

cultural values, which were temporarily brought out from Ukraine and not returned;

cultural values, moved to the territory of Ukraine as a result of World War II as a partial compensation for losses, incurred by invaders.

Article 4. Cultural Values which Are to Be Returned to Ukraine

The following values are to be returned to Ukraine:

cultural values, which were illegally brought out from Ukrainian territory;

cultural values, displaced from Ukrainian territory during wars and military conflicts and which were not returned to Ukraine;

cultural values, temporarily brought out from Ukraine and which were not returned to Ukraine.

Cultural values, which are legally abroad, may be returned by way of conclusion of sale agreements with the owner of values, their exchange on mutually beneficial basis or by receiving as a present. [...]

Section III

BRINGING OUT AND BRINGING IN OF CULTURAL VALUES

Article 14. Cultural Values which May not Be Brought out from Ukraine

The following values may not be brought out from Ukraine:

cultural values, included into the State Register of National Cultural Heritage;

cultural values, included into the National Archival Fund;

cultural values, included into the Museum Fund of Ukraine. [...]

President of Ukraine

L. KUCHMA

Kyiv City

September, 21, 1999

No 1068-XIV



THE LAW OF UKRAINE

On Electronic Records and Electronic Records Circulation

*(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2003,
No 36, p. 275)*

*(With changes introduced according to the Law
No 2599-IV (2599-15) from 31.05.2005, the VVR, 2005, No 26, p. 349)*

This Law regulates main organizational-legal basis for electronic records circulation and use of electronic records.

Section I GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

addressee – natural or legal person, which is addressed with electronic record;

data – information, given in the form, suitable for its further processing with electronic means;

intermediary – natural or legal person, which according to procedure, provided by the Law, performs receiving, transmission (delivery), storing, check of integrity of electronic records for satisfaction of its own needs or provides corresponding services on behalf of other subjects of electronic records circulation;

compulsory metadata for electronic records – compulsory data in electronic record, without which it may not be the reason of its registration and shall not have any legal force;

author of electronic record – natural or legal person, which created the electronic record;

subject of electronic records circulation – author, person, who signed the record, addressee and intermediary, which obtain provided by the Law or agreement rights and obligations in the process of electronic records circulation.

Article 2. Scope of the Law

The scope of this Law covers relations, occurred in the process of creation, sending, transmission, receiving, storing, processing, use and destruction of electronic records.

Article 3. Legislation on Electronic Records and Electronic Records Circulation

Relations, concerned with electronic records circulation and use of electronic records, are regulated by the Constitution of Ukraine (254k/96-VR), the Civil Code of Ukraine (1540-06), laws of Ukraine “On Information” (2657-12), “Protection of Information at Automated Systems” (80/94-VR), “On State Secret” (3855-12), “On Communication” (160/95-VR), “On Compulsory Copy of Documents” (595-14), “On the National Archival Fund and Archival Institutions” (3814-12), this Law, and other normative-legal acts. *(Part 1 of Article 3 with changes introduced according to the Law No 2599-IV (2599-15) from 31.05.2005)*

If international agreement of Ukraine, obligation of which is given by the Verkhovna Rada of Ukraine, provides rules other from those in this Law, rules of international agreement prevail.

Article 4. Governmental Regulation of Electronic Records Circulation

The Cabinet of Ministers of Ukraine and other bodies of executive power within their competence provided by the Law realize public policy of electronic records circulation.

Governmental regulation of electronic records circulation is aimed at:

realization of sole public policy of electronic records circulation;

securing of rights and legal interests of subjects of electronic records circulation;

normative legal securing of technology for processing, creation, transmission, receiving, storing, use, and destruction of electronic records.

Section II

ELECTRONIC RECORD

Article 5. Electronic Record

Electronic record – record, information in which is fixed in the form of electronic data, including compulsory metadata for the record.

Content and procedure of placement of compulsory metadata for electronic records is determined by legislation.

Electronic record may be created, transmitted, stored and transformed by electronic means into visual form.

Visual form of electronic record is display of data, contained in the record, by electronic means or on paper in the form, suitable for perception of its content by a person.

Article 6. Electronic Signature

Electronic signature is compulsory metadata of electronic record, which is used for identification of an author and/or person, who signed electronic record by other subjects of electronic records circulation.

Putting of electronic signature finishes creating of electronic record.

Relations, concerned with the use of electronic digital signatures, are regulated by the Law.

Use of other types of electronic signatures in electronic records circulation is carried out by subjects of electronic records circulation on contractual basis.

Article 7. Original of Electronic Record

Original of electronic record is an electronic record with all compulsory metadata, including electronic digital signature of the author.

In case when electronic record is sent to several addressees or it is stored on several media each electronic copy is considered as original of electronic record.

If the author creates electronic record and record on paper, identical by their documentary information and metadata, each of the records is the original and has equal legal force.

Original of electronic record should provide the opportunity to prove its integrity and authenticity according to the procedure, provided by the legislation; in provided by legislation cases visual display, including a paper copy, may be submitted.

Electronic copy of electronic record is to be certified according to the procedure, provided by the Law.

Copy of the record on paper for electronic record is a visual display of electronic record on paper, certified according to the procedure provided by the legislation.

Article 8. Legal Status of Electronic Record and its Copy

Legal force of electronic record may not be doubted only because of its electronic form.

Admissibility of electronic record as evidence can not be denied solely on the grounds of its electronic form.

Electronic record may not be used as an original of the following:

- 1) certificate of inheritance ownership;
- 2) record, which according to legislation may be created only in one original copy, except cases, when centralized depository of electronic record originals exists;
- 3) in other cases, provided by the Law.

Notarization of civil-legal agreement, concluded by way of creation of electronic record/records, is carried out according to the legal procedure.

Section III

BASIS FOR ELECTRONIC RECORDS CIRCULATION

Article 9. Electronic Records Circulation

Electronic records circulation (circulation of electronic records) – complex of processes of creation, processing, sending, transmission, receiving, storing, use and destruction of electronic records, which are carried out with the use of integrity check and if necessary with confirmation of receiving of such records.

Procedure of electronic records circulation is determined by governmental bodies, local authorities, enterprises, organizations of all ownership forms according to legislation.

Article 10. Sending and Transmission of Electronic Records

Sending and transmission of electronic records is carried out by the author of intermediary in electronic form by means of information, telecommunication, information and telecommunication systems or by sending information media with recorded document.

If the author and addressee in written form previously have not agreed on another, date and time of electronic record sending are considered the date and time, when sending of electronic record may not be cancelled by a person who sent it. In case when electronic record is sent recorded on media, date and time of sending are considered the date and time of its passing for sending.

Requirement to confirm receiving of record, provided by legislation in cases, when record was sent with registered letter or passed against receipt, does not cover electronic records. In such cases confirmation of electronic records receiving is carried out according to provisions of this Law.

Article 11. Receiving Electronic Records

Electronic record is considered as received by the addressee, when the author received notification in electronic form from addressee about receiving this

electronic record, if other is not provided by legislation or there is no prior agreement between subjects of electronic records circulation.

If previous agreement between subjects of electronic records circulation does not determine the procedure of confirmation of electronic record receiving, such confirmation can be done in any procedure, automated or otherwise, in electronic form or in the form of a document on paper. Mentioned confirmation should contain data about the fact and date of electronic record receiving and about the sender of this confirmation.

In case when the author does not receive confirmation of receiving of this electronic record, it is considered that the addressee did not receive electronic record.

If the author and addressee previously agreed in writing about other, electronic record is considered as sent by the author and received by the addressee at their location (for natural persons – at their place of residence), including cases, when information, telecommunication, information and telecommunication system, via which the record was received, is located at another place. Location (place of residence) of the parts is determined according to legislation.

Article 12. Check of Electronic Record Integrity

Check of electronic record integrity is carried out by checking of electronic digital signature.

Article 13. Storing Electronic Records and Archives of Electronic Records

Subjects of electronic records circulation should store electronic records on electronic media in the form, which allows checking records integrity on these media.

Term of storing of electronic records on electronic media should not be less than the term, provided by legislation for corresponding records on paper.

In case of impossibility to store electronic records on electronic media within the term, provided by legislation for corresponding records on paper, subjects of electronic records circulation should take measures for duplicating records on several electronic media and perform their periodical duplication according to the procedure of registration and copying of records, provided by legislation. If it is impossible to meet mentioned requirements, electronic records should be kept as paper copies of records (if original record on paper is not available). When copying electronic records from electronic media it is obligatory to perform check of data integrity on these media.

When storing electronic records, it is obligatory to meet the following requirements:

1) information, contained in electronic records, should be available for its further use;

2) it must be possible to restore electronic record in the format, in which it was previously created, sent or received;

3) if available, information, which allows to determine origin and purpose of electronic record, as well as date and time of its sending or receipt, should be stored.

Subjects of electronic records circulation may secure meeting of requirements concerning storing of electronic records through using of intermediary services, including archival institution, if such institution meets the requirements of this Article. Creation of archives of electronic records, submission of electronic records to archival institutions of Ukraine and their storing at these institutions is carried out according to the procedure, provided by legislation.

Section IV **ORGANIZATION OF ELECTRONIC RECORDS CIRCULATION**

Article 14. Organization of Electronic Records Circulation

Electronic records circulation is carried out according to legislation of Ukraine or on the basis of agreements, which determine interrelations between subjects of electronic records circulation.

Use of electronic record in civil relations is carried out according to general requirements to carrying out of legal actions, provided by civil legislation.

Article 15. Circulation of Electronic Records which Contain Information of Restricted Access

Subjects of electronic records circulation, which carry it out on contractual basis, independently determine access mode to electronic records, which contain confidential information, and determine for them system (methods) of protection.

In information, communication, information and communication systems, which secure exchange of electronic records, containing publicly owned information or information of restricted access, protection of this information should be secured according to legislation.

Article 16. Rights and Obligations of Subjects of Electronic Records Circulation

Subjects of electronic records circulation have rights and obligations, provided for them by legislation.

If within the process of electronic records circulation occurs necessity to determine additional rights and obligations of subjects of electronic records cir-

ulation, which are not provided by legislation, such rights and obligations may be determined by these subjects on contractual bases.

Article 17. Settlement of Disputes between Subjects of Electronic Records Circulation

Settlement of disputes between subjects of electronic records circulation is carried out according to the procedure provided by the Law.

Article 18. Responsibility for Violation of Legislation on Electronic Records and Electronic Records Circulation

Persons, who are guilty of violation of legislation on electronic records and electronic records circulation, account according to legislation of Ukraine.

Section V **FINAL PROVISIONS**

1) This Law comes into effect within six months from the date of its publication.

2) The Cabinet of Ministers of Ukraine within six months from effective date of this Law should:

prepare and submit for consideration of the Verkhovna Rada of Ukraine corresponding propositions on introduction of changes to legislative acts of Ukraine;

secure passing of legal normative acts, provided by this Law;

secure reconsideration and cancellation by ministries, other central bodies of executive power of Ukraine of their legal normative acts, which are contrary to this Law;

together with the National Bank of Ukraine develop and submit for consideration of the Verkhovna Rada of Ukraine program of measures for introduction of electronic records, electronic records circulation and electronic digital signature, stimulation of enterprises, institutions and organizations, which introduce electronic records circulation.

President of Ukraine

L. KUCHMA

Kyiv City
May, 22, 2003

No 851-IV



THE LAW OF UKRAINE

On Electronic Digital Signature

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2003, No 36, p. 276)

(With changes introduced according to the Law No 879-VI (879-17) from 15.01.2009, the VVR, 2009, No 24, p. 296)

This Law determines legal status of electronic digital signature and regulates relations, occurred while using electronic digital signature.

Effect of this Law does not cover relations, occurred while using other types of electronic signature, including handwritten signature, transformed into digital form.

If international agreement of Ukraine, obligation of which is given by the Verkhovna Rada of Ukraine, provides rules other from those in this Law, rules of international agreement prevail.

Article 1. Definition of Terms

In this Law terms are used with the following meaning:

electronic signature – data in electronic form, added to other electronic data or logically connected with them and aimed at identification of the signer;

electronic digital signature – type of electronic signature, received as a result of cryptographic transfer of electronic data, which is added to this set or is logically connected with them and allows to confirm its integrity and identify the signer. Electronic digital signature is put with the help of personal key and is checked with the help of public key;

medium of electronic digital signature – software medium, software-hardware or hardware means, destined for generation of keys, putting and/or checking of electronic digital signature;

personal key – parameter of cryptographic algorithm of electronic digital signature formation, accessible only to the signer;

public key – parameter of cryptographic algorithm of electronic digital signature checking, accessible to subjects of relations in the sphere of electronic digital signature use;

confirmation of public key validity – procedure of public key certificate formation;

public key certificate (hereinafter referred to as Key Certificate) – record, issued by key certification center, which confirms validity and belonging of public key to the signer. Key certificates may be distributed in electronic form or in the form of records on paper and may be used for identification of signer's person;

public key substantial certificate (hereinafter referred to as Key Substantial Certificate) – key certificate, which meets the requirements of this Law, issued by accredited key certification center, certification center, central certification center;

accreditation – procedure of documentary authorization of key certification center competence to carry out activity, concerned with servicing of substantial key certificates;

compromising of personal key – any action and/or action, which caused or may cause unauthorized use of personal key;

blocking of key certificate – temporary termination of key certificate validity;

signer – person, which legally owns personal key and on his own behalf or on behalf of a person, whom it represents, puts electronic digital signature while creating electronic record;

services of electronic digital signature – putting at disposal of mediums of electronic digital signature, assistance at generation of public and personal keys, servicing of key certificates (formation, distribution, cancellation, storing, blocking and renovation), providing of information concerning valid, cancelled and blocked key certificates, services in fixation of time, consultations and other services, provided by this Law;

reliable medium of electronic digital signature – medium of electronic digital signature, which has conformance certificate or positive expert conclusion according to the results of state expertise in the sphere of cryptographic protection of information. Confirmation of conformance and carrying out of state expertise of these media is carried out according to the procedure, provided by legislation.

Article 2. Subjects of Legal Relations in the Sphere of Services for Electronic Digital Signature

Subjects of legal relations in the sphere of services for electronic digital signature are:

the signer;

the user;

the key certification center;

the accredited key certification center;

the central certification body;

the certification center at the executive or other governmental body (hereinafter referred to as the Certification Center);
the controlling body.

Article 3. Legal Status of Electronic Digital Signature

According to legal status electronic digital signature is equal to sign (seal) manual, when:

electronic digital signature is confirmed with the use of substantial key certificate with the help of reliable medium of digital signature;

while checking, it is used substantial key certificate, valid at the moment of electronic digital signature putting;

personal signer's key corresponds to public key, mentioned in the certificate.

Electronic signature may not be considered invalid only because of its electronic form or because it is not based on substantial key certificate.

Article 4. Assignment of Electronic Digital Signature

Electronic digital signature is assigned for securing of activity of natural and legal persons, which is carried out with the use of electronic records.

Electronic digital signature is used by natural and legal persons – subjects of electronic records circulation for identification of signer and confirmation of electronic data integrity.

Use of electronic digital signature does not change the procedure of signing of agreements and other documents, provided by the Law on performing of legal actions in written form.

Notarial acts for confirmation of authenticity of electronic digital signature in electronic records is carried out according to the procedure, provided by the Law.

Article 5. Peculiarities of Electronic Digital Signature Use

Governmental bodies, local authorities, public enterprises, institutions and organization for approval of public key validity must use only substantial key certificate.

Other legal and natural persons may approve on contractual bases validity of public key by key certificate, issued by key certification center, as well as use electronic digital signature without key certificate.

Distribution of loss risks, that may be suffered by signers, users and third persons, who use electronic digital signature without certificate, is to be determined by subjects of legal relations in the sphere of electronic digital signature services on contractual bases.

Protection of rights of consumers of electronic digital signature services, as well as methods of these rights execution are regulated by this Law and the Law of Ukraine “On Protection of Consumers’ Rights” (1023-12).

In cases, when according to legislation it is necessary to certify with the seal the authenticity of signature on records and authenticity of copies with originals, one more electronic digital signature of legal person, made especially for this purpose, is to be put on electronic record.

Procedure of use of electronic digital signature by governmental bodies, local authorities, public enterprises, institutions and organizations is determined by the Cabinet of Ministers of Ukraine.

Procedure of use of electronic digital signature in banking activity is determined by the National Bank of Ukraine.

Article 6. Requirements to Key Certificate

The Key Certificate contains the following compulsory data:

name and essential elements of key certification center (central certification body, certification center);

information that certificate was issued in Ukraine;

unique registration number of key certificate;

main data (requisites) of a signer – owner of personal key;

date and time of beginning and termination of certificate validity;

public key;

name of cryptographic algorithm, used by the owner of personal key;

information on signature use restrictions.

Substantial key certificate, except compulsory data, contained in the key certificate, should have the sign of substantial key certificate.

Other data may be included into substantial key certificate at its owner’s request.

Article 7. Rights and Obligations of Signer

Signer has the right:

to demand cancellation, blocking and renovation of its key certificate;

to appeal against actions or absence of actions of key certification center at court.

Signer is obliged to:

keep personal key in secret;

provide key certification center with data, according to the requirements of Article 6 of this Law, for confirmation of public key validity;

timely provide key certification center with information on change of data, included in key certificate.

Article 8. Key Certification Center

The key certification center may be legal person of any ownership or natural person, which is the subject of business activity, which provides electronic digital signature services and approved its public key at the central certification body or certification center, meeting the requirements of Article 6 of this Law.

Servicing of natural and legal persons is carried out by key certification center on contractual bases.

The key certification center has the right:

to provide electronic digital signature services and maintain key certificates;

to receive and check information, necessary for registration of a signer and formation of the key certificate directly from legal and natural person or from its authorized representative.

The key certification center is obliged:

to secure protection of information at automated systems according to legislation;

to secure protection of personal data, received from a signer, according to legislation;

while formation of key certificate to determine belonging of personal key and corresponding public key to a signer;

timely to cancel, block and renovate key certificates in cases, provided by this Law;

timely to inform a signer and add to signer's public key certificate information about restrictions of electronic digital signature use, which are provided for securing of possibility to compensate losses of the parts, in case, when key certification centers caused such losses;

to check legality of application for cancellation, blocking or renovation of key certificates and keep records, on which basis key certificates had been cancelled, blocked or renovated;

to accept around-the-clock applications for cancellation, blocking and renovation of key certificates;

to keep electronic list of current, cancelled and blocked key certificates;

to secure around-the-clock access of users to key certificates and corresponding electronic lists of certificates via public telecommunication channels;

to secure storing of formed key certificates within the term, provided by legislation for storing of corresponding records on paper;

to provide consultation on issues, concerned with electronic digital signature.

Storing of personal keys of a signer and familiarization with them at the key certification center is prohibited.

Article 9. Accredited Key Certification Center

The key certification center, which was accredited according to the set procedure, is an accredited key certification center.

Accredited key certification center has the right:

to provide electronic digital signature services and maintain exclusively substantial key certificates;

to receive and check information, needed for registration of a signer and issuing of substantial key certificate, directly from legal or natural person or its representative.

Accredited the key certification center should perform all obligations and requirements, provided by legislation for key certification center, and additionally should use reliable media of electronic digital signature for providing of electronic digital signature services.

Procedure of accreditation and requirements, provided for accredited the key certification center, are determined by the Cabinet of Ministers of Ukraine.

Article 10. Certification Center

If necessary, the Cabinet of Ministers of Ukraine determines the certification center of central executive body for securing of registration, approval of personal key validity and accreditation of a group of key certification centers, which provide electronic digital signature services to this body and enterprises, institutions and organizations, subordinated to it.

Other governmental bodies, if necessary, at approval of the Cabinet of Ministers of Ukraine, determine their certification centers, assigned for performing of functions, mentioned in part one of this Article.

The certification center, relating to a group of key certification centers, mentioned in part one of this Article, has the same functions and authorities as central certification body relating key certification centers.

The certification center meets the requirements, provided by legislation for accredited key certification center.

The certification center is registered, approves its public key and is accredited at the central certification body.

The Cabinet of Ministers of Ukraine approves Provisions on certification center of central executive body.

Article 11. Central Certification Body

The central certification body is determined by the Cabinet of Ministers of Ukraine.

The Central certification body:

forms and issues substantial key certificates to certification centers and key certification centers, meeting the requirements of Article 6 of this Law;

blocks, cancels and renovates substantial key certificates of certification centers and key certification centers in cases, provided by the Law;

keeps electronic registers of current, blocked and cancelled substantial key certificates of certification centers and key certification centers;

carries out accreditation of key certification centers, receives and checks information, needed for their accreditation;

provides around-the-clock access of certification centers and key certification centers to substantial key certificates and corresponding electronic registers via public telecommunication channels;

keeps substantial key certificates of certification centers and key certification centers;

provides certification centers and key certification centers with consultations on issues, concerned with the use of electronic digital signature.

The central certification body meets the requirements, provided by legislation for accredited key certification center.

The Cabinet of Ministers of Ukraine approves Provisions on central certification body.

Article 12. Central Controlling Body

Functions of controlling body are carried out by specially authorized central executive body in the sphere of cryptographic protection of information.

(Part 1 of Article 12 in edition of the Law No 879-VI (879-17) from 15.01.2009)

Controlling body checks compliance to requirements of this Law by the central certification body, certification bodies and key certification centers.

In case of non-fulfillment or improper fulfillment of obligations and occurrence of violations of requirements, provided by legislation for key certification center and certification center, controlling body gives instructions to central certification body to take immediate measures, provided by the Law.

Article 13. Cancellation, Blocking and Renovation of Substantial Key Certificate

Accredited key certification center immediately cancels issued by it key certificate, in case of:

termination of key certificate validity term;
submitting of application by the owner of the key or his authorized representative;
termination of activity of legal person – key owner;
death of natural person – key owner or court acknowledgment of him as dead;
acknowledgement of key owner as incapable according to court decision;
providing of false data by key owner;
compromising of personal key.

Central certification body immediately cancels substantial key certificate of key certificate center or certification center, in case of:

termination of activity in providing of electronic digital signature services;
compromising of personal key.

Central certification body, certification body, accredited key certification center immediately block substantial key certificate:

in case of submitting of application by key owner or its authorized representative;
at court decision, which came into effect;
in case of personal key compromising.

Cancellation and blocking of substantial key certificate comes into effect at the moment of registration of current, cancelled or blocked substantial key certificates, specifying date and time of this operation performing.

Central certification body, certification body, accredited key certification center immediately inform key owner about cancellation or blocking of its substantial key certificate.

Blocked substantial key certificate is renovated:

in case of submitting of application by key owner or its authorized representative;
at court decision, which came into effect;
in case of determination of inauthenticity of data about personal key compromising.

Article 14. Termination of the Key Certification Center Activity

Key certification center terminates its activity according to legislation.

Key certification center informs its signers about decision to terminate its activity within three months prior to termination, if other terms are not provided by legislation. Signers have the right to choose at their own discretion any other key certification center for further maintenance, if other is not provided by legislation. After notification of termination of its activity key certification

center has no right to issue key certificates. All key certificates, issued by this key certification center, are cancelled after termination of its activity.

Key certification center, which informed of termination of its activity, is obliged to secure protection of consumers' rights through compensation of money for services, which may not be provided further, but which already had been paid.

Accredited key certification center additionally informs central certification body or corresponding certification body about decision to terminate its activity.

Accredited key certification center within the day, determined as date of its activity termination, passes substantial key certificates, corresponding registers of substantial key certificates and documented information, subject to obligatory passing, to corresponding certification center or central certification center.

Procedure of passing by accredited key certification center of substantial key certificates, corresponding registers of substantial key certificates and documented information, subject to obligatory passing, is determined by the Cabinet of Ministers of Ukraine.

Article 15. Responsibility for Violation of Legislation on Electronic Digital Signature

Persons, guilty of violation of legislation on electronic digital signature, account according to legislation.

Article 16. Disputes Settlement

Disputes, occurred in the sphere of services of electronic digital signature, are to be settled according to the procedure, provided by the Law.

Article 17. Acknowledgement of Foreign Key Certificates

Foreign key certificates, certified according to legislation of countries, which previously issued such certificates, are acknowledged as valid in Ukraine according to the procedure, provided by the Law.

Article 18. Final Provisions

1. This Law comes into effect on January, 01, 2004.
2. Until the laws of Ukraine and other normative-legal acts comply with this Law, they are used only in those parts, which do not contradict this Law.
3. In Paragraph 14 of Article 19 of the Law of Ukraine "On Licensing of Certain Types of Business Activity" (1775-14) (The Vidomosti of the Verkhovna Rada of Ukraine, 2000, No 36, p. 299) at the end of words "providing of services in the field of cryptographic protection of information" it should be added "(except electronic digital signature services)".

4. The Cabinet of Ministers of Ukraine within six months from effective date of this Law should:

prepare and submit for consideration of the Verkhovna Rada of Ukraine propositions on introduction of changes to laws of Ukraine, occurred under this Law;

secure bringing of its normative-legal acts, as well as normative-legal acts of ministries and other central executive bodies, into accord with this Law;

determine central certification body;

secure passing of legal normative acts, provided by this Law.

5. The National Bank of Ukraine within six months from effective date of this Law should bring its normative-legal acts into accord with this Law.

6. The Cabinet of Ministers of Ukraine together with the National Bank of Ukraine and other central public authorities within six months from effective date of this Law should develop and submit for consideration of the Verkhovna Rada of Ukraine program of measures for introduction of electronic records, electronic records circulation and electronic digital signature.

President of Ukraine

L. KUCHMA

Kyiv City
May, 22, 2003

No 852-IV



THE LAW OF UKRAINE

On Protection of Personal Data

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2010, No 34, p. 481)

Article 1. Scope of the Law

This Law shall regulate relations related to the protection of personal data during their processing.

This Law shall not apply to activity of establishment of personal databases and possessing of personal data in databases by:

natural person – exclusively with non-professional and ordinary needs;

journalist – with regard to execution of his professional duties;

professional creative employee – for purposes of creative activity.

Article 2. Definition of Terms

In this Law following terms shall have the meaning hereunder assigned to them:

personal database shall mean a named aggregate of organized personal data in electronic form and/or in form of personal data card files;

owner of personal database shall mean natural person or legal entity that has obtained a right to processing such data according to the Law or to the consent of the personal data subject, which approves the purpose of the processing of personal data in the database, establishes the content of these data and the procedures for their processing, in case other is prescribed by legislation;

the State Register of Databases is a joint state information system of collection, accumulation and processing of information concerning the registered personal databases;

consent of personal data subject shall mean any documentary, namely written, voluntary declaration of will of a natural person with regard to granting permission to processing of his/her personal data in accordance with formulated purpose of its processing;

depersonalization of personal data shall mean withdrawal of information that allows identifying a person;

processing of personal data shall mean any action or number of actions performed in the information (automated) system and/or in personal data card files completely or partially, related to collection, registration, accumulation, storage, adaptation, change, update, use and spreading (distribution, realization, transfer), depersonalization, destruction of information about a natural person;

personal data shall mean information or aggregate information about a natural person who is identified or may be identified;

administrator of personal database shall mean a natural person or legal entity which obtained the right to process such data from the database owner or according to the Law;

subject of personal data shall mean a natural person, whose personal data is preceded to legislation;

third person shall mean any person, except a subject of personal data, owner or administrator of database of personal data and the Authorized State Body on Personal Data Protection, to whom owner or administrator of database of personal data transfers these data according to legislation.

Article 3. Legislation on Protection of Personal Data

Legislation on protection of personal data consists of the Constitution of Ukraine, this Law, other laws and normative and legal acts, international treaties of Ukraine which were approved as binding by the Verkhovna Rada of Ukraine.

Article 4. Subjects of Relations Connected to Personal Data

1. The subjects of relations connected to personal data are the following:

personal data subject;

owner of personal database;

personal database administrator;

the third person;

the Authorized State Body on Personal Data Protection;

other state power bodies and local self-governing institutions the authorities of which include protection of personal data.

2. Enterprises, institutions and organizations of any ownership, state power bodies or local self-governing bodies, natural persons – entrepreneurs, who process personal data in accordance with legislation, may be entitled to be owners or administrators of databases of personal data.

3. The administrator of the database which is owned by state power body or local self-governing body, may be legal entity which acts in the sphere of administration of such body.

Article 5. Objects of Protection

1. The objects of protection are personal data that are being processed in personal databases.
2. Personal data, except depersonalized one, are the data with restricted access.
3. The Law may prohibit assigning personal data to certain categories of citizens or exhaustive list of such categories as information with restricted access.
4. The personal data of a natural person who claims for or holds an elective post (in representative bodies) or position of a state official of the first category shall not be assigned to information with restricted access, except of information assigned as such pursuant to the Law.

Article 6. General Requirements with Regard to Personal Data Processing

1. The purpose of processing of personal data must be clearly formulated in laws and other normative acts, regulations, constitutive or other documents that regulate activity of the owner of the base of personal data, and conform to legislation on personal data protection.

In case the purpose of processing of personal data is changed by the subject of these personal data, new permission for processing of his personal data must be provided.

2. Personal data shall be accurate, authentic, and updated where necessary.
3. The composition and content of personal data shall be appropriate and non-excessive with regard to the purpose of their processing.

The scope of the personal data which may be included into the database shall be determined by the consent of the subject of personal data or according to the Law.

4. Primary sources of information about a natural person shall be the documents issued in this person's name; documents signed by the person; information which a person provides about himself.
5. Processing of personal data shall be conducted for concrete and legal purposes, determined by the consent of a subject of personal data or in certain cases stipulated by legislation of Ukraine in the manner prescribed by the Law.
6. Processing of data about a natural person shall be prohibited without such person's consent, except for the cases stipulated by the Law, and only in the interests of national security, economic welfare and human rights.
7. Until the moment it is possible to obtain the consent of the subject of personal data it may be proceeded without consent of the subject in case it is necessary to protect his vital interests.

8. Personal data shall be processed in the form that permits identification of natural person who they concern, within the term no more than it is necessary according to their legal purpose.

9. Usage of personal data with historical, statistical or scientific purposes may be held only in depersonalized manner.

10. Ordinary order of the processing of personal data in databases shall be adopted by the authorized body in this sphere.

The order of processing of personal data which belongs to bank secrecy shall be adopted by the National Bank of Ukraine.

Article 7. Particular Requirements with Regard to Processing of Personal Data

1. The processing of personal data shall be prohibited if such data are about racial or ethnic origin, political views, religious or other convictions, membership in political parties and trade unions, as well as data with regard to health or sexual life.

2. Provisions of part one of this Article shall not apply if processing of personal data:

1) is implemented in case the personal data subject gives well-defined consent to process such data;

2) is necessary for realization of rights and duties in the sphere of labor relations according to the Law;

3) is necessary for protection of the interests of personal data subject or any other person in case of incapability or limitation of civil capability of the personal data subject;

4) is carried out by religious or civil organization of ideological orientation, a political party or trade union, created according to national legislation in case such processing concerns only personal data of members of these associations or persons who are in constant touch with them with regard to the nature of their activity, and that personal data are not transferred to the third party without consent of personal data subjects;

5) is necessary for substantiation, satisfaction or protection of legal requirement;

6) is necessary for the purposes of health protection, provision of care or medical treatment on condition that such data are processed by a medical worker or another person of a health care institution which has liabilities to provide protection of personal data;

7) concerns accusations in crimes, court sentences, implementation of the authorities by a state body, as defined by the Law with regard to execution of tasks of operational and search or counterintelligence activity, anti terrorism;

8) concerns the data that were disclosed by the personal data subject.

Article 8. Rights of Personal Data Subject

1. Personal non-property rights to personal data that each natural person has shall be integral and inviolable.
2. The personal data subject shall have the right to:
 - 1) know about the location of personal database which contains his personal data, its purpose and name, location and/or place of residence (staying) of the owner or administrator of such database, or issue a respective proxy to the authorized persons for receiving the information, except for cases established by the Law;
 - 2) receive information concerning conditions of access to personal data, in particular information about third persons who obtain his personal data from the appropriate database;
 - 3) access to his personal data contained in a respective personal database;
 - 4) receive a response with regard to whether his personal data are stored in respective personal database as well as to receive the content of his personal data, stored in such database no longer than in 30 days period from the moment the request has been received in case other is prescribed by the Law;
 - 5) provide a motivated request with objection against processing of his personal data by public authority, local authority while performing its functions;
 - 6) provide a motivated request with regard to change or destruction of his personal data by any owner and administrator of such database, if such data are processed illegally or are inaccurate;
 - 7) protect of his personal data from illegal processing and accidental loss, destruction, damage due to a deliberate concealing, failure to provide them or provision of such data with delay, as well as to protection from provision of information which is inaccurate or disgraceful for the honor, dignity and business reputation of natural person;
 - 8) address to state power bodies and local self-governing bodies which are competent to perform protection of personal data with regard to protection of his rights to personal data;
 - 9) apply measures of legal protection in case of violation of legislation on personal data protection.
3. Disposal of personal data of natural person who has restricted civil capacity or is adjudged incapable shall be performed by such person's legal representative.

Article 9. Registration of Personal Databases

1. The database of personal data shall be registered in obligatory order by entering the appropriate information into the State Register of Personal Databases by the Authorized State Body on Personal Data Protection.

The regulation on the State Register of Personal Databases shall be adopted by the Cabinet of Ministers of Ukraine.

2. Registration of the bases of personal data shall be performed by the principle of application by means of notification.

3. Owner of personal data base shall submit the application on registration of its base of personal data to the authorized governmental body on personal data protection.

Application shall contain:

appeal on enlisting of the base of personal data into the State Register of Personal Databases;

information concerning the owner of the base of personal data;

information concerning the name and location of the base of personal data;

information concerning the purpose of processing of personal data, formulated in accordance with Articles 6 and 7 of this Law;

information concerning other administrators of personal data;

confirmation of obligation on execution of requirements on protection of personal data, laid down by the legislation on protection of personal data.

4. Authorized governmental body on protection of personal data in order, established by the Cabinet of Ministers of Ukraine, shall:

inform the applicant about receiving of application no longer than in one day term;

make a decision concerning the registration of the base of personal data within ten days period from the day of receiving of the application.

Owner of the database of personal data shall receive the appropriate document confirming registration of the base of personal data at the State Register.

5. The Authorized State Body on Personal Data Protection may refuse the registration of the base of personal data in case the application does not meet the requirements of Point 3 of this Article.

6. Owner of personal data must notify the authorized governmental body on protection of personal data about every change of information required for registration of the appropriate base no later than within 10 days of the occurrence of such change.

7. Authorized governmental body on protection of personal data within ten working days after receiving of information change notice, required for registra-

tion of appropriate base, should make a decision about the mentioned change and notify the owner of personal data about it.

Article 10. Use of Personal Data

1. Use of personal data means any actions of the database owner with regard to processing of such data, their protection and provision of partial or full right to process such personal data by other subjects of relations related to personal data, which are performed according to the consent of a personal data subject or according to the Law.
2. The use of personal data by the database owner shall be performed in case he fulfils the conditions for protection of such data. The database owner shall not disclose information about the personal data subjects whose personal data is accessed by other subjects of relations related to such data.
3. The use of personal data by the employees of the subjects of relations related to personal data shall be performed only according to their professional or official and labor duties. These employees shall undertake to prevent disclosure of personal data which was entrusted with them or became known to them due to performance of official or labor duties, by any possible way. Such liability shall be valid after termination of their activity related to personal data, except for cases established by the Law.
4. The information about a private life of natural person shall not be used as factor that may confirm or disprove his business skills.

Article 11. Grounds for the Creation of the Right to Use Personal Data

1. The grounds for the creation of the right to use personal data shall be the following:
 - 1) consent of the personal data subject to processing of his personal data. The subject of personal data shall be entitled to include a warning with regard to limitation of processing of his personal data to the contract;
 - 2) permission to processing of personal data granted to personal database owner according to the Law, but only for exercise of his/her authorities.
2. Owner of the base of personal data may entitle the administrator to process personal data by concluding appropriate agreement in writing.
3. Administrator of the base of personal data may process it exclusively in accordance with the purpose and extend laid down in agreement.

Article 12. Collection of Personal Data

1. Collection of personal data shall be element of the process which provides for actions to select or to arrange information about the natural person and its placement in personal database.

2. Subject of personal data shall, within ten days period from placement of his personal data into the register of personal data, be notified in writing about his rights under this Law, the persons purpose of the collection of personal data and persons, who they are transferred.
3. Notification shall not be provided where personal data is collected from commonly accessible sources.
4. The information collected about the natural person as well as the information about its sources shall be provided to personal data subject upon his request, except for cases established by the Law.

Article 13. Accumulation and Storage of Personal Data

1. Accumulation of personal data shall provide actions with regard to unification and systematization of information about natural person or a group of natural persons or placement of these data to the personal database.
2. Storage of personal data shall provide actions with regard to ensuring their integrity and proper mode of access to them.

Article 14. Spreading Personal Data

1. Spreading of personal data shall provide actions with regard to transference of information about natural person from personal databases with the consent of personal data subject.
2. Spreading of personal data without the consent of personal data subject or a person authorized by him shall be permitted in cases determined by the Law, and only in the interests of national security, economic welfare and human rights.
3. Execution of requirements of established protection mode of personal data shall be provided by the party that spreads these data.
4. The party, to which personal data are transferred, shall previously take measures with regard to execution of requirements of this Law.

Article 15. Destruction of Personal Data

1. Personal data in personal databases shall be destroyed according to the procedure established by legislation.
2. Personal data in personal databases shall be destroyed in the following cases:
 - 1) termination of period of data storage determined by consent of personal data subject for processing of these data or determined by the Law;
 - 2) termination of legal relationships between personal data subject and owner or administrator of database, unless otherwise stipulated by the Law;

3) enforcement of a court decision with regard to withdrawal of data about a natural person from a personal database.

3. Personal data collected with violations of requirements of this Law shall be destroyed in personal databases according to the procedure established by the legislation.

4. Personal data collected during execution of tasks of operational and search activity or counterintelligence activity, anti-terrorism actions shall be destroyed in personal databases according to requirements of the Law.

Article 16. Mode of Access to Personal Data

1. Access to personal data of third parties shall be determined by the permission terms between personal database subject and owner of personal database as for processing this data or according to access mode established by the Law.

2. Access to personal data of the third party shall not be granted, if such party refuses to take liabilities with regard to provision or cannot provide execution of requirements of this Law or unable to provide execution of such requirements.

3. The subject of relations related to personal data shall submit an inquiry on access to personal data (hereinafter referred to as "inquiry") to the owner or administrator of the database.

4. The inquiry shall contain the following information:

1) surname, name and patronymic name, place of residence (location) and information from an identifying document of the person who submits inquiry (for natural person-applicant);

2) name, place of location of legal entity that submits the inquiry, position, surname, name and patronymic name of person who certifies the inquiry; confirmation of content of inquiry with authorities of legal entity (for legal entity-applicant);

3) surname, name and patronymic name as well as other data that enable identification of natural person about who such inquiry is submitted;

4) information about personal database, with regard to which the inquiry is made, or information about the owner or administrator of such database;

5) list of personal data that are being required;

6) purpose of the inquiry.

5. The term of consideration of the inquiry with regard to its satisfaction shall not exceed ten days from the day it was received.

Within this term, any owner or administrator of the data base shall inform the person who submits an inquiry that such inquiry shall be satisfied or that the respective personal data do not subject to provision with notification about the bases specified in a respective normative and legal act.

The inquiry shall be satisfied within thirty calendar days, unless otherwise stipulated by the Law.

6. The personal data subject shall be entitled to reception of any information about himself from any subject of relations related to personal data without specifying the purpose of the inquiry, unless other is prescribed by legislation.

Article 17. Deferment or Refusal to Grant Access to Personal Data

1. Deferment or refusal to grant access to personal data shall not be allowed.
2. Deferment in access to personal data of third parties shall be permitted when the necessary data cannot be provided within one month period. At that common period of providing the access to personal data of third parties shall not exceed forty five days term.

Notification on deferment shall be presented to the third party who made an inquiry in writing with explanation of the procedure of appeal against such decision.

The notification about deferment of access shall contain the following:

- 1) surname, name and patronymic name of the official;
 - 2) date of sending;
 - 3) reason of deferment;
 - 4) term during which the inquiry shall be satisfied.
3. Refusal to grant access to personal data shall be allowed, if such access to it is prohibited according to the Law.

The notification about refusal shall contain the following:

- 1) surname, name and patronymic name of the official who refuses to grant access;
- 2) date of sending;
- 3) reason of refusal.

Article 18. Appeal against the Decision on Deferment or Refusal to Grant Access to Personal Data

1. The decision on deferment or refusal to grant access to personal data may be appealed against in the authorized governmental body on protection of personal data, other state power bodies and local self-governing institutions which are competent in performance of protection of personal data, or in court.
2. If the inquiry is made by personal data subject, in this case the liability of proving the lawfulness of deferment or refusal to grant access to personal data in court shall be imposed on owner or administrator of base of personal data who received the particular inquiry.

Article 19. Payment for Access to Personal Data

1. Access of personal data subject to the data about him shall be free of charge.
2. Access of other subjects of relations, connected with personal data, to personal data of particular natural person or a group of persons may require payment only in case it requires the conditions prescribed by this Law. Work related to processing of personal data as well as work with regard to consulting and organization of access to respective data may be paid for.
3. Amount of payment for services on granting access to personal data by state power bodies shall be determined by the Cabinet of Ministers of Ukraine.
4. State power bodies and local self-governing institutions shall be entitled to free access to personal data according to competence delegated to them.

Article 20. Changes and Supplements to Personal Data

1. The owners or administrators of bases of personal data shall be obliged to make changes or supplements to personal data on the basis of reasoned request in writing of the subject of personal data.
2. Changes of personal data shall also be permitted upon request of other subjects of relations related to personal data, if personal data subject gave his consent to this or if respective change is made according to the court decision which entered into legal force.
3. Changes of personal data in case it is incorrect shall be performed immediately after such inconsistency was noticed.

Article 21. Notification about Actions with Personal Data

1. The owner of personal database shall inform personal data subject about transfer of personal data to the third party within ten days period, if it is required by the conditions of his consent or unless otherwise established by the Law.
2. The above-mentioned notifications shall not be performed in the following cases:
 - 1) of transfer of personal data upon requests during execution of tasks of operational and investigative activities or counterintelligence activity, and anti-terrorist actions;
 - 2) performance by state power bodies and local self-governing bodies of their authorities stipulated by the Law;
 - 3) processing of personal data with historical, statistical or scientific purposes.
3. The owner of personal database shall inform personal data subject and subjects of relations related to personal data about changes or destruction or restriction of access to data which was transferred to such subjects within ten days period.

Article 22. Control over Compliance with Legislation on Protection of Personal Data

1. Control over compliance with legislation in the sphere of protection of personal data shall, within their competence, be exercised by the following bodies:

- 1) authorized governmental body on matters of personal data protection;
- 2) other state power bodies and local self-governing bodies;

2. Parliamentary control over the observance of human rights to protection of personal data shall be exercised by the Ombudsman of the Verkhovna Rada of Ukraine on Matters of Human Rights according to the Law.

Article 23. The Authorized Governmental Body on Personal Data Protection

1. The Authorized Governmental Body on Personal Data Protection shall be the central executive power body with special status entrusted with the tasks on personal data protection and shall be established according to the legislation of Ukraine.

2. The main powers of the Authorized Governmental Body on Personal Data Protection shall:

- 1) ensure the performance of state policy in the sphere of personal data protection;
- 2) register of personal databases;
- 3) maintain the State Register of Personal Databases;
- 4) control the execution of legislation on matters of protection of personal data with provision of access to the premises where processing of personal data is performed according to legislation;
- 5) issue obligatory for execution requests on illumination of violations of the legislation on data protection;
- 6) consider propositions, inquiries, appeals, claims and complaints of natural persons and legal entities;
- 7) organize and provide interaction with subjects of foreign relations related to personal data issues;
- 8) participate in the international organizations on matters of personal data protection.

Article 24. Provision for Protection of Personal Data in Personal Databases

1. The State guarantees protection of personal data.

2. Subjects of relations related to personal data shall undertake to provide protection of such data from unauthorized processing, as well as from unauthorized access.
3. Provision of personal data protection in personal databases shall be performed by the owner of such database.
4. The owner of personal database in electronic form shall provide its protection according to the Law.
5. State power bodies, local self-governing bodies, institutions and enterprises of all property forms shall appoint structural department or responsible person who organizes the work related to protection of personal data during its processing according to the Law.
6. Natural persons-entrepreneurs including doctors, who are duly licensed, lawyers, notaries shall personally provide the protection of personal data they own as required by the Law.

Article 25. Limitations on Application of Particular Articles of this Law

1. Limitations of rights stipulated by Articles 8, 11 and 17 of this Law shall be implemented only in the interests of:
 - 1) national security, economic welfare and human rights;
 - 2) protection of rights and freedoms of natural persons whose personal data are being processed, or rights of other subjects of relations related to personal data, as well as with the purpose of anti-criminal activity;
 - 3) provision of subjects of relations connected with personal data with the drawn up depersonalized information with regard to personal data according to legislation.
2. Subjects of relations connected to personal data shall exercise their authorities within the frameworks established by the Constitution and laws of Ukraine.

Article 26. Financing Works on Personal Data Protection

Financing of works and measures to provide protection of personal data shall be performed at the expense of the State Budget of Ukraine and local budgets, funds of the subjects of relations related to personal data.

Article 27. Application of Provisions of this Law

1. Provisions with regard to protection of personal data specified in this Law may be supplemented or defined more clearly by special laws provided that they establish requirements with regard to protection of personal data that do not contradict the requirements of this Law.

2. Professional associations can develop corporative codes of behavior with the purpose of providing for the efficiency of protection of rights of personal data subjects, assistance in application of legislation with regard to such matters, taking into account the specifics of data processing in different spheres.

Article 28. Liability for Violation of Legislation on Personal Data Protection

Violation of legislation on personal data protection shall lead to liability established by the Law.

Article 29. International Cooperation

1. Cooperation with foreign subjects of relations related to personal data shall be regulated by the Constitution of Ukraine, this Law, other normative and legal acts and international treaties of Ukraine.

2. If the international treaty of Ukraine which was made, binding by the Verkhovna Rada of Ukraine, establishes other regulations than those stipulated by legislation of Ukraine, regulations of the international treaty shall apply.

3. Transfer of personal data to foreign subjects of relations related to personal data shall be performed on conditions of providing appropriate protection of personal data and with appropriate permission in cases established by the Law or international treaty of Ukraine and according to the order stipulated by legislation. Personal data cannot be spread with a purpose other than the purpose for which it was collected.

Article 30. Final Provisions

1. This Law shall enter into force from January, 1, 2011.

3. The Cabinet of Ministers of Ukraine, within six months from the day of enforcement of this Law, shall do the following:

- ensure adoption of normative and legal acts stipulated by this Law;
- provide bringing of its normative and legal acts in line with this Law;
- determine the authorized state power body on matters of personal data protection.

President of Ukraine

V. YANUKOVYCH

Kyiv City
June, 1, 2010

No 2297-VI



EXCERPT FROM THE LAW OF UKRAINE

On Culture

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2011, No 24, p. 168)

This Law defines legal bases of the activity in the sphere of culture, regulates public relations connected with creation, usage, distribution, preservation of cultural heritage and cultural values, and is aimed to provide access to them.

Section I GENERAL PROVISIONS

Article 1. Definition of Terms

1. In this Law terms are used with the following meaning:

1) basic network of cultural institutions – a set of enterprises, institutions, organizations and cultural institutions of state and municipal ownership, which are aimed at creating conditions for development of human creativity, collection, preservation, usage and dissemination of information of material and spiritual cultural values, scientific developments, and also to ensure integrity of the cultural space of Ukraine, availability of national cultural heritage, respect for human rights in the cultural area.

2) domestic (national) cultural product – cultural benefits and cultural values created (provided) by domestic manufacturer; [...]

14) national cultural heritage – a set of unique cultural values, cultural heritage objects with exceptional historic significance for the formation of cultural space of Ukraine;

15) The National and Cultural State Target Program – program aimed at creating favorable conditions of national and cultural development, preservation of national cultural heritage, satisfaction of intellectual and spiritual needs of individuals, and target regional program in the cultural area, involving issues related to activities and development of basic network of cultural institutions of all levels or appropriate level, and also realization of cultural projects and implementation by state and non-governmental cultural institutions activities financed from the State and/or local budgets; [...]

17) objects of cultural significance – entire property complexes of club institutions (clubs, recreation centers, palaces of culture, etc.), amusement parks, libraries, museums, archives, historical and cultural reserves, theater and entertainment institutions (theaters, philharmonics, concert organizations, musical groups, ensembles, etc.), cinemas and other cultural institutions; monuments of cultural heritage, objects of collections, funds, buildings, cultural facilities and other cultural values; [...]

Article 2. Legislation of Ukraine on Culture

1. Legislation of Ukraine on Culture consists of the Constitution of Ukraine (254k/96-VR), this Law and other laws regulating activities in the cultural area, international agreements on culture, ratified by the Verkhovna Rada of Ukraine and other regulations.

2. The legislation of Ukraine on culture regulates:

1) activity in the area:

[...] protection of national cultural heritage, including cultural heritage;

museum studies, collecting;

archive studies;

library studies; [...]

Section II

RIGHTS AND RESPONSIBILITIES IN THE CULTURAL AREA

Article 8. Right of Access to Cultural Values and Cultural Benefits

[...] 3. Citizens have the right to access to cultural values by:

using documents of the National Archival Fund of Ukraine or their copies;

reviewing museum collections belonging to the state part of the Museum Fund of Ukraine;

using library funds belonging to the State Library Fund of Ukraine.

4. The order of access to the National Archival Fund of Ukraine, the Museum Fund of Ukraine, the State Library Fund of Ukraine, the Film Fund shall be determined by the Law.

Article 9. Right of Establishment of Cultural Institutions

1. Legal and natural persons have the right to establish cultural institutions in order to conduct activities in the cultural area by themselves or with any form of mediation in this area in accordance with the procedure determined by legislation.

2. Cultural institutions may be created by:
central government executive bodies;
authorities of the Autonomous Republic of Crimea;
local government executive bodies;
local self-governing bodies;
creative unions, public organizations, other unions of citizens;
legal and natural persons, including foreign ones.
3. In Ukraine, the possibility to form cultural institutions of different forms of ownership and works – theaters, concert organizations, philharmonics, cultural centers, producer agencies, professional art groups, film studios, film and video distribution institutions, publishing houses, museums, archival reserves, art galleries (exhibitions), libraries, clubs, schools of culture and art, elementary art specialized educational institutions (schools of aesthetic education) and studios, cinemas, circuses, amusement parks, architectural, design, advertising and restoration centers and workshops etc.
4. Peculiarities of establishment of separate cultural institutions can be defined by legislative acts. [...]

Section III

ACTIVITY IN THE CULTURAL AREA

Article 12. Types and Business Entities in the Cultural Area

1. The main activities in the cultural area are:
creation, performance, replication, distribution, demonstration (public display and broadcast) and popularization of works of literature and art;
creation, preservation, protection, usage and promotion of national cultural heritage;
scientific research in the cultural area, literary and art criticism, film criticism;
recreation and leisure arrangement of citizens.
2. The subjects of cultural activities are:
the State represented by authorized executive bodies;
local communities in the face of local self-governing bodies;
professional creative workers;
scientists, including museums, libraries, historical and cultural reserves, archival institutions. [...]

Article 16. Preservation of Cultural Heritage, Cultural Values and Cultural Benefits

1. Government executive bodies and local authorities provide:

preservation of cultural values on the territory of Ukraine, cultural heritage protection, protection of the historic environment;

preservation of the Museum Fund of Ukraine, the State Library Fund of Ukraine, the National Archival Fund of Ukraine, the Film Fund, their constant replenishment of modern art, products of domestic book publishing, cinematography and audio production;

functioning and development of network of museums, archives, libraries, elementary specialized art schools (schools of aesthetic education and studies), clubs, cinemas, cine and video distribution enterprises, associations, reserves, restoration institutions of state and municipal property;

preservation of intangible cultural heritage, including traditional folk culture, languages, dialects and patois, folklore, traditions, customs and rituals, folk art trades and crafts, historical toponyms, etc.

2. It is forbidden to extract printed editions, source materials of films and phonograms, other artistic and literary works, documents, objects of library and museum funds, archival funds, film funds, destruction of cultural property from ideological or political considerations.

3. Unique cultural values, which have the exceptional historical, artistic, scientific and other cultural significance for formation of national cultural space, and determine the contribution of Ukrainian people in the world cultural heritage, are recognized as objects of national cultural heritage and are included to the State Register of National Cultural Heritage. The order of inclusion in this register and procedures for stocktaking of objects of national cultural heritage is determined by the Cabinet Ministers of Ukraine.

4. Documents on objects of cultural heritage and information on cultural values are subjects to preservation by creating insurance fund of documentation. [...]

Article 20. Features of Proceedings of Investment and Innovation Activities, Privatization in Cultural Area

[...] 3. The following are not subjects to privatization:

archives (archival institutions), the objects of culture, art, including objects of exceptional historical, artistic, scientific or other cultural value that were entered or subject to entering to the State Register of National Cultural Heritage and architectural objects, memorial complexes, reserves, parks etc. of national significance;

cultural objects belonging to the property of institutions of the National Academy of Sciences of Ukraine;

objects, included in the list of objects that do not subject to privatization;
archeological sites;
archives and their documents;
objects of the State Museum Fund of Ukraine (museum objects, museum collections);
documents of the State Library Fund of Ukraine;
source materials and film copies that are stored in the Film Fund;
cultural institutions, providing state social standards in the area of public service by institutions of culture;
educational institutions in the cultural sphere.

4. Evictions of cultural institutions (theaters, philharmonics, libraries, museums, archives, art galleries (exhibitions), theaters, extracurricular institutions of aesthetic education and recreation for children and youth, clubs, etc.) from premises are forbidden without giving them another equivalent space.

5. Cannot be pledged objects of state and municipal property listed or to be entered to the State Register of National Cultural Heritage. [...]

Section IV

BASIC NETWORK OF CULTURE

Article 22. Purpose and Functioning of Basic Network of Cultural Institutions

1. Basic network of cultural institutions is formed for the purpose of:
support of the development of culture area, all genres and types of art, and integrity of national culture;
keeping the rights of citizens of Ukraine in the cultural area, ensuring the availability of national cultural heritage, cultural goods and artistic creativity by adhering state social standards in the services sector by cultural institutions.
2. Basic network of cultural institutions is formed by executive bodies and local self-governing bodies in accordance with the procedure determined by the Cabinet of Ministers of Ukraine. The existing cultural institutions and educational institutions of the cultural area are automatically included in the basic network.
3. The executive bodies and local self-governing bodies during the formation and operation of basic network of cultural institutions are governed by state norms in services sector by cultural institutions provided by the Law of Ukraine “On State Social Standards and State Social Warranty” (2017-14).

Exclusion of cultural institutions from basic network is possible only by consent with the Ministry of Culture and Tourism of Ukraine.

Article 23. Levels of Basic Network of Cultural Institutions

1. State, including national (libraries, museums, archives, galleries, reserves, circuses, theaters, philharmonics, musical groups and ensembles, cultural and information and cultural and educational centers, educational institutions of culture and art, film studios, art galleries, exhibitions of national (state) values, etc.), cultural institutions belong to basic network of cultural institutions of state level. [...]

President of Ukraine

V. YANUKOVYCH

Kyiv City
December, 14, 2010

No 2778-VI



THE LAW OF UKRAINE

On Access to Public Information

(The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2011, No 32, p. 314)

This Law determines procedures for exercising and securing the right of every person to access to information of public interest possessed by government agencies and other providers of public information as identified by this Law.

Section I

GENERAL PROVISIONS

Article 1. Public Information

1. Public information is information that is reflected and documented by any means and at any media and was received or created in the process of the performance by subjects of public authority of their duties envisaged in the acting legislation or which is possessed by subjects of public authority, other public information handlers, determined by this Law.
2. Public information is open, except for the instances established by the Law.

Article 2. Purpose and Scope of the Law

1. Purpose of this Law is to ensure transparency and openness of subjects of public authority and to create mechanisms of implementation of the right of every person to access public information.
2. This Law shall not apply to relations pertaining to receipt of information by subjects of governmental agencies during implementation of their functions and to the relations in the sphere of civic inquiries, regulated by special laws.

Article 3. Guarantees of Observance of the Right to Access Public Information

1. The right to access public information is guaranteed by:
 - 1) responsibility of information – handlers to provide and promulgate information except for the instances envisaged by the Law;
 - 2) designation by the information – handlers of special structural units or officials, who organize access to public information in his possession;

- 3) simplification of the procedures for submission of requests and obtaining information;
- 4) access to meetings of collective subjects of government agencies, except for the instances envisaged by legislation;
- 5) parliamentary, public and state control over the right to access public information;
- 6) legal liability for violation of legislation on access to public information.

Article 4. Principles of Securing Access to Public Information

1. Access to public information under this Law shall be secured in accordance with the following principles:

- 1) transparency and openness of activity of subjects of government agencies;
- 2) free receipt and dissemination of information with the exception of limitations imposed by the Law;
- 3) equal rights of every person in terms of access to public information, regardless of race, political, religious or other beliefs, sex, ethnic and social origin, material status, place of residence, language or other characteristics.

Section II

INFORMATION ACCESS MODES

Article 5. Ensuring Access to Public Information

1. Access to public information is ensured by:

- 1) systematic and efficient promulgation of information:

in official printed media;

on official web-sites in the Internet;

on information boards;

by any other ways;

- 2) providing of information in response to inquiries.

Article 6. Public Information of Limited Access

1. Information of limited access is:

- 1) confidential information;

- 2) secret information;

- 3) information for official use.

2. Limitation of access to information is imposed in accordance with the Law under combination of the following conditions:

- 1) exclusively on behalf of national security, territorial integrity and civil order with the purpose of prevention of unrests or crimes, protection of public health, protection of reputation and rights of other people, prevention of disclosure of information received confidentially, promotion of authority and impartiality of justice;
 - 2) promulgation of information can significantly harm these interests;
 - 3) harm from promulgation of this information overweighs public interest in its obtaining.
3. Information of limited access shall be provided by information handler if he had legitimately promulgated it earlier.
4. Information of limited access must be provided by information handler if there are no legal grounds for limitation of access to this information that previously existed.
5. Access to information about the use of budget funds, state and communal property, including access to copies of corresponding documents, conditions of receipt of these funds or property, names of natural persons and legal entities that received these funds or property cannot be limited. Under the terms envisaged in Part 2 of this Article, this provision does not apply to the instances, when promulgation or provision of such information may harm the interests of the national security, defence, investigation or prevention of crimes.
6. Income declarations of the following categories of people and members of their families do not belong to information of limited access:
- 1) individuals, who aspire or hold elected positions in state power bodies;
 - 2) individuals who occupy position of civil servant, servant of the first and second category in local self-governing body.
7. Limited access is applied to information, not to a document. If the document contains information of limited access, information of unlimited access must be presented for consideration.

Article 7. Confidential Information

1. Confidential information is information, access to which is limited by natural person or legal entity, apart from subjects of public agencies, and that can be disseminated at their wish and under their conditions. Information specified in Parts 1 and 2 Article 13 of this Law cannot be considered confidential.
2. Information handlers, specified in Part 1 Article 13 of this Law, who possess confidential information, can disseminate it only upon consent of people, who limited access to information. If there is no such consent, information can be disseminated only in the interests of national security, economic well-being and human rights.

Article 8. Secret Information

1. Secret information is information, access to which is limited in accordance with Part 2 Article 6 of this Law, and disclosure of which may harm a person, society, and the State. Information that contains state, professional, banking, investigation secrets and other secrets envisaged by legislation shall be considered secret.
2. Access procedures to secret information are regulated by this Law and special laws.

Article 9. Information for Official Use

1. According to Part 2 Article 6 of this Law information for official use is:
 - 1) information in documents of subjects of government agencies – internal official correspondence, memoranda and recommendations if they refer to the development of the direction of activity of institution or performance of control and oversight functions by state power bodies and decision making process and precede public discussion and/or passing of the decisions;
 - 2) information collected in the process of search, operative and counterintelligence activity, in the defence sphere of the country and is not classified as state secret.
2. Documents that contain information for official use are classified as “Limited Official Use”. Access to such documents is provided in accordance with Part 2 Article 6 of this Law.
3. Access to list of documents for official use that is compiled by state power bodies, local self-governing bodies, other subjects of government agencies cannot be limited.

Article 10. Access to Information about Person

1. Each person shall have the right to:
 - 1) know, during the time when information is being collected but before it is used, precisely what data relating to that person is being collected, by whom and with what purpose it is used or distributed, apart from instances, established by the Law;
 - 2) have access to information relating to this person that is being collected and stored;
 - 3) demand correction of inaccurate and outdated personal data, deletion of personal data being collected, used or stored in defiance of legislation;
 - 4) get access, if ordered by the court, to personal data of other persons if required for enforcement and protection of one’s rights and lawful interests;
 - 5) receive compensation in case the disclosure of information regarding this person was performed with violation of the provisions of the Law.

2. The scope of personal data that is being collected, stored and used by information handlers shall be limited to the extent possible and used exclusively for purposes and in ways stipulated by the Law.

3. Information handlers, who possess information about a person are obliged to:

1) provide it in an unimpeded manner and free of charge at the request of persons information is related to except in cases stipulated by the Law;

2) use it only with purpose and by means specified by the Law;

3) take measures to prevent other persons from gaining unauthorized access to such information;

4) correct inaccurate and outdated personal data at their own discretion or at the request of persons it is related to.

4. Preservation of information about a person should not last longer than it is necessary for reaching the goal for which this information was collected.

5. Denial of access of persons to his personal information, concealment of information, unlawful collection, usage, storage and distribution of information may be subject to appeal.

Article 11. Protection of Informers

1. Officials cannot be legally liable, despite the breach of their duties, for the disclosure of information about violations or information that deals with a serious threat to the health or security of citizens and environment if a person was guided by good intentions and had justify conviction that information was authentic and has evidences of violation or deals with serious threat to health or security of citizens or environment.

Section III

PARTIES IN THE AREA OF PUBLIC INFORMATION ACCESS

Article 12. Definitions and List of Parties

1. Subjects of relations in the sphere of access to public information include:

1) information requestors – natural persons and legal entities, except for government agencies;

2) information providers – subjects identified in Article 12 of this Law;

3) officials or structural units of information providing entities that deal with information requests (hereinafter – information officials);

Article 13. Information Providers

1. For the purpose of this Law, information providers shall be understood as:

1) subjects of public authority – state power bodies, other government bodies, local self-governing bodies, state power bodies of the Autonomous Republic of Crimea, other subjects that perform administrative functions in accordance with legislation and whose decisions are mandatory for execution;

2) legal entities funded by the State and local budgets, the Budget of the Autonomous Republic of Crimea – regarding information about use of budget funds;

3) legal entities with powers delegated by government or local self-governing institutions according to the Law or contract to provide educational, recreational, social, or other government services, concerning information on their performance;

4) commercial entities that have dominant positions in the market, special or exclusive rights, or are natural monopolies, concerning information on supply conditions and prices of goods and services.

2. In terms of obligation to disclose and provide information on request, as provided by this Law, information providers also include commercial entities possessing:

1) information on the environmental situation;

2) information on quality of food and household products;

3) information concerning accidents, disasters, natural hazards and other emergencies, both imminent and potential, which threaten citizens' health and security;

4) other information of public interest.

3. The provisions of this Law apply to the information handlers specified in points 2, 3, 4 of Part 1 and Part 2 of this Article only in the part of promulgation and responding to inquiries.

4. All information handlers, irrespective of the legal act that determines their activity, must be guided by this Law when they make decisions regarding access to information.

Article 14. Obligations of Information Providers

1. Providers shall be under the obligation to:

1) promulgate information about their activity and decisions;

2) maintain and regularly update registers (lists) of documents in their possession;

3) account for inquiries;

4) allocate special places for the work of enquirers with documents or their copies, allow the enquirers to take notes, make photographs, copy, scan, save at any mediums, etc.;

- 5) have special structural units or appoint authorized persons to insure access of enquirers to information;
- 6) provide authentic, accurate and complete information and, if necessary;
- 7) check whether the information provided is authentic and unbiased;

Article 15. Promulgation of Information by Information Handlers

1. Information handlers must promulgate:

- 1) information about organizational structure, mission, functions, authority, main tasks, directions of activity and financial resources (structure and amount of budget funds, procedures and mechanism of expenditures, etc.);
- 2) normative and legal acts, acts of individual action (apart from internal) passed by the handler, draft decisions that shall be discussed, information about normative and legal bases of activity;
- 3) list and terms of obtaining services that are provided by these bodies, examples of documents and form filling-in requirements;
- 4) procedures of preparing and submission of inquiries, contesting decisions of information handlers, its actions or inaction;
- 5) information about the system of registration, types of information preserved by the handler;
- 6) information about mechanisms or procedures with the help of which the public can represent its interests or in any other form influence the implementation of the authority of the information handler;
- 7) schedule and agenda of its open meetings;
- 8) places, where inquirers can get necessary forms;
- 9) general rules of the work of the institution, rules of internal office procedures
- 10) reports, including responses to inquiries;
- 11) information about activity of subjects of public authority, in particular:
their location, postal address, telephone numbers, web-site address, e-mail;
name, telephone, e-mail of the head and his deputies, heads of structural and regional departments, main functions of structural and regional departments, apart from instances, when this information is of limited access;
work schedule and public hours;
vacancies, procedures and requirements of job interviews;
list and terms of services, forms and examples of documents that are needed for providing services;
list and office phone numbers of enterprises and institutions that pertain to the sphere of their management, their leaders, apart from enterprises and orga-

nizations that have been established with the purpose of undercover, operative, counterintelligence activity;

procedures of preparation and submission of inquiries, challenging the decisions of the subjects of public authority, their actions or inaction;

registration system, types of information in possession of the subject of public authority.

12) other information about activity of subjects of public authority, procedures of mandatory promulgation of which is established by the Law.

2. Information, envisaged in Part 1 of this Article subjects to mandatory promulgation immediately and no later than five working days from the date of approval of the document. In case information handler has an official web-site, this information shall be posted on the web-site with indication of the date of document promulgation and date when the information was updated.

3. Draft normative acts, decisions of local self-governing bodies, developed by corresponding handlers, shall be promulgated no later than 20 working days since the date of their consideration.

4. Any information about threats to life, health, and/or property of people, and measures that have been taken in their respect must be promulgated immediately.

Article 16. Officials Responsible for Inquiries

1. Information handler is responsible for defining and insuring activity of structural unit or authorized official for work with inquiries, who shall be responsible for consideration, systematization, analysis, and control during the procedure of responding to the inquiry, and providing consultation during preparation of the inquiry.

2. The inquiry that was registered in accordance with the procedures established by information handler, shall be processed by authorized officials.

Article 17. Control of Enforcement of the Right to Access to Public Information

1. The parliamentary control of enforcement of the right to access to information by information providers shall be exercised by the Human Rights Commissioner who, within his secretariat and budget, shall establish to this end the department to control enforcement of the right to access to information.

2. Civil control of enforcement of the right to access to information by information providers shall be exercised by people's deputies of Ukraine, members of local councils, non-governmental organizations, community councils, and individual citizens by means of public hearings, public assessment process etc.

3. The governmental control on enforcement of access to information by information providers, is carried out in accordance with the Law.

Article 18. Registration of Documents of the Information Handlers

1. To ensure preservation and access to public information, documents that are in the possession of subjects of public authority shall be mandatory registered in the system that must contain:

- 1) title of the document;
- 2) date of development;
- 3) date of submission;
- 4) source of information (author, respective department);
- 5) legal ground for classification of the information as information of limited access;
- 6) term of limited access to information, in case it is classified as such;
- 7) sphere;
- 8) key words;
- 9) type, medium (text document, tapes, video tapes, audio recordings, etc.);
- 10) type of document (normative acts, agreements, decisions, protocols, press releases);
- 11) draft decisions (memoranda, statements, proposals, letters, etc.)
- 12) form and place of preservation of the document etc.

2. Access to the registration system is ensured by means of:

- 1) promulgation of such information on official web-sites or by any other means;
 - 2) providing access to the system in response to inquiries;
3. Registration system cannot be treated as information of limited access.
4. Information handlers bear responsibility for ensuring access to the registration system in accordance with the Law.

Section IV

SECURING THE RIGHT TO ACCESS TO INFORMATION BY MEANS OF INFORMATION REQUESTS

Article 19. Development of Information Requests

1. Inquiry – is the request of person to information handler to provide public information in his possession.

2. The enquirer has the right to refer to the information handler with the inquiry irrespective of whether information refers to him personally or not and he does not have to explain reasons of the inquiry.
3. The inquiry can be individual or collective. Inquiries can be submitted orally, in writing, or in any other form (by mail, fax, phone, e-mail, etc.)
4. The written inquiry can be submitted in any form.
5. The inquiry must contain:
 - 1) requestor's name, mail or e-mail address, and phone number if available;
 - 2) general description of information, or type, title and requisites of the requested document;
 - 3) signature and date if the inquiry is submitted in writing
6. In order to simplify the procedure of preparation of written inquiries, person can fill in corresponding inquiry forms that should be available from the handler and on the official web-site. Forms must contain brief instruction on how the inquiry must be submitted.
7. If because of solid reasons (disability, limited physical ability, etc.) person cannot submit written inquiry, it shall be prepared by authorized official indicating his name, contact phone, and a copy must be provided to the enquirer.

Article 20. Terms for Consideration of Inquires

1. Information handler must respond to the inquiry no later than five working days from the date of the receipt of the inquiry.
2. In case the inquiry deals with information that is needed for protection of life or freedom of person, concerning environment condition, quality of food products and household goods, accidents, catastrophes, dangerous natural phenomena and other emergencies that have happened or may happen, answer must be provided no later than 48 hours from the date of the receipt of the inquiry.
3. Request for urgent consideration shall be substantiated.
4. If the inquiry requires providing big amount of information or substantial data search, the handler can extend term of consideration to 20 working days with substantiation of this extension. The handler informs the enquirer about extension in writing no later than five working days since the receipt of the inquiry.

Article 21. Payment for Information

1. Information in response to inquiries is provided free of charge.
2. If the response requires photocopies of more than 10 pages, the enquirer is obliged to reimburse cost of copying and printing.

3. The cost shall be determined by respective provider based on fair market value of copying and printing within the limits established by the Cabinet of Ministers of Ukraine. If the information handler has not set the fee for copyright or printing, the information is provided free of charge.

4. Requestor's personal information or information of public value shall be provided free of charge.

Article 22. Denial and Delay in Meeting Inquiry for Information

1. Information handlers have the right to refuse meeting the inquiry in the following cases:

1) the information handler does not have and is not obligated in accordance with his capacity envisaged by the legislation to have requested information;

2) requested information belongs to another, qualified information category in accordance with Part 2 of Article 6 of this Law;

3) the person who requested information failed to pay actual copying and printing fees envisaged by Article 21 of this Law;

4) information inquiry requirements envisaged by Part 5 of Article 19 of this Law were not met.

2. Information provider's response stating that requested information can be obtained from public sources, or response that does not address the request shall be considered as denying access to information.

3. The information handler, who does not have requested information yet who by his status or nature of his activity is aware or should be aware of who has it, is obligated to refer this inquiry to the appropriate handler with simultaneous notification of the inquirer thereof. In this case, term of inquiry consideration begins on the day of receipt of the inquiry by appropriate handler.

4. In case of refusal to meet an information inquiry the following should be indicated:

1) last, first and patronymic name and position of person responsible for meeting of the inquiry by information handler;

2) date of refusal;

3) grounded reason for refusal;

4) procedure to appeal the refusal;

5) signature.

5. Refusal to meet the information inquiry should be provided in writing.

6. Delay in meeting information inquiry is acceptable in case requested information cannot be provided for examination within the term envisaged by this Law due to force majeure. The inquirer should be notified of the decision about the delay in writing with accompanying instructions how to appeal the decision.

7. The decision to delay meeting information requirement should indicate the following:

- 1) last, first and patronymic name and position of the person responsible for meeting of the inquiry by information handler;
- 2) date of mailing and delivery of the delay notification;
- 3) reasons of failure to meet the information inquiry within the term envisaged by this Law;
- 4) deadline for meeting the inquiry;
- 5) signature.

Section V

PROCEDURES FOR APPEALING AGAINST INFORMATION HANDLER' DECISIONS, ACTIONS, OR INACTION

Article 23. The Right to Appeal against Information Handlers' Decisions, Actions, or Inaction.

1. Decisions, actions or inaction of information handlers can be appealed to the handler's supervisor, a higher authority or a court.
2. The inquirer has the right to appeal:
 - 1) rejection of information request;
 - 2) delay in meeting information inquiry;
 - 3) failure to meet information inquiry;
 - 4) provision of information which the requestor considers inaccurate or incomplete;
 - 5) untimely provided information;
 - 6) handlers' failure to meet their obligation to promulgate information in accordance with Article 15 of this Law;
 - 7) other decisions, actions or inaction of information handlers that violated legal rights and interests of the inquirer.
3. Handlers' decisions, actions or inaction of information shall be appealed in the court in accordance with the Code of Administrative Courts of Ukraine.

Article 24. Responsibility for Violation of Legislation on Access to Public Information

1. Responsibility for violation of legislation on access to public information shall be borne by persons guilty of committing of the following violations:

- 1) failure to provide answer to the inquiry;
 - 2) failure to provide requested information;
 - 3) ungrounded refusal to meet the inquiry;
 - 4) failure to promulgate information in accordance with Article 15 of this Law;
 - 5) provision or promulgation of false, inaccurate or incomplete information;
 - 6) untimely provision of information;
 - 7) unjustified referring information to qualified information;
 - 8) failure of documents registration;
 - 9) intended withholding or destruction of information or documents.
2. Persons who believe their rights and legal interests were violated by information handlers have the right to seek compensation for material and moral damages in accordance with procedure defined by the civil legislation.

Section VI

FINAL PROVISIONS

1. This Law shall enter into force three months after the day of its promulgation.
2. Until the legislation of Ukraine is brought into compliance with this Law, legislative acts of Ukraine shall be applied to the extent not contrary to this Law.
3. Alterations shall be made to the following legislative acts of Ukraine:
 - 1) in the Code of Ukraine on Administrative Offenses (The Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1984, Addendum to No 51, p. 1122): to complete Part 1 of Article 212-3 after the words and marks "On Information" with the words and marks "On Access to Public Information"; note should be laid out in the following wording: "Note. Persons defined in the note to Article 212-26 of this Code shall be held responsible for actions described by this Article in accordance with Article 212-26"; to complete Part 1 one of Article 212-26 after the words and marks "On Information" with the words and marks "On Access to Public Information";
 - 2) in name and Paragraph 1 of Part 1 of Article 330 of the Criminal Code of Ukraine (The Vidomosti of the Verkhovna Rada of Ukraine, 2001, No 25-26, p. 131) the words "that is property of the State" shall be replaced with the words "that is in ownership of the State";
 - 3) Part 10 of Article 9 of the Law of Ukraine "On Investigative Activities" (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 1992, No 22, p. 303;

2000, No 10, p. 79) shall be completed with the sentence “It is prohibited to promulgate or provide collected information, as well as information concerning the conducting or not conducting of investigative activities applied to a certain person prior to making a decision based on the outcome of such activities. The issue of promulgation or provision of such information after a decision is made shall be regulated by the Law”.

4) Article 9 of the Law of Ukraine “On Counterintelligence Activities” (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2003, No 12, p. 89) shall be completed with a sentence with the following wording: “It is prohibited to promulgate or provide (disclose) collected information, as well as information concerning the conducting or not conducting of counterintelligence activities and measures applied to a certain person prior to making a decision based on the outcome of such activities or measures”;

5) Article 13 of the Law of Ukraine “On Copyright and Related Rights” (The Vidomosti of the Verkhovna Rada of Ukraine (The VVR), 2001, No 43, p. 214) shall be completed with Part 5 with the following words:

“5. The mentioned provisions do not apply to cases of promulgation or provision of information based on the Law of Ukraine “On Access to Public Information”.

4. The Cabinet of Ministers of Ukraine during two months after this Law has come into effect shall:

approve limiting norms of coping and printing expenses envisaged by Article 22 of this Law;

submit for consideration of the Verkhovna Rada bills concerning bringing laws of Ukraine into accordance with this Law;

bring its normative and legal acts (norms and regulations) into accordance with this Law;

ensure that executive authorities bring their normative and legal acts into accordance with this Law.

President of Ukraine

V. YANUKOVYCH

Kyiv City
January, 13, 2011

No 2939-VI



EXCERPT FROM THE DECISION OF THE CONSTITUTIONAL COURT OF UKRAINE

**On Official Interpretation of Part 1 of Article 32,
Parts 2 and 3 of Article 34
of the Constitution of Ukraine**

[...]

The Constitutional Court of Ukraine decided:

In aspect of constitutional presentation of statute of Parts 1 and 2 of Article 32, Parts 2 and 3 of Article 34 of the Constitution of Ukraine should be understood as following:

– information about personal and family life of a person and any data about relations of non-property or property pattern, circumstances, events, relations etc., about a person and members of his family, except for information envisaged by laws, concerning execution by a person, who occupies the position connected with executing of state functions or local self-governing bodies, official or service powers is confidential.

– collection, keeping, use and distribution of confidential information about a person without his permission by the state, local self-governing bodies, legal or natural persons is considered to be an interference into personal and family life. Such interference can be allowed in cases determined by the Law and only in the interests of national security, economical welfare and human rights. [...]

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