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Globalization as a driving force of innovation in the process of information protection

In the conditions of the rapid development of civilization, globalization, the development of communication and information technologies, the formation of the information society in Ukraine, the basis of which is information, has now entered a new stage.

The concept of "information" in the legal aspect is defined by the Law of Ukraine "On Information" No. 2657-XI of 02.10.1992.

Article 1 of this law states that information is any information and/or data that can be stored on physical media or displayed electronically. [1]

With the development of the information society, the importance and role of information relations and information activity increases and causes a significant increase in the need for legal regulation of this area.

The information society has undergone such rapid development that law is significantly lagging behind its needs. There is a constant problem of mutual coherence system-forming elements of information law, in addition, there are contradictions between the current legal acts that violate the system of legislation and do not contribute to the stable and consistent development of this industry.

Analyzing judicial practice in cases of protection of dignity, honor and business reputation, we draw attention to the fact that the main national legal basis that regulates these relations is the Constitution of Ukraine and Book 2 of the Civil Code of Ukraine, namely Article 297 of the Civil Code of Ukraine, which states, that everyone has the right to respect for his dignity and honor, and Article 299 of the Civil Code of Ukraine, which states that an individual has the right to the inviolability of his business reputation.

In addition to the above-mentioned normative legal acts, during consideration of cases on the protection of dignity, honor and business reputation of natural and legal entities, judges also apply, in particular, the laws of Ukraine: "On information", "On printed mass media (press) in Ukraine", other legal acts.

Courts are also guided by Article 17 of the Law of Ukraine "On the Execution of Decisions and Application of the Practice of the European Court of Human Rights", which indicates that courts must apply the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (hereinafter - the Convention) during the consideration of cases and practice of the European Court of Human Rights as a source of law [2].

REFERENCES

1. On Information: Law of Ukraine of October 2, 1992 No. 2657-XI. URL: <https://zakon.rada.gov.ua/laws/show/en/2657-12>.
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3. Regarding the processing of personal data and protection of the right to non-interference in private life in the telecommunications sector: Directive 97/66/EU of the European Parliament and the Council dated December 15, 1997. URL: https://zakon.rada.gov.ua/laws/show/994_243.

The application of the judicial precedent of the European Court of Human Rights contributes to the clarity and universalization of the understanding of the Convention, establishes certain standards of justice that must be observed by the court, specifies and develops the provisions of the Convention, enables a correct understanding of their letter and spirit, and disciplines judges who make decisions.

We draw attention to the need to find the right balance or priority for a legal and democratic state between two constitutionally guaranteed rights: the right to freedom of thought and speech, the right to freely express one's views and beliefs, on the one hand, and the right to respect for human dignity. , guarantees of non-interference in personal and family life, judicial protection of the right to refute inaccurate information about a person, on the other hand. This is the essence of the correct resolution of a defamation dispute.

In addition, the main directions of development and improvement of information law in Ukraine are related to the socio-economic and political reforms taking place in our country. At the same time, there are profound processes of transformation of the very content of information law, constant updating of legislation and awareness of the new role of legal phenomena in human life in the conditions of the modern information society.

coronavirus pandemic has put the protection of personal health-related data at risk. In the conditions of the rapid spread of COVID-19, more and more countries are resorting to tracking the location and contacts of their citizens in order to determine the location of potentially infected persons. In particular, this is implemented by processing geolocation data of mobile communications, using special mobile applications, etc.

European data protection authorities emphasize that the processing of large amounts of personal data can only be carried out when, based on scientific evidence, the potential public health benefits of such digital surveillance of the epidemic outweigh other means that involve less interference in privacy.

At the same time, the development of such means of supervision should be based on a preliminary assessment, testing of the possible impact of the intended data processing on the rights and fundamental freedoms of the subjects of personal data. And the ways of data processing must be designed in such a way as to prevent or minimize the risk of violation of rights and fundamental freedoms.

The European Data Protection Board (EDPB) states that public authorities should, in the first instance, endeavor to process location data in an anonymized manner (ie process data aggregated in such a way that individuals cannot be identified). In the event that it is not possible to process only depersonalized data, Directive 2002/58/EC of the European Parliament and of the Council "On the processing of personal data and the protection of privacy in the electronic communications sector" allows member states to introduce legislative measures to limit the scope of the rights and obligations covered by the Directive , in particular by ensuring the possibility of storing individual data for a limited period of time and for the reasons provided by the specified Directive (Article 15). [3]

In conclusion, it should be noted that the deviation from the rules of personal data protection and the limitation of rights established by international documents, in order to achieve a significant public interest, can in any case be carried out only under the condition of compliance with the guiding principles of personal data protection.

