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Unofficial translation

LAW OF UKRAINE

ON PERSONAL DATA PROTECTION

*As amended by the Law of Ukraine
dated February 23, 2012 No. 4452-VI, and
the Law of Ukraine
dated 20.11.2012 p. No. 5491-VI*

(In the text of the Law the notions "Personal database controller" and "personal database processor" shall be substituted in all grammatical numbers and cases with respective notions "data controller" and "data processor")

Article 1. Scope of the Law

This Law regulates legal relations referring to protection and processing of personal data, and is targeted to protection of fundamental human rights and freedoms, inter alia the right to non-interference into private life in relation to personal data processing.

This Law covers the personal data processing activity that is performed fully or partially as automatic processing, as well as non-automated processing of personal data within a data card catalogues or assigned to be included to such catalogues.

This Law does not apply to personal data processing that is performed by an individual for purely private or domestic purposes.

The provisions of this Law do not apply to personal data processing that is performed by a creative or literature professional, including a journalist, for professional purposes, provided that a balance between the right to non-interference into private life and the right to self-expression is secured.

(Article 1 as amended by the Law of Ukraine
dated 20.11.2012 p. No. 5491-VI)

Article 2. Definition of Terms

The terms listed herein below shall have the following meanings in this Law:

"Personal database" shall be understood as a named set of ordered personal data in the electronic form and/or in the form of personal data card catalogues;

"Data controller" shall be understood as an individual or a legal entity granted the right to processing of personal data in question by law or by the data subject's consent and approving the purpose of the personal data processing, specifies the composition of the data and the procedures of the processing thereof, unless otherwise provided by law;

(paragraph 3 of Article 2 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"State Personal Database Register" shall be understood as a single state information system for the acquisition, the accumulation and the processing of the information about the registered personal databases;

"Data subject's consent" shall be understood as voluntary expression of will by an individual (subject to individual's awareness) regarding granting a permission to process his/her personal data in line with the formulated purpose of the processing thereof, that is expressed in writing or in the other form that allows conclusion that this permission has been granted;

(paragraph 5 of Article 2 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"Depersonalisation of personal data" shall be understood as the removal of the information, making it possible directly or indirectly to identify a person;

(paragraph 6 of Article 2 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"Data card catalogue" shall be understood as any structured data, available at the determined criteria, regardless whether the data is centralized, decentralized or separated under functional or geographical principles;

(Article 2 was supplemented with a paragraph by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"Processing of personal data" shall be understood as any action or a set of actions such as acquisition, registration, accumulation, storage, adaptation, modification, restoration, utilization and spread (dissemination, implementation, transmission), depersonalization and elimination of the information about an individual, including those performed by information (automated) systems;

(paragraph of Article 2 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"recipient" shall be understood as any individual or legal entity who receives personal data including third party;

(Article 2 was supplemented with a paragraph by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"Personal data" shall be understood as the information or the totality of the information about an individual that is or can be specifically identified;

"Data processor" shall be understood as an individual or a legal entity vested by the data controller or by law with the right to process the data in question on behalf of the data controller;

(paragraph 11 of Article 2 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

"Data subject" shall be understood as an individual, whose personal data is processed in accordance with the law;

"Third party" shall be understood as any person, other than the data subject, data controller or data processor, and Ukrainian Data Protection Authority, to which the data controller or data processor transmits personal data in accordance with the law.

Article 3. Personal Data Protection Legislation

The legislation of the personal data protection shall comprise of the Constitution of Ukraine, this Law, other laws and regulations, and the international treaties of Ukraine accepted as binding by the Supreme Council (Parliament) of Ukraine.

Article 4. Entities Involved in Personal Data Relations

1. The following shall be the entities involved in personal data relations:

data subject;

data controller;

data processor;

third party;

Ukrainian Data Protection Authority;

Paragraph 7 of part 1 of Article 4 was deleted

(by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

2. Enterprises, institutions and organizations of all ownership forms, state authorities or local self-government bodies, sole traders that process personal data in accordance with the law, may be data controllers or data processors.

3. Only state-owned or community-owned enterprise within the scope of management of the relevant agency may be a data processor that are held by state authority or local self- government bodies, in addition to the said agencies.

(part 3 of Article 4 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

4. Data controller may assign the data processor to process personal data pursuant to the agreement concluded in writing.

(part 4 of Article 4 as introduced by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

5. Data processor may process personal data only for the purposes and to the extend as provided by the agreement.

(part 5 of Article 4 as introduced by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

Article 5. Objects of Protection

1. Personal data shall be the object of protection.

(part 1 of Article 5 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

2. Personal data, other than depersonalized personal data, shall be classified as the information with restricted-access in terms of the access procedures.

Part 3 of Article 5 was deleted

(by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

Part 4 of Article 5 was deleted

(by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

Article 6. General Requirements for the Processing of Personal Data

1. The purpose of personal data processing must be formulated by laws, other regulatory acts, policies, constituting or other documents that govern the activities of the data controller, and meet the legislation on the personal data protection.

Data processing shall be performed openly and transparently by means and methods that comply with the determined purposes of such processing.

(paragraph 2 was introduced to part 1 of Article 6 by the Law of Ukraine
dated 20.11.2012 No. 5491-VI, therefore paragraph 2 shall be considered as paragraph 3)

In case of changes in the specified purpose of personal data processing, data subject's consent must be granted to the processing of his data in accordance with the changed purpose, if such new purpose is incompatible with the earlier one.

(paragraph 3 of part 1 of Article 6 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

2. Personal data must be accurate and true; it must be updated, if case of necessity determined by the purpose of its processing.

(part 2 of Article 6 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

3. The composition and the contents of personal data must be appropriate, adequate and non-excessive in respect of the defined purpose of the processing thereof.

(paragraph 1 of part 3 of Article 6 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

The extent of personal data, which may be included into the personal database, shall be determined by conditions of the granted data subject's consent or in accordance with the law.

4. The following shall be the primary sources of the information about an individual: documents issued to him; documents signed by him; the information provided by the person about himself.

5. Processing of personal data shall be for specific and legitimate purposes, determined by the data subject's consent or, in cases specified by laws of Ukraine, in accordance with the procedure prescribed by the legislation.

6. It shall be prohibited to process data on an individual without his consent, except for cases covered by law and solely in the interests of national security, economic well-being and human rights.

7. If the processing of personal data is required for the protection of vital interests of a data subject, his

personal data may be processed without his consent until the obtainment of such consent becomes possible.

8. Processing of personal data shall be in a form permitting the relevant individual to be identified for not longer than necessary in line with the legitimate purpose.

9. Personal data may be used for historical, statistical or scientific purposes only if adequate level of protection is provided.

(part 9 of Article 6 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

10. The model procedure of the processing of personal data in personal databases shall be approved by the central executive body that provides state policy in data protection [Ukrainian Data Protection Authority].

(paragraph 1 of part 10 of Article 6 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Paragraph 2 of part 9 of Article 6 was deleted.

(by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

The procedure of the processing personal data in the sphere of functioning of the system of individual bank deposits guarantee shall be approved by the Deposit Guarantee Fund.

(part 10 of Article 6 as introduced by the Law of Ukraine dated 23.02.2012 No. 4452-VI)

Article 7. Special Requirements for the Processing of Personal Data

1. It is prohibited to process personal data on racial or ethnic provenance, political, religious or conceptual convictions, membership with political parties and trade unions, accusation of a criminal crime or criminal sentence, as well as the data on health or sexual life.

(part 1 of Article 7 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. Provisions of part one of this article shall not be applied, if the processing of personal data:

1) is performed on condition of the provision of the data subject's consent to the processing of such data;

2) is required for the exercise of rights and the performance of duties of the data controller in the field of labor relations in accordance with the law, subject to data security measures;

(clause 2 of part 2 of Article 7 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3) is required for the protection of vital interests of a data subject or another party in case of the incapability or the restricted civil-law capability of the data subject;

(clause 3 of part 2 of Article 7 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

4) is performed, subject to data security measures, by a religious organization, a public organization with a certain conceptual focus, a political party or a trade union established in accordance with the law, provided that the processing involves solely the personal data of members of such associations or individuals maintaining permanent contact with them due to the nature of their activities, and their personal data is not handed over to a third party without the data subject's consent;

(clause 4 of part 2 of Article 7 as amended by the Law of Ukraine

5) is required for the justification, satisfaction or protection of a legal claim;

6) is required for health protection, determination of medical diagnosis, for provision of care or treatment, or provision of medical services, provided that the said data is processed by a medical worker or another officer of a health care establishment tasked with the protection of personal data and to whose activity the medical secret legal provisions shall apply;

(clause 6 of part 2 of Article 7 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

7) applies to accusations of crimes, court sentences, the exercise of powers defined by law by a state authority in the field of the performance of operative/espial or counter-intelligence activities or the counter-terrorism measures;

8) involves data that has been made public by the data subject.

Article 8. Rights of a Data Subject

1. Personal non-property interests in personal data enjoyed by every individual shall be inalienable and inviolable.

2. A data subject shall have the right:

1) to know the location of the personal database containing his personal data, its purpose and name, its location and/or the place of residence of a data controller or a data processor, or to issue an appropriate instruction to the parties authorized by the subject to obtain the information in question, other than in cases specified by law;

(clause 1 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2) to obtain information on conditions of the provision of access to personal data, including, for instance, the information about third parties provided with his personal data;

(clause 2 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3) to access his personal data;

(clause 3 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

4) to receive a reply, whether his personal data is kept in the relevant personal database within thirty calendar days of the request, except for cases envisaged by law, and to obtain the contents of his personal data being stored;

5) to submit a justified demand with the objection against the processing of his personal data by data controller;

(clause 5 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

6) to submit a justified demand for the modification or the deletion of his personal data by any data controller or data processor, if the data is processed illegally or is false;

(clause 3 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

7) to have his personal data protected against illegal processing and accidental loss, destruction or damage due to the deliberate concealment, the non-provision or the late provision thereof, as well as to be protected against the provision of the false information or the information that is detrimental to the honor, dignity and business

reputation of the individual;

8) to contact state authorities and officials, whose powers include the exercise of the personal data protection, in respect of the protection of his personal data, or to apply to court;

(clause 8 of part 2 of Article 8 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

9) to apply legal remedies in case of the violation of the legislation on the personal data protection;

10) to make reservations restricting the right to processing his personal data, while granting consent;

(clause 10 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

11) to recall his/her consent for processing personal data;

(clause 11 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

12) to know on the method of automated processing of personal data;

(clause 12 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

13) to get a protection against automated decision that has legal results for him/her.

(clause 13 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. Personal data of an individual, whose civil-law capability is restricted or who is found incapable, shall be administered by his legal representative.

Article 9. Registration of Personal Databases

1. A personal database shall be subject to the state registration by means of the entry of an appropriate record by the Ukrainian Data protection Authority into the State Personal Database Register.

The policy of the State Personal Database Register and the procedure of its maintenance shall be approved by the Cabinet of Ministers of Ukraine.

2. Personal databases shall be registered on the application basis by means of a notice.

Data controller is exempted from the duty to register personal databases:

(paragraph 2 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

which databases are created for maintenance and realization of labour relations;

(paragraph 3 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

which databases relate to membership of non-governmental, religious organizations, trade unions, and political parties.

(paragraph 4 was introduced to part 2 of Article 8 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. An application for the personal database registration shall be submitted by the data controller to the Ukrainian Data Protection Authority.

The application must contain:

a request for entry of a personal database into the State Personal Database Register;

information about the data controller;

information about the name and the location of the personal database;

information about the purpose of the personal data processing in the personal database formulated in accordance with requirements of Articles 6 and 7 of this Law;

information about contents of personal data processed;

(paragraph 7 was introduced to part 3 of Article 9 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

information about third parties to whom personal data is transferred;

(paragraph 8 was introduced to part 3 of Article 9 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

information about cross-border data flows;

(paragraph 9 was introduced to part 3 of Article 9 by the Law of Ukraine dated 20.11.2012 No. 5491-VI, whereas paragraphs 7 and 8 shall be considered as paragraphs 10 and 11)

information about other data processors;

confirmation statement of the undertaking to comply with personal data protection requirements set out by the personal data protection legislation.

4. Ukrainian Data Protection Authority shall do the following in accordance with the procedure approved by the Cabinet of Ministers of Ukraine:

paragraph 2 of part 4 of Article 9 was deleted

(by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

make a decision to register a personal database within thirty business days of receipt of the application.

(paragraph 3 of part 4 of Article 9 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

The data controller shall be issued a document in the prescribed form as evidence of the registration of a personal database with the State Personal Database Register.

5. Ukrainian Data Protection Authority shall deny registration of a personal database if the application for the registration fails to meet the requirements of part three of this article.

6. A data controller shall be obliged to notify the Ukrainian Data Protection Authority of each change of the information required for the registration of the relevant database within ten business days of the change in question.

7. Ukrainian Data Protection Authority must make a decision on a change in question and notify the data controller of the decision within ten business days of receipt of the notice of change in the information required for registration of the relevant database.

Article 10. Use of Personal Data

1. The use of personal data shall involve any actions of the data controller involving the processing of the said data, actions aimed at protecting the same, and actions related to the provision of the partial or full right to processing of personal data to other entities involved in personal data relations to be performed with the data subject's consent or in accordance with the law.

(part 1 of Article 10 as amended by the Law of Ukraine

dated 20.11.2012 No. 5491-VI)

2. Personal data shall be used by the data controller in case of the creation of conditions for the protection of the said data thereby. Data controller shall be prohibited from divulging information about data subjects, to whose personal data access is granted, to other entities involved in personal data relations.

(part 2 of Article 10 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. The use of personal data by employees of entities involved in personal data relations must take place solely in line with their professional, service or job duties. These employees shall be required not to divulgate personal data entrusted to them or of which they have become aware in connection with the performance of professional, service or job duties, in any manner. The said requirement shall remain in effect after the termination of their activities associated with personal data, except for cases specified by law.

4. Information about personal life of an individual may not be used as a factor confirming or disproving his business qualities.

Article 11. Grounds for the Eligibility for the Personal Data Use

1. The following shall be the grounds for the eligibility for the personal data use:

1) data subject's consent to the processing of his personal data. ;

2) a permit for processing of personal data is granted to the data controller in accordance with the law solely needed to exercise his powers;

3) concluding and execution of legal deed, involving data subject as party or beneficiary, or for conducting actions that precede concluding a legal deed at data subject's demand;

4) protection of vital interests of data subject;

5) necessity to protect legal interests of data controllers, the third parties, except for the cases when data subject requests to terminate to process his/her personal data, and such need to protect personal data exceeds the legal interests concerned

(Article 11 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 12. Personal Data Acquisition

1. The acquisition of personal data shall be a component of the process of the processing thereof involving the actions related to the selection or the arrangement of the information about an individual.

(part 1 of Article 12 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. A data subject shall be notified of the data controller, categories and contents of acquired personal data, his rights hereunder, the purpose of the personal data acquisition and the parties, to which his personal data is supplied, at the moment of acquisition of personal data or within ten business days in cases, set forth by clauses 2-5 of part 1 of Article 11 of this Law.

Part 3 of Article 12 was deleted

(by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Part 4 of Article 12 was deleted

(by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 13. Accumulation and Storage of Personal Data

1. The accumulation of personal data shall involve actions related to combining and systemizing the information about an individual or a group of individuals, or the input of such data into a personal database.

2. The storage of personal data shall involve actions aimed at assuring the integrity thereof and securing an appropriate procedure of access thereto.

Article 14. Personal Data Dissemination

1. The dissemination of personal data shall involve actions related to the transfer of the information about an individual with the data subject's consent.

(part 1 of Article 14 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. The dissemination of personal data without the data subject's consent or a party authorized shall be permitted in cases specified by law and solely for (if needed) the purposes of national security, economic well-being and human rights.

(part 2 of Article 14 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. The compliance with requirements of the instituted personal data protection procedure shall be ensured by the party disseminating the data in question.

4. The party, to which the personal data is supplied, must take measures in advance to ensure compliance with requirements hereof.

Article 15. Personal Data Deletion or Destruction

1. Personal data shall be deleted or destroyed in accordance with the procedure specified in line with requirements of the law.

(part 1 of Article 15 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. Personal data shall be destroyed in case of:

(paragraph 1 of part 2 of Article 15 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

1) expiry of the time frame of the storage of data specified in the data subject's consent for the processing of the said data or by law;

2) termination of legal relations between the data subject and the data controller or data processor, unless otherwise provided by law;

3) effectiveness of a court decision on the removal of data on an individual from a personal database.

3. Personal data acquired in violation of requirements hereof must be destroyed in accordance with the procedure prescribed by the legislation.

(part 3 of Article 15 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

4. Personal data acquired in the course of performance of operative/espial or counter-intelligence or counter-terrorism activities shall be destroyed in accordance with requirements of the law.

(part 4 of Article 15 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 16. Personal Data Access Procedure

1. The procedure of third-party access to personal data shall be determined by conditions of the data subject's consent to the data controller for the processing of the said data or in accordance with the law.

2. No access to personal data shall be granted to a third party, if the said party refuses to assume the undertaking to ensure the compliance with requirements of this Law or is unable to make provisions therefore.

3. An entity involved in personal data relations shall submit a personal data access request (hereinafter referred to as "request") to the data controller.

4. The request shall specify:

1) first, last and patronymic names, the place of residence (place of stay) and details of a document identifying the individual submitting the request (if the requesting party is an individual);

2) the name and the location of a legal entity submitting the request, position, first, last and patronymic names of the individual authenticating the request; confirmation that the contents of the requests are in line with powers of the legal entity (if the requesting party is a legal entity);

3) first, last and patronymic names, and other information making it possible to identify the individual, in whose respect the request is being submitted;

4) the information about the personal database, in respect to which the request is being submitted, or the information about the data controller or the data processor;

(clause 4 of part 4 of Article 16 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

5) the list of the requested personal data;

6) the purpose and/or legal grounds of the request.

(clause 6 of part 4 of Article 16 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

5. The period of review of the request for the satisfaction thereof may not exceed ten business days of receipt thereof.

Within said period, the data controller shall notify the requesting party that the request will be satisfied or that the relevant personal data may not be provided with the indication of the grounds therefore specified in the relevant regulatory act.

The request shall be satisfied within thirty calendar days of receipt thereof, unless otherwise provided by law.

6. Data subject shall be entitled to the obtainment of any information about himself from any entity involved in personal data relations without specifying the purpose of the request, if he/she provides information indicated in clause 1 of part 4 of this Article, except for cases specified by law.

(part 6 of Article 16 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 17. Deferral or Denial of Access to Personal Data

1. No deferral of access to a data subject to his own personal data shall be permitted.

2. The deferral of access to personal data to the third parties shall be permitted, if the relevant data cannot be provided within thirty calendar days of receipt of the request. In this case, the total duration of the solution of issues raised in the request may not exceed forty five calendar days.

The notice of deferral shall be communicated to the requesting third party in writing with the clarification of the procedure of the appeal against the said decision.

The following must be specified in the deferral notice:

- 1) first, last and patronymic names of the officer;
 - 2) the date of the notice;
 - 3) the reason for the deferral;
 - 4) the time frame, within which the request will be satisfied.
3. It shall be permitted to deny access to personal data, if access thereto is prohibited by law.

The notice of denial shall specify:

- 1) first, last and patronymic names of the officer denying access;
- 2) the date of the notice;
- 3) the reason for the denial.

Article 18. Appeal against the Decision to Defer or Deny Access to Personal Data

1. A decision to defer or deny access to personal data may be disputed in court.

(part 1 of Article 18 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

2. If the request is submitted by a data subject for data on himself, the burden of proof of the legality of the access denial at court shall be vested in the data controller, to which the request is submitted.

(part 2 of Article 18 as amended by the Law of Ukraine
dated 20.11.2012 No. 5491-VI)

Article 19. Payment for the Personal Data Access

1. A data subject shall access data on himself free of charge.

2. The access of other entities involved in personal data relations to personal data of a specific individual or a group of individuals may be exercised on a paid basis subject to the compliance with conditions specified by this Law. The payment shall be due for the work associated with the processing of personal data, and the work related to consultancy and the organization of access to the relevant data.

3. The service fee for the provision of access to personal data by state authorities shall be specified by the Cabinet of Ministers of Ukraine.

4. State authorities and local self-government bodies shall be entitled to the obstacle-free and gratis access to personal data in accordance with their powers.

Article 20. Changes and Additions in Personal Data

1. Data controllers or data processors must enter changes in personal data on the basis of a substantiated written demand of a data subject.

2. It shall be permitted to change personal data on requests of other entities involved in personal data relations, with the data subject's consent being granted thereto or if the relevant change is undertaken on the basis of a court decision that has come into effect.

3. False personal data shall be changed immediately upon the ascertainment of the non-conformity thereof.

Article 21. Notices of Actions Involving Personal Data

1. The Data controller shall notify a data subject of the provision of personal data to a third party within ten business days, if so required by conditions of the consent or unless otherwise provided by law.

2. Notification referred to in part one of this article shall not be issued in case of:

- 1) the provision of personal data under requests in the course of the performance of operative/espial or counter-intelligence and counter-terrorism activities;
- 2) exercise of legal powers envisaged by law by state authorities and local self-government bodies;
- 3) processing of personal data for historical, statistical or scientific purposes;
- 4) notification of the data subject pursuant to part 2 of Article 12 of this Law.

(clause 4 was introduced to part 2 of Article 21 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. Database controller shall notify the data subject and entities involved in personal data relations, to whom the personal data has been provided, of the change in, or the destruction of, the personal data, or the restriction of access thereto within ten business days.

Article 22. Control over the Compliance with the Personal Data Protection Legislation

1. The control over the compliance with the personal data protection legislation shall be exercised by the following bodies within the scope of powers vested therein by law:

- 1) Ukrainian Data Protection Authority;
- 2) other state authorities.

(clause 2 of part 1 of Article 22 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. The parliamentary control over the observance of human rights to the personal data protection shall be exercised by the Human Rights Ombudsman of the Supreme Council (Parliament) of Ukraine.

Article 23. Ukrainian Data Protection Authority

1. Ukrainian Data Protection Authority shall be a central executive agency, that implements the state policy in the sphere of protection of personal data.

Ukrainian Data Protection Authority shall be independent in realizing its powers set forth by this Law.

(part 1 of Article 23 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

2. Ukrainian Data Protection Authority shall:

- 1) ensure the implementation of the state policy in the field of personal data protection;
- 2) register personal databases;
- 3) maintain the State Personal Database Register;
- 4) exercise control within the scope of its powers over the compliance with requirements of the personal data protection legislation by way of conduction of field and distance inspections with the assurance of access to the information related to the personal data processing in a personal database and to the premises, where the data is processed, in accordance with the law;

(clause 4 of part 2 of Article 23 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

- 5) issue binding legal demands (injunctions) for the elimination of violations of the personal data protection

legislation;

6) review proposals, inquiries, requests, demands and complaints of individuals and legal entities;

7) organize and support the interaction with foreign entities involved in personal data relations;

8) take part in the work of international organizations in the field of personal data protection;

9) provide data controllers and data processors, and data subjects with the information on their rights and duties;

(clause 9 was introduced to part 2 of Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

10) monitor new practices, trends and technologies for personal data protection;

(clause 10 was introduced to part 2 of Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

11) give recommendations regarding practical applying of data protection legislation;

(clause 11 was introduced to part 2 of Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

12) introduce proposals regarding data protection policy development according to procedures set by the law;

(clause 12 was introduced to part 2 of Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

13) approves corporate codes of conduct pursuant to part 2 of Article 27 of this Law.

(clause 13 was introduced to part 2 of Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. The Head of Ukrainian Data Protection Authority and his deputies shall be appointed to the position according to procedures set by the law.

(part 3 was introduced to Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

4. The staff roster and budget of Ukrainian Data Protection Authority shall be approved by its Head and agreed by the Minister of Finance of Ukraine.

The Head of Ukrainian Data Protection Authority decides on distribution of the budget finances that are attributed for Ukrainian Data Protection Authority.

(part 4 was introduced to Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

5. The activity and planning report by Ukrainian Data Protection Authority is publicly available, is published at the official website, and also is submitted to the President of Ukraine, the Government, and the Parliament.

(part 5 was introduced to Article 23 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 24. Assurance of Protection of Personal Data

(the name of Article 24 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

1. The state shall guarantee the protection of personal data.

2. The entities involved in personal data relations must provide for the protection of personal data against illegal processing, including losing, illegal or incidental destroy, and against illegal access thereto.

(part 2 of Article 24 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

3. Data controller shall be tasked with the assurance of protection of personal data in a personal database.

Part 4 of Article 24 was deleted

(by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

5. A structural unit or a responsible officer in charge of the organization of work on the personal data protection in the course of the protection thereof according to the law shall be nominated in state authorities and local self-government bodies, and in enterprises, institutions and organizations of all ownership forms.

6. Sole traders, including medical doctors with an appropriate license, attorneys and notaries shall personally provide for the protection of personal data controlled by them in accordance with requirements of the law.

(part 6 of Article 24 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 25. Restriction of the Operation of Specific Articles of This Law

1. Rights referred to in Articles 8, 11 and 17 hereof may only be restricted in the interests of:

1) national security, economic well-being and human rights;

2) protection of rights and freedoms of individuals, whose personal data is processed, or rights of other entities involved in personal data relations, and for the purposes of combat against crime;

3) provision of entities involved in personal data relations with the aggregate depersonalized information in respect of personal data in accordance with the law.

2. The entities involved in personal data relations shall exercise their powers within the scope specified by the Constitution and laws of Ukraine.

Article 26. Financing of the Personal Data Protection Work

The work and measures related to the assurance of the personal data protection shall be financed at the expense of the State Budget of Ukraine and local budgets, and resources of entities involved in personal data relations.

Article 27. Application of Provisions of this Law

1. Provisions of the personal data protection set forth herein may be supplemented or clarified with other laws, provided that personal data protection requirements imposed thereby do not contradict the requirements of this Law.

2. Professional associations may develop corporate codes of behavior in order to provide for the efficient protection of rights of data subjects and contribute to the compliance with the legislation taking account of specific features of personal data processing in various fields, subject to approval by Ukrainian Data Protection Authority.

(part 2 of Article 27 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 28. Liability for the Violation of the Personal Data Protection Legislation

The violation of the personal data protection legislation shall result in legal liability.

Article 29. International Co-operation and Data Transfer

(the name of Article 29 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

1. Co-operation with foreign entities involved in personal data relations shall be governed by the Constitution of Ukraine, this Law, other regulations and international treaties of Ukraine.

2. If an international treaty of Ukraine, accepted as binding by the Supreme Council (Parliament) of Ukraine, specifies rules other than those specified by the legislation of Ukraine, then the rules of the international treaty of Ukraine shall be applied.

3. Personal data shall be transferred to foreign entities involved in personal data relations solely on condition of the assurance of the proper protection of personal data by the respective state in cases specified by law or an international treaty of Ukraine.

The states – members of the European Economic Area, and the states who signed Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, are considered as such that provide adequate level of personal data protection.

The Government shall approve the list of states that provide adequate level of personal data protection.

Personal data may not be disseminated for a purpose, other than the purpose of the acquisition thereof.

(part 3 of Article 27 as amended by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

4. The personal data may be transferred to foreign entities involved in personal data relations also in case when:

- 1) the data subject has provided his/her clear consent for such transfer;
- 2) there is a need to conclude or execute an agreement between the data controller and third party – data subject, in favour of data subject;
- 3) there is a need to protect data subject's vital interests;
- 4) there is a need to protect public interest, introducing, execution, and securing of a legal demand;
- 5) the data subject has granted respective guarantees for non interfering into private and family life of data subject.

(part 4 was introduced to Article 29 by the Law of Ukraine dated 20.11.2012 No. 5491-VI)

Article 30. Final Provisions

1. This Law shall come into effect from January 1, 2011.

2. Within six months of this Law becoming effective, the Cabinet of Ministers of Ukraine shall:

cause the regulatory acts envisaged by this Law to be adopted;

cause its regulatory acts to be brought into conformity with this Law.

V. YANUKOVYCH, President of Ukraine

City of Kyiv, June 1, 2010

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