

LAW OF THE REPUBLIC OF BELARUS

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On information, informatization and protection of information

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[Law of the Republic of Belarus No. 102-Z of January 4, 2014](#) (National Legal Internet Portal of the Republic of Belarus, 10.01.2014, 2/2100) <H11400102>;

[Law of the Republic of Belarus No. 362-Z of May 11, 2016](#) (National Legal Internet Portal of the Republic of Belarus, 17.05.2016, 2/2360) <H11600362> - amendments and additions that entered into force on May 18, 2016, with the exception of amendments and additions that will enter into force on July 1, 2017;

[Law of the Republic of Belarus No. 362-Z of May 11, 2016](#) (national legal Internet portal of the Republic of Belarus, 17.05.2016, 2/2360) <H11600362> - amendments and additions that entered into force on May 18, 2016 and July 1, 2017.

CHAPTER 1

GENERAL PROVISIONS

Article 1. Main terms used in this Law and their definitions

The following main terms and their definitions are used in this Law:

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

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

possessor of program and technical means, information resources, information systems and information networks – a subject of information relations that exercises the right to possession, usage and disposal of program and technical means, information resources, information systems and information networks within the limits and in the manner specified by their owner in accordance with the legislation of the Republic of Belarus;

state information system – information system created and (or) acquired at the expense of the republican or local budgets, state non-budgetary funds, as well as by means of state legal entities;

state information resource – information resource formed or acquired at the expense of the republican or local budgets, state non-budgetary funds, as well as by means of state legal entities;

documented information – information recorded on a tangible medium with details that allow it to be identified;

access to information – a possibility to acquire information, and to use it;

access to the information system and (or) the information network – a possibility to use the

information system and (or) the information network;

protection of information – a set of legal, organizational and technical measures aimed at ensuring the confidentiality, integrity, authenticity, accessibility and safety of information;

informatization -- an organizational, socio-economic, scientific and technical process that provides conditions for the formation and use of information resources and the implementation of information relations;

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

information network – a set of information systems or complexes of program and technical means of an information system that interact through telecommunication networks;

information system – a set of data banks, information technologies, and a complex (complexes) of program and technical means;

information technology – a set of processes and methods of search, receipt, transmission, collection, processing, accumulation, storage, distribution and (or) provision of information, as well as usage of information and protection of information;

information service – an activity on search, receipt, transmission, collection, processing, accumulation, storage, dissemination and (or) provision of information, as well as protection of information;

information relations – relations that arise during search, receipt, transmission, collection, processing, accumulation, storage, dissemination and (or) provision of information, use of information, protection of information, as well as during usage of informational technologies;

information intermediary – a subject of information relations that provides information services to holders and (or) users of information;

information resource -- an organized set of documented information that includes databases and other sets of inter-related information in information systems;

complex of program and technical means – a set of program and technical means that ensure implementation of information relations using information technologies;

confidentiality of information – a requirement not to allow for the dissemination and (or) provision of information without the consent of its holder or other grounds set by legislative acts of the Republic of Belarus;

information holder – a subject of information relations that has obtained the rights of an information holder on the grounds established by the acts of legislation of the Republic of Belarus, or under a contract;

information system operator is a subject of information relations that operates an information system and (or) provides information services through it;

personal data – primary and additional personal data of an individual subject to entering in the population register in accordance with the legislative acts of the Republic of Belarus, as well as other data that allow for identification of such an individual;

information user – a subject of information relations that receives, disseminates and (or) provides information, [and (or)] exercises the right to use it;

user of an information system and (or) an information network – a subject of information relations who has received access to an information system and (or) an information network and

uses them;

provision of information – actions aimed at familiarization of a certain group of persons with information;

dissemination of information – actions aimed at familiarization of an indefinite range of persons with information;

owner of program and technical means, information resources, information systems and information networks -- a subject of information relations that exercises the rights of possession, use and disposal of program and technical means, information resources, information systems and information networks.

Article 2. Scope of this Law

This Law shall regulate social relations arising during:

search, receipt, transmission, collection, processing, accumulation, storage, dissemination and (or) provision of information, as well as use of information;

creation and usage of information technologies, information systems and information networks, [and(or)] formation of information resources;

organizing and ensuring protection of information.

The legislation of the Republic of Belarus may establish the peculiarities of legal regulation of information relations related to information constituting state secrets, to personal data, advertising, protection of children from information that harms their health and development, scientific and technical, statistical, legal, environmental and other information.

This Law shall not apply to social relations related to activities of mass media and protection of information that is an object of intellectual property.

Article 3. Legislation on information, informatization and protection of information

Legislation on information, informatization and protection of information is based on the [Constitution](#) of the Republic of Belarus and consists of this Law, acts of the President of the Republic of Belarus, [and] other acts of legislation of the Republic of Belarus.

If an international treaty of the Republic of Belarus establishes other rules than those contained in this Law, the rules of the international treaty shall be applied.

Article 4. Principles of legal regulation of information relations

Legal regulation of information relations shall be based on the following principles:

freedom of search, receipt, transmission, collection, processing, accumulation, storage, dissemination and (or) provision of information, as well as use of information;

establishment of restrictions on dissemination and (or) provision of information only by legislative acts of the Republic of Belarus;

timeliness of provision, objectivity, completeness and authenticity of information;

protection of information on private life of an individual and personal data;

ensuring the security of individuals, society and the state when using information and using information technologies;

mandatory use of certain information technologies for the creation and operation of information systems and information networks in cases established by the legislation of the Republic of Belarus.

Article 5. Subjects of information relations

Subjects of information relations can be:

Republic of Belarus, administrative-territorial units of the Republic of Belarus;
state bodies, other state organizations (hereinafter, unless otherwise provided, state bodies);
other legal entities, organizations that are not legal entities (hereinafter -- legal entities);
individuals, including individual entrepreneurs (hereinafter-individuals);
foreign states, international organizations.

Subjects of information relations in accordance with this Law may act as:

holders of information;
users of information, information systems and (or) information networks;
owners and possessors of program and technical means, information resources, information systems and information networks;
information intermediaries;
operators of information systems.

Article 6. Right to information

State bodies, individuals and legal entities have the right to seek, receive, transmit, collect, process, accumulate, store, disseminate and (or) provide information, [and(or)] use information in accordance with this Law and other acts of the legislation of the Republic of Belarus.

State bodies, public associations, and officials shall be obliged to provide citizens of the Republic of Belarus with an opportunity to get acquainted with information that affects their rights and legitimate interests in the order established by this law and other legislative acts of the Republic of Belarus.

Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information about the activities of state bodies, public associations, political, economic, cultural and international life, [and (or)] the state of the environment in the order established by this law and other legislative acts of the Republic of Belarus.

The right to information may not be used to promote war or extremist activities, or to commit other illegal acts.

CHAPTER 2

PUBLIC REGULATION AND ADMINISTRATION IN THE FIELD OF INFORMATION, INFORMATIZATION AND INFORMATION PROTECTION

Article 7. Public regulation in the field of information, informatization and protection of information

Public regulation in the field of information, informatization and protection of information shall include:

provision of conditions for implementation and protection of the rights of state bodies, individuals and legal entities;

creation of a system of information support for solving issues of socio-economic and scientific-technical development of the Republic of Belarus;

creation of conditions for the development and use of information technologies, information systems and information networks on the basis of common principles of technical regulation and standardization, assessment of compliance with the requirements of technical regulatory legal acts in the field of technical regulation and standardization;

formation and implementation of a uniform science, scientific and technical, industrial and innovation policy in the field of information, informatization and protection of information, consistent with the existing research and production capacity and the modern global level of information technologies development;

creation and improvement of a system for attracting investment and an incentive mechanism for the development and implementation of projects in the field of information, informatization and protection of information;

promotion of the development of the market of information technologies and information services, providing conditions for the formation and development of all types of information resources, information systems and information networks;

provision of conditions for participation of the Republic of Belarus, administrative-territorial units of the Republic of Belarus, state bodies, individuals and legal entities in international cooperation, including interaction with international organizations, [and (or)] ensuring the compliance with obligations under international treaties of the Republic of Belarus;

development and ensuring implementation of targeted programs for creating information systems, [and (or)] applying information technologies;

improvement of the legislation of the Republic of Belarus on information, informatization and protection of information;

other state regulation.

Article 8. Implementation of public regulation and administration in the field of information, informatization and protection of information

Public regulation and administration in the sphere of information, informatization and protection of information shall be carried out by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the National Academy of Sciences of Belarus, the Operation and Analysis Center under the President of the Republic of Belarus, the Ministry of Communications and Informatization of the Republic of Belarus, [and (or)] other state bodies within their competence.

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

The President of the Republic of Belarus, in accordance with the [Constitution](#) of the Republic of Belarus, this Law and other legislative acts of the Republic of Belarus, shall define the uniform state policy and conduct other state regulation in the field of information, informatization and protection of information.

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

In the field of information, informatization and protection of information, the Council of Ministers of the Republic of Belarus shall:

ensure implementation of the uniform state policy;

coordinate, guide and control the work of the national bodies of state administration and other state organizations subordinate to the Government of the Republic of Belarus;

approve of state programs, unless otherwise provided by legislative acts of the Republic of Belarus, and ensure their implementation;

exercise other powers assigned to it by the [Constitution](#) of the Republic of Belarus, this Law, other laws of the Republic of Belarus and acts of the President of the Republic of Belarus.

Article 11. Powers of the National Academy of Sciences of Belarus in the field of information, informatization and protection of information

In the field of information, informatization and protection of information, the National Academy of Sciences of Belarus shall:

provide scientific and methodological support for the development of informatization [and (or)] implementation of state programs;

participate in the development of draft regulatory legal acts;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 12. Powers of the Operation and Analysis Center under the President of the Republic of Belarus in the field of informatization and protection of information

In the field of informatization and protection of information, the Operation and Analysis Center under the President of the Republic of Belarus shall:

perform state regulation in the sphere of interdepartmental informational interaction of state bodies on the basis of interdepartmental and other state information systems that are not intended for processing information containing state secrets, unless otherwise provided by legislative acts of the Republic of Belarus, as well as in the field of operation and development of interdepartmental information systems defined by legislative acts of the Republic of Belarus;

perform public regulation and administration in the field of technical and cryptographic protection of information in accordance with the legislative acts of the Republic of Belarus;

within the limits of its powers, exercise control over technical and cryptographic protection of information;

develop draft regulatory legal acts, including technical regulatory legal acts, and adopt (issue) such acts on technical and cryptographic protection of information, [and (or)] participate in the development of draft regulatory legal acts on issues of informatization;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 13. Powers of the Ministry of Communications and Informatization of the Republic of Belarus in the field of informatization

In the field of Informatization, the Ministry of Communications and Informatization of the Republic of Belarus shall:

implement the uniform state policy;

develop and implement state programs;

participate in the development of draft regulatory legal acts;

coordinate the work on formation and state registration of information resources;

set requirements for compatibility of information resources, information systems, and information networks;

develop and approve of rules for operation and interaction of information resources, information systems and information networks;

organize work on technical regulation and standardization, verification of compliance of creation, use and operation of information resources, information systems and information networks with the requirements of technical regulatory legal acts in the field of technical regulation and standardization;

encourage creation of information technologies, information systems and information networks;

carry out international cooperation, including interaction with international organizations, [and (or)] ensure compliance with obligations under international treaties of the Republic of Belarus;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

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

Within their powers in the field of information, informatization and protection of information, other state bodies shall:

participate in the implementation of the uniform state policy;

form and use information resources;

create and develop information systems and information networks, [and (or)] ensure their compatibility and interaction in the information space of the Republic of Belarus;

carry out technical regulation and standardization in the field of information technologies, information resources, information systems and information networks;

perform verification of compliance of information technologies, information resources,

information systems and information networks with the requirements of technical regulatory legal acts in the field of technical regulation and standardization;

exercise other powers in accordance with this Law and other legislative acts of the Republic of Belarus.

CHAPTER 3 LEGAL REGIME OF INFORMATION

Article 15. Types of information

Depending on the access category, information is divided into:

publicly accessible information;

information dissemination and / or provision of which is restricted.

Article 16. Publicly accessible information

Publicly accessible information shall include information the dissemination and (or) provision of which is not restricted.

May not be restricted access to information, dissemination and (or) provision of information:

on the rights, freedoms, legitimate interests and obligations of individuals, rights, legitimate interests and obligations of legal entities and on the procedure for the implementation of rights, freedoms and legitimate interests, and performance of duties;

on the activities of state bodies and non-governmental associations;

on the legal status of state bodies, with the exception of information that is restricted by legislative acts of the Republic of Belarus;

on the socio-economic development of the Republic of Belarus and its administrative-territorial units;↓

on emergency situations, environmental, sanitary and epidemiological conditions, hydrometeorological and other information reflecting the state of public safety;

on the state of health care, demography, education, culture, [and (or)] agriculture;

on the state of crime, as well as on the facts of violation of the law;

on benefits and compensation provided by the state to individuals and legal entities;

on the size of the gold reserve;

on overall external debt indicators;

on the state of health of officials holding positions included in the list of senior public positions of the Republic of Belarus;

accumulated in open collections of libraries and archives, information systems of state bodies, individuals and legal entities created (intended) for information service of individuals.

Article 17. Information dissemination and (or) provision of which is restricted

Information dissemination and / or provision of which is restricted shall include:

information on the private life of an individual and personal data;

information constituting state secrets;

official information of restricted distribution;

information constituting a commercial, professional, banking, or other legally protected secret;

information contained in administrative offence cases, materials and criminal cases investigated by criminal prosecution bodies and courts until completion of proceedings;

other information that is restricted by legislative acts of the Republic of Belarus.

The legal regime of information, the distribution and (or) provision of which is restricted, shall be determined by this Law and other legislative acts of the Republic of Belarus.

Article 18. Information on the private life of an individual and personal data

No one may require an individual to provide information about his/her private life and personal data, including information constituting personal and family secrets, secrecy of telephone conversations, mail and other messages, data relating to his health, or to receive such information in any other way other than the will of this individual, except in cases established by legislative acts of the Republic of Belarus.

Collection, processing, and storage of information about the private life of an individual and personal data, as well as their use, shall be carried out with the written consent of this individual, unless otherwise established by legislative acts of the Republic of Belarus.

The procedure for receiving, transmitting, collecting, processing, accumulating, storing and providing information about the private life of an individual and personal data, as well as their use, shall be established by legislative acts of the Republic of Belarus.

Article 18[1]. Official information of restricted distribution

Official information of restricted distribution shall include information related to the activities of a state body or legal entity, dissemination and (or) provision of which may cause harm to the national security of the Republic of Belarus, public order, morals, rights, freedoms and legitimate interests of individuals, including their honor and dignity, personal and family life, as well as the rights and legitimate interests of legal entities, and which is not classified as a state secret.

Information shall be classified as official information of restricted distribution in accordance with the list of information classified as official information of restricted distribution, determined by the Council of Ministers of the Republic of Belarus, as well as in cases stipulated by the laws of the Republic of Belarus and decisions of the President of the Republic of Belarus. The decision to classify information as official information of restricted distribution shall be made by the head of a state body, legal entity or by a person authorized by them.

Documents containing official information of restricted distribution shall be marked with the restrictive label "For official use only".

The procedure for applying the restrictive marking "For official use only" and for management of documents containing official information of restricted distribution shall be determined by the Council of Ministers of the Republic of Belarus.

Access to the list of information classified as official information of restricted distribution,

determined by the Council of Ministers of the Republic of Belarus in accordance with part two of this article, as well as to the procedure for applying restrictive marking "For official use only" and management of documents containing official information of restricted distribution, determined by the Council of Ministers of the Republic of Belarus in accordance with part four of this article, may not be restricted.

In case of liquidation of a state body [and (or)] legal entity, the decision on further use of official information of restricted distribution shall be made by the liquidation committee.

Article 19. Documentation of information

Documentation of information shall be carried out by its holder in accordance with the requirements of records keeping established by the legislation of the Republic of Belarus.

The procedure for documenting information, processing, storing, dissemination and (or) providing documented information, as well as using it, shall be established by acts of the legislation of the Republic of Belarus, including technical regulatory legal acts.

CHAPTER 4

DISSEMINATION AND (OR) PROVISION OF INFORMATION

Article 20. Dissemination and (or) provision of information

Disseminated and (or) provided information must contain reliable information about its holder, as well as about the person disseminating and (or) providing information, in a form and volume sufficient for their identification.

When using technical means to provide information that allow a certain group of people to get acquainted with the information, a holder of the information and an information intermediary must ensure that users of the information can freely refuse to receive the information provided in this way.

If a holder of the information or an information intermediary or an owner of the information network is notified about the reluctance of a particular information user to receive the disseminated and (or) provided information, they are obliged to take measures to prevent receipt of this information by the user.

When distributing and (or) providing information via mail [and (or)] telecommunication networks, persons who disseminate and (or) provide information must comply with the requirements of the legislation of the Republic of Belarus on postal communications, on telecommunications and on advertising.

Cases and requirements for mandatory dissemination and (or) provision of information, including the provision of mandatory copies of documents, shall be established by legislative acts of the Republic of Belarus and resolutions of the Council of Ministers of the Republic of Belarus.

The procedure for dissemination and (or) provision of information, except for the information specified in part five of this article and part one of [article 17](#) of this Law, shall be determined by the agreement of the subjects of relevant information relations, unless otherwise provided by legislative acts of the Republic of Belarus.

Article 21. Provision of publicly accessible information upon request

Provision of publicly accessible information may be carried out upon request by an interested state body, individual or legal entity to the holder of this information.

A request for publicly accessible information may be made in written, electronic, or oral form.

Provision of publicly accessible information to an interested state body, individual or legal entity upon request can be carried out by:

- oral presentation of the content of the requested information;
- acquaintance with the documents containing the requested information;
- provision of a copy of the document containing the requested information, or extracts from it;

- provision of a written or electronic response (certificate) containing the requested information.

Publicly accessible information may be denied upon request if:

- acquisition of the requested information requires analytical work that is not directly related to the protection of the rights and legitimate interests of the requester;

- the requested information is published in official periodicals, mass media, or is publicly available on the official websites of state bodies on the global computer network Internet (hereinafter referred to as websites) or on other state information resources of the global computer network Internet;

- the requested information has been previously provided to the requester;

- the requested information is contained in memos, instructions by officials and other internal correspondence of a state body [and (or)] other legal entity, if such information is not directly related to the protection of the rights and legitimate interests of the person who requested publicly accessible information;

- requested are copies of documents held by a state body [and (or)] a legal entity that belong to other state bodies [and (or)] legal entities, except in the case when the indicated state bodies [and (or)] legal entities have been liquidated without successors, and in other cases when it is impossible to receive such document copies from the indicated state bodies or legal entities according to the established procedure;

- in other cases, established by legislative acts of the Republic of Belarus.

The procedure for submitting requests for publicly accessible information, as well as the procedure for their consideration, is determined by legislative acts of the Republic of Belarus.

Article 22. Means of dissemination and (or) provision of publicly accessible information by a state body

Dissemination and (or) provision of publicly accessible information can be carried out by a state body through:

- dissemination in mass media;

- placement at a state body in a place accessible for viewing (on information stands, displays and (or) in another way);

placement on Internet sites or other state information resources of the global computer network Internet;

holding open sessions, with provided opportunity for individuals, their representatives, [and (or)] representatives of legal entities to be present (hereinafter referred to as open sessions);

provision upon request from an interested state body, individual or legal entity;

dissemination and (or) provision by other means in accordance with the legislation of the Republic of Belarus.

Dissemination and (or) provision of publicly accessible information shall be carried out free of charge, unless otherwise established by legislative acts of the Republic of Belarus.

Peculiarities of providing publicly accessible information by courts shall be determined by the legislation of the Republic of Belarus, including the legislation on judicial proceedings.

Article 22[1]. Dissemination of publicly accessible information by a state body

At a state body, the following information must be posted in a place accessible for viewing, with the exception of information dissemination and (or) provision of which is restricted:

on the state body (official name and structure of the state body; postal address, email address; phone numbers of query services; opening hours of a state body; information about the head of a state body and their deputies (position, surname, name, patronymic (if available), office phone number); the official name, mailing address and opening hours of the superior state body and appointment schedule for individuals, their representatives, [and (or)] representatives of legal entities in this body);

on the work with requests from individuals and legal entities;

on implementation of administrative procedures in relation to individuals and legal entities;

for state bodies specified in part five of this article -- on the procedure for preparing and holding open sessions, agenda, date, time and place of open sessions (as a rule, no later than five calendar days before the day of an open session).

A state body is obliged to post the following information on the website, except for the information dissemination and (or) provision of which is restricted:

on the state body (official name and structure of the state body; postal address, email address; phone numbers of query services; opening hours of the state body; data about the objectives and functions of the state body, its structural divisions, as well as regulatory legal acts of the Republic of Belarus (extracts from them) defining these objectives and functions; a list of territorial bodies, subordinate (that are part of the system) organizations, their objectives and functions, as well as their postal addresses, website and e-mail addresses, phone numbers of query services; information on the head of the state body and their deputies (position, surname, name, patronymic (if available), office phone number); official name, mailing address and opening hours of the superior state body and appointment schedule for individuals, their representatives, [and (or)] representatives of legal entities in this body);

about work with requests from individuals and legal entities;

on implementation of administrative procedures in relation to individuals and legal entities;

about goods (works, services) produced (performed, rendered) by the state organization;

about the news of the state body;

about forms of feedback;

for state bodies specified in part five of this article -- on the procedure for preparing and holding open sessions, agenda, date, time and place of open sessions (as a rule, no later than five calendar days before the day of an open session).

Other information may also be posted at the state body in a place accessible for viewing, or on the website in accordance with legislative acts of the Republic of Belarus, resolutions of the Council of Ministers of the Republic of Belarus, or by decision of the head of the state body.

Republican bodies of public administration subordinate to the Government of the Republic of Belarus, local executive and administrative bodies, shall annually publish publicly accessible information on the results of their work in the previous year related to the main activities of these state bodies, on websites and in mass media no later than March 1 of the year subsequent to the reporting year.

Sessions of boards of Republican public administration bodies subordinate to the Government of the Republic of Belarus, [and (or)] sessions of local executive and administrative bodies shall be held in the form of open sessions, except when they are to discuss issues containing information, dissemination and (or) provision of which is restricted. In such cases, closed sessions shall be held.

State bodies specified in part five of this article shall independently determine the procedure for preparing and holding open sessions, including posting information about open sessions and arranging for pre-registration of those who wish to attend them, unless otherwise provided by the legislation of the Republic of Belarus.

Open sessions of state bodies not specified in part five of this article shall be held by decision of their heads and according to the procedure established by them, unless otherwise provided by legislative acts of the Republic of Belarus.

CHAPTER 5 INFORMATION RESOURCES

Article 23. Types of information resources. Legal regime of information resources

Information resources shall be divided into state and non-state resources.

The list of state information resources, the procedure for their formation, as well as the use of documented information from state information resources are determined by legislative acts of the Republic of Belarus and (or) resolutions of the Council of Ministers of the Republic of Belarus.

The procedure for forming non-state information resources shall be determined by the owners of the information resources.

Article 24. State registration of information resources

State registration of information resources shall be carried out in order to create a unified system of accounting and preservation of information resources, to create conditions for their transfer to state archival storage, to inform state bodies, individuals and legal entities about the composition and content of information resources in the Republic of Belarus.

State registration of information resources shall be carried out by the Ministry of Communications and Informatization of the Republic of Belarus through adding information about information resources into the State register of information resources.

The procedure for state registration of information resources, with the exception of information resources specified in part four of this article, and the procedure for maintaining the State register of information resources shall be determined by the Council of Ministers of the Republic of Belarus.

The procedure for registration of information resources generated by the state security bodies of the Republic of Belarus shall be defined by the Committee on State Security of the Republic of Belarus (KGB).

State information resources shall be subject to state registration.

Non-state information resources shall be registered with the State register of information resources on a voluntary basis, unless otherwise established by legislative acts of the Republic of Belarus.

CHAPTER 6 INFORMATION TECHNOLOGIES, INFORMATION SYSTEMS AND INFORMATION NETWORKS

Article 25. Creation and use of information technologies, information systems and information networks

Creation of information technologies, information systems and information networks shall be carried out by state bodies, individuals and legal entities.

Information systems shall be divided into state and non-state ones.

State information systems shall be created for the purpose of providing publicly accessible information, ensuring its objectivity, completeness and reliability, providing information services, optimizing the activities of state bodies and providing for information exchange between them.

State information systems shall be created in accordance with the procedure and on conditions established by the legislation of the Republic of Belarus.

The procedure for using state information systems shall be defined by the Council of Ministers of the Republic of Belarus.

Non-state information systems shall be created by individuals and legal entities with a view to meet their information needs and (or) provide information services.

The procedure for creation and use of non-state information systems shall be defined by their owners or persons authorized by them.

The procedure for including information systems in information networks, as well as the rules for exchanging information in them, shall be established by their owners or persons authorized by them.

The procedure for using information systems and information networks in the case when program and technical means and information systems are owned by different persons shall be defined by an agreement between these persons.

Identification of persons that participate in information exchange using information systems

and information networks shall be carried out in cases established by the legislation of the Republic of Belarus.

Article 26. State registration of information systems

State registration of information systems shall be carried out in view of creating a unified system of accounting for information systems, ensuring their preservation, as well as informing state bodies, individuals and legal entities about information systems in the Republic of Belarus.

State registration of information systems other than information systems specified in part four of this article, shall be carried out by the Ministry of Communications and Informatization of the Republic of Belarus by entering information about information systems in the State register of information systems.

The procedure for state registration of information systems other than information systems specified in part four of this article, and the procedure for maintaining the State register of information systems shall be determined by the Council of Ministers of the Republic of Belarus.

The procedure for state registration of information systems containing state secrets shall be defined by the Committee on State Security Committee of the Republic of Belarus (KGB).

State information systems shall be subject to state registration.

Non-state information systems shall be registered with the State register of information systems on a voluntary basis, unless otherwise established by legislative acts of the Republic of Belarus.⚡

CHAPTER 7

PROTECTION OF INFORMATION

Article 27. Aims of protection of information

Aims of protection of information shall be:

ensuring national security [and (or)] sovereignty of the Republic of Belarus;

preservation and non-disclosure of information about the private life of individuals and personal data contained in information systems;

enforcement of the rights of subjects of information relations in the creation, use and operation of information systems and information networks, the use of information technologies, as well as the formation and use of information resources;

prevention of unauthorized access, destruction, modification (changing), copying, dissemination and (or) provision of information, of blocking of legitimate access to information, as well as of other wrongful actions.

Article 28. Basic requirements for protection of information

Information, misuse of which may cause damage to its owner, user or other person shall be subject to protection.

Requirements for the protection of publicly accessible information can only be established in order to prevent its destruction, modification (change), or blocking legitimate access to it.

Requirements for the protection of information in state information systems, as well as information systems containing information dissemination and (or) provision of which is restricted, shall be defined by the legislation of the Republic of Belarus.

Information dissemination and (or) provision of which is restricted and which is not classified as a state secret, must be processed in information systems using the information security system certified in accordance with the procedure established by the Operations and Analysis Center under the President of the Republic of Belarus.

Operation of state information systems without implementing measures for protection of information shall not be allowed.

Integrity and safety of information contained in state information systems shall be ensured by establishing and enforcing uniform requirements for protecting information from unauthorized access, destruction, modification (change) and blocking legitimate access to it, including within the frame of accessing information networks.

To create an information security system, there shall be used technical and cryptographic information security tools that have a certificate of compliance issued by the National conformity certification system of the Republic of Belarus, or a positive expert opinion based on the results of the state examination, the procedure of which is defined by the Operations and Analysis Center under the President of the Republic of Belarus.

In cases defined by the legislative acts of the Republic of Belarus on licensing, individuals and legal entities engaged in the creation of information protection tools and (or) implementation of measures to protect information shall be entitled to carry out activities in this area on the basis of special permits (licenses).

Article 29. Measures for protection of information

Legal measures for protection of information shall include agreements between the holder of information and the user of information, which establish the terms and conditions of information use, as well as the liability of parties to the agreement for breach of these terms and conditions.

Organizational measures for protection of information shall include special security arrangements for access to the territory (premises) where information (material carriers) can be accessed, as well as differentiating access privileges by the circle of persons and the nature of the information.

Technical measures for protection of information shall include measures for the use of technical and cryptographic means for protection of information, as well as measures for controlling the security of information.

State bodies and legal entities that process information dissemination and (or) provision of which is restricted shall identify relevant units or designated persons responsible for protection of information.

Article 30. Organizing protection of information

Protection of information shall be organized:

with regard to publicly accessible information – by a person who disseminates and (or)

provides such information;

with regard to information dissemination and (or) provision of which is restricted – by the owner or operator of the information system containing such information, or by the holder of information, if such information is not contained in the information systems;

by other persons in cases specified by this Law and other legislative acts of the Republic of Belarus.

Article 31. Rights and obligations of subjects of information relations for protection of information

Information holder, owner of program and technical means, information resources, information systems and information networks, or persons authorized by them, shall be entitled to:

prohibit or suspend the processing of information and (or) the use of it in case of failure to comply with requirements for protection of information;

apply to the state bodies determined by the President of the Republic of Belarus and (or) the Council of Ministers of the Republic of Belarus for assessment of compliance with the requirements for protection of their information in information systems, [and (or)] expert examination of sufficiency of measures for protection of their program and technical means, information resources, information systems and information networks, as well as for advice.

Possessor of information systems and information networks shall be obliged to notify their owner, as well as the information holder about all facts of violation of requirements for protection of information.

Information holder, [and (or)] information system operator, in cases established by the legislation of the Republic of Belarus, shall be obliged to:

ensure the protection of information, as well as continuous monitoring of compliance with information protection requirements;

establish the procedure for providing information to an information user and identify the necessary measures to ensure the user's access to the information;

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

provide for the possibility of immediate recovery of information modified (changed) or destroyed as a result of illegitimate (unauthorized) access to it.

Article 32. Protection of personal data

Measures for protection of personal data from disclosure shall be taken from the moment personal data is presented by a person to whom it relates to another person or when provision of personal data is done according to the legislative acts of the Republic of Belarus.

Consequent transfer of personal data shall be allowed only on the basis of written consent of the person it relates to, or according to the legislative acts of the Republic of Belarus

The measures specified in part one of this article must be taken before the personal data is destroyed, or before it is depersonalized, or before the written consent of the individual to whom

this data relates is obtained for its disclosure.

Subjects of information relations who received personal data in violation of the requirements of this Law and other legislative acts of the Republic of Belarus shall not be entitled to use them.

CHAPTER 8

RIGHTS AND OBLIGATIONS OF SUBJECTS OF INFORMATION RELATIONS. LIABILITY FOR BREACH OF REQUIREMENTS OF THE LEGISLATION ON INFORMATION, INFORMATIZATION AND PROTECTION OF INFORMATION

Article 33. Rights and obligations of holder of information

A holder of information, regarding the information held, shall be entitled to:

disseminate and (or) provide information and use it;

allow or restrict access to information, [and (or)] determine the procedure and conditions for such access in accordance with the legislative acts of the Republic of Belarus;

require to be indicated as a source of information that has become publicly accessible through his decision, when it is disseminated and (or) provided by other persons;

determine the terms and conditions for processing and using information in information systems and information networks;

transfer the rights to use information in accordance with the legislation of the Republic of Belarus or under a contract;

defend their rights in accordance with the procedure established by the legislation of the Republic of Belarus in case of illegal receipt or illegal use of information by other persons;

take measures for protection of information;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

The rights of holder of information contained in an information resource are subject to protection regardless of copyright and other entitlements to the information resource.

The rights of an information holder do not apply to the program and technical means, information systems and information networks belonging to an owner, which are used to seek, receive, transmit, collect, process, accumulate, store, disseminate and (or) provide information, or use information.

A holder of information shall be obliged to:

observe the rights and legitimate interests of other persons when disseminating and (or) providing information that they hold, as well as when using it;

take measures to protect information, if such an obligation is established by legislative acts of the Republic of Belarus;

disseminate and (or) provide information that is mandatory for dissemination and (or) provision under legislative acts of the Republic of Belarus;

provide accurate, complete information within specified time frame;

restrict and (or) prohibit access to information, if such an obligation is established by legislative acts of the Republic of Belarus;

ensure safety of information, dissemination and (or) provision of which is restricted;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 34. Rights and obligations of user of information

A user of information shall be entitled to:

receive, disseminate and (or) provide information;

use information technologies, information systems and information networks;

get acquainted with their personal data;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

A user of information shall be obliged to:

respect the rights and legitimate interests of other persons when using information technologies, information systems and information networks;

take measures to protect information, if such an obligation is established by legislative acts of the Republic of Belarus;

ensure safety of information, dissemination and (or) provision of which is restricted, and not to transfer it in whole or in part to third parties without the consent of the information owner;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 35. Rights and obligations of user of information system and (or) information network

A user of an information system and (or) information network shall be entitled to:

use the information system and (or) information network to access information resources;

receive, disseminate and (or) provide information contained in an information system and (or) information network;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

A user of an information system and (or) information network shall be obliged to:

observe the rights of other persons when using an information system and (or) an information network;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 36. Rights and obligations of owner of information resources

An owner of information resources, unless otherwise provided by this Law and other legislative acts of the Republic of Belarus, shall be entitled to:

grant rights of possession and use of information resources to another person;

define rules for processing information [and (or)] using information resources;

define the terms of disposal of documented information in case of its dissemination and (or) provision under a contract;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

Owner of information resources shall be obliged to:

define the terms and conditions of possession and use of information resources in the case specified in paragraph two of part one of this article;

take measures to protect information resources, if such an obligation is established by legislative acts of the Republic of Belarus;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 37. Rights and obligations of owner of program and technical means, information systems and information networks

Either one or several persons can be owner of program and technical means used to create an information system, and owner of an information system, that form an information network.

Owner of program and technical means, information systems and information networks shall be entitled to transfer the rights of possession and use of program and technical means, information systems and information networks to another person.

The rights to information included in information systems shall be defined by an agreement between holders of information and owners of information systems.

Proprietary rights of an owner of a state information system shall be exercised by a contracting authority in state procurement contracts for creation of such an information system, unless otherwise specified in the decision to create it.

Owner of the information system shall be entitled, unless otherwise established by information holder, to prohibit or restrict the transmission, dissemination and (or) provision of information.

Owner of program and technical means, information systems and information networks shall have other rights in accordance with this Law and other acts of the legislation of the Republic of Belarus, [and (or)] perform duties in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 38. Rights and obligations of possessor of program and technical means, information resources, information systems and information networks

Possessor of program and technical means, information resources, information systems and information networks shall be entitled to:

determine the terms and conditions of their use with respect to exclusionary rights to intellectual property items;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

Possessor of program and technical means, information resources, information systems and information networks shall be obliged to:

take measures to protect information, if such an obligation is established by legislative acts

of the Republic of Belarus;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 39. Rights and obligations of information intermediary

Information intermediary shall have the rights in accordance with this Law and other acts of the legislation of the Republic of Belarus.

Information intermediary shall be obliged to ensure provision of information services to holder and (or) user of information on the basis of their requests or under the terms of the agreement between the information intermediary and holder or user of information or persons authorized by them.

Information intermediary shall be prohibited from dissemination and (or) provision of information to third parties that has been received during provision of information services, unless otherwise provided by the legislation of the Republic of Belarus.

Information intermediary shall perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 40. Rights and obligations of information system operator

Information system operator shall be entitled to:

operate the information system in accordance with the procedure and conditions specified in the agreement concluded with its possessor;

define the procedure for operation of the information system if they are its possessor;

pursue other actions in accordance with this Law and other legislative acts of the Republic of Belarus.

Information system operator shall be obliged to:

ensure the integrity and safety of information contained in the information system;

take measures to prevent disclosure, loss, distortion, destruction, modification (change) of information and blocking of legitimate access to it, and if necessary – measures to restore lost information;

perform other obligations in accordance with this Law and other legislative acts of the Republic of Belarus.

Article 41. Liability for violation of the legislation on information, informatization and protection of information

Violation of the legislation on information, Informatization and protection of information entails liability in accordance with the legislative acts of the Republic of Belarus.

CHAPTER 9 FINAL PROVISIONS

Article 42. Annulment of the Law of the Republic of Belarus and a separate provision

of the law of the Republic of Belarus

The following shall be deemed to have lost force:

[The Law of the Republic of Belarus of September 6, 1995 "On Informatization"](#) (Bulletin of the Supreme Soviet of the Republic of Belarus, 1995, No. 33, page 428);

[article 14](#) of the Law of the Republic of Belarus of 20 July 2006 "On introduction of amendments and additions to certain laws of the Republic of Belarus on issues of technical regulation, standardization and assessment of compliance with the requirements of technical regulatory legal acts in the field of technical regulation and standardization" (National register of legal acts of the Republic of Belarus, 2006, No. 122, 2/1259).

Article 43. Measures for implementation of provisions of this Law

The Council of Ministers of the Republic of Belarus shall, within six months:
bring the decisions of the Government of the Republic of Belarus in conformity with this Law;

ensure that the republican bodies of public administration subordinate to the Government of the Republic of Belarus bring their normative legal acts in conformity with this Law;
take other measures necessary to implement the provisions of this Law.

Article 44. Entry of this Law into force

This Law shall enter into force six months after its official publication, with the exception of this article and [article 43](#), which shall enter into force from the date of official publication of this Law.

President of the Republic of Belarus

A. Lukashenko