

## **Code of Administrative Offenses, excerpt**

### **Article 47. Retention of data in an information resource**

47.1. Bodies (officials) authorized to consider cases of administrative violations can use data from the information resource only for the purpose of fulfilling their official duties.

47.2. Bodies (officials) authorized to consider cases of administrative violations are obliged to ensure the safety of the data of the information resource. Except for the cases specified in Article 46 of this Code and in other laws, these data are not subject to disclosure.

47.3. Information resource data is stored for five years.

### **Article 50. Open consideration of cases of administrative violations**

50.1. Cases of administrative violations are considered openly, except for cases that may lead to disclosure of state or commercial secrets, personal and family secrets or other secrets protected by law, as well as cases of ensuring the safety of persons participating in proceedings in cases of administrative violations, their relatives relatives.

50.2. If it is necessary to consider cases of administrative violations in a closed manner, a ruling is adopted on this.

### **Article 51. Inadmissibility of disclosing data in an administrative violation case**

51.1. Information on an administrative violation case can be announced only with the permission of a judge, an authorized body (official) in charge of the administrative violation case, and in the case when such information affects the personal interests of the injured person, also with the permission of the injured person and to the extent that they consider acceptable.

51.2. If during the proceedings on the case of an administrative violation a photo or video or sound recording was made, then without the permission of the victim and the person in respect of whom the administrative proceedings are being carried out, the distribution of photographic or video filming or sound recordings in the media is unacceptable.

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## **Chapter 32. Administrative offenses infringing on the rules of use, dissemination and protection of information**

### **Article 371. Violation of the rules for the use of information reserves**

Violation of the rules for the use of information reserves—

- shall entail the imposition of a fine on individuals in the amount of fifty to eighty manats, on officials in the amount of three hundred to five hundred manats, on legal entities in the amount of one thousand to one thousand five hundred manats.

### **Article 372. Unlawful restriction of provision of information on the environment**

Unlawful restriction of the provision of information on the environment—

- shall entail the imposition of a fine on officials in the amount of three hundred to five hundred manats.

### **Article 373. Evasion of consideration of the merits of a request for declassification of classified information**

Evasion of consideration of the merits of a request for declassification of classified information submitted by citizens, enterprises, departments, organizations and state authorities of the Republic of Azerbaijan—

- shall entail the imposition of a fine in the amount of three hundred to five hundred manats.

#### **Article 374. Violation of legislation on access to information**

374.1. Restriction of the right to receive open information by the owner of the information or the issuance of deliberately false information to the applicant—

- shall entail the imposition of a fine on individuals in the amount of one hundred to one hundred and fifty manats, on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of one thousand five hundred to two thousand five hundred manats.

374.2. Refusal to accept a written request for information—

- shall entail the imposition of a fine on individuals in the amount of eighty to one hundred manats, on officials in the amount of three hundred to five hundred manats, on legal entities in the amount of one thousand to one thousand five hundred manats.

374.3. Violation by the information owner of the rules for storing, completing and protecting documents belonging to him, established by the Law of the Republic of Azerbaijan "On access to information"

- shall entail the imposition of a fine on individuals in the amount of eighty to one hundred manats, on officials in the amount of three hundred to five hundred manats, on legal entities in the amount of one thousand to one thousand five hundred manats.

374.4. Receipt by the requested person of information under the pretext of fulfilling official duties or using the official position for personal purposes, or using information obtained in the performance of official duties for other purposes—

- shall entail the imposition of a fine on officials in the amount of one thousand to one thousand five hundred manats.

#### **Article 375. Violation of legislation on personal data**

375.0. Violation of legislation on personal data, that is:

375.0.1. collection or processing of personal data outside the state registered information system, in respect of which, according to the Law of the Republic of Azerbaijan "On Personal Data", state registration is required;

375.0.2. failure to ensure the protection of personal data, non-destruction of personal data, or non-suspension of collection, processing or provision of personal data in cases and within the time frame required by the Law of the Republic of Azerbaijan "On personal data", the owner or operator of personal data—

- shall entail the imposition of a fine in the amount of three hundred to five hundred manats.

#### **Article 376. Illegal distribution of photographic materials or materials of video filming, or sound recordings carried out during proceedings on an administrative violation case**

In the event of a photo or video filming, or sound recording during proceedings on an administrative violation case, the distribution of photographic materials or video filming materials, or sound recordings in the media, without the consent of the victim and the person in respect of whom the administrative proceedings are being conducted—

- shall entail the imposition of a fine on officials in the amount of one thousand to one thousand five hundred manats.

#### **Article 377. Illegal acquisition of technical means provided for secret receipt of information, without the purpose of sale**

Illegal acquisition of technical means provided for secret receipt of information, without the purpose of sale—

- shall entail the imposition of a fine in the amount of two hundred to four hundred manats with confiscation of technical means provided for secretly obtaining information.

**Article 378. Appointment to a position related to the use of state secrets of a person who does not have access to work with state secrets**

Appointment to a position related to the use of state secrets of a person who does not have access to work with state secrets—

- shall entail the imposition of a fine on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of one thousand to one thousand five hundred manats.

**Article 379. Use of non-certified information system, database (bank) or means of protecting these data**

The use of an uncertified information system, database (data) by the bank or means of protecting these data, which are subject to certification by law—

- shall entail the imposition of a fine on officials in the amount of eight hundred to one thousand manat, on legal entities in the amount of three to four thousand manat.

**Article 380. Violation of legislation on electronic signature and electronic document**

380.1. Use of non-certified means of electronic signature and electronic document management—

- shall entail the imposition of a fine on individuals in the amount of fifty to eighty manats, on officials in the amount of five hundred five to seven hundred manats, on legal entities in the amount of three to four thousand manats.

380.2. Failure by the owner of the information security system to ensure the functioning of this system, failure to conduct an examination of the information system in the prescribed manner—

- shall entail the imposition of a fine on individuals in the amount of two hundred to three hundred manats, on officials in the amount of seven hundred to one thousand manats, on legal entities in the amount of five to seven thousand manats.

380.3. Failure to provide the certification services center with the protection of information for creating a signature and information about the owner of the signature, the completeness and accuracy of the information in the certificate, the quality and accuracy of certified services, illegal suspension and revocation of the certificate, untimely notification to the owner of the signature about information that has become known to him, which could affect the use of the certificate—

- shall entail the imposition of a fine on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of three to four thousand manats.

380.4. Lack of equipment and technology that ensure the reliable use of the intermediary's information system when storing, transmitting and receiving electronic documents, knowledgeable, experienced and competent working personnel, conditions allowing to determine the time and source of serviced electronic documents, a reliable system for storing information about the time and source of these electronic documents. documents—

- shall entail the imposition of a fine on individuals in the amount of one hundred to one hundred and fifty manats, on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of two to three thousand manats.

**Article 381. Obstruction of the dissemination of mass media**

Obstructing the distribution of mass media products in accordance with the procedure established by law, or imposing restrictions on the retail sale of the circulation of a periodical print publication not provided for by legislation—

□ shall entail the imposition of a fine on individuals in the amount of one hundred to one hundred and fifty manats, on officials in the amount of three hundred to five hundred manats.

**Article 382. Violation of the rights of journalists**

382.1. Leaving a journalistic inquiry unanswered within the time limits established by law—

□ shall entail the imposition of a fine in the amount of two hundred to three hundred manats.

382.2. Restricting the provision or refusal to provide information to a journalist, except for information protected by law—

□ shall entail the imposition of a fine in the amount of three hundred to five hundred manats.

**Article 383. Violation of the rules for the use of broadcasts (programs) of television and radio broadcasting**

383.1. Creation of artificial interference to the clean reception of TV and radio broadcasting programs—

□ shall entail the imposition of a fine on officials in the amount of three hundred to five hundred manats, on legal entities in the amount of two to three thousand manats.

383.2. The use of programs (programs) of television and radio broadcasting without the permission of television and radio broadcasting organizations, as well as broadcasting, duplication, implementation or mass demonstration of these programs (programs) without the permission of their owner—

□ shall entail the imposition of a fine on officials in the amount of five hundred to six hundred manats, on legal entities in the amount of three to four thousand manats.

**Article 384. Violation of legislation on television and radio broadcasting**

384.0. Violation of broadcasting legislation by TV and radio broadcasters, that is:

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384.0.2. failure to provide copies of control phonograms in accordance with the procedure established by the relevant state body and within the time frame;

384.0.3. failure to provide the population with urgent and free information from state bodies about emergency situations, natural disasters and catastrophes posing a threat to life, health of people and normal activities of settlements;

384.0.4. encouragement of actions harmful to environmental protection;

384.0.5. violation of the rules of television and radio broadcasting via satellite and distribution over the cable network;

384.0.6. non-dissemination by a broadcaster who has violated the requirements of the Law of information on the essence of the appropriate measures of responsibility applied to him at a specified time on his own television and (or) radio channel -

□ shall entail the imposition of a fine on officials in the amount of one thousand five hundred to two thousand five hundred manat, on legal entities in the amount of five thousand to eight thousand manat.

**Article 385. Violation of the rules and conditions of the license in the field of television and radio broadcasting**

Violation of the terms and conditions of the license in the field of television and radio broadcasting—

□ shall entail the imposition of a fine on officials in the amount of one thousand five hundred to two thousand five hundred manat, on legal entities in the amount of five thousand to eight thousand manat.

**Article 386. Broadcasting and mass demonstration of films and video films without registration in the State Register of Films**

Broadcasting and mass demonstration of films and video films on the territory of the Republic of Azerbaijan without registration in the State Register of Films—

□ shall entail the imposition of a fine in the amount of two thousand manats.

**Article 387. Illegal sponsorship of mass media**

Violation of the requirements of the laws of the Republic of Azerbaijan "On Television and Radio Broadcasting" and "On the Mass Media" related to sponsoring the media, including the preparation of television and radio broadcasts (programs) -

□ shall entail the imposition of a fine on individuals in the amount of one thousand to one thousand five hundred manat, on officials in the amount of two thousand five hundred to three thousand five hundred manat, on legal entities in the amount of eight thousand to ten thousand manat.

**Article 388. Abuse of freedom of the media and journalistic rights**

388.0. Abuse of freedom of the media and journalistic rights by the editorial staff (executive editor) of the media and journalists (authors), that is:

388.0.1. disclosure of information prohibited by law for disclosure;

388.0.2. failure to control the preparation of materials published in the print media in accordance with the requirements of the Law of the Republic of Azerbaijan "On Mass Media";

388.0.3. disclosure of information without indicating its source, except for the cases established by the Law of the Republic of Azerbaijan "On Mass Media";

388.0.4. production or distribution of mass media products without reference data or deliberate distortion of reference data—

□ shall entail the imposition of a fine on individuals in the amount of two hundred to three hundred manats, on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of two thousand to three thousand five hundred manats.

**Article 388-1. Placement of information prohibited for dissemination on the Internet information resource or information-telecommunication network, as well as failure to prevent the placement of such information**

388-1.1. Violation of the requirements of the legislation on the placement of information prohibited in the Internet information resource by the owner of the Internet information resource and its domain name or user of the information and telecommunications network, as well as the prevention of placement of such information, ie:

388-1.1.1. allowing the placement of information in the information resource or information-telecommunication network, the dissemination of which is prohibited by the Law of the Republic of Azerbaijan "On information, informatization and protection of information" -

388-1.1.2. failing to take measures established by the Law of the Republic of Azerbaijan "On information, informatization and protection of information" in connection with the seizure of information, the dissemination of which is prohibited in the Internet information resources -

individuals shall be fined from 500 to 1000 manats, officials from 1000 to 1000 manats, or administrative detention for up to 1 month depending on the circumstances of the case, legal entities shall be fined from 1500 to 2000 manats. is done.

388-1.2. If immediately after the Internet information resource is included in the "List of information resources where the dissemination of information is posted", the host provider and Internet providers do not restrict access to the Internet information resource - officials shall be fined from one thousand five hundred to two thousand manats, legal entities from two thousand to two thousand five hundred manats.

Note: Article 388-1.1.1 of this Code shall apply if the act specified in that article does not give rise to criminal liability in accordance with the relevant articles of the Criminal Code of the Azerbaijan Republic.

Article 388-2. Violation of the legislation on protection of children from harmful information [257]

**388-2.0. Violation of the legislation on protection of children from harmful information, ie:**

388-2.0.1. If disseminating information products, the circulation of which is prohibited among children, in places where children can be, without the use of administrative, technical software and equipment;

388-2.0.2. If disseminating information products in the country without ensuring the classification of information products by age in accordance with the Law of the Azerbaijan Republic "On protection of children from harmful information", as well as without marking the product in accordance with the relevant age category, except as provided by this Law;

388-2.0.3. If during the broadcasting of television, film and video services by information broadcasters, before the presentation of each information product, not placing a special frame (page) containing a text indicating the age category of the information product and the age restriction, as well as warnings restricting the dissemination of information among children. ;

388-2.0.4. If when an information product belonging to the "18+" age category is broadcast on TV and radio, not placing the warning about the age category of this information product with a signal during television broadcasting and with sound during radio broadcasting;

388-2.0.5. placement of advertisements on information products intended for children (including telecommunication networks, including information products disseminated via the Internet and cellular (mobile) communication networks) on their involvement in the production of harmful information products;

388-2.0.6. Not placing information on the first and last pages of a printed publication intended for distribution to a limited number of persons, on the front and back covers of zap and other printed products, that this information is prohibited for circulation among children or the distribution of that information product without packaging;

388-2.0.7. for the distribution of information products, the circulation of which is prohibited among children, in educational institutions intended for children, medical, sanatorium-resort, physical education and sports, culture, recreation and health facilities or at a distance of less than one hundred and fifty meters from the borders of these institutions;

individuals shall be fined in the amount of five hundred to one thousand manats, officials in the amount of one thousand five hundred to two thousand five hundred manats, legal entities in the amount of one hundred thousand to four thousand manats.

#### **Article 389. Violation of the rules for providing statistical information**

Failure to provide or untimely provision of information necessary for conducting statistical observations, or distortion of reports—

□ shall entail the imposition of a fine in the amount of three hundred to five hundred manats.

#### **Article 390. Disclosure of statistical secrets**

390.1. Disclosure of statistical secrets, that is, information about legal entities (their representative offices and branches) and individuals without their consent, the transfer of such information to state bodies, enterprises, organizations or individuals who do not have the right to use them—

□ shall entail the imposition of a fine on individuals in the amount of one hundred to two hundred manats, on officials in the amount of three hundred to five hundred manats, on legal entities in the amount of one thousand to two thousand five hundred manats.

390.2. Disclosure of statistical secrets by publishing it in the press—

□ shall entail the imposition of a fine on individuals in the amount of two hundred to three hundred manats, on officials in the amount of five hundred to seven hundred manats, on legal entities in the amount of two thousand to three thousand five hundred manats.

#### **Article 391. Violation of the rules for storage, registration or use of archival documents, documentary collections**

Violating the rules for storing, registering or using archival documents, documentary collections—

□ entails issuing a warning or imposing a fine on individuals in the amount of fifty to eighty manats, on officials in the amount of three hundred to four hundred manats, on legal entities in the amount of one thousand to one thousand five hundred manats.

#### **Article 391-1. Non-submission of documents on notarial acts to the state notarial archive by a person who worked as a private notary**

□ For failure to submit documents on notarial acts performed by a terminated special notary to the state notarial archive within one month -

□ A fine in the amount of three hundred to five hundred manats.

#### **Article 392. Violation of requirements related to supplying libraries with free compulsory copies**

Violation of the requirements of the Law of the Republic of Azerbaijan "On librarianship" related to the supply of libraries with free compulsory copies—

□ shall entail the imposition of a fine on officials in the amount of two hundred manats, on legal entities in the amount of seven hundred manats.