

# THE LAW OF UKRAINE

## On Information

*(Bulletin of the Verkhovna Rada (BVR), 1992, N 48, article 650)*

*(Commenced by Resolution of VR  
N 2658-XII (2658-12 ) dd. 02.10.92, BVR, 1992, N 48, article 651)*

*(see official interpretation to the Law in Decision of Constitutional Court  
of Ukraine N 5-зп (v005p710-97 ) dd. 30.10.97)*

*(With amendments introduced in compliance with the following Laws  
N 1642-III ( 1642-14 ) dd. 06.04.2000, BVR, 2000, N 27, article 213  
N 3047-III ( 3047-14 ) dd.07.02.2002, BVR, 2002, N 29, article 194  
N 676-IV ( 676-15 ) dd. 03.04.2003, BVR, 2003, N 28, article 214  
N 1268-IV ( 1268-15 ) dd. 18.11.2003, BVR, 2004, N 11, article 141  
N 1703-IV ( 1703-15 ) dd. 11.05.2004, BVR, 2004, N 32, article 394  
N 2707-IV ( 2707-15 ) dd. 23.06.2005, BVR, 2005, N 33, article 429 )*

*(In text of the Law (2657-12) the word "confidential" in all declinations  
has been changed to "confidential» in corresponding case in accordance with  
the Law N 1703-IV (1703-15 ) dd. 11.05.2004)*

This Law shall consolidate the right on information for citizens of Ukraine, create legal foundation of information activity. Grounding on Declaration on national sovereignty of Ukraine and Act of its Independence, the Law shall confirm official information sovereignty of Ukraine, define legal forms of international cooperation in information field.

## Part I

### GENERAL PROVISIONS

#### **Article 1. Definition of Information**

By "information" this Law shall mean documented or openly disclosed records on events and facts that take place in society, state and environment.

#### **Article 2. Purpose and task of the Law**

The Law shall set general legal basis of obtaining, use, dissemination and storage of information, consolidate the right of an individual for information in all spheres of social and political life of Ukraine, as well as system of information, its source, define status of participants of international relations, regulate access to information and protect an individual and society from unfair information.

### **Article 3. PURVIEW OF LAW**

Purview of the Law shall cover information relations that take place in all spheres of life and activity of society and state on obtaining, use, dissemination and storage of information.

**(see official interpretation to the article 3 in Decision of Constitutional Court of Ukraine N 5-3n (v005p710-97) dd. 30.10.97)**

### **Article 4. LEGISLATION ON INFORMATION**

Legislation on information shall consist of Constitution of Ukraine (254к/96-BP), this Law, legislation acts on individual fields, types, forms and means of information, international treaties and agreements, ratified by Ukraine as well as principles and standards of international law.

### **Article 5. BASIC PRINCIPLES OF INFORMATION RELATIONS**

The basic principles of information relations shall be:  
Security of right to information;  
Openness, accessibility of information and freedom of its exchange;  
Objectiveness, authenticity of information;  
Completeness and accuracy of information;

**Legality of obtaining, use, dissemination and storage of information.**

### **Article 6. STATE INFORMATION POLICY**

State information policy is an aggregate of main trends and work methods of the state on obtaining, use, dissemination and storage of information  
Main strands of politics and means of state information policy are:  
Guaranteeing of access to information for citizens;  
Creation of national systems and information networks;  
Strengthening material and technical, financial, organizational, legal and scientific grounds of information activity;  
Guaranteeing of effective use of information;  
Favouring on-going update, upgrade and storage of national information resources;  
Creation general system of information protection;  
Favouring international cooperation in information field and guaranteeing of information sovereignty of Ukraine  
Favouring satisfaction of information needs of foreign Ukrainians. (Part two of the article 6 is supplemented by the paragraph in accordance with the Law N 2707-IV (2707-15 ) dd. 23.06.2005)

State information policy shall be developed and implemented by governmental authorities of general competence, as well as relevant authorities of special competence.

### **Article 7. Entities of information relations**

Entities of information relations shall be:  
Citizens of Ukraine;  
Legal entities;  
State.

## **Article 8. Objects of information relations**

**Objects of information relations shall be documented or openly disclosed information on events and facts in field of politics, economics, culture, health protection, as well as in social, ecologic, international and other spheres. (Article 8 with changes introduced in compliance with the Law N 1642-III (1642-14) dd. 06.04.2000)**

## **Article 9. Right to Information**

All citizens of Ukraine, legal entities and governmental authorities shall have the right to information that shall imply the opportunity of free obtaining, use, dissemination and storage of records necessary for enforcement of their rights, freedoms and legal interests, performance of tasks and functions.

Enforcement of right to information by citizens, legal entities and the state shall not violate civil, political, economic, social, spiritual, ecologic and other rights, freedoms and legal interests of our citizens, rights and interests of legal entities.

Every citizen shall be guaranteed free access to information that concerns him personally, except for the cases stipulated by laws of Ukraine.

## **Article 10. Guarantee of right to information**

Right to information shall be guaranteed by:

Obligation of governmental authorities, as well as local and regional governmental authorities to inform on their activity and decisions taken;

Creation of special information services or systems in government authorities that would provide access to information according to the established order;

Free access for subjects of information relations to statistics data, archive, library and museum funds: limitation of this access shall be grounded only by peculiarity of values and special conditions of their storage to be defined by legislation;

Creation of mechanism for implementation of right to information;

Implementation of governmental control for observance of legislation on information;

Establishing responsibility for breach of legislation on information.

## **Article 11. Language of information**

Language of information shall be defined by the Law "On Languages in Ukraine" (8312-11 ), other legislative acts of Ukraine in this field, international treaties and agreements, ratified by Ukraine.

## **Chapter II**

### **INFORMATION ACTIVITY**

## **Article 12. Definition of information activity**

Information activity is complex of actions directed to meeting information needs of citizens, legal entities and the state.

With the purpose of meeting these needs, governmental authorities, local and regional governmental authorities shall establish information services and systems, networks, databases and databanks.

Procedures of their establishment, structure, rights and obligations shall be defined by the Cabinet of Ministers of Ukraine or other governmental authorities, as well as local and regional governmental authorities.

### ***Article 13. Main trends of information activity***

Main trends of information activity shall be: political, economical, social, spiritual, ecological, scientific and technical, international ones, etc.

The State shall be liable to continuously take concern on timely creation, proper operation and development of information systems, networks, databanks and databases in all trends of information activity.

The State shall guarantee freedom of information activity in these trends to all citizens and legal entities within their rights and freedoms, functions and authorities.

### ***Article 14. Main trends of information activity***

Main trends of information activity are obtaining, use, dissemination and storage of information.

Obtaining of information is the process of gathering, acquiring, and accumulation of documented or openly disclosed information by citizens, legal persons or the state in accordance with the legislation of Ukraine.

Use of information is meeting of information needs of citizens, legal persons and the state.

Distribution of information is dissemination, revealing, implementation of documented or openly disclosed information in accordance with the procedure, defined by the legislation of Ukraine.

Storage of information is insurance of proper status of information and its tangible media.

Obtaining, use, distribution and storage of documented or openly disclosed information shall be carried out according to the procedure, stipulated by this Law and other legislative acts in information field.

### ***Article 15. Professional education in information field activity***

Conditions for obtaining professional education in information field activity by means of its educational establishments are being created in Ukraine.

Procedures for setting up educational establishments with specialization in information (journalism, statistics, library services and archive-keeping, scientific and information activity, informatics, computer science, etc) and principles of their activity shall be defined by law of Ukraine "On education" ( 1060-12 ) and other legislative acts.

### ***Article 16. Organization of scientific researches in information activity field***

To insure successful functioning and development of national information systems in Ukraine, fundamental and applied scientific researches in information activity field are performed.

With this purpose, scientific institutions, scientific and manufacturing subdivisions, unions, associations, new information technologies and other institutions are being established, including that of with foreign partnership.

Financing of research and fundamental scientific researches, scientific programs, governmental significance projects in scientific and research institutions are performed at the expense of budgetary allocations, own funds and customer funds.

Financing of applied researches, developments are as a rule performed on contractual basis, and their results can be the object of commodity relations.

### **Chapter III**

#### **FIELDS, TYPES, SOURCES OF INFORMATION AND ACCESS MODE TO IT**

##### ***Article 17. Fields of Information***

Fields of information is aggregate of documented or openly disclosed records on relatively independent spheres of live and activity of society and the state.

Main fields of information are political, economic, spiritual, scientific and technical, social, ecologic and information ones.

##### ***Article 18. Types of Information***

Main types of information are:

- Statistic information;
- Administrative information (data); (Article 18 is supplemented by the third paragraph in compliance with the Law N 3047-III (3047-14 ) dd. 07.02.2002)
- Mass information;
- Information on governmental authorities' activity, local and regional governmental authorities activity;
- Legal information;
- Information on an individual;
- Information of reference and encyclopedic nature;
- Sociologic information;

##### ***Article 19. Statistic information***

Statistic information is official documented state information that provides quantitative characteristics of mass phenomena and processes that take place in economic, social, cultural and other spheres of life. (Part one of the article 19 in the reading of the Law N 3047-III (3047-14 ) dd. 07.02.2002)

Government statistics information shall be the subject for systematic open publishing. Free access for citizens, scientific institutions, concerned organizations shall be provided to unpublished statistic data which are not the subject for limitations, defined by this Law, as well as the Law of Ukraine "On Government statistics" ( 2614-12 ). (Part two of the Article 19 in the reading of the Law N 3047-III (3047-14 ) dd. 07.02.2002)

Statistic information, its sources and mode shall be defined by the Law of Ukraine "On Government Statistic» (2614-12 ) and other legislative acts in this field.

#### **Article 19-1. Administrative information (data)**

Administrative information (data) is official documented data that provide quantitative characteristics of phenomena and processes that take place in economic, social, cultural, other spheres of live and being gathered, used, disseminated and stored by governmental authorities (except for government statistic authorities), local governmental authorities, legal persons in compliance with the legislation with the purpose of performance of administrative liabilities and tasks within their competence.

Administrative information (data) system, powers of authorities engaged in activity connected with gathering and use of administrative data, their source and mode shall be defined in compliance with the legislation.

*(The Law is supplemented by article 19-1 in accordance with the Law N 3047-III  
(3047-14 ) dd. 07.02.2002)*

#### **Article 20. Mass information and its means**

Mass information is openly disseminated printed or audio-visualized information.

Printed mass media is printed periodicals (press), i.e. newspapers, magazines, bulletins, etc, and occasional publications with specified circulation.

Audio-visualized mass media is radio broadcasting, television, motion pictures, sound recordings, video recordings, etc.

Procedures for creation (establishment) and organization of activity of individual mass media shall be defined by legislative acts on such media.

#### **Article 21. Information of Governmental Authorities, Local and Regional Governmental Authorities**

Information of governmental authorities, local and regional governmental authorities is documented information created in the process of current activity of legislative, executive and judicial authorities, local and regional governmental authorities.

Main sources of this information are legislative acts of Ukraine, other acts to be passed by Verkhovna Rada and its authorities, acts of President of Ukraine, subordinate legislation, non-regulatory act of governmental authorities, acts of local and regional governmental authorities.

Information of government authorities and local and regional governmental authorities shall be brought to concerned persons' notice by:

publishing of this information in official printed publications or dissemination by information services of corresponding state authorities and organizations;

publishing of this information in printed mass media or open disclosure through audio and audio-visualized mass media;

direct bringing of this information to concerned persons' notice (in verbal, written or other forms);

granting the possibility of familiarization with archive materials;  
disclosure of it during public speaking of officials;

sources and procedure for obtaining, use, dissemination and storage of official information of governmental authorities and local and regional governmental authorities shall be defined by legislative acts on such authorities.

Legislative and other acts that concern rights, freedoms and legal interests of citizens that are not brought to public's notice shall not have any legal effect.

### **Article 22. Legal information**

Legal information is aggregate of documented or openly disclosed records on law, its system, sources, implementation, legal facts, legal relations, law enforcement, infringement of law, fight with it and preventive measures, etc.

Sources of legal information is Constitution of Ukraine ( 254к/96-BP ), other legislative and delegated regulatory legal acts, international treaties and agreements, rules and principles of international law, as well as non-regulatory legal acts mass media messages, public speaking, other sources of information on legal matters.

With the purpose of granting access to legislative and other regulatory acts to all citizens, the state shall provide publishing of these acts by mass circulation within the shortest terms after they have been commenced.

### **Article 23. Information on an Individual**

Information on an individual is aggregate of documented or openly disclosed records on an individual.

Principal data on a person (personal data) are:

nationality, education, marital status, religion, state of health, as well as addresses, date and place of birth.

Sources of documented information on an individual are documents issued on his name, documents signed by him, as well as records on an individual, gathered by governmental authorities and local and regional governmental authorities within their competence.

It is prohibited to gather records on an individual without his previous consent, except for the case stipulated by legislation.

Every individual shall have the right to get familiarized with information gathered about him.

Information on an individual shall be protected by Law.

(see official interpretation to the article 23 in Decision of Constitutional Court of Ukraine N 5-зп (v005p710-97 ) dd. 30.10.97)

### **Article 24. Information of reference and encyclopedic nature**

Information of reference and encyclopedic nature is systemized, documented or openly disclosed records on social, state life and environment.

Main sources of this information are encyclopedias, glossaries, reference books, advertising messages and announcements, guidebooks, cartographic materials, etc. as well as reference information given by authorized governmental authorities and local and regional governmental authorities, unions of citizens, organizations, their employees and computerized information system.

System of this information, access to it shall be governed by library, archive and other branch legislation.

#### ***Article 25. Sociological information***

Sociological information is documented or openly disclosed records on attitude of individual citizens and social groups toward social events and phenomena, processes and facts.

Main sources of sociological information are documented or openly disclosed records where results of sociologic interviews, monitoring and other sociological researches are reflected.

Sociological researches shall be performed by governmental authorities, union of citizens, registered in accordance with established procedure.

#### ***Article 26. Sources of information***

Sources of information are information media stipulated or established by the Law:  
documents and other information media that are tangible objects, which store information, mass media messages, public speaking.

#### ***Article 27. Document in information relations***

Document is stipulated by the Law a tangible form of obtaining, storage, use and dissemination of information by fixing it on paper, magnetic, motion-, video, photo film or other medium.

Original document is a document that contains source information.

Secondary document is a resulted document of analytical, synthetic and other processing of one or several documents.

#### ***Article 28. Access mode to information***

Access mode to information is stipulated by legal regulations procedure for obtaining, use, dissemination and storage of information.  
According to access mode the information is divided into open information and information with limited access.

The state shall exercise control over access mode to the information.

Control task of access mode to information lies in enforcement of legislation on information by all governmental authorities, enterprises, establishments and organizations, non-admittance of ungrounded attribution of records to the category of information with limited access.

Governmental control over enforcement of specified mode shall be carried out by special authorities defined by Verkhovna Rada of Ukraine and Cabinet of Ministers of Ukraine.

From governmental authorities, ministries and administrations, Verkhovna Rada of Ukraine may require reports that contain records on their activity on granting information to concerned individuals (number of denials in access to information with indication of grounds of such denials; number and grounding of using limited access mode to separate types of information; number of claims to unauthorized use of officials who denied access to information, and implemented measures, etc.), as a control measure.



### **Article 29. Access to opened information**

Access to opened information shall be provided by:  
systematic publication of it in official printed publications (bulletins, digests);  
dissemination of it by mass media;  
direct granting of it to concerned citizens, governmental authorities and legal persons;  
procedure and conditions of granting records to citizens, governmental authorities, legal persons and representatives of community on demand shall be established by this Law or agreements (contracts) if granting of information is performed on contractual basis.  
Limitation of right on obtaining of information shall be banned by the law.

Priority right to obtaining information shall be enjoyed by citizens for whom such information is necessary for performance of their professional duties.

### **Article 30. Information with limited access**

Information with limited access according to its legal status shall be split into confidential and secret one.  
Confidential information is records owned, used or disposed of by individual physical or legal entities and shall be disseminated by their wish in accordance with conditions stipulated by them.

Concerning the information that is the property of the state and is in use of governmental authorities or local governmental authorities, enterprises, establishments and organizations of all types of ownership with the purpose of its storage, a limited access can be established in accordance with the law, i.e. the information can be granted confidential status.

Procedure for inventory, storage and use of documents and other information media that contain mentioned information shall be defined by Cabinet of Ministers of Ukraine. (Article 30 is supplemented by part three in accordance with the Law N 1703-IV (1703-15 ) dd. 11.05.2004)

Confidential information that is the property of the state and is in use of governmental authorities, enterprises, establishment and organizations of all types of ownership cannot be attributed the following records on:

state of environment, quality of food products and comfort items;  
accidents, catastrophes, dangerous natural phenomena and other emergency events that have taken place, can take place and endanger the safety of citizens;

state of health of population, its standards of living, including food, clothes, accommodation, medical service and social maintenance, as well as social and demographic indicators, legal order, educational, cultural state of population;

state of affairs with rights and freedoms of an individual and a citizen, as well as facts of their violation;

unlawful actions of governmental authorities, local governmental authorities, their officials and employees;

Other information the access to which shall not be limited in accordance with the legislation of Ukraine and international treaties, consent to be bound by which has been given by Verkhovna Rada of Ukraine.

(Article 30 is supplemented by part four in accordance with the Law N 1703-IV (1703-15 ) dd. 11.05.2004)

Citizens, legal persons that own information of business, industrial, banking, commercial and other nature, obtained at their own expense, or such that is the subject of their professional, business, industrial, banking, commercial and other interest and does not violate secret stipulated by the law, shall independently define the access mode to it, including its attribution to confidential category and set security system for it.

The exception shall be information of banking and commercial nature, as well as information the legal status of which is set by Verkhovna Rada of Ukraine on the suggestion of Cabinet of Ministers of Ukraine (on issues of statistics, ecology, banking operations, taxes, etc.) and information holding back of which endangers life and health of people.

To secret information belongs information that contains records which make governmental and other secret stipulated by the law, disclosure of which harms society and the state.

Attributing information to the category of secret records that make up state secret and access to it by citizens shall be performed in accordance with the law on this information.

Secret information circulation procedure and its protection shall be defined by relevant governmental authorities on condition of compliance with the requirements, established by this Law.

Procedure and terms of secret information disclosure shall be defined by the relevant law.

Limited access information can be disseminated without consent of its owner if this information is socially significant, i.e. if it is the subject of public interest and if the right of public to know this information prevails the right of its owner to its security.

(Article 30 is supplemented by part in accordance with the Law N 676-IV (676-15 ) dd. 03.04.2003)

### **Article 31. Access of citizens to information on them**

Citizens shall be entitled to:

In period of gathering information on them to know what records and with what aim is being gathered, in what way, by whom and with what purpose those records is being used.

Access to information on them, deny its accuracy, completeness, relevancy, etc.;

Governmental authorities and organizations, local and regional governmental authorities, information systems of which contains information on citizens shall be liable to grant it unobstructedly and free of charge at the request of individuals whom it concerns, except for the cases stipulated by legislation, as well as implement measures against unauthorized access to it. In case of violation of these requirements the Law shall guarantee protection of citizens against damage caused to them in the result of use of such information.

Access to records on other individuals gathered in accordance with the current legislation by governmental authorities, organizations and officials shall be denied to other unauthorized persons.

Storage of information on citizens shall not be longer then it is necessary for lawfully set goal.

All organization involved in gathering information on citizens, before the start of work shall perform state registration of relevant data base in accordance with the procedure established by Cabinet of Ministers of Ukraine.

Necessary data volume for citizens, that can be obtained lawfully shall be maximally limited and can only be used for lawfully set goal.

Denial in access to such information or holding it back or unlawful gathering, use, storage or dissemination of it can be contested in courts.

(see official interpretation to the article 31 in Resolution of Constitutional Court of Ukraine N 5-зп (v005p710-97 ) dd. 30.10.97)

### **Article 32. Information inquiry concerning access to official documents and inquiry for granting written or verbal information**

Under information inquiry (hereinafter referred to as «inquiry») that concerns access to official documents this law means application on granting the possibility to get familiarized with official documents. Inquiry can be individual or collective one. It shall be submitted in writing.

A citizen shall have the right to apply to governmental authorities and require granting of any official document, irrespectively of the fact if this document concerns him directly or not, except for the cases of access limitation, stipulated by this Law.

Under inquiry to grant written or verbal information, this law means application with the requirement to grant written or verbal information on activity of legislative, executive or judicial authorities of Ukraine, their officials on special issues.

Citizens of Ukraine, governmental authorities, organizations and unions of citizens (hereinafter referred to as «inquirers») shall submit inquiry to relevant legislative, executive or judicial authorities of Ukraine, their officials.

The inquiry shall contain surname, name and second name of inquirer, document, written of verbal information he is interested in, and address to which he wishes to receive the reply.

Legislative, executive or judicial authorities of Ukraine, their officials shall grant information that concerns their activity in writing or verbal, over telephone or using public speaking of their officials.

### **Article 33. Inquiry examination term concerning access to official document**

Inquiry examination term concening the possibility of meeting it shall not exceed ten calendar days.

Within the stated term a governmental authority shall bring to the inquirer's notice in writing that his inquiry will be met or inquiry is not the subject of granting for familiarization.

Meeting an inquiry shall be performed within a month, if otherwise is not stipulated by law.

Analogical term of examination shall be specified for inquiry on granting of written information as well.

### **Article 34. Denial and delay in meeting inquiry concerning access to official documents**

Denial in meeting inquiry shall be brought to inquirer's notice in writing with explanation of lodging a complaint procedure against the decision taken.

Denial shall contain the followings:

- 1) official of governmental authority that denies in meeting inquiry;
- 2) date of denial;
- 3) motivated grounds of denial.

Delay in meeting inquiry is accepted if the document inquired cannot be granted for familiarization within one month term. Notification of delay shall be brought to inquirer's notice in writing with explanation of lodging a complaint procedure against the decision taken.

Notification of delay shall contain the followings:

- 1) official of governmental authority who denies in meeting inquiry within specified one month term;
- 2) date of sending or delay notification issue;
- 3) reasons by which the inquired document cannot be granted within the term specified by this Law.
- 4) term within which the inquiry will be met.

Denial and delay of meeting inquiry as to the granting of written information shall be carried out according to analogical procedure.

**Article 35. Lodging a complaint against denial and delay of meeting inquiry concerning access to official document**

A complaint can be lodged against denial and delay of meeting inquiry.

In case of denial in granting document for familiarization or delay in meeting inquiry, an inquirer has the right to lodge complaint against denial or delay to the authority of higher level.

If to a complaint, submitted to higher level authority, a negative reply is given, the inquirer has the right to appeal to court.

In case when an inquirer has appealed to court, the obligation to prove legality of denial or delay of meeting inquiry shall be laid upon defendant, a governmental authority.

In order to ensure completeness and objectiveness of case examination a court shall be entitled to ask official documents, the possibility to get familiarized with which has been denied, and upon examination of these documents take the decision on validity (or invalidity) of actions of governmental authority officials.

If denial or delay has been acknowledged as invalid one, a court shall bind governmental authority to grant an opportunity to inquirer to get familiarized with official document and separately discerns on officials who denied the inquirer.

Invalid denial in granting the opportunity to get familiarized with official document or violation of specified term of its granting without legitimate excuse entails disciplinary and other responsibility of governmental authority officials according to the procedure established by the laws of Ukraine.

Official documents, granted on inquiries by legislative, executive and judicial authorities of Ukraine can be published.

Inquirers have the right to copy out notes from official documents granted to them for familiarization, make photo of them, record text on magnetic tape, etc. Owner of document has the right to make copies of inquired documents upon inquirer's request.

Work on search of official document shall not be subject for payment. Lodging complaints against denial and delay of meeting inquiry as to the granting of information in writing shall be carried out according to analogical procedure.

**Article 36. Procedure for reimbursement of expenses connected with meeting of inquires, that concern access to official information and granting information in writing**

Inquirers shall partially or fully reimburse expenses, connected with performance of inquiries that concern access to official information and granting information in writing.

Payment procedure for copies of inquired documents shall be defined by government authorities.

Cabinet of Ministers of Ukraine or other governmental institutions shall specify procedure and amount of payment for works on gathering, search, preparation, creation and granting inquired information in writing, the amount shall not exceed real expenditures, connected with inquiries accomplishment.

**Article 37. Documents and information that are not the subject to familiarization upon inquiries**

Official documents are not the subject to obligatory familiarization under information inquiries, if such documents contain:

information, acknowledged as a state secret according to the established order;

confidential information;

Information on operational and investigation work of public prosecution offices, Ministry of Internal Affairs, National Security Service of Ukraine, work of investigative agency and court in cases when disclosure of such information may harm operational measures, investigation, violate the right of an individual to fair and objective case examination by court, create situation that threatens life or health of any individual;

Information that concerns private life of citizens;

Documents that make up intra-departmental official correspondence (relevant notices, correspondence among subdivisions, etc) if these are connected with institution profile development, decision taking process and are preliminary to decisions taking;

Information that is not the subject to disclosure in compliance with other legislative or regulatory acts. Institution to which the inquiry is submitted has the right not to grant the document for familiarization if it contains information that is not the subject to disclosure on the basis of regulatory act of other governmental authority, and the governmental authority that examines the enquiry shall not be entitled to rise a question as to its disclosure;

Financial institution information, prepared for monitoring and financial administrations;

### ***Article 38. Property right to information***

Property right to information is regulated by law social relations on ownership, use and disposal of information.

Information is the object of property right of citizens, organizations (legal persons) and the state. Information can be the object of property right in full volume as well as the object of ownership, use and disposal.

Owner of information shall have to right to perform any legal actions toward the objects of his ownership.

Grounds for accruing property right to information shall be:  
creation of information by ones own efforts and at ones own expense;  
agreement on creation of information;  
agreement that contains conditions of transfer of ownership to information to other individual.

Information created by several citizens or legal persons is a collective property of its creators. Procedures and rules for use of such property shall be defined by agreement entered into between owners.

Information created by organizations (legal persons), or obtained by them in other legal way is the property of these organizations.

Information created at the expense of state budget is a state property. Information created on individual property rights can be attributed to state property in case of its transference for storage in relevant data banks, funds or archives on contractual basis.

Owner of information has the right to appoint a person who exercises ownership, use and disposal of information, as well as establishes other conditions for the information.

### ***Article 39. Information as a subject of sale***

Information products and information services of citizens and legal persons who are involved in information activity can be objects of commodity relations regulated by civil and other legislation in force.

Prices and price formation for information products and information services shall be defined by agreements, except for the cases stipulated by the Law.

#### **Article 40. Information products**

Information product is tangible result of information activity, designed for meeting information needs of citizens, governmental authorities, enterprises, institutions and organizations.

#### **Article 41. Information service**

Information service is carrying out information activity according to form defined by the law on promotion of information products to consumers with the purpose to meet their information needs.

### **Chapter IV**

#### **PARTICIPANTS OF INFORMATION RELATIONS**

##### **THEIR RIGHTS AND OBLIGATIONS**

#### **Article 42. Participants of information relations**

Participants of information relations are citizens, legal persons or the state who gain the right and obligations stipulated by law in process of information activity.

Principle participants of these relations are authors, consumers, promoters, keepers (guardians) of information

#### **Article 43. Rights of participants of information relations**

Participants of information relations have the right to obtain (produce, gain), use, disseminate and store information in any form with the use of any means, except for the cases, stipulated by the law.

Every participant of information relations to secure his rights, freedoms and legal interests has the right to obtain information on:

activity of governmental authorities;

activity of people's deputies;

activity of local and regional governmental authorities and local administration;

***that concerns him personally.***

#### **Article 44. Obligations of participants of information relations**

Participants of information relations shall be liable to:

respect information rights of other parties;

use information in compliance with the law or agreement (contract);

ensure following the principles of information relations, stipulated by article 5 of this Law;

ensure access to information for all consumers on the conditions stipulated by the law or agreement;

Keep it in proper state during the established period and grant to other citizens, legal persons or state authorities according to the procedure stipulated by the law;

Reimburse damage, caused by infringement of legislation on information;

## Chapter V

### **PROTECTION OF INFORMATION. LIABILITY FOR INFRINGEMENT OF LEGISLATION ON INFORMATION**

#### **Article 45. Protection of right to information**

Right on information shall be protected by law. The state shall guarantee all participants of information relations equal rights and opportunities of access to information.

No one has the right to limit the right of an individual in choosing forms and sources for obtaining information, except for the cases, stipulated by legislation.

Holder of right to information can require elimination of any infringements of his right.

It is prohibited to confiscate printed periodicals, exhibits, and information banks, documents from archival, librarian, museum funds and destroying them out of ideological or political considerations.

#### **Article 45-1. Prohibition of censorship and prohibition of intervention into professional activity of journalists and mass media on the part of governmental authorities or local governmental authorities, their officials**

Censorship as a requirement, directed to mass medium, journalist, editor in chief, organization that issue mass medium, its founder (co-founder), editor, distributor, to preliminary coordinate information to be disseminated (except for the cases when such requirement is originated by author of this information of other copyright holder and (or) common right to it) and/or imposing prohibition (except for cases when such prohibition has been imposed by court) or any other obstruction to circulation or dissemination of information on the part of governmental authorities or local governmental authorities, their officials, shall be prohibited.

It is prohibited intervention in forms that are not stipulated by the legislation of Ukraine, or agreement entered into between founder (co-founders) and editorial office of mass medium, into professional activity of journalists, control over content of information to be disseminated on the part of founders (co-founders) of mass media, governmental authorities or local governmental authorities, officials of such authorities, including that with the purpose of dissemination of non-dissemination of certain information, suppression of socially significant information, imposing prohibition on appearance of certain persons or dissemination of information on them, prohibition on criticism of governmental authorities or local governmental authorities, or their officials.

It is prohibited to establish any governmental authorities, institutions, introduce positions on which the duties on exercising control over content of information to be disseminated by mass media are imposed.

Proper obstruction to legal professional activity of journalists and/or prosecution of a journalist for performance of professional duties, criticism, conducted by an official or group of persons with prior conspiracy shall entail criminal responsibility accordance with Criminal Code of Ukraine

(2341-14 ).

Powers of governmental authorities on mass media activity issues shall be defined exclusively by the Constitution (254к/96-BP ) and laws of Ukraine (*The Law is supplemented by article 45-1 in accordance with the Law N 676-IV (676-15 ) dd. 03.04.2003*)

**Article 46. Inadmissibility to abuse right to information**

Information shall not be used to call for overthrow of constitutional system, territorial disintegration of Ukraine, propaganda of war, violence, brutality, working up race, national, religious hostility, terrorist attacks, encroach on rights and freedoms of an individual. (Part one of the article 46 with changes introduced in accordance with the Law N 1268-IV (1268-15 ) dd. 18.11.2003)

Records that make up state or other stipulated by law secret shall not be the subject for disclosure.

Records that concern medical secret, money deposits, incomes from business activity, adoption, correspondence, telephone conversations and telegraph messages, except for the cases stipulated by law, shall not be disclosed.

**Article 47. Responsibility for violation of legislation on information**

Violation of legislation on information entails disciplinary, civil and legal, administrative or criminal responsibility in accordance with the legislation of Ukraine.

Responsibility for violation of legislation on information shall be born by individuals guilty in committing such violations as:

ungrounded denial from granting relevant information;

granting information that does not meet reality;

untimely granting of information;

deliberate concealing of information.

forcing to disseminate or creating obstacles for dissemination of certain information, as well as censor; (Paragraph six of the article 47 in the reading of the Law N 676-IV (676-15 ) dd. 03.04.2003)

dissemination of records that do not correspond to reality, dishonour dignity and honour of an individual;

ungrounded denial to disseminate certain information;

( Article 47 is supplemented by paragraph eight in accordance with the Law N 676-IV

( 676-15 ) dd. 03.04.2003 )

use and dissemination of information concerning private life of a citizen without his consent by an individual who is the owner of relevant information in the result of performance his official duties;

disclosure of state or other secret, that is protected by law, by an individual who shall protect this secret;

violation of storage information procedure;

deliberate information destruction;

ungrounded attribution of separate types of information to the category of records with limited access;

Violation of handling, storage and use procedure for documents and other information media that contain confidential information, which is the property of the state. (Part two of the article 47 is supplemented with the paragraph in accordance with the Law N 1703-IV (1703-15 ) dd. 11.05.2004)

(*see official interpretation to the article 47 in Resolution of Constitutional Court of Ukraine N 5-зп (v005p710-97 ) dd. 30.10.97*)



### **Article 47-1. Exemption from liability**

No one shall be held liable for utterance of evaluative judgements.

Evaluative judgements, except for insult or slander, are utterances that do not contain factual evidences, including critics, assessment of actions as well as utterances that cannot be interpreted as ones that contain factual evidences taking into account nature of linguistic means, including the use of hyperboles, allegories, satire. Evaluative judgements shall not be the subject to contradiction and proof of their truthfulness

An individual shall be exempt from liability for disclosure of information with limited access, if court renders the decision that this information is socially significant.

Additional grounds for exemption from liability of mass media and journalists shall be defined by the following laws: "On printed mass media (press) in Ukraine" ( 2782-12 ), "On television and radio broadcasting " ( 3759-12 ), "In information agencies " ( 74/95-BP ) and "State support of mass media and social protection of journalists " ( 540/97-BP ).  
(The Law is supplemented by article 47-1 in accordance with the Law N 676-IV (676-15 ) dd. 03.04.2003)

### **Article 48. Procedure of appealing against unlawful acts**

In case on committing by governmental authorities, local and regional authorities and their officials, as well as political parties, other unions of citizens, mass media, state organizations which are legal entities and individual citizens, of unlawful acts, stipulated by this Law, these acts shall be the subject to appealing to authorities of higher level or to a court.

Complaints against unlawful acts of officials shall be submitted to authorities of higher level to which these officials are subordinated.

If a complaint submitted to the authority of higher level has not been satisfied, a citizen or legal entity concerned has the right to appeal unlawful acts of officials to a court.

(see official interpretation to the article 48 in Resolution of Constitutional Court of Ukraine N 5-зп (v005p710-97 ) dd. 30.10.97)

### **Article 49. Compensation of material and moral damage**

In case when infringement of law, committed by subject of information activity has caused material or moral damage to physical or legal entities, the persons in fault shall compensate it voluntary or on the basis of court decision.

Governmental authorities, local and regional authorities acting as plaintiffs in cases on honor, dignity and good name protection, shall be entitled to require compensation of moral (no pecuniary) damage. This shall not exempt an official of governmental authority or local governmental authority from the right to dignity and good name protection at a court.

(Article 49 in the reading of the Law N 676-IV (676-15 ) dd. 03.04.2003)

## Chapter VI

### **INTERNATIONAL INFORMATION ACTIVITY. COOPERATION WITH OTHER STATES, FOREIGN INTERNATIONAL**

#### **ORGANIZATION IN FIELD OF INFORMATION**

##### ***Article 50. International information activity***

International information activity lies in provision of citizens, governmental authorities, enterprises and organizations with officially documented or openly disclosed information on foreign and economic activity of Ukraine, events and phenomena in other states, as well as purposeful dissemination outside Ukraine of comprehensive information on Ukraine by governmental authorities, mass media and citizens. Citizens of Ukraine have the right to free and unobstructed access to information through foreign sources, including direct television communication, radio broadcasting, and printed press.

Legal status and professional activity of accredited in Ukraine foreign journalists and other representatives of foreign mass media, as well as information activity of diplomatic, consular and other official representatives of foreign states in Ukraine shall be governed by legislation of Ukraine, relevant international treaties, ratified by Ukraine.

Establishing and activity of joint organization in the field of information with participation of domestic and foreign legal entities and citizens shall be governed by legislation of Ukraine.

If international treaty does not establish other rules, as contained in legislation of Ukraine concerning regulation of relations in the field of information, then regulations of international treaty ratified by Ukraine shall apply.

##### ***Article 51. International Treaties***

International cooperation in the field of information on matters that present mutual interest shall be carried out on the basis of international treaties, entered into between Ukraine and legal entities involved in information activity.

Governmental authorities and other legal entities involved in information activity can directly exercise their foreign and economic activity in their own interests, as well as in the interests of individual and collective consumers they render services to, and whom they guarantee obtaining of foreign information.

##### ***Article 52. Export and Import of information products (services)***

Export and Import of information products (services) shall be performed in accordance with legislation of Ukraine on foreign and economic activity.

##### ***Article 53. Information sovereignty***

Basis of information sovereignty of Ukraine is national information resources.

Information resources of Ukraine comprise all information owned by it, irrespective of content, forms, time and place of creation. Ukraine shall independently form information resources in its territory and make free disposal of them, except for cases stipulated by the laws and international treaties.

***Article 54. Warranties of information sovereignty of Ukraine***

Information sovereignty of Ukraine shall be insured by:  
exclusive property right of Ukraine to information resources, formed at the expense of state budget.  
creation of national information systems;  
setting up access mode to information resources of Ukraine for other states;  
use of information resources on the basis of equal cooperation with other states.

President of Ukraine

L. KRAVCHUK

KYIV, October 2, 1992  
N 2657-XII