

LAW OF UKRAINE

On personal data protection

(Journal of the Verkhovna Rada of Ukraine (VRJ), 2010, No. 34, article 481)

{Amended according to the Law

[No. 4452-VI d.d.23.02.2012](#), VRJ, 2012, no. 50, 564

[No. 5491-VI from 20.11.2012](#), VRJ, 2013, no. 51, 715

[# 245-VII from 16.05.2013](#), VRJ, 2014, no. 12, 178

, no. 383-VII from 03.07.2013, VRJ, 2014, no. 14, item 252

[# 1170-VII from 27.03.2014](#), VRJ, 2014, no. 22, item 816

[# 1262-VII from 13.05.2014](#), VRJ, 2014, no. 27, 914

[# 316-VIII from 09.04.2015](#), VRJ, 2015, no. 26, no. 218

[675-VIII from 03.09.2015](#), VRJ, 2015, no. 45, item 410

[# 1774-VIII from 06.12.2016](#), VRJ, 2017, # 2, article 25

[# 2168-VIII from 19.10.2017](#), VRJ, 2018, no. 5, 31}

{In the text of the law the words "controller of personal database" and "processor of personal database" in all cases and numbers shall be replaced with the words "personal data controller" and "personal data processor" in the appropriate case and number according to the law [No. 5491-VI of 20.11.2012](#)}

Article 1. Scope of the Law

This Law regulates legal relations concerning protection and processing of personal data and aims to protect the fundamental human and citizens' rights and freedoms, particularly the right to privacy in relation to the processing of personal data.

This Law applies to personal data processing activities performed, fully or partially, by automated means, as well as to processing of personal data stored in a file folder or assigned to be included in it, with the use of non-automated means.

{Part three of article 1 excluded on the basis of law [No. 383-VII from 03.07.2013](#)}

{Part four of article 1 excluded on the basis of law [No. 383-VII from 03.07.2013](#)}

{Article 1 as amended by law [No. 5491-VI from 20.11.2012](#)}

Article 2. Definition of terms

The following definitions are used in the present Law:

'Base of personal data (personal database)' means a named aggregate of organized personal data in electronic form and/or in a form of a filing system;

personal data controller means a natural or a legal person that decides what should be the purpose of the personal data processing, what personal data should be stored and what processing operations should be applied to them, unless otherwise stipulated by the law;

{The third paragraph of article 2, as amended by the law [No. 5491-VI from 20.11.2012](#); as amended by law [No. 383-VII from 03.07.2013](#)}

'Personal data subject's consent' means a voluntary declaration of will by an individual provided he or she has been properly informed, to grant permission to process his/her personal data in accordance with the purpose of processing stated in a written or any other form that allows to conclude that the permission has been granted; In the area of e-commerce personal data subject's consent can be provided during the registration of the subject in the information and telecommunication system of e-commerce by ticking the mark for permission to process his/her personal data in accordance with the objective set out for processing, provided that such a system does not create opportunities for the personal data processing before ticking the mark;

{Paragraph four of article 2 as amended by law [No. 1262-VII from 13.05.2014](#); amended pursuant to law [No. 675-VIII from 03.09.2015](#)}

{paragraph five of article 2 excluded on the basis of law [No. 383-VII from 03.07.2013](#)}

‘Depersonalization of personal data’ means withdrawal of information that allows to directly or indirectly identify a person;

{paragraph six of article 2, as amended by the law [No. 5491-VI from 20.11.2012](#)}

- ‘Filing system’ means any structured set of personal data which are accessible according to specific criteria whether centralized, decentralized, or dispersed on a functional or geographical basis;

{Article 2 is supplemented by term according to the Law [No. 5491-VI of 20.11.2012](#)}

‘personal data processing’ (hereinafter referred to as ‘processing’) means any operation or set of operations such as collection, registration, accumulation, storage, adaptation, alteration, updating, use and dissemination (distribution, sale, transfer), depersonalization, destruction of personal data which in particular may involve the use of information (automated) systems;

{Paragraph of article 2 as amended by law [No. 5491-VI from 20.11.2012](#)}

‘Recipient’ means a natural or legal person, including a third party, to whom personal data are disclosed;

{Article 2 is supplemented by term according to the Law [No. 5491-VI of 20.11.2012](#)}

‘Personal data’ mean information or aggregate information about a natural person who is identified or may be identified;

‘personal data processor’ means a natural person or legal entity that obtained the right to process such data on behalf of the controller of personal data or according to the law;

{paragraph eleven of article 2, as amended by the law [No. 5491-VI from 20.11.2012](#)}

‘Personal data subject’ means an individual whose personal data are processed;

{Paragraph twelve of article 2 of the law [No. 383-VII from 03.07.2013](#)}

- ‘Third person’ means any person, except a personal data subject, controller or processor of personal data and the Ukrainian Parliament Commissioner for Human Rights, to whom controller or processor of personal data transfers these data according to legislation.

{Paragraph thirteen of article 2 of law [No. 383-VII from 03.07.2013](#)}

Article 3. The legislation on personal data protection

Legislation on protection of personal data consists of the [Constitution of Ukraine](#), this Law, other laws and subordinate legislation, international treaties which were approved as binding by the Verkhovna Rada of Ukraine.

Article 4. Subjects of relations connected to personal data

1. The subjects of relations connected to personal data are as follows:

- personal data subject;
- personal data controller;
- personal data processor;
- the third person;

Ukrainian Parliament Commissioner for human rights (hereinafter the Commissioner).

{The paragraph six of article 4 as amended by law [No. 383-VII from 03.07.2013](#)}

{The paragraph seven of article 4 on the basis of law [No. 5491-VI from 20.11.2012](#)}

2. State enterprises, institutions and organizations, irrespective of the form of their ownership, bodies of state power or local self-government, private entrepreneurs who process personal data in accordance with the legislation, may be controllers or processors of personal data.

3. The processor of personal data controlled by a body of state power or local self-government, besides this body, may be only a legal entity of state or communal ownership which acts in the sphere of administration of such a body.

{Part three of article 4 as amended by law [No. 5491-VI from 20.11.2012](#)}

4. A personal data controller may authorize personal data processor to process personal data in accordance with a contract executed in writing.

{Article 4 supplemented by part 4 according to the law [No. 5491-VI from 20.11.2012](#)}

5. A personal data processor may process personal data solely for the purpose and to the extent established by the contract.

{Article 4 supplemented by part five according to the law [No. 5491-VI from 20.11.2012](#)}

Article 5. The objects of protection

1. the Object of protection are personal data.

2. Personal data can be referred to as confidential information about a person by law or by a relevant person. Personal data relating to the exercising by a person, who holds the position associated with fulfillment of functions of the state or local self-government, his or her official or service authorities is not confidential information.

3. Personal data referred to in the declaration of assets, income, expenses and financial obligations issued under a form and in a manner established by the [Law of Ukraine 'On Principles of Prevention and Combating Corruption'](#) is a non-classified information, except for data determined by the Law of Ukraine 'On principles of Prevention and Combating Corruption'.

Information about obtaining in any form of budget funds, state or communal property by an individual is not a restricted information, except for cases provided for by [Article 6 of the Law of Ukraine 'On access to public information'](#).

A law may prohibit referring other information that are personal data to restricted information.

{Article 5 as amended by law [No. 5491-VI from 20.11.2012](#); as amended by law [No. 1170-VII from 27.03.2014](#)}

Article 6. General requirements to personal data processing

1. The purpose of personal data processing must be clearly formulated in laws and other subordinate legislation, regulations, constitutive or other documents that regulate activity of the controller of personal data, and conform to legislation on personal data protection.

Personal data processing shall be conducted openly and transparently with means and in a manner that correspond to the defined purposes of such a processing.

{Part one of article 6 is supplemented by new paragraph pursuant to law [No. 5491-VI of 20.11.2012](#)}

In case of change of the specified purpose of the processing of personal data for a new purpose that is incompatible with prior one, for further processing of personal data, the controller shall, unless otherwise provided by law, obtain the consent of the personal data subject for the processing of the data according to the new purpose.

{Paragraph three of article 6 as amended by law [No. 5491-VI from 20.11.2012](#); as amended by law [No. 383-VII from 03.07.2013](#)}

2. Personal data shall be accurate, authentic, and updated where necessary with regard to the purpose of their processing.

{Part two of article 6 as amended by law [No. 5491-VI from 20.11.2012](#)}

3. The composition and content of personal data shall be appropriate, adequate and non-excessive with regard to the purpose of their processing.

{paragraph one of part three of article 6, as amended by the law [No. 5491-VI from 20.11.2012](#)}

{paragraph two of part three of article 6 as amended by the law [No. 5491-VI from 20.11.2012](#)}

4. Primary sources of information about an individual shall be the documents issued in this person's name; documents signed by the person; information which the person provides about himself/herself.

5. Processing of personal data shall be conducted for specific and legal purposes, determined by the consent of personal data subject or, in certain cases, provided for by laws of Ukraine, in a manner prescribed by the legislation.

6. Processing of data about an individual that is classified information shall be prohibited without such person's consent, except for the cases stipulated by laws of Ukraine and only in the interests of national security, economic welfare and human rights.

{Part sixth of article 6 as amended by law [No. 1170-VII from 27.03.2014](#)}

7. In case it is necessary to protect vital interests of the personal data subject, his or her personal datamay be prossesed without his or her consent until the moment it is possible to obtain such a consent.

8. Personal data shall be processed in the form that permits identification of a natural person whom they concern, within the term no more than it is necessary according to the legal purpose with regard to which they were collected and processed.

Further processing of personal data for historical, statistical or scientific purposes may be carried out provided that their proper protection is ensured.

{Part eight of article 6 as amended by law [No. 383-VII from 03.07.2013](#)}

{Part nine of article 6 is excluded on the basis of law [No. 383-VII from 03.07.2013](#)}

10. A typical procedure for personal data processing is approved by the Commissioner.

{Part ten of article 6 as amended by the Laws [No. 4452-VI d.d.23.02.2012](#), [no. 5491-VI from 20.11.2012](#); as amended by Laws [No. 383-VII from 03.07.2013](#) [No 1262-VII from 13.05.2014](#)}

Article 7. Particular requirements with regard to processing of personal data

1. The processing of personal data shall be prohibited if such data are about racial or ethnic origin,political views, religious or other convictions, membership in political parties and trade unions,criminal record as well as if data relate to health or sexual life, biometric or genetic information.

{Part one of article 7 as amended by law [No. 5491-VI from 20.11.2012](#); as amended by law [No. 383-VII from 03.07.2013](#)}

2. Provisions of paragraph one of this Article shall not apply if processing of personal data:

1) is conducted in case the personal data subject gives an explicit consent to the processing of such data;

2) is necessary for exercising rights and fulfilling duties of controller of personal data in the sphere of labor legal relations according to the law with ensuring the relevant protection;

{Item 2 of part two of article 7 as amended by law [No. 5491-VI from 20.11.2012](#)}

3) is necessary for protection of the vital interests of the personal data subject or any other person in case of incapability or limitation of civil capability of the personal data subject;

{Item 3 of part two of article 7 as amended by law [No. 5491-VI from 20.11.2012](#)}

4) is carried out with a relevant protection by religious or civil society organization of world outlookorientation, a political party or trade union, established according to the law, if such processingconcerns only personal data of members of these associations or persons who are in constant contactwith them with regard to the nature of their activities, and if personal data are not transferred to thethird person without consent of the personal data subjects;

{Item 4 of part two article 7 as amended by law [No. 5491-VI from 20.11.2012](#)}

5) is necessary for substantiation, satisfaction or protection of a legal claim;

6) is necessary for the purposes of health care, establishing a medical diagnosis, for care or treatment or medical services, operation of electronic health care systems, provided that such data are processed by a health professional or another employee of health care institution or a natural person-entrepreneur, who has obtained a license to conduct business activities in the from of medical practice, and its employees, who are obliged to ensure personal data protection and who are subjects of the laws on medical secrecy, employees of the central body of the executive power, implementing the State policy in the sphere of State financial guarantees of public medical care, who are vested with responsibilities of ensuring personal data protection;

{Item 6 of part two of article 7, as amended by Laws [No. 5491-VI from 20.11.2012](#) [No 2168-VIII from 19.10.2017](#)}

7) concerns court sentences, performance of tasks of operational and search or counter intelligence activities, fight against terrorism by a state body within its jurisdiction defined by the law;

{Item 7 of part two of article 7 amended by law [No. 245-VII from 16.05.2013](#); as amended by law [No. 383-VII from 03.07.2013](#)}

8) concerns data that were clearly disclosed by the personal data subject.

{Item 8 of part two of article 7 as amended by the law [No. 383-VII from 03.07.2013](#)}

Article 8. Rights of Personal Data Subject

1. Personal non-property rights to personal data that each individual is entitled to are inalienable and inviolable.

2. The personal data subject shall have the right to:

1) know about the sources of collection, location of his/her personal data, purpose of their processing, location and/or place of residence (temporary residence) of the controller or processor of personal data, or to issue a respective request on obtaining such information to the authorized persons, except for cases established by the law;

{Item 1 of part two of article 8 amended by law [No. 5491-VI from 20.11.2012](#); as amended by the law [No. 383-VII from 03.07.2013](#)}

2) receive information on conditions of access to personal data, in particular information about third persons his/her personal data are transferred to;

{Item 2 of part two of article 8 amended by law [No. 5491-VI from 20.11.2012](#)}

3) access to his/her personal data;

{Item 3 of part two of article 8 as amended by law [No. 5491-VI from 20.11.2012](#)}

4) receive a response with regard to whether his/her personal data are processed as well as to receive information on the content of his/her personal data within the period that is no longer than 30 days since the moment the relevant request was received, unless otherwise prescribed by law;

{Item 4 of part two article 8 as amended by law [No. 383-VII from 03.07.2013](#)}

5) submit a motivated request to controller of personal data with objection against processing of his/her personal data;

{Item 5 of part two of article 8 as amended by law [No. 5491-VI from 20.11.2012](#)}

6) submit a motivated request to change or delete his/her personal data by any controller and processor of personal data, if such data are processed illegally or are inaccurate;

{Item 6 of part two of article 8 amended by law [No. 5491-VI from 20.11.2012](#)}

7) protect his/her personal data from illegal processing and accidental loss, destruction, damage due to a deliberate concealing, failure to provide them or provision of such data with delay, as well as to protection from provision of data which are inaccurate or disgraceful for the honor, dignity and business reputation of an individual;

8) lodge complaints on his/her personal data processing to the Commissioner or courts;

{Item 8 of part two of article 8 as amended by law [No. 5491-VI from 20.11.2012](#); amended by law [No. 383-VII from 03.07.2013](#)}

9) use legal remedies in case of violation of legislation on protection of personal data;

10) submit reservations in respect of restricting the right to process his/her personal data while providing his/her consent;

{Part two of article 8, is supplemented with paragraph 10 according to the law [No. 5491-VI from 20.11.2012](#)}

11) withdraw consent to the processing of his/her personal data;

{Part two of article 8 is supplemented with paragraph 11 in accordance with law [No. 5491-VI from 20.11.2012](#)}

12) know the automatic mechanism of processing of personal data;

{Part two of article 8 is supplemented with paragraph 12 according to the law [No. 5491-VI from 20.11.2012](#)}

13) be protected from automated decision that has legal consequences for him/her.

{Part two of article 8 is supplemented with paragraph 13 under the law [No. 5491-VI from 20.11.2012](#)}

{Part three of article 8 excluded on the basis of law [No. 383-VII from 03.07.2013](#)}

Article 9. Notice of the processing of personal data

1. The controller of personal data shall notify the Commissioner of the processing of personal data, which is of particular risk to the rights and freedoms of personal data subjects within thirty workingdays after beginning of such a processing.

Types of processing of personal data, which are of particular risk to the rights and freedoms of personal data subjects, and categories of subjects covered with notification requirements are determined by the Commissioner.

2. Notification of processing of personal data shall be submitted in the form and manner determined by the Commissioner.

3. The controller of personal data is required to inform the Commissioner of any change of information subject to the notification, within ten working days since the occurrence of such changes.

4. The information reported pursuant to this Article shall be published on the official website of the Commissioner in the manner determined by the Commissioner.

{Article 9 amended by the law [No. 5491-VI of 20.11.2012](#); as amended by law [No. 383-VII of 03.07.2013](#)}

Article 10. Use of personal data

1. Use of personal data means any actions of the controller of personal data with regard to processing of such data, their protection and granting partial or full right to process such personal data by othersubjects of relations connected to personal data, which are performed under the consent of a personaldata subject or according to the law.

{Part one of article 10 as amended by the law [No. 5491-VI of 20.11.2012](#)}

2. The use of personal data by the controller of personal data shall be performed in case he/she fulfillsthe conditions for protection of such data. The controller of personal data shall not discloseinformation about the personal data subjects whose personal data are accessed by other subjects ofrelations connected to such data.

{Part two of article 10 as amended by the law [No. 5491-VI from 20.11.2012](#)}

3. The use of personal data by the employees of the subjects of relations connected to personal data shall be performed only according to their professional or official and labor duties. These employeesshall prevent disclosure of personal data which were entrusted to them or became known to them dueto performance of their official or labor duties except for cases foreseen by law. Such liability shallbe valid after termination of their activity related to personal data, except for cases established by the law.

{Part three of article 10 as amended by law [No. 1170-VII of 27.03.2014](#)}

4. The information about a private life of an individual shall not be used as factor that may confirmor disprove his/her business skills.

Article 11. Grounds for personal data processing

1. Grounds for processing of personal data are:

1) consent of the personal data subject to process his/her personal data;

2) permission for processing of personal data provided to the controller of personal data in accordance with the law solely for the purpose of his/her authority;

3) conclusion and execution of a contract, where a personal data subject is a party, or a contract concluded in favor of the personal data subject or for activities prior to the conclusion of a deal at the request of the personal data subject;

4) protection of the vital interests of the personal data subject;

5) need for exercising of a duty by the controller of personal data under the law;

{Part one of article 11 is supplemented with a new item in accordance with the law [No. 383-VII from 03.07.2013](#)}

6) need to protect the legitimate interests of the controller of personal data, third parties, except the cases where the personal data subject requires to stop the processing of his/her personal data and where the need to protect personal data prevails such interest.

{Paragraph 6 of article 11, as amended by the law [No. 383-VII from 03.07.2013](#)}

{Article 11 as amended by the law [No. 5491-VI from 20.11.2012](#)}

Article 12. Collection of personal data

1. Collection of personal data shall be an element of the process which provides for actions to selector to arrange information about an individual.

{Part one of article 12 as amended by the law [No. 5491-VI of 20.11.2012](#)}

2. Personal data subject shall be notified about the controller of personal data, content of the collected data, his/her rights provided for by this Law, purpose of collection of personal data and persons to whom such data can be transferred:

-at the time of collecting of personal data, if personal data are collected from the subject of the personal data;

-in other cases, within thirty working days from the date of collection of personal data.

{Part two of article 12 as amended by the Laws [No. 5491-VI from 20.11.2012](#), [no. 383-VII from 03.07.2013](#)}

{Part three of article 12 is excluded on the basis of the law [No. 5491-VI from 20.11.2012](#)}

{Part four of article 12 is excluded on the basis of the law [No. 5491-VI from 20.11.2012](#)}

Article 13. Accumulation and storage of personal data

1. Accumulation of personal data shall include actions aimed at unification and systematization of information about an individual or a group of individuals or placement of this data to the personal database.

2. Storage of personal data shall include actions aimed at ensuring their integrity and proper mode of access to them.

Article 14. Dissemination of personal data

1. Dissemination of personal data means actions on transfer of information about an individual with consent of the personal data subject.

{Part one of article 14 as amended by the law [No. 5491-VI of 20.11.2012](#)}

2. Dissemination of personal data without consent of a personal data subject or person authorized by him/her shall be permitted in cases determined by the law and only (if it is necessary) in the interests of national security, economic welfare and human rights.

{Part two of article 14 as amended by the law [No. 5491-VI of 20.11.2012](#)}

3. Fulfillment of requirements of the established personal data protection mode shall be provided by the party that disseminates these data.

4. The party to which the personal data are transferred shall previously take measures aimed at fulfillment of the requirements of this Law.

Article 15. Removal or deletion of personal data

{Name of article 15 as amended by law [No. 5491-VI from 20.11.2012](#)}

1. Personal data shall be removed or deleted according to the procedure established by the law.

{Part one of article 15 as amended by the law [No. 5491-VI of 20.11.2012](#)}

2. Personal data shall be subject to removal or deletion in case of:

{Paragraph one of part two of article 15, as amended by the law [No. 383-VII of 03.07.2013](#)}

1) expiration of the term of data storage determined in the consent of the personal data subject for processing of these data or determined by law;

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

3) issue of a relevant order by the Commissioner or officials of the Secretariat of the Commissioner designated by him/her;

{Item 3 of part two of article 15 as amended by the law [No. 383-VII of 03.07.2013](#)}

4) entry into force of a court decision on the deletion or destruction of personal data.

{Part two of article 15 is supplemented with subitem 4 according to law [No. 383-VII of 03.07.2013](#)}

3. Personal data collected with violations of requirements of the present Law shall be removed or deleted according to the procedure determined by legislation.

{Part three of article 15, as amended by the law [No. 383-VII of 03.07.2013](#)}

4. Personal data collected during fulfillment of tasks of operational and search or counterintelligence activities, fight against terrorism shall be deleted or destroyed according to the requirements of law.

{Part four of article 15, as amended by the law [No. 383-VII of 03.07.2013](#)}

{The text of article 15 as amended by the law [No. 5491-VI from 20.11.2012](#)}

Article 16. Personal data access procedure

1. Personal data access procedure for the third parties shall be determined by the conditions enshrined in the consent to personal data processing of the personal data subject provided to the controller of personal data or according to the requirements established by law. The procedure of access of third parties to personal data that are in the possession of public information provider, is determined by the law of Ukraine "on access to public information", except for the data, received by the Ministry of Finance from other bodies during the exercise of the powers of control over the observance of the budget legislation for the monitoring of the pensions, allowances, benefits, grants and other social payments.

{Part one of article 16, as amended by the Laws No. [1170-VII of 27.03.2014](#) [No. 1774-VIII from 06.12.2016](#)}

2. Access to personal data of the third party shall not be granted if such a party refuses to assume responsibility for ensuring execution of requirements of this Law or is unable to ensure execution of such requirements.

3. Subject of relations connected to personal data shall submit a request for access to personal data (hereinafter referred to as "request") to the database controller.

4. The request shall include:

1) first and last names and patronymic, place of residence (temporary residence) and ID details of an individual who submitted the request (for an applicant who is a natural person);

2) title, place of location of a juridical person that submits a request, position, first and last names and patronymic of the person who certifies the request; confirmation of conformity of content of the request with the authorities of the juridical person (for applicant that is a legal entity);

3) first and last names and patronymic as well as other data that enable identification of an individual being subject to request;

4) information about the personal database subject to request or information about the controller or processor of personal data;

{Item 4 of part four of article 16, as amended by the law [No. 5491-VI of 20.11.2012](#)}

5) list of personal data subject to request;

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

{Item 6 of part four of article 16, as amended by the law [No. 5491-VI of 20.11.2012](#)}

5. The term of consideration of a request in order to grant it shall not exceed ten working days since the day it was received.

Within this term, personal data controller shall inform the person who submits a request that such a request shall be granted or that the respective personal data cannot be provided, with notification about the grounds specified in a relevant normative legal act.

The request shall be granted within thirty calendar days since the day of its receipt, unless otherwise stipulated by the law.

6. Personal data subject shall be entitled to receive any information about himself/herself from any subject of relations connected to personal data under condition of providing information determined [in item 1 paragraph 4](#) of this Article except for cases established by law.

{Part sixth of article 16, as amended by the law [No. 5491-VI of 20.11.2012](#)}

Article 17. Postponement or the denial of access to personal data

1. Postponement of the access of personal data subject to its personal data shall not be allowed.

2. Postponement of the access of third parties to personal data shall be permitted if necessary data cannot be provided within thirty calendar days from the day of the request's receipt. At that the overall period to resolve issues raised in the request shall not exceed forty five calendar days.

Notification of postponement shall be submitted in writing to the third party that made a request with an explanation of the procedure to appeal against such a decision.

The notification of postponement shall contain:

- 1) surname, name and patronymic of the officer;
- 2) date when notification was sent;
- 3) reason for postponement;
- 4) time period when the request will be satisfied;

3. Access to personal data can be denied, if access to such data is prohibited according to law.

The notification of denial shall contain:

- 1) first and last names and patronymic of the official that refuses an access;
- 2) date when notification was sent;
- 3) the reason for the denial.

Article 18. Appeal against decision on postponement or denial to grant access to personal data

1. The decision on postponement or refusal to grant access to personal data can be appealed to the Ukrainian Parliament Commissioner for Human Rights or to the court.

{Part one of article 18 as amended by the law [No. 5491-VI of 20.11.2012](#); amended by law [No. 383-VII from 03.07.2013](#)}

2. If a request is made by the personal data subject regarding data on himself/herself, in this case during court proceedings the liability of proving the lawfulness of refusal to grant access to personal data shall be imposed on controller of personal data to which the request was submitted.

{Part two of article 18 as amended by the law [No. 5491-VI from 20.11.2012](#)}

Article 19. Payment for access to personal data

1. Access of a data subject to data on himself/herself shall be free of charge.

2. Access of other subjects of relations connected to personal data, to personal data of a particular individual or a group of individuals may require payment under requirements prescribed by this Law. The activities related to personal data processing as well as to consulting and organization of access to respective data shall be paid for.

3. Amount of payment for services on granting access to personal data by the bodies of state power shall be determined by the Cabinet of Ministers of Ukraine.

4. The bodies of state power and local self-government shall be entitled to unimpeded and free access to personal data within their mandate.

Article 20. Changes and supplements to personal data

1. Controllers or processors of personal data shall be obliged to introduce changes to personal data on the basis of a motivated written request of a personal data subject.

{Part one of article 20 as amended by the law [No. 383-VII from 03.07.2013](#)}

2. Controllers or processors of personal data shall be obliged to introduce changes to personal data also on the basis of an appeal of other subjects of relations connected to personal data, if there is a relevant consent of the personal data subject or if a respective change is made under the order of the Commissioner or designated officials of the Secretariat of the Commissioner or a court decision which entered into legal force.

{Part two of article 20 as amended by law [No. 383-VII of 03.07.2013](#)}

3. Changes to incorrect personal data shall be performed immediately after such mistake was disclosed.

Article 21. Notification on operations with personal data

1. The controller of personal data shall notify the personal data subject about transfer of his/her personal data to the third party within 10 working days, if it is required by the conditions of his/her consent or unless otherwise established by law.

2. The notifications mentioned in paragraph 1 of the present Article shall not be made in case of

1) transfer of personal data upon requests within fulfillment of tasks of operational and search or counterintelligence activities and fight against terrorism;

2) exercising powers stipulated by law by bodies of state power and local self-government;

3) processing of personal data for historical, statistical or scientific purposes;

4) notifying personal data subject in accordance with provisions of [part two of Article 12](#) of this

Law.

{Part two of article 21 is supplemented with paragraph 4 according to the law [No. 5491-VI from 20.11.2012](#)}

3. Controller of personal data shall inform the personal data subject and subjects of relations connected to personal data these data were transferred to about any change, deletion or destruction of data or restriction of access to them within ten working days.

{Part three of article 15, as amended by the law [No. 383-VII of 03.07.2013](#)}

Article 22. Control over the Observance of Legislation on Protection of Personal Data

1. The following bodies exercise control over the observance of legislation on protection of personal data within their authorities provided for by law:

1) the Commissioner;

2) courts.

{Article 22 as amended by the law [No. 5491-VI from 20.11.2012](#); the text of article 22 as amended by law [No. 383-VII from 03.07.2013](#)}

Article 23. The powers of the Verkhovna Rada of Ukraine on human rights in the field of personal data protection

1. The Commissioner has the following powers in the field of personal data protection:

1) to receive proposals, complaints and other appeals of individuals and legal entities concerning the protection of personal data and make decisions following their consideration;

2) on the grounds of appeals or on own initiative to conduct on-site and off-site, scheduled, unscheduled inspections of possessors and controllers of personal data in the manner defined by the Commissioner, with provision of access to the premises where processing of personal data is performed according to law;

3) to get on his/her request and have access to any information (documents) of the controllers or processors of personal data that are necessary for the exercise of control over the provision of personal data protection, including access to personal data, relevant databases or filing systems, information with restricted access.

4) to approve normative legal acts concerning the protection of personal data in cases envisaged by this Law;

5) on the grounds of results of an inspection, consideration of an appeal to issue binding requests (compliance notice), as regards the prevention or elimination of violations of the legislation on protection of personal data, including the changes, removal or destruction of personal data, ensuring access to them, providing or prohibiting their provision to third person, suspension or termination of the processing of personal data;

6) to provide recommendations on practical application of the legislation on protection of personal data, to explain the rights and obligations of the relevant persons upon request of subjects of personal data, possessors and controllers of personal data, units or persons responsible for the organization of the protection of personal data, other persons;

7) to cooperate with units or responsible persons that according to this Law organize the work related to the protection of personal data during their processing; to disclose the information about these units and responsible persons;

8) to submit proposals to the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, other state bodies, bodies of local self-government and their officials as regards the adoption or amendment to normative legal acts on the protection of personal data;

9) to provide the conclusions concerning the draft codes of conduct in the sphere of protection of personal data and changes thereto upon requests of professional, self-government and other public associations or legal entities;

10) to draw up protocols on bringing to administrative responsibility and direct them to the court in cases provided by law;

11) to inform about the legislation on the protection of personal data, the problem of its practical application, the rights and obligations of subjects of relation connected to personal data;

12) to carry out the monitoring of new practices, trends and technologies of protection of personal data;

13) to organize and ensure the cooperation with foreign entities related to personal data, particularly, in connection with implementation of [the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) and [Additional Protocol to it](#), other international agreements of Ukraine on personal data protection;

14) to participate in the work of international organizations on personal data protection.

2. The Ukrainian Parliament Commissioner for Human Rights includes in his/her annual report on state of observance and protection of human and citizens' rights and freedoms in Ukraine the report on the state of observance of legislation on personal data protection.

{Article 23, as amended by the law [No. 5491-VI from 20.11.2012](#); as amended by law [No. 383-VII from 03.07.2013](#)}

Article 24. Ensuring the protection of personal data

1. Possessors and controllers of personal data and third parties are obliged to protect this data against accidental loss or destruction, illegal processing, including unlawful destruction or access to personal data.

2. The bodies of state power, local self-government, as well as controllers/processors of personal data, that carry out the processing of personal data, which is subject to notification in accordance with this Law, shall establish a structural unit or a responsible person who organize the work related to the protection of personal data during processing.

The information about the unit or the responsible person mentioned above is notified to the Ukrainian Parliament Commissioner for Human Rights, who provides its publication.

A structural unit and/or the responsible person that organize the work related to the protection of personal data during processing:

1) inform and advise to personal data controller or the processor about the observance of the legislation on protection of personal data;

2) interacts with the Ukrainian Parliament Commissioner for Human Rights and the designated officials of his/her Secretariat on prevention and elimination of violations of the law on the protection of personal data.

4. Physical persons-entrepreneurs, including doctors, who have the appropriate license, attorneys, notaries, personally ensure the protection of personal data that they control in accordance with the requirements of the law.

{Article 24 amended by the law [No. 5491-VI of 20.11.2012](#); as amended by law [No. 383-VII of 03.07.2013](#)}

Article 25. Limitations on application of the present Law

1. Limitations of the operation of Articles 6, 7 and 8 of the present Law shall be implemented only in cases foreseen by law insofar as necessary in a democratic society in the interests of national security, economic welfare and protection of human rights and freedoms of personal data subjects or other persons.

2. Processing of personal data without application of provisions of this Law is permitted if such processing is carried out:

1) by an individual solely for his/her personal or household requirements;

2) solely for journalistic and creative purposes, provided that the balance between the right to respect for private life and the right to freedom of expression is ensured.

3. This Law shall not apply to relations concerning obtaining archival information of the repressive authorities.

{Article 25 is supplemented with part three in accordance with the law [No. 316-VIII of 09.04.2015](#)}

{Article 25 as amended by the law [No. 383-VII of 03.07.2013](#)}

Article 26. Financing of activities on personal data protection

Financing of activities and measures on ensuring protection of personal data shall be performed at the expense of the State Budget of Ukraine and local budgets, funds of the subjects of relations connected to personal data.

Article 27. The application of the provisions of this Law

1. The provisions on ensuring protection of personal data specified in this Law may be supplemented or clarified by other laws if they determine requirements for personal data protection that do not contradict the requirements of the present Law.

2. Professional, self-government and other civil society associations or legal entities can work out corporate codes of conduct to ensure efficient protection of the rights of personal data subjects, observance of legislation on personal data protection, taking into consideration the specifics of data processing in different spheres. While working out such a code of conduct or amendments to it the relevant association or legal entity may apply to the Commissioner for an expert review.

{Part two of article 27 as amended by law [No. 5491-VI of 20.11.2012](#); as amended by the law [No. 383-VII of 03.07.2013](#)}

Article 28. Liability for violation of Legislation on Protection of Personal Data

Violation of legislation on personal data protection shall involve liability established by law.

Article 29. International cooperation and personal data transfer

{Name of article 29 as amended by law [No. 5491-VI from 20.11.2012](#)}

1. Cooperation with foreign subjects involved in personal data relations shall be regulated by [the Constitution of Ukraine](#), the present Law, other normative legal acts and international treaties of Ukraine.

If an international treaty of Ukraine, ratified by the Verkhovna Rada of Ukraine, is setting the other rules than those stipulated in this law, the rules of the international treaty of Ukraine shall apply.

3. Transfer of personal data to foreign subjects involved in personal data relations shall be performed exclusively if the relevant state ensures an appropriate personal data protection in cases established by the law or international treaty of Ukraine.

States Parties to the European Economic Area, as well as countries that have signed the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data shall be recognized as those ensuring the appropriate level of protection of personal data.

The Cabinet of Ministers of Ukraine determines the list of countries that offer adequate protection of personal data.

Personal data shall be disseminated solely for the purpose they were collected for.

{Part three of article 29 as amended by the law [No. 5491-VI of 20.11.2012](#)}

4. Personal data can be transferred to foreign subjects involved in personal data relations also if:

- 1) personal data subject gives his/her unambiguous consent to such a transfer;
- 2) there is a need to conclude or perform a contract between the controller of personal data and a thirdparty – personal data subject for benefit of the personal data subject;
- 3) there is a need to protect the vital interests of personal data subjects;
- 4) there is a need to protect public interest, to set, enforce and maintain a legal claim;
- 5) controller of personal data provides relevant guarantees of non-interference in private and familylife of the personal data subject.

{Article 4 supplemented by part 4 according to the law [No. 5491-VI of 20.11.2012](#)}

Article 30. Final provisions

1. This law shall come into force on January 1, 2011 year.

8. Within six months after this Law comes into effect, the Cabinet of Ministers of Ukraine shall: ensure adoption of normative legal acts provided for by the present Law; harmonize its normative legal acts with the present Law.

The President Of Ukraine	V. YANUKOVYCH
the city of Kyiv, June 1, 2010, no. 2297-VI	