

INFORMATION IN LAW IN RUSSIA NOWADAYS

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Abstract:

There is quite a big influence of legal sphere on information processes in modern society. First of all this is due to growing impact of information technologies in all areas of our life as well as globalization of information technologies. Electronic documents and even actions of some internet users may be under legal control nowadays. This is obvious that law has to be up-to-date with current technological progress. In this report author considers mechanisms that regulate information processes in Russian Federation, gives commentary on some laws, decrees and other legal documents regulating that area.

Key words:

Information; Law; Russia; Russian Federation.

Amongst most important documents is presidents decree from 28th june №966 1993 "On the concept of legal informatization of Russia". There are defined main targets of legal informatization of Russian Federation in this document:

1. Informational and legal support for the internal activities of the State.
2. Information and legal support for external relations of subjects to the state bodies including individuals
3. Conservation and structuring of the information field

To achieve the stated targets it is necessary to solve following tasks:

1. Development of the foundations of public policy in area of formation and usage of informational and legal resources.
2. The development of legal informatization industry.
3. Coordination of works on formation and usage of informational and legal resources.
4. The organization and financing of works on informatization of legal sphere.
5. Ensure of certification and licensing of informational resources and information services in the legal field.
6. Ensuring exchange of information of different levels by banks in a single informational and legal space.

According to article 3 of the Federal Law on Information, Information Technology and Data Protection legal regulation of relations arising in the field of information, informational technologies and data protection is based on the following principles:

1. Freedom of search, reception, transmission, production and dissemination of information by any lawful means;
2. Limitations of access to information only by federal laws;
3. Openness of information about the activities of state bodies and local government and free access to such information except cases established by federal laws;
4. Equality of languages of people of the Russian Federation in the creation of informational systems and their operation;
5. Ensuring of the security of the Russian Federation in the creation of information systems, their maintenance and protection of the information contained therein;
6. Reliability of information and timeliness of its delivery;
7. Privacy, prohibition of collection, storage, use and dissemination of information about the private life of a person without his consent;
8. Inadmissibility of establishing of any benefits of application of some informational technologies over the others by normative legal acts, if only mandatory of usage of certain informational technologies for the creation and maintenance of government information systems is not set by federal laws.

Article 5 of the Act expands the notion of information as an object of legal relations:

1. Information may be a subject of public, civil and other legal relations. Information may be freely used by anyone and passed from one person to another person if federal law does not set restrictions on access to information or other requirements to the order of its presentation or distribution.
2. Information depending on the category of access to it is divided into publicly available information as well as information with access restricted by federal laws (information of restricted access).
3. Information depending on the order of its presentation or distribution is divided into:
 - a. freely distributed information;
 - b. information provided under the agreement of persons involved in relevant relations;
 - c. information which is in accordance with federal laws is subject to the provision or distribution;
 - d. information dissemination of which in the Russian Federation is restricted or prohibited.
4. The laws of the Russian Federation may establish the types of information depending on its content or holder.

How is informational area being managed in Russia? Article 12 of considered law answers this question:

1. State regulation in the field of application of informational technologies provides:
 - a. regulation of relations connected with the search, acquisition, transfer, production and distribution of information with application of informational technologies (informatization) based on the principles established by this Federal Law.
 - b. development of informational systems for various purposes to provide citizens (individual persons), organizations, government bodies and local governments with information as well as providing the interaction of such systems;
 - c. creating conditions for effective use of information and telecommunication networks in the Russian Federation including Internet and other similar information and telecommunication networks.
2. State bodies, local governments in accordance with their powers:
 - a. involved in the development and implementation of targeted programs of usage of informational technologies;
 - b. Create information systems and provide access to the information therein in russian and public language of the republic within the Russian Federation.

What is electronic document? In literature the notion of electronic document does not have a certain explanation. Computer specialists consider carrier of information as an electronic document.

Legal specialists believe that electronic document is a carrier of such information which methods of fixation are given special legal attention by current legislation.

The legal significance of any kind of documents is expressed in their ability to raise certain legal consequences, i. e. by a specific way to influence on creation, modification or termination of the appropriate legal relations.

Here is the most current definition of the notion of an “electronic document”: electronic document – is a form of preparation of sending, receiving or storing information via electronic facilities, recorded on a magnetic disk, magnetic tape, compact disc or other electronic material carrier.

Author (of an electronic document) is an individual or legal person who created or on whose behalf an electronic document is created with usage of electronic technology.

Every epoch of informational relations creates its own legal norms and legal institutes. The author believes that many challenges of modern society closely related to the electronic environment of social communication. They demand adequate answers from modern legal theory and law practise. One of this answers is informational law followed in line with global trends.

Literature:

- Presidents decree 28.06.1993 №966 “On the concept of legal informatization of Russia”.
- Federal Law 27.07.2006 №149 “on Information, Information Technology and Data Protection”.
- Federal Law 10.01.2002 №1 “On Electronic digital signature”.
- Constitution of Russian Federation (ratified 12 dec. 1993) – Moscow.:Urid.Lit., 1993. – 64

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