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PROTECTION OF PERSONAL DATA IN THE CONDITIONS OF THE USE OF DIGITAL TECHNOLOGIES

Pavliuk Anna, 2nd year student of the Faculty of Law, Yuriy Fedkovych Chernivtsi National University Ukraine, Chernivtsi
pavliuk.anna.yu@chnu.edu.ua

Scientific adviser: **Kiriiak Oksana,** PhD (in Law), associate professor of the department of private law Yury Fedkovich Chernivtsi National University Chernivtsi, Ukraine o.kiriyak@chnu.edu.ua,
ORCID 0000-0001-8850-805X

Abstract: About the modern state of international legal standards and prospects of personal data protection under the conditions of development of information society. The main regulatory legal acts of Ukraine, which regulate relations in the field of personal data processing, are considered. An analysis of the legal framework of Ukrainian legislation is carried out: current legislation, norms of the Law of Ukraine "About the Protection of Personal Data".

Keywords: *personal data protection, digital technologies, informative society*.

In the conditions of the development of modern society, it is necessary to ensure reliable, legally defined protection of personal information. Progress in the field of digital technologies, in particular in the field of database development and software implementation, activity in the formation of personal data has extremely exacerbated the problem of protecting the private life of individuals and imposed significant restrictions on basic human rights and freedoms. In the course of the study, further development of the provision on the balance between the legal regulation of relations with the protection of information about the citizen and the national cyber security of the state was achieved. It is important to note certain legal measures to limit the free treatment of human rights in the information sphere.

The institution of the inviolability of a person's personal life began to be considered as a mandatory factor in the development of a democratic society in 1928, when the US Supreme Court judge L. Brandeis officially declared the existence of the US Constitution "the right to be left alone." Privacy is the ability of an individual or a group of individuals to separate themselves, information about themselves, and thus reveal their identity selectively.

In our opinion, today the modern trends in the development of computer technologies and processing of personal data dictate the need for further development of more detailed regulation of this right. In particular, it is important to highlight the following main components of the right to information privacy:

• the right to anonymity;
• the right to control information about oneself;
• the right "to be forgotten"

Unfortunately, changes caused by the spread of the COVID-19 coronavirus infection have occurred in all spheres of social life. However, the most controversial was the problem of mass informational and psychological impact on people, society and the international community, which arose in the conditions of the introduction of an emergency situation related to the pandemic in most countries of the world.

In connection with the recognition by the international community of the expediency of creating an international system of legal regulation of data processing and transfer, international organizations began to emphasize the need to develop a set of basic principles for the protection of private life and individual freedoms in connection with the processing of personal data and their cross-border flows.

For example, experts of the Organization for Economic Cooperation and Development note that to ensure the security of the global exchange of personal data, member states at the national level must:

- adopt appropriate national laws;
- to ensure the availability of reasonable mechanisms for the realization of individual rights;
- encourage and support self-regulation through the adoption of codes of conduct/conduct or other rules;
- apply the necessary sanctions and other means of personal data protection in case of non-fulfillment of the measures provided for by the specified principles;
- to ensure non-discriminatory treatment of data subjects.

Regarding the classification of personal data, it should be noted that from the general list of personal data, special (also often characterized as sensitive) categories of personal data are distinguished, the processing of which is allowed only in clearly defined cases.

These legal acts include personal data on:

- racial or ethnic origin;
- political, religious or ideological beliefs;
- membership in political parties and trade unions;
- criminal conviction;

- health status;
- biometric or genetic data [4].

The processing of these categories of personal data should take place only in exceptional cases with the provision of higher standards of both protection and compliance with the rights of the subjects of personal data.

The specified categories of personal data contain information about characteristics that can often be the basis for discriminatory treatment of the relevant personal data subject. The purpose of the selection of special categories of personal data is to ensure that their processing is carried out only in case of exceptional necessity.

In EU countries, the further search for a balance between the protection of privacy and the need for security is considered through the legal category of "protection of private personal data", which involves ensuring the confidentiality of personal information. According to the Convention No. 108 of the Council of Europe, the collection, storage, storage and distribution of personal data can be carried out only with the permission of the person about whom the data is processed. However, restrictions on the information rights of individuals are allowed. For example, if it concerns:

- state or public security;
- financial stability;
- fight against crime;
- protection of the rights and fundamental freedoms of other persons [3].

In our opinion, the legal provision of public relations regarding the protection of personal data should provide general conditions for the legality of their processing, regulation of the activities of subjects in the field of digital technologies. According to the Law of Ukraine "On the Protection of Personal Data", the tasks of the national legislation are to create a legal basis for state regulation of social relations of a person, society and the state under the conditions of effective protection of civil rights in the field of personal data [2].

In addition, according to the current legislation and the Information Security Doctrine of Ukraine, the key features of information security are:

1) confidentiality – a state of handling information in which access to it is granted only to subjects who have the right to do so;
2) integrity – prevention of unauthorized or illegal modification of information;
3) accessibility – prevention of temporary or permanent hiding of information from users who have the right to access.

Without a doubt, in today's conditions, the spread of information and communication systems and networks to ensure information privacy is becoming

more and more difficult. Any information or data about a person can be obtained thanks to Internet resources and used not only for his benefit, but also for illegal purposes:

- manipulation of consciousness;
- blackmail;
- intimidation;
- aggressive advertising;
- information violence.

National regulatory framework in the field of processing personal data is quite large. There is a large one in Ukraine the number of legal acts containing provisions related to the processing of personal data. At the heart of the legal regulation of personal data processing is the Law "On the Protection of Personal Data", issued to fulfill the obligations of Ukraine as a party to the Convention of the Council of Europe "On the Protection of Individuals with Automated Processing of Personal Data".

Unfortunately, today the legal provision of public relations in Ukraine regarding personal data in terms of their legal protection is insufficient. Recent events related to the massive leakage of personal data of Ukrainian citizens through information and communication networks confirm the urgency of this problem and the urgent need to amend the laws of Ukraine "About Information" [1], "About Protection of Personal Data" [2] and the Criminal Code of Ukraine. They establish only general principles of citizens' access to information that concerns them personally. The mechanism for realizing the specified right is not properly defined. There is also no regulation of the use of confidential information about a person.

In particular, the improvement of the regulatory and legal framework of Ukraine in the field of ensuring the processing and circulation of personal data should take place, first of all, by systematization, specification, detailing and supplementing with the necessary documents [5].

Thus, on the basis of the above, when researching the direction and effectiveness of the personal data protection mechanism in the context of the use of digital technologies, the reasons, the impact of the intensive development of information technologies, and global social and legal processes were definitely taken into account. Based on the information collected from open sources, it can be concluded that it is necessary to bring the national legislation of each state into line with international guidelines and take into account the main principles regarding the organization of measures to control the implementation of legislation in this field in order to ensure effective protection of personal information.

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