LAW OF UKRAINE

On Information

The law became effective as of the day of publishing - on November, 13, 1992
(pursuant to Resolution of the Parliament of Ukraine
on October 2, 1992 N 2658-XII)

As amended by the laws of Ukraine
of April, 6, 2000 N 1642-III,
of February, 7, 2002 N 3047-III,
of April, 3, 2003 N 676-IV,
of November, 18, 2003 N 1268-IV,
of May, 11, 2004 N 1703-IV,
of June, 23, 2005 N 2707-IV

This Law provides for the right of citizens of Ukraine for information and legal basis for
information activity.

Based on Declaration about state sovereignty of Ukraine and Act on declaration of its
independence, Law asserts informative sovereignty of Ukraine and determines the legal forms of
international cooperation in the field of information.

Section I
GENERAL PROVISIONS

Article 1. Definition of information

Under information this Law understands the documented or in public declared information about
events and phenomena, which take place in society, state and natural environment.

Article 2. Purpose and mission of the Law

The law sets general legal frameworks of obtaining, use, distribution and storage of information,
provides for the right of a person for information in all spheres of public and state life of
Ukraine, and also the system of information, its source; the law determines status of participants
of informative relations, regulates access to information and provides its protection; the law
protects a person and society from false information.

Article 3. Scope of the Law

This Law spreads over informative relations, which occur in all spheres of life and activity of
society and state while obtaining, using, distributing and storing information.
Article 4. Legislation about information

Ukrainian legislation on information consists of Constitution of Ukraine, this Law, legislative acts about separate industries, types, forms and tools of information, international agreements and agreements, ratified by Ukraine, and principles and norms of international law.

Article 5. Basic principles of informative relations

Basic principles of informative relations are:

- guaranteeing right to information;
- openness, availability of information and its free exchange;
- objectivity, authenticity of information;
- plenitude and exactness of information;
- legality of obtaining, use, distribution and storage of information.

Article 6. State informative policy

A state informative policy is the aggregate of basic directions and methods of activity of the state upon obtaining, use, distribution and storage of information.

Key directions and methods of state informative policy are as follows:

- providing of access of citizens to information;
- creation of the national systems and networks of information;
- strengthening of material and technical, financial, bodyizational, legal and scientific bases of informative activity;
- insuring effective use of information;
- assistance to the permanent update, enrichment and storage of national informative resources;
- creation of the general system of protection of information;
- assistance to international cooperation in the field of information and insuring informative sovereignty of Ukraine;
- assistance to satisfaction of informative necessities of Ukrainians outside Ukraine.

(Second part of the article 6 is amended by the Law of Ukraine of 23.06.2005 N 2707-IV)

General jurisdiction authorities, and also proper bodies of the special jurisdiction develop and proceed with the state informative policy.

Article 7. Subjects of informative relations
The subjects of informative relations are:

citizens of Ukraine;

legal entities;

state.

According to this Law other states, their citizens and legal entities, international organizations and persons, without citizenship can be the subjects of informative relations also.

Article 8. Objects of informative relations

The documented or in public declared information about events and phenomena in field of policy, economy, culture, health protection are the objects of informative relations, and also in social, ecological, international and other spheres.

(article 8 as amended by the law of Ukraine of 06.04.2000 N 1642-III)

Article 9. Right for information

All citizens of Ukraine, legal entities and state bodies, have a right for information, that provides possibility of free obtaining, use, distribution and storage of information, necessary to them for realization of their rights, freedoms and legal interests, realization of tasks and functions.

Realization of right for information by citizens, by legal entities and state shall not violate public, political, economic, social, spiritual, ecological et al rights, freedoms and legal interests of other citizens, rights and interests of legal entities.

Every citizen has free access to information which is related to him personally, except for cases provided by the laws of Ukraine.

Article 10. Guarantees of right for information

A right for information is provided:

by the obligation of state authorities, and also authorities of local and regional self-government to inform about their activities and adopted decisions;

by creation in the state authorities of the special informative services or systems which provide access to information under respective procedure;

by free access of subjects of informative relations to statistical information, archived, library and museum funds; limitation of the access are determined only by the specificity of the values and special terms of their storage as provided by the legislation;

by creation of mechanism of realization of right for information;

by realization of state control over compliance to legislation about information;

by establishment of responsibility for violation of legislation about information.
Article 11. Language of information

The language of information is determined by Law "On Languages in Ukraine", by other legislative acts of Ukraine in this field, by international agreements and agreements ratified by Ukraine.

Section II
INFORMATIVE ACTIVITY

Article 12. Determination of informative activity

Informative activity is the aggregate of the actions, aimed on satisfaction of informative necessities of citizens, legal entities and state.

With the purpose of satisfaction of these necessities public authorities and bodies of local and regional self-government create informative services, systems, networks, bases and data banks.

The order of their creation, structure, rights and duties, is determined by Cabinet of Ministers of Ukraine or other public authorities, and also bodies of local and regional self-government.

Article 13. Basic directions of informative activity

Basic directions of informative activity are: political, economic, social, spiritual, ecological, scientific and technical, international and others.

The state is under an obligation constantly to care of timely creation, proper functioning and development of the informative systems, networks, banks and databases in all directions of informative activity.

The state guarantees freedom of informative activity in these directions to all citizens and legal entities within the limits of their rights and freedoms, functions and powers.

Article 14. Basic types of informative activity

Obtaining obtaining, use, distribution and storage of information, are the basic types of informative activity.

Obtaining of information is acquisition, purchase, and accumulation of the documented or in public declared information by citizens, legal entities or state in accordance with the current legislation of Ukraine.

The use of information is satisfaction of informative necessities of citizens, legal entities and states.

Distribution of information is distribution, promulgation, realization of the documented or in public declared information in the order set by a law.

Storage of information is insuring of the proper condition of information and its material mediums.
Obtaining, use, distribution and storage of the documented or in public declared information, is carried out as provided by this Law and other legislative acts in the field of information.

**Article 15. Professional education in the field of informative activity**

Conditions for obtaining professional education in the field of informative activity are created in Ukraine through the system of its educational institutions.

The order of creation of educational institutions of informative purpose (journalism, statistics, library and archive matters, informative scientifically activity, informatics, computing engineering and others) and principles of their activity are determined by Law of Ukraine "On Education" and other legislative acts.

**Article 16. Bodyization of scientific researches in the field of informative activity**

In order to secure successful functioning and development of the national systems of information searching in Ukraine fundamental and applied scientific researches in the field of informative activity are carried out.

Scientific institutions, scientific-production sections, associations, centers of new information technologies and other entities are created, including with participation of foreign partners.

Financing of searching and fundamental scientific researches, scientific programs, projects of state value in research bodies and educational bodies is carried out due to budgetary assignations, personal funds and funds of customers.

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

**Section III**

**FIELDS, TYPES, SOURCES OF INFORMATION AND ITS ACCESS REGIME**

**Article 17. Fields of information**

Fields of information are the aggregate of the documented or in public declared information about the relatively independent spheres of life and activity of society and state.

Basic industries of information are: political, economic, spiritual, scientific and technical, social, ecological, international.

**Article 18. Types of information**

The basic types of information are:

statistical information;

administrative information (data);

(the article 18 as amended by the Law of Ukraine of 07.02.2002 N 3047-III)
mass information;
information about activity of state bodies and bodies of local and regional self-government;
legal information;
information about a person;
information of encyclopedic type;
sociological information.

Article 19. Statistical information

Statistical information is the official documented state information, which gives quantitative description of the mass phenomena and processes, which take place in economic, social, cultural and other spheres of life.

(part first of the article 19 as amended by the Law of Ukraine of 07.02.2002 N 3047-III)

State statistical information is subject to the systematic opened publication. The open access to unpublished statistical information, which do not fall under action of the limitations, set by this Law, and also Law of Ukraine "On State Statistics" is provided to citizens, scientific institutions, interested organizations.

(part second of the article 19 as amended by the Law of Ukraine of 07.02.2002 N 3047-III)

System of statistical information, its sources and regime is determined by Law of Ukraine "On State Statistics" and other legal acts in this field.

The article 19¹. Administrative information (data)

Administrative information (data) is the official documented information which give quantitative description of the phenomena and processes, that take place in economic, social, cultural, other spheres of life and is collected, used, distributed and stored by state authorities (except for the bodies of state statistics), bodies of local self-government, legal entities in accordance with the legislation with the purpose of implementation of administrative duties and tasks which are within their competence.

System of administrative information (data), authorities of the bodies, which carry on activity related to collection and use of administrative information, their sources and regime are set in accordance with the legislation.

(As amended by the law of Ukraine of 07.02.2002 N 3047-III)

Article 20. Mass information and its media

Mass information is a publicly distributed printed and audio-visual information.

Periodic printed editions (press) like newspapers, magazines, bulletins and others and valid for one occasion editions with the certain number of copies are defined as printed mass-media are.
Radiobroadcast, TV, cinema, audio recording, video recording and others are defined as audio-visual mass-media.

Order of creation (foundation) and bodyization of activity of separate mass medias are determined by legislative acts about these media.

**Article 21. Information of state bodies and bodies of local and regional self-government**

Information of state bodies and bodies of local and regional self-government is the official documented information, which is created in the process of current activity of legislative, executive and judicial power, bodies of local and regional self-government.

Basic sources this information sources are as follows: legislative acts of Ukraine, other acts which are adopted by the Parliament and its bodies, acts of President of Ukraine, statutory acts, non-statutory acts of state bodies, acts of bodies of local and regional self-government.

Information of state bodies and bodies of local and regional self-government is reported to the interested persons by the way of:

- its publishing in official printing editions or distribution by informative services of the proper state bodies and organizations;
- its publishing in printing mass or public media through audio and audio-visual mass media;
- its direct reporting to the interested persons (orally, in writing or other ways);
- granting possibility of review of the archived materials;
- its announcement during public appearances of state officials.

Sources and order of obtaining, use, distribution and storage of official information of state bodies and bodies of local and regional self-government are determined by legislative acts about these bodies.

Legislative and other statutory acts related to rights, freedoms and legal interests of citizens has no legal power unless were promulgated.

**Article 22. Legal information**

Legal information is the aggregate of the documented or in public declared information about law, its system, sources, realization, legal facts, legal relationships, legal order, offences and its combating as well as its prophylaxis etc.

Constitution of Ukraine, other legislative and statutory acts, international agreements, norms and principles of international law, as well as non-statutory acts, reports of mass media, public appearances, sources of information on legal issues are defined as sources of legal information.

With the purpose of providing of access to the legislative and other statutory acts to all citizens the state provides publication of these acts by the mass drawings in the earliest possible date after the entry by them in force.
Article 23. Information about a person

Information about a person is the aggregate of the documented or in public declared information about a person.

Basic data about a person (personal information) are as follows: nationality, education, marital status, religiousness, health, address, date and birth-place.

Sources of documented information are as follows: issued on its name documents, documents signed by the person, information about the person collected by the state bodies of power and bodies of local and regional self-government within the limits of its powers.

Collection of information about a person without its previous consent is forbidden, except as provided by law.

Every person has a right to get to know the information collected about it.

Information about a person is protected by the Law.

Article 24. Information of encyclopedic character

Information of encyclopedic character is defined as systematized, documented or in public declared information about public, state life and natural environment.

Basic sources of this information are as follows: encyclopedias, dictionaries, reference books, public reports and announcements, guide-books, cartographic materials etc, certificates, which are given by the state bodies and bodies of local and regional self-government, associations of citizens, organizations, their employees and automated informative systems.

System of this information, its access are regulated by the library, archive and other specific legislation.

Article 25. Sociological information

Sociological information is the documented or in public declared information about attitude of separate citizens and task forces toward public events and phenomena, processes, facts.

Basic sources of sociological information are as follows: documented or in public declared information, the results of the sociological questioning, supervisions and other sociological researches.

Sociological researches are carried out by state bodies, associations of citizens, registered in the set order.

Article 26. Information sources

Information sources are as follows: legally set data carriers like documents and other data carriers, which are material objects, which keep information; and also reports of mass media, public appearances.

Article 27. Document in the informative relations
Document is provided by law the material form of obtaining, storage, use and distribution of information by its fixing on a paper, magnetic, video, film or on other transmitter.

A primary document is a document that contains initial information.

The secondary document is a document, that is the result of the analytical-synthetic and other processing of one or several documents.

**Article 28. Regime of access to information**

Regime of access to information is the order of obtaining, use, distribution and storage of information provided by legislation.

After the regime of access information divides into the opened information and information with the limited access.

The state carries out the control after the regime of access to information.

The task of control after the regime of access to information consists of providing of inhibition of requirements of legislation about information by all state bodies, enterprises, bodies and organizations, non-admission of the groundless taking of information to the category of information with the limited access.

The state control after compliance with the set regime is carried out by the special bodies which are determined by the Parliament of Ukraine and Cabinet of Ministers of Ukraine.

In the order of control Parliament of Ukraine can require from government institutions, ministries, departments reports which contain information about their activity on providing of information to the interested persons (amount of cases of refusal in the grant of access to information with pointing of reasons of such refusals; amount and ground of application of the regime of the limited access to the separate types of information; amount of complaints about the wrong acts of public officials which refused in access to information, and measures taken in relation to them etc).

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

Access to the opened information is provided by a way of:

its systematic publication in official printing editions (bulletins, collections);

its distribution by facilities of mass media;

its direct granting to the interested citizens, state bodies and legal entities.

Order and terms of granting information to the citizens, state bodies, legal entities and representatives in response to their queries is set by this Law or agreements (by the agreements), if the grant of information is carried out on contractual basis.

Limitation of right to the obtaining of the open information is forbidden by a law.

Citizens to which this information is needed for implementation of the professional duties use have priority right for its obtaining.
Article 30. Information with the limited access

Information with the limited access after the legal regime divides into confidential and secret.

Confidential information is information, which is in possession, use or disposal of natural persons or legal representatives and distributed upon their discretion in accordance with the rules set out by such persons.

In relation to state-owned information, and is in the use of public authorities or bodies of local self-government, enterprises, bodies and organizations of all patterns of ownership, with the purpose of its saving the limited access can be set in accordance with the law; it obtains status of confidential. Order of account, storage and use of documents and other data carriers, that contain the noted information, is determined by Cabinet of Ministers of Ukraine.

(the article 30 as amended by the Law of Ukraine of 11.05.2004 N 1703-IV)

The following data can not be defined as state-owned confidential information and is in the use of public authorities or bodies of local self-government, enterprises, bodies and organizations of all patterns of ownership:

about the state of environment, quality of food products and consumer goods;

about failures, catastrophes, dangerous natural phenomena and other extraordinary events which happened or can happen and threaten to safety of citizens;

about the state of health of population, its standard of life, including the feed, clothes, habitation, medical service and public welfare, and also about demographic socially indicators, state of law and order, educations and cultures of population;

in relation to the state of rights and freedoms of people and citizen, and also facts of their violations;

about illegal actions of public, bodies of local self-government, their officials;

other information, access to which in accordance with the laws of Ukraine and international agreements, a consent on obligatory of which is given by the Parliament of Ukraine can not be limited.

(the article 30 as amended by the Law of Ukraine of 11.05.2004 N 1703-IV)

Citizens, legal entities which own information of professional, business, production, bank, commercial and other nature, got on the personal funds, or such, which is the article of their professional, business, production, bank, commercial and other interest and does not violate a statutory secret, the regime of access is independently determined to it, including its belonging to the category of confidential, and set the system (methods) of its protection.

The exception is made by information of commercial and bank character, and also information, the legal regime of which is set by The Parliament of Ukraine after the giving of Cabinet of Ministers of Ukraine (on the questions of statistics, ecology, bank transactions, taxes and others like that), that information, the concealment of which represents the threat to life and health of people.
Information belongs to secret information if contains information which make a state and other statutory secret, the disclosure of which harms to the person, society and state.

Defining of information as secret information which make a state secret, and its access by citizens is carried out in accordance with a law about this information.

The order of turnover of secret information and its protection is determined by the proper state bodies on condition of inhibition of the requirements set by this Law.

An order and terms of promulgation of private information is determined by the proper law.

Information with the limited access can be distributed without the consent of its proprietor, if this information is publicly meaningful, that if it is the article of public interest and if right for public to know this information prevails the right of its proprietor of its protection.

(the article 30 as amended by the law of Ukraine of 03.04.2003 N 676-IV)

**Article 31. Access of citizens to information about them**

Citizens have a right:

- to know in a period of collection of information, what information about them and with what purpose is collected, by whom and with what purpose it is used;

- to access to information about them, to deny its rightness, plenitude, appropriateness etc.

State bodies and organizations, bodies of local and regional self-government, the informative systems of which contain information about citizens, obliged to give her without difficulty and free of charge on call of persons which she is up to, except for cases statutory, and also to take measures in relation to prevention of unauthorized division to her. In the case of violations of these requirements Law guarantees protection of citizens from the harm inflicted to them by the use of such information.

Access of extraneous persons to information about other person is forbidden, collected in accordance with the current legislation by state bodies, organizations and public officials.

Storage of information about citizens must not last longer, than it is needed for the justly set purpose.

All organizations which collect information about citizens must to beginning of work with her carry out in set by Cabinet of Ministers of Ukraine of order state registration of the proper databases.

The necessary amount of information about citizens, which can be got a legal way, is to be maximally limited and can be used only for the justly set purpose.

Refusal in access to such information, either concealment of its or illegal collections, the use, storage or distribution, can be appealed to the court.

**Article 32. Informative query in relation to access to the official records and query in relation to the grant of written or oral information**
Under the informative query (hereinafter - query) in relation to access to the official records, handling the requirement about the grant of possibility of acquaintance with official records is understood in this Law. The query can be individual or collective. He is given in writing.

A citizen has a right to appeal to the state bodies and require the grant of some official to the document, regardless of there is up to this document of him personally or not, except for the cases of access restriction, foreseen by this Law.

Under the query in relation to the grant of written or oral information handling the requirement to give written or oral information about activity of bodies of legislative, executive and judicial power of Ukraine, their public officials on separate questions is understood in this Law.

The citizens of Ukraine, state bodies, organizations and associations of citizens (in future are inquires), give the query to the proper body of legislative, executive and judicial power, his public officials.

In the query it must be marked the last name, name and patronymic inquires, document, written or oral information, that interests him, that address, after which he wishes to get an answer.

Bodies of legislative, executive and judicial power of Ukraine, their public officials are under an obligation to give information, that is up to their activity, in writing, orally, by phone or using public appearances of the public officials.

**Article 33. Term of consideration of query in relation to access to the official records**

The term of study of request for the article of possibility of his satisfaction must not exceed ten calendar days.

During the indicated term state establishment in writing notifies inquires, that it will be satisfied his query or that requested document is not subject to the grant for the acquaintance.

Satisfying of the query is carried out during a month, if other is not statutory.

A similar term of consideration is set in relation to the query about the grant of writing information.

**Article 34. Refusal and postponement of satisfying the query in relation to access to the official records**

The refusal in satisfaction to the query is reported to inquires in writing with elucidation of order of appeal of the accepted decision.

It is to be marked in the refusal:

1) public servant of state establishment which refuses in satisfaction to the query;

2) date of refusal;

3) explained grounds of refusal.
The postponement of satisfaction to the query is assumed in time, if a requested document cannot be given for the acquaintance in a monthly term. The report about a postponement is reported to inquires in writing with elucidation of order of appeal of the accepted decision.

In the report it is to be marked about a postponement:

1) public servant of state establishment which refuses in satisfaction to the query in a certain monthly term;

2) date of message or delivery of report about a postponement;

3) grounds for which requested document can not be given out in the term set by this Law;

4) term, in which it will be satisfied the query.

The refusal and postponement of satisfaction to the query in relation to the grant of writing information is carried out in a similar order.

**Article 35. Appeal of refusal and postponements of satisfaction to the query in relation to access to the official records**

It can be appealed the refusal or postponement of satisfaction to the query.

In the case of refusal in the grant of document for the acquaintance or postponement of satisfaction to the query inquires has a right to appeal the refusal or postponement in the body of higher level.

If on the complaint given in the body of more higher level, a negative answer is given, inquires has a right to appeal this refusal to the court.

In the case when inquires appealed to the court, a duty to lead to legality of refusal or postponement of satisfaction of query is laid on a defendant - state establishment.

A court has a right for providing of plenitude and objectivity of consideration of business to ask official records, in possibility of acquaintance which it was said no with, and, learning them, to make decision about the validity (or groundlessness) of actions of state officials.

If the refusal or postponement is acknowledged groundless, a court obligates state establishment to give to inquires possibility to familiarize with an official record and decrees the separate decision in relation to public officials which said no to the applicant.

Groundless refusal in the grant of possibility for the acquaintance with official records or violation of certain term of its grant without good reasons result in disciplinary or other responsibility of public officials of state bodies in the order set by the laws of Ukraine.

The official records given upon requests by the bodies of legislative, executive and judicial power of Ukraine can be published.

Inquires have a right to excerpt from given to them for the acquaintance of official records, take pictures them, to write down a text on magnetic tape and others like that. The proprietor of documents has a right for the proper pay to make at will of inquires of copy of requested documents.
Work after the search of official records is free of charge.

The appeal of refusal and postponements of satisfaction to the query in relation to the grant of writing information is carried out in a similar order.

**Article 36. Order of compensation of the charges related to satisfaction of queries in relation to access to the official records and grant of writing information**

Inquires must fully or partly recover the charges related to implementation of queries in relation to access to the official records and grant of writing information.

Order of payment of copies of requested documents is established by state bodies.

Cabinet of Ministers of Ukraine or other state bodies determine an order and size of payment of works on collection, search, preparation, creation and grant of requested writing information, which must not exceed the real charges related to implementation of queries.

**Article 37. Documents and information, that is not subject to the grant for the acquaintance after the queries**

Official records which contain are not subject to the obligatory grant for the acquaintance after the informative queries:

- information acknowledged in the set order by a state secret;
- confidential information;
- information about operative and investigation work of bodies of office public of prosecutor, Ministry of Internal Affairs, State Security Service, work of investigation bodies and court in those cases, when its disclosure can harm to the operative measures, investigation or inquest, to violate a human right on the fair and objective judicial hearing of its business, create the threat to life or health of some person;
- information, that is up to the personal life of citizens;
- documents which make inter-department official correspondence (memorandums, correspondence between subsections and other), if they are related to development of direction of activity of establishment, by the process of acceptance of decisions and precede to their acceptance;
- information, that is not subject to the disclosure pursuant to other legislative or statutory acts. Establishment, which the query is turned to, can not give a document for the acquaintance, if he contains information which is not subject to the disclosure on the basis of statutory act of other state establishment, and that state establishment which examines the query has no authority to decide a question in relation to its declassifying;
- information of financial institutions, prepared for control-financial departments.

**Article 38. Right of ownership for information**
Right of ownership for information is the public relations in relation to the possession, use and disposal of information regulated by a law.

Information is the object of right of ownership of citizens, organizations (legal entities) and state. Information can be the object of right of ownership both in full and by the object of only possession, use or disposal.

The proprietor of information on the objects of the own has a right to carry out some legal actions.

The grounds of origin of right of ownership are on information:

creation of information by the forces and for the account;

agreement on creation of information;

agreement, that contains the terms of transition of right of ownership on information to other person.

The information created by several citizens or legal entities is collective own of its creators. An order and rules of the use such own is determined by the agreement concluded between joint owners.

The information created by organizations (by legal entities) or acquired by them by another legal way is own of these organizations.

The information created on facilities of the state budget is a public possession. The information created on individual ownership rights, can be delivered to the public possession in cases of transmission of her on storage in the proper data banks, funds or archives on contractual basis.

The proprietor of information has a right to appoint a person, which carries out the possession, use and order by information, and to determine the rules of treatment of information and access to her, and also set other terms in relation to information.

**Article 39. Information as goods**

Informative products and informative services of citizens and legal entities which carry on informative activity can be the objects of commodity relations which are regulated by the current civil and other legislation.

Prices and pricing on informative products and informative services are fixed by agreements, except for cases statutory.

**Article 40. Informative products**

Informative products are the materialized result of informative activity, intended for satisfaction of informative necessities of citizens, state bodies, enterprises, bodies and organizations.

**Article 41. Informative favour**
An informative favour is realization in the form of informative activity certain by a law after leading to of informative products to the users with the purpose of satisfaction of their informative necessities.

Section IV
PARTICIPANTS OF INFORMATIVE RELATIONS, THEIR RIGHTS AND DUTIES

Article 42. Participants of informative relations

Citizens, legal entities or state, which acquire rights and duties provided by a law in the process of informative activity are defined as participants of informative relations.

The basic participants of these relations are as follows: authors, users, distributors, keepers (guards) of information.

Article 43. Rights of the participants of informative relations

The participants of informative relations have a right to get (to produce, obtain), use, distribute and keep information in some form with the use of some facilities, except for cases statutory.

Every participant of informative relations for providing of his rights, freedoms and legal interests has a right to the obtaining of information about:

activity of public authorities;
activity of folk deputies;
activity of bodies of local and regional self-government and local administration;
that is up to him personally.

Article 44. Duties of participants of informative relations

The participants of informative relations are under an obligation:

to respect informative rights for other subjects;
to use information by law or agreement (by the agreement);
to provide inhibition of principles of the informative relations foreseen by the article 5 of this Law;
to provide access to information to all users subject to the conditions, foreseen by a law or agreement;
to keep her in the proper state during the set term and give to other citizens, legal entities or state bodies in a statutory order;
to compensate the harm caused at violation of legislation about information.
Section V
PROTECTION OF INFORMATION. RESPONSIBILITY FOR VIOLATION OF LEGISLATION ABOUT INFORMATION

Article 45. Protection of right for information

A right to information is protected by law. The state guarantees to all participants of informative relations even rights and possibilities of access to information.

Nobody can limit a right for personality in the choice of forms and sources of obtaining of information, except for cases statutory.

A legal subject on information can require the removal of some violations of his right.

The exception of printing editions, exhibits, informative banks, documents from the archived, library, museum funds and elimination of them from the ideological or political considering is forbidden.

Article 451. Prohibition of censorship and prohibition of interference with professional activity of journalists and mass media from the side of public authorities or bodies of local self-government, their public officials

Censorship as requirement, directed to the mean of mass information, journalist, editor-in-chief, organization, that carries out the issue of mass media, its founder (co-founders), publisher, distributor, preliminary to co-ordinate information, that spreads (except for the cases when such requirement goes from the author of this information or other author legal and (or) contiguous rights subject to her), and/or as imposition of prohibition (except for the cases when such prohibition is imposed by a court) or obstacle in some other form to circulating or distribution of information from the side of public, bodies of local self-government authorities, their officials is forbidden.

Interferences in the forms, not foreseen by the legislation of Ukraine or agreement concluded between a founder (by co-founders) and release of medium of communication, are forbidden, in professional activity of journalists, control after maintenance of information, that spreads, from the side of founders (co-founders) of mass, public authorities or bodies of local self-government, public officials of these bodies medias, in particular with a purpose distributions or non-proliferations of certain information, saying nothing publicly of meaningful information, prohibition on the show of individuals or distribution of information about them, forbid to criticize public authorities or bodies of local self-government or their public officials.

Creations of some public, bodies, introduction of positions authorities are forbidden, which plenary powers in relation to realization of control after maintenance of information are laid on, that spreads by mass medias.

Intentional obstacle to legal professional activity of journalists and/or pursuit of journalist for implementation of professional duties, for criticism, carried out by a public servant or group of persons after a previous plot, results in criminal responsibility in accordance with the Criminal code of Ukraine.

Plenary powers of public authorities on the questions of activity of mass medias are determined exceptionally by Constitution and laws of Ukraine.
Article 46. Impeccissibility of abuse by a right to information

Information can not be used for the appeals to the overthrow of constitutional line-up, violation of territorial integrity of Ukraine, propaganda of war, violence, cruelty, exasperation racial, national, religious enmity, of assassinating, encroachment on rights and freedoms of man.

(part first of the article 46 as amended by the Law of Ukraine of 18.11.2003 N 1268-IV)

Information is not subject to the disclosure if it makes the state or other secret foreseen by the legislation.

Information is not subject to the disclosure if it relates to a medical secret, money holdings, incomes from entrepreneurial activity, adoption (adopting), correspondence, telephone talks and telegraph reports, except for cases statutory.

Article 47. Responsibility for violation of legislation about information

Violation of legislation of Ukraine about information results in disciplinary, civil legal, administrative or criminal responsibility pursuant to the legislation of Ukraine.

Responsibility for violation of legislation about information is carried by persons guilty in accomplishing of such violations, as:

groundless waiver of grant of the proper information;

grant of information, that does not answer reality;

ill-timed grant of information;

intentional concealment of information;

compulsion to distribution or obstacle to distribution of certain information, and also censorship;

(distributions of information which do not answer reality disgrace honor and dignity of person;

groundless waiver of distribution of certain information;

(use and distribution of information on the personal life of citizen without his consent by a person which is the proprietor of the proper information as a result of implementation of the official duties;

disclosure of state or other secret, that is guarded by a law, person which must guard this secret;

violation of order of storage of information;
intentional elimination of information;

groundless subsuming of separate types of information as the one with the limited access;

violation of order of account, storage and use of documents and other data carriers which contain confidential information, that is own of the state.

(as amended by the Law of Ukraine of 11.05.2004 N 1703-IV)

Article 47. Release from responsibility

Nobody can be brought to account for the utterance of personal judgments.

Personal judgments, except for offense or slander are defined as utterances which do not contain fact sheets, in particular criticism, estimation of actions, and also utterance, that can not be interpreted as such, that contain fact sheets, taking into account the pattern of the use of language means, in particular the use of hyperbolae, allegories, satire. Personal judgments are not subject to refutation and leading to of their veracity.

A person rids of responsibility for the disclosure of information with the limited access, if a court will set that this information is publicly meaningful.

The additional grounds of release from responsibility of mass and journalists medias are determined by laws "On Printed Mass Madia in Ukraine", "On Television and Radiobroadcast", "On News Agencies" and "On State Support of Mass Media and Social Protection of Journalists".

(as amended by the Law of Ukraine of 03.04.2003 N 676-IV)

Article 48. Order of appeal against illegal acts

In the case of accomplishing by state bodies, bodies of local and regional self-government and their public officials, and also political parties, other associations of citizens, mass medias, state organizations, which are legal entities, and separate citizens of the illegal acts foreseen by this Law, these actions are subject to the appeal in the bodies of more higher level or to the court.

Complaints about illegal actions of public officials are made in the bodies of higher level which these public officials are inferior by.

In the case of dissatisfaction of the complaint given in the body of higher level, the interested citizen or legal entity have a right to appeal illegal actions of public officials to the court.

Article 49. Compensation of material and moral damages

In the cases when by the offence accomplished by the subject of informative activity, material or moral harm is inflicted to the physical or legal persons, guilty persons compensate her voluntarily or on the basis of decision of court.

Public authorities, bodies of local self-government, as plaintiffs in matters about protection of honor, right to require dignity and business reputation on the court of only refutation of unreliable information and have no authority demand refund moral (no property) harm. It does
not deprive the public servant of public or body of local self-government of right authority of protection of honor, dignity and business reputation in a court.

(as amended by the Law of Ukraine of 03.04.2003 N 676-IV)

Section VI
INTERNATIONAL INFORMATIVE ACTIVITY. COLLABORATION WITH OTHER STATE FOREIGN AND INTERNATIONAL ORGANIZATIONS IN FIELD OF INFORMATION

Article 50. International informative activity

International informative activity consists in providing of citizens, state bodies, enterprises, bodies and organizations by the official documented or in public declared information about foreign-policy activity of Ukraine, about events and phenomena in other countries, and also in purposeful distribution outside Ukraine by state bodies and associations of citizens, mass medias and citizens of comprehensive information about Ukraine.

The citizens of Ukraine have a right to free and unimpeded access to information through foreign sources, including the direct television broadcasting, broadcast and press.

Legal position and professional activity of the foreign correspondents and other representatives of foreign mass medias accredited in Ukraine, and also informative activity of diplomatic, consular and other official representatives of the foreign states, in Ukraine is regulated by the legislation of Ukraine, proper international agreements concluded by Ukraine.

Creation and activity of joint organizations in field of information with participation of domestic and foreign legal entities and citizens is regulated by the legislation of Ukraine.

If an international agreement set other rules, than those, which are contained in the legislation of Ukraine, that regulates the relations in field of information, the norms of the international agreement concluded by Ukraine are used.

Article 51. International agreements

International cooperation in field of information on questions which are of mutual interest is carried out on the basis of the international agreements, concluded by Ukraine and legal entities which carry on informative activity.

State bodies and other legal entities which carry on informative activity can directly carry out foreign economic activity in own interests, and also in interests of individual and collective users which they serve and to which are guaranteed by the obtaining of foreign information.

Article 52. Export and import of informative products (services)

The export and import of informative products (services) is carried out pursuant to the legislation of Ukraine about foreign economic activity.

Article 53. Informative sovereignty

National informative resources are basis of informative sovereignty of Ukraine.
All information proper to her enters to the informative resources of Ukraine, regardless of maintenance, forms, time and place of creation.

Ukraine independently forms informative resources on the territory and freely disposes of them, except for the cases foreseen by laws and international agreements.

**Article 54. Guarantees of informative sovereignty of Ukraine**

Informative sovereignty of Ukraine is provided:

by the exceptional right of ownership of Ukraine on informative resources which are formed due to facilities of the state budget;

by creation of the national systems of information;

by establishment of the regime of access of other states to the informative resources of Ukraine;

by the use of informative resources on the basis of equal collaboration in rights with other states.

President of Ukraine

L. Kravchuk

Kiev

on October, 2, 1992

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