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## DEFINITION AND PROTECTION OF PERSONAL DATA PICULIARITIES: UKRAINIAN AND EUROPEAN EXPERIENCE

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### *Abstract*

The purpose of the article is to clarify the concept of “personal data” and identify a list of information that can be classified as personal, as well as to develop an algorithm to improve the legal protection of personal data in Ukraine and implementation of the European Court of Human Rights’ (ECtHR) decisions into national legislation. The fundamental method of research of this issue is a comparative method. The article, based on the analysis of Ukrainian and European law and the ECtHR practice, presents a list of information that can be classified as personal, as well as proposed procedures for improving the legal mechanism of personal data protection in Ukraine and implementation of decisions ECtHR into national law. The list of data that can be classified as personal is not exhaustive, but will allow both lawyers and ordinary citizens to better navigate within the field of protection of personal rights and provide an opportunity to protect their rights in case of their violation. The legal grounds for the implementation and protection of personal data are identified. Further directions of the system of personal data protection improvement are outlined.

*Keywords:* right to information, personal data, protection of personal data, the European Court of Human Rights practice, definition of personal data, freedom of information.

### **I. INTRODUCTION**

The degree of development of democracy within a society is determined by the extent to which the state is able to guarantee and protect human rights. Freedom of information and access to it is not only a fundamental human right, but also a criterion of all other freedoms. As noted by O. Ivani, A. Kuchuk, and O. Orlova /1/, since the second half of the twentieth century there have been dramatic changes in various spheres of public life. Intensive development of the information sphere significantly affects the development of science. These factors affect such

a regulator of behavior in society as law, on the one hand, reducing its regulatory capacity, on the other – strengthening it. A similar conclusion was reached by other authors, in particular, A. Kuchuk, L. Serdiuk, Yu. Zavorodnia /2/.

European judiciary practice is a crucial guideline for ensuring the proper protection of personal data in our state. The fact is that the Ukrainian law system, in contrast to European national and international legislation (which began to pay attention to the special regulation of personal data protection since the 80s of last century) is

only at the beginning of such a process /3/. Ukraine did not stay away from the world processes, which prompted to rethink the information policy of the state and bring it in line with the requirements of the world civilization trends. Since 1997, when Ukraine ratified the Convention for the Protection of Human Rights and Fundamental Freedoms /4/, citizens have had the opportunity to sue the European Court of Human Rights (ECtHR) for protection of the violated right. The way to the establishment of the institute of personal data in Ukraine began with the adoption of the Law "On Personal Data Protection" /5/. On July 6, 2010, Ukraine ratified the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data /6/, /7/, which entered into force on January 1, 2011. Given Ukraine's soviet past, where everything was collective and common, the adoption and ratification of these acts is a significant step in establishing an institution of personal data protection and has become an important step in the field of human rights compliance in Ukraine.

According to O.S. Diakovskyy /8/, taking into account modern information relations within society and the use of telecommunication systems and methods of information processing, there is a necessity to determine the exact list of personal data that are classified as general data and vulnerable data. Determining the exact list of personal data in order to classify them as general or vulnerable data will enable the effective implementation of the Law of Ukraine "On Personal Data Protection" and will determine the classification of personal data in the future and their normative regulation. Thus, today the issue of improving national legislation in the field of information, bringing information relations in line with the best European and world standards remains relevant. In other words, modern democratic social and political processes have led to the formation of a new philosophy of information policy of Ukraine aimed at ensuring openness of public authorities and access of the citizens to information, but left a number of gaps in answering questions about the effectiveness of

its legal regulation, certainty, content and understanding.

Achieving the goal of the study necessitated the elaboration of Ukrainian and European law, national and international legal acts, and decisions of the ECtHR using a comparative method. The processing of international legal acts in the field of human rights provision related to the protection of personal data was carried out using logical methods of analysis and synthesis. The study was conducted in three stages: at the first stage, a theoretical analysis of issues related to personal data protection was carried out. The problem, purpose and methods of research are singled out, and also the plan of the research is made. At the second stage the analysis of Ukrainian and European law, national and international legal acts, decisions of the ECtHR was carried out. At the third stage conclusions are made and the algorithm of actions for improvement of legal protection of personal data in Ukraine and implementation of the ECtHR decisions into the national legislation is outlined.

## II. THE RIGHT TO PROTECT THE PERSONAL INFORMATION

Based on the analysis, it is concluded that in the national law of Ukraine there is no common understanding of the concept of "personal data", which significantly complicates the mechanism of their protection and guarantee. The problem is further complicated by the fact that for a long time, when Ukraine was part of the Soviet Union, where everything was collective and common, depersonalization took place as much as possible and privacy and individuality were not discussed, but were rather persecuted. Therefore, the problem of regulating public relations in the field of personal data protection requires research and delineation of the list of information that can be classified as personal.

As a result of a study of Ukrainian law and the practice of the ECtHR, the following list of information is presented. This list is not exhaustive and might be supplemented with

other information. Also, the necessity to create a body of translators to translate all decisions of the ECtHR, not only against Ukraine, and the introduction of a free single national database with translations on the example of the common law states. It is concluded that the gaps within the legislation in the field of personal data protection may be a violation of human rights and public authorities may not always process personal data. The procedure for improving the legal mechanism of personal data protection in Ukraine and the implementation of ECtHR' decisions into national legislation is suggested.

Due to the rapid development of information technology, access to various communication channels has been gained not only by bodies and organizations, but also by individuals. Nowadays, everyone has the opportunity to create their own messages and disseminate information that will be available to an unlimited number of users. As a result of mass and uncontrolled access of all members of society to information and communication technologies, the private "curtain", which until recently allowed to "hide" a significant amount of personal information from outsiders, was removed. As a result, there were a number of information scandals that drew public attention to the problem of personal information protection and caused a large-scale discussion of this problem /9/.

Technological progress and globalization have created a number of different challenges in the exercise by individuals of their right to the protection of personal data, which they have naturally encountered in the Council of Europe member states. By virtue of modern technologies, personal data move more freely, private companies and public authorities use personal data on an unprecedented scale, and individuals are increasingly accessing their data. The protection of personal data is an integral part of legal regulation within the information society /10/. In fact, this situation is not unique to other states too, because the protection of personal data also affects the virtual sphere, where user

information is collected through Google, Facebook, Instagram. And here we can talk about the fourth generation of human rights. The consequence of all this is the necessity to constantly improve the mechanism of legal regulation within this area.

Applying the ECtHR practice, courts do not always clearly and unambiguously understand the legal meaning of such an application. Therefore, an abstract reference to the ECtHR practice without reference to a specific decision of an international judicial body is quite common in the activities of national courts. Typical in national court decisions is a reference to a specific decision of the ECtHR, but without indicating its correlation with the rules of national law and the circumstances of the particular case. An example of the fact that even judges do not always understand what is embedded in the concept of "personal data" is the Decision of the High Council of Justice No. 3279 / 1dp / 15-20 "On calling of a judge of the Kyiv District Administrative Court O.E. Bragina to disciplinary responsibility" /11/. Thus, in the spring of 2020, a man challenged in court the inaction of the Irpin city department of the State Migration Service regarding the non-issuance of a passport in the form of a booklet to his daughter. During the hearing, Judge Bragina spoke contemptuously with the lawyer, the plaintiff, and his minor daughter. Answering the court's question why the man believes that the issuance of a passport of a citizen of Ukraine in the form of an ID card is a collection and storage of confidential information, the plaintiff said that employees of the State Migration Service are provided with a digitized facial image, information about the iris of the eye, digitized signature of the person, digitized fingerprints, the processing of which, in his opinion, is an interference in the private life of his daughter. Judge Bragina is convinced that the fingerprint and retina are not confidential information. The judge was suspended from justice for 6 months - with deprivation of salary supplements and mandatory referral to the National School of Judges of Ukraine for refresher courses and further qualification assessment to

confirm the judge's ability to administer justice.

Therefore, there is a necessity for a separate list of data, which includes personal data. There is also a challenge with the translator body, as there is no such thing, but there is exigency of a formal translation of ECtHR decisions into Ukrainian language, which would significantly improve the situation with the definition and understanding of information related to personal data. According to Art. 18 of the Law of Ukraine "On Enforcement of Judgments and Application of the ECtHR' Practice" /12/, courts should use the official translation of the ECtHR decision published in the official publication or use the original text in the absence of translation. However, the application by courts of untranslated judgments of the ECtHR violates a person's constitutional right to know his legal position.

The institute of official translation is provided only for decisions in cases against Ukraine, which is logical, since the accuracy of reproduction of the circumstances of the case, proper names, quotations from procedural documents, etc. The Ministry of Justice can provide on the basis of original documents only in "Ukrainian" cases, the translation of the operative part of the decision serves as an executive document for payment of fair satisfaction awarded by the European Court, and the translation of the decision is generally used by the state to take measures of both general and individual nature – in the context of the latter the official translation is crucial for retrial of the case by exceptional conditions by the Supreme Court in connection with the finding of a violation by the ECtHR. The judicial system meets the problem of which legal position set out in the judgments of the ECtHR does not correspond adjudged issue in a concrete case and display a clear link between the facts, where the ECtH came to a corresponding conclusion, and the case in which the Ukrainian court will apply such a conclusion /13/.

### III. UKRAINIAN LAW IN THE FIELD OF PERSONAL DATA PROTECTION

It is most expedient to make a free single national database with translations following the example of common law states. Such a framework would eliminate the ambiguity of translation by judges and would ensure the right of citizens to access information in the decisions of the ECtHR. The fundamental acts that determine the procedure for collecting, using and disseminating personal data in Ukraine are the Constitution of Ukraine /14/ and the laws of Ukraine "On Personal Data Protection" /15/, "On Access to Public Information" /16/, "On Information" /17/. At the Council of Europe level, the protection of personal data is regulated by the Convention for the Protection of Human Rights and Fundamental Freedoms 1950, ratified by Ukraine on 17.07.97, and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981, ratified by Ukraine in 2009.

Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the System of Personal Data Protection" /18/, in order to ensure the independence of the authorized body for personal data protection, as required by the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing personal data, the authority to monitor compliance with legislation on personal data protection is vested in the Commissioner of the Verkhovna Rada of Ukraine for Human Rights (from April 6, 2011 to September 10, 2014 functioned the State Service for Personal Data Protection), who should perform a number of tasks. Part 1 of Article 2 of the Law of Ukraine "On Personal Data Protection" under the latter means "information or a set of facts about an individual who is identified or can be specifically identified" /19/. This definition is quite abstract and needs to be clarified and concretized. In Article 2 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981, the term "personal data" means any information relating to a specific person or a

person who could be specifically identified. That is, in this Convention, personal data is understood as "information". At the same time, according to the Law of Ukraine "On Personal Data Protection", personal data is "facts".

According to the Law of Ukraine "On Information", information is any facts and / or data that can be stored on physical media or displayed electronically. Therefore, information includes facts but does not come to nothing more than it. That is, the term "facts" in Ukrainian law is still not defined, which complicates the understanding of "personal data". Part 1 of Article 11 of the Law "On Information" identifies personal data with information about an individual, which is even more confusing. Let's try to determine the list of facts about personal data. Part 2 of Article 11 of the Law "On Information" defines as such data about person's nationality, education, marital status, religious beliefs, health state, as well as address, date and place of birth. Another list of information on personal data is contained in the decision of the Constitutional Court of Ukraine No.2-rp / 2012 /20/ and embodies the following: any information or set of facts about an individual who is identified or can be specifically identified, namely: nationality, education, marital status, religious beliefs, health status, financial status, address, date and place of birth, place of residence and stay, etc., data on personal property and non-property relations of this person with other persons, including family members, as well as information on events and phenomena that have occurred or are occurring in domestic, intimate, social, professional, business and other spheres of person's life; information about the personal and family life of a person is any facts and / or data about non-property and property relations, circumstances, events, relationships, etc., related to the person and his family members.

Article 5 of the Law of Ukraine "On Personal Data Protection" provides that personal data might be classified as confidential information about a person. This requires either a special law that

gives certain personal data the status of confidential information, or a decision by the individual as to what information about him is not subject to public disclosure. However, in the latter case, a person cannot act only at his own discretion. Personal data can only be kept confidential if the law does not prohibit restricting access to it. Restricted information also does not include information on the receipt by any individual of budget funds, state or municipal property, except as provided in Article 6 of the Law of Ukraine "On Access to Public Information". Therefore, special laws might prohibit the classification of certain personal data as confidential information. The laws of Ukraine include the following personal data to confidential personal information:

- information about a person's nationality, education, marital status, religious beliefs, state of health, as well as address of residence, date and place of birth /21/;
- information about the disease, medical check-up, examination and their results, intimate and family life of the citizen, which became known to the person in connection with the performance of his professional or official duties /22/;
- information on the subject of the contract for the performance of scientific and research or research and design and technological works, the course of its implementation and the results obtained /23/;
- information from the State Register of Individuals - Taxpayers, except for information on the registration of individuals - entrepreneurs and persons engaged in independent professional activity /24/;
- information on victims and persons who reported domestic violence /25/;
- information concerning the customs value of goods moving across the customs border of Ukraine /26/;
- primary data obtained by state statistics bodies from respondents during statistical observations, as well as administrative data on respondents obtained by state statistics bodies from bodies engaged in activities related to the collection and use of administrative data /27/;
- information about the place of residence or place

of stay of a person /28/;

- materials of the application of a natural or legal person for registration of a variety and results of examination of a plant variety /29/;
- data on a person taken under protection in criminal proceedings /30/;
- data on an employee of a court or law enforcement body taken under protection /31/;
- primary (personal) and other data obtained during the census /32/;
- information submitted by the applicant for recognition as a refugee or a person in need of additional protection, information on the fact of submitting an application for recognition as a person entitled to protection in Ukraine /33/;
- information on pension contributions, pension payments and the amount of pension funds accounted for in the individual pension account of a pension fund participant; from pension deposit accounts of an individual; on the conditions and state of execution of life insurance contracts /34/;
- information about the personal life of citizens, obtained from citizens appeals /35/.

This list is not exhaustive and might be supplemented by other legislation acts. Some aspects of the compliance of the current legislation of Ukraine and the judicial practice in the field under consideration with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the ECtHR cannot be ignored.

#### IV. EUROPEAN EXPERIENCE IN PROTECTION OF PERSONAL DATA

Taking into account the practice of the ECtHR, it is possible to single out even less information that can be attributed to personal data. For example, the judgment in Case of Avilkina and Others v. Russian case /36/, the prosecutor's office required the doctors to provide the information contained in the applicants' medical documents, without their consent and in the absence of open criminal proceedings. These data, which contained medical secrecy, were passed on. The court found that the protection of personal data, including medical information, is fundamental to the

exercise of a person's guaranteed right to respect for private and family life. The transmission of confidential information can also seriously affect people's social status and employment, as it makes them subject to abuse and possible persecution.

In the present case, the applicants were not suspects in any criminal investigation. The Court therefore ruled that there was no acute social need to require the transfer of information constituting medical secrecy. The ECtHR in its practice has established that the processing of personal data should be carried out on the basis of adequacy, compliance and non-redundancy, which in the ECtHR practice is formulated as a principle of proportionality. Its observance requires a careful study of the circumstances of the case and their comparison with the main criteria. According to this principle, processing should have legal grounds /37/. Decision of the Case of Rotaru v. Romania /38/, the analysis of which gives grounds to claim that the shortcomings of the legislation in the field of personal data protection might be a violation of your right. Thus, the Court found a violation due to the fact that the law provided for the right to collect, record and store in secret files of the Romanian Intelligence Service information that could harm national security interests and did not impose restrictions on the Service's exercise of these powers.

Among other things, Romanian law did not specify the type of information that could be processed. As a result, the "predictability" requirement of the law was not met. Case of Khelili v. Switzerland /39/ states, that public authority might not always process your personal data. Thus, during a police raid, the police found the applicant, who had business cards with the following text: "A pretty, beautiful woman in her thirties would like to meet a man to have a drink or time together sometimes. Phone number ...". Police then brought her name into the database as a prostitute she had never been. The ECtHR recognizes that, in principle, the retention of a person's personal data on the grounds that that

person might have committed another crime could, under certain conditions, be proportionate. However, in the applicant's case the accusation of illegal prostitution turned out to be too general and not substantiated by specific facts, so it could not be regarded as meeting the "urgent public need" and therefore a violation was found.

But even more revealing and decisive in this sense are the decisions of the Court against Ukraine, as they analyze and elucidate the specific shortcomings of our legal field in this area. At the same time, this practice is quite small, given the length of proceedings by the European law enforcement institution /40/. Judgment of the ECtHR in the Case of Zaichenko v. Ukraine (No. 2) /41/, in which the Court drew attention to the insufficient legal regulation in Ukraine of the collection, storage, use and dissemination of information about persons, in particular their mental health state, and the absence of any mechanism for protecting the rights of individuals from unlawful interference by psychiatric institutions in their private lives. The police (militia) at the time were collecting information about the applicant for a forensic psychiatric examination. The ECtHR stated the absence of the necessary guarantees against arbitrariness.

It should be noted the violation of the right to protection of personal data by the employer. For example, the Case of Surikov v. Ukraine /42/, the applicant's employer arbitrarily collected, stored and used data on his mental health in connection with the latter's application for promotion, and also disclosed this data to the applicant's colleagues and the court in open trial. The law allowed the storage of data on the applicant's health for a long time and allowed its publication and use for purposes that did not meet the original purpose of their collection. The ECtHR stated that this was a disproportionate interference with the applicant's right, which was not necessary in a democratic society, so there was a violation. All these issues are relevant today, especially in the context of the leakage of huge amounts of personal data through various

online tools, social networks, purchase and sale of databases between companies without the knowledge of individuals or unauthorized dissemination of data in general. Standards for the protection of personal data are rising every day, and we should adhere to them – to implement the standards of the Council of Europe, including the protection of personal data and the ECtHR decisions into domestic law.

## V. CONCLUSION

It is established that the issue of regulating public relations in the field of personal data protection needs to be studied and researched not only at the level of national legislation, but also with the application of the practice of the ECtHR and international and legal acts. It is established that despite numerous regulations in the field of information, this problem remains extremely relevant in Ukraine. The following topical issues require theoretical and law and legislative elaboration: finding a balance between ensuring the right of human ownership of personal data and the necessity to implement the functions of the state; legislative definition of personal data; consolidating the rights of citizens to control and revoke, clarify or delete their personal data in any systems and databases (except state registers), as well as in global communication networks. An equally important challenge is the lack of uniform criteria for the application of ECtHR practice in Ukraine. The abovementioned gives grounds to conclude that the establishment of Ukraine as a state governed by the rule of law is impossible without the implementation into the national law system of European standards concerning human rights abidance and, in particular, the right to protection of personal data.

Thus, based on the analysis of the Ukrainian and European law and the practice of the ECtHR, we present a list of information that could be classified as personal data: information about a person's nationality, education, marital status, address, date and place of birth, identification code, passport number and series, mobile phone number, bank card number, information about the disease, medical check-up, examination and

their results, intimate and family life of a citizen which became known to a person in connection with the performance of his professional or official duties, information on the subject of the contract for scientific and research or research and design and technological works, the progress of its implementation and the results obtained, information from the State Register of Individuals - Taxpayers, except for information on registration of individuals - entrepreneurs and persons conducting independent professional activity, information concerning the customs value of goods in, moving across the customs border of Ukraine, primary data obtained by state statistics bodies from respondents during statistical observations.

As well as administrative data on respondents obtained by state statistics bodies from bodies engaged in activities related to the collection and use of administrative data could be also classified, information about the person's stay, materials of the application of a natural or legal person for registration of a variety and results of examination of a plant variety, data about a person taken under protection in criminal proceedings, data about a court employee or of a law enforcement body worker taken under protection other data obtained during the census, information provided by the applicant for recognition as a refugee or a person in need of additional protection, information on the fact of filing an application for recognition as a person entitled to protection in Ukraine, information on pension contributions, pension benefits and the amount of pension funds accounted for on the individual pension account of a pension fund participant, from pension deposit accounts of an individual, on conditions and the state of fulfillment of life pension insurance agreements, information on personal life of citizens obtained from citizens' appeals, vehicle license plate, driver's license number, face, fingerprints, or handwriting, digital signature, genetic information, occupation, living conditions, lifestyle, life interests and hobbies, consumer habits, information relating to political, ideological and religious beliefs; information on

membership in political parties, trade unions, religious or public organizations, etc.

It might be processed, including distributed, only with their consent, except as provided by law, and only in the interests of national security, economic prosperity and human rights. The materials of this article can be useful for lawyers, lecturers, ordinary citizens and all those interested in the determination and protection of personal data will help to better navigate and provide an opportunity to protect their rights in case of violation. In the process of research, new issues and problems which should be solved arose. Research should be continued as to establishment of a translator body to translate all the ECtHR decisions; introduction of a free unified national database with translations following the example of common law states; supplementing and updating the list of information related to personal data.

Conclusively, the state should take reasonable and necessary measures to respect the individual's right to the protection of personal data. Guaranteeing the relevant human right is an element of the democratic development of society and aims to establish and ensure a fair and humane balance between the public interest and the private nature of the right to privacy. Given the insufficient level of regulatory development of legal mechanisms for the implementation of relevant rights and obligations in national law, it is crucial to take into account the further law-making and law enforcement experience of European institutions. In particular, this applies to the ECtHR practice, which, according to current Ukrainian regulations, is a source of national law. So far, the courts of general jurisdiction of Ukraine, despite the availability of specific decisions, do not always take into account these requirements. Also, as indicated in the decisions of the ECtHR, the quality of Ukrainian law should to be improved in terms of the democratic direction of guaranteeing the right to protection of personal data.

*Notes*



- /1/ Ivanii, O., Kuchuk, A., & Orlova, O. (2020), Biotechnology as factor for the fourth generation of human rights formation. *Journal of History Culture and Art Research*, 9(1), 115-121.
- /2/ Kuchuk, A., Serdiuk, L., & Zavorodnia, Yu. (2019), Modern law education in the context of natural understanding of law. *Asia Life Sciences*, 2, 359-370.
- /3/ Guiwan, P. (2019), Legal assessments of the European Court of Human Rights regarding the protection of personal data. Their significance for Ukraine. *Bulletin of National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute". Politology. Sociology. Law*, 1(41), 91-96.
- /4/ Council of Europe. (1950), Convention for the Protection of Human Rights and Fundamental Freedoms. Retrieved from [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)
- /5/ The Verkhovna Rada of Ukraine. (2010a), On Personal Data Protection: Law of Ukraine No. 2297-VI. Retrieved from <https://zakon.rada.gov.ua/laws/show/2297-17>
- /6/ Council of Europe. (1981a), Automatic Processing of Personal Data. Retrieved from [https://zakon.rada.gov.ua/laws/show/994\\_326#Text](https://zakon.rada.gov.ua/laws/show/994_326#Text)
- /7/ Council of Europe. (1981b), Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Retrieved from <https://rm.coe.int/1680078b37>
- /8/ Diakovskyy, O. (2017), Defining the concept of personal data as a legal category. *Current Issues and Solutions. Information and Law*, 3(22), 51-56.
- /9/ Gron, O., & Pogorelenko, A. (2018), Issues of personal data protection in the context of modern communication. *Scientific Bulletin of Uzhhorod National University*, 19, 102-108.
- /10/ Kashkin, S., & Zhupanov, A. (2013), Legal entities in the European Union Law. *Lex Russica*, 7, 718-734.
- /11/ High Council of Justice. (2020), On bringing to disciplinary responsibility of the judge of the Kiev District Administrative Court Bragina O.E. Solution No. 3279. Retrieved from <https://hcj.gov.ua/doc/doc/4866>
- /12/ The Verkhovna Rada of Ukraine. (2006), On Implementation of Decisions and Application of the European Court of Human Rights Practice. Retrieved from <https://zakon.rada.gov.ua/laws/show/3477-15>
- /13/ Zubenko, G. (2013), *Issues of the European Court of Human Rights decisions and rulings translation. Legal life of modern Ukraine: Materials of the International scientific conference of lecturers and postgraduate students*. Odessa: Phoenix.
- /14/ The Verkhovna Rada of Ukraine. (1996a), Constitution of Ukraine No. 254k / 96-VR. Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
- /15/ op. sit. in /5/
- /16/ The Verkhovna Rada of Ukraine. (2011a), On Access to Public Information: Law of Ukraine No. 2939-VI. Retrieved from <https://zakon.rada.gov.ua/laws/show/2939-17>
- /17/ The Verkhovna Rada of Ukraine. (1992a), On Information No. 2657-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/2657-12>
- /18/ The Verkhovna Rada of Ukraine. (2013b), On Amendments to Certain Legislative Acts of Ukraine Concerning the Improvement of the Personal Data Protection System No. 383-VII. Retrieved from <https://zakon.rada.gov.ua/laws/show/383-18#Text>
- /19/ op. sit. in /5/
- /20/ The Constitutional Court of Ukraine. (2012), Decision No.2-rp / 2012. Retrieved from <https://zakon.rada.gov.ua/laws/show/v002p710-12>
- /21/ op. sit. in /17/
- /22/ The Verkhovna Rada of Ukraine. (2013a), Fundamentals of the Legislation of Ukraine on Health Care No. 2801-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/2801-12>
- /23/ The Verkhovna Rada of Ukraine. (2003a), Civil Code of Ukraine No. 435-IV. Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15>
- /24/ The Verkhovna Rada of Ukraine. (2010b), Tax Code of Ukraine No. 2755-VI. Retrieved from <https://zakon.rada.gov.ua/laws/show/2755-17>
- /25/ The Verkhovna Rada of Ukraine. (2017), On Prevention and Counteraction to Domestic Violence No. 2229-VIII. Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-19>
- /26/ The Verkhovna Rada of Ukraine. (2012), Customs Code of Ukraine No. 4495-VI. Retrieved from <https://zakon.rada.gov.ua/laws/show/4495-17>
- /27/ The Verkhovna Rada of Ukraine. (1992b), On State Statistics No. 2614-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/2614-12>
- /28/ The Verkhovna Rada of Ukraine. (2003b), On Freedom of Movement and Free Choice of Residence in Ukraine No. 1382-IV. Retrieved from <https://zakon.rada.gov.ua/laws/show/1382-15>
- /29/ The Verkhovna Rada of Ukraine. (1993b), On

- 
- Protection of Plant Variety Rights: Law of Ukraine No. 3116-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/3116-12>
- /30/ The Verkhovna Rada of Ukraine. (1993a), On Ensuring the Safety of Persons Participating in Criminal Proceedings No. 3782-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/3782-12#Text>
- /31/ The Verkhovna Rada of Ukraine. (1993c), On State Protection of Employees of Courts and Law Enforcement Bodies No. 3781-XII. Retrieved from <https://zakon.rada.gov.ua/laws/show/3781-12>
- /32/ The Verkhovna Rada of Ukraine. (2000), On the All-Ukrainian Census No. 2058-III. Retrieved from <https://zakon.rada.gov.ua/laws/show/2058-14>
- /33/ The Verkhovna Rada of Ukraine. (2011b), On Refugees and Persons in Need of Additional or Temporary Protection No. 3671-VI. Retrieved from <https://zakon.rada.gov.ua/laws/show/3671-17>
- /34/ The Verkhovna Rada of Ukraine. (2003c), On Non-State Pension Provision No. 1057-IV. Retrieved from <https://zakon.rada.gov.ua/laws/show/1057-15>
- /35/ The Verkhovna Rada of Ukraine. (1996b), On Citizens' Appeals No. 393/96-BP. Retrieved from <https://zakon.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80>
- /36/ European Court of Human Rights. (2013), Case of Avilkina and Others v. Russian. Application No. 1585/09. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-140105>
- /37/ op. sit. in /3/
- /38/ European Court of Human Rights. (2000), Case of Rotaru v. Romania. Application No. 28341/95. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-122529>
- /39/ European Court of Human Rights. (2011), Case of Khelili v. Switzerland. Application No. 16188/07. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-107033>
- /40/ op. sit. in /3/
- /41/ European Court of Human Rights. (2015), Case of Zaichenko v. Ukraine. Application No. 45797/09. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-152598>
- /42/ European Court of Human Rights. (2017), Case of Surikov v. Ukraine. Application No. 42788/06. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-170462>