



LEGAL BASIS FOR ENSURING THE SECURITY OF PERSONAL DATA: PROBLEMS AND SOLUTIONS.

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Annotation. This article discusses the analysis of the legal basis for directly ensuring the security of personal data, as well as proposals for solving the problems encountered in this direction in the country, based on regulatory documents.

Key words: personal data, identification, biometric and genetic data.

Today, it is no secret that the rapid penetration of information and communication technologies into the life of society increases the well-being of a person's daily life. However, there is another side of the coin that cannot be overlooked. We are talking about the possibility of direct negative impact on privacy of individuals through these modern information and communication technologies.

During the past 12 months of 2021 alone, the number of offenses under Article 462 of the Civil Code of the Republic of Uzbekistan, i.e. "Breach of the Law on Personal Information" was 247, while in the 9 months of this year, this indicator has increased by almost 12% to 277. [1]. Given that the current year 2022 still has 3 full months to go, the number is likely to be even higher. These numbers were not made in vain. Today, in our country, the cases of violation of the requirements of legal documents on personal data are increasing in some cases without knowing, and in some cases intentionally.

From the above, it can be understood that today the regulatory legal documents ensuring the safety of personal information in our country are perfect in order to respond to any attacks. After all, one of the criteria for assessing the privacy of a person is the safety of his personal information.

At this point, today in our country, the Law of the Republic of Uzbekistan "On Personal Information" (O'RQ-547 dated 02.07.2019), which is intended to ensure the security of personal information of individuals, Administrative (22.09.1994) and Criminal Liability (01.04. 1995) codes, the Cabinet of Ministers "On approval of the regulation on the state register of personal databases" (No. 71 of 08.02.2020), It is possible to cite the decisions "On the requirements for material bodies containing biometric and genetic data and technologies for storing such data outside of personal databases" (No. 570 dated 05.10.2022) and the existence of a number of similar normative legal documents.

Although there are a number of regulatory legal documents on personal data in our country, as stated by S.A. Nurumbetova, it is necessary to constantly update these regulatory legal documents based on the requirements of the time [2, p.29].

Article 4 of the Law of the Republic of Uzbekistan "On Personal Data" defines personal data as follows: personal data is defined as information recorded electronically, on paper and (or) in other physical form, relating to a specific natural person or allowing him to be identified. given [3].

It is known that biometric and genetic data are among the personal data that allow identification of a specific person. After all, every person can change his/her name, surname, patronymic, place of birth, time, education, profession, property during his/her lifetime in accordance with the law. However, no matter how much a person wants, he cannot change his anatomical and physiological characteristics in any way. Because these features are individual for each person [4].

The analysis of modern trends shows that today many genetic studies are being conducted in the world to collect biometric and genetic data of mankind, to analyze their group affiliation in terms of geographic, racial, ethnic, hereditary and psychophysiological characteristics.

It would not be an exaggeration to say that these researches serve the development of mankind, but also serve the creation of biological weapons by some companies. There are also those who obtain personal information and commit various frauds, greed, insults or other inhumane actions for malicious purposes.

Article 27 of the Law of the Republic of Uzbekistan "On Personal Information" stipulates that the protection of personal information is guaranteed by the state [3]. However, in our country there are systemic problems that are becoming more and more urgent in ensuring the security of personal data. In particular, a number of problematic situations related to operators processing personal data can be mentioned, below these problems will be systematically analyzed sequentially.

For example, operators processing personal data must be registered in the State Register of Personal Databases at the State Personalization Center in accordance with the relevant clauses of the Resolution No. 71 of the Cabinet of Ministers of the Republic of Uzbekistan dated August 8, 2020 "On Approval of the Regulation on the State Register of Personal Databases"[5].

According to the requirements of the Law "On Personal Data" of the Republic of Uzbekistan, biometric and genetic data can be processed only with the consent of the subject. It is also mentioned that biometric and genetic data in electronic form should be provided with systems that exclude their unauthorized use.

Article 33 of the Law of the Republic of Uzbekistan "On Personal Information" establishes liability for violation of the legislation on personal information [3]. Based on this article, it is provided that the guilty persons who violated the requirements of this law will be prosecuted based on Article 462 of the Code of Administrative Responsibility of the Republic of Uzbekistan and Article 1412 of the Criminal Code [6; 7].

However, the problem is that the mechanisms for early detection and formalization of administrative violations in cases of violations of the legislation on personal data have not been established.

In recent times, various organizations, enterprises and individuals in our republic have been increasingly using biometric data (facial image, fingerprints, medical diagnostic analysis results, genomic DNA, RNA information, etc.) [8] for personal identification.

In particular, biometric data of individuals are used for entering and exiting the buildings of state, non-governmental agencies, and private enterprises, for customer registration, or for other purposes, and personal biometric data is stored on computers, servers, and other data-carrying devices. However, the monitoring of the causes and conditions of violations that may occur in the field of obtaining, using, storing, transmitting

and distributing these biometric data with the consent of the owner, according to the requirements of the law, is not being carried out sufficiently.

As a result of this, there are real threats to the rational use of the information of the citizens of the republic about the person protected by the law for legal purposes. In accordance with Article 280 of the Code of Administrative Responsibility, it is established that the verification and (or) control of compliance with the rules, the violation of which causes administrative responsibility, shall be carried out by an authorized official of the relevant body entrusted by law [6].

Today, the competent state body in the field of personal data in our country is the State Personalization Center under the Cabinet of Ministers. This provision is reinforced by the Law of the Republic of Uzbekistan "On Personal Information". But today in this direction the following: A number of organizational, legal and technical problems arise in the full implementation of these tasks by Maraz, as the number of operators registered in the state registry is increasing and they are operating in all regions of the republic.

In our opinion, automated biometric identification systems of the authorized body, processing of personal biometric data, research of digital information storage devices, and illegal use of biometric and genetic data are essential for detecting and taking legally effective measures against possible violations of personal information, in particular in the field of biometric and genetic data processing. should be implemented by structures with capacity.

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