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# Personal Confidential Information as an Object Civil Law

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**Summary:** This article discusses some of the problems of personal confidential information as an object of civil rights, the relationship secret, confidential information and personal confidential information, dissemination and protection of their personal information confidential.

**Keywords:** personal confidential information, object, mystery, spread, protection of personal confidential information,

Object rights are the benefits of property and non-property nature, and in this case, non-material, the isolation of the subject relative to the other participants of civil relations appears as a personal non-property. "Institute of moral rights to distinguish one from another subject of law, protects their identity and

originality"<sup>1</sup>. The subject of civil law individualizes also belongs themselves intangible benefits, such honor, dignity, family secrets, personal information, health, etc., in addition according to the law, a citizen has the right to demand refutation of discrediting his honor, dignity or business reputation, if disseminated such statements does not prove that it is true. At the request is allowed protection of honor and dignity or business reputation of the persons concerned shall be entitled, along with the refutation of such information, to claim damages for moral damages caused by their dissemination. And should all agree with M.N.Maleinoy, which considers that a separate sign of moral rights are the characteristics of their facilities, which serve as non-material (spiritual)

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<sup>1</sup> Malein MN Moral rights of citizens: concept, implementation, protection. 2nd ed., Rev. and ext. M.: Ministry of Health Press, 2001, p 13.

and the good results of intellectual activity. So do not be confused moral rights and its object, although, of course, these concepts are closely linked.

In compliance with Art. 3 of the Law "On Principles and Guarantees of Freedom of Information" of 12 December 2000, information - data on persons, objects, facts, events, phenomena and processes regardless of the source and form of presentation. Art. 3 also includes a definition of documented information fixed on a material bearer with requisites allowing to identify it; confidential information documented information, access to which is restricted in accordance with the legislation of the Republic of Uzbekistan also like to emphasize that the legislator does not give the notion of personal information, and immediately identifies it in the category of confidential information, and determines that it is not allowed the collection, storage, processing, dissemination and use of information

about the private life, as well as information that violates privacy, the privacy of correspondence, telephone conversations, postal, telegraph and other communications of an individual without his consent, except as required by law.

Such a definition of the concept of information can significantly expand the range of objects that can be attributed to information. It should be noted that the information component is present in many civil law objects. If it is of importance is central to the object, the object has a primarily informational content. Thus, we have perhaps not entirely successful, but it is applicable, the term "object of civil law, having information content." At this stage of the study to define a new term it is difficult, because you need to study specific sites. We confine ourselves to the observation that the source of the value of these objects is information. What can be attributed to such objects? The answer to this question will allow, ultimately, determine what

is meant by the information as the object of civil rights and to develop a common approach to defining the legal status of the object.

Foremost among such facilities should include sensitive information or "secret." Civil Code contains provisions on various types of secrets. In addition to commercial and official (Art. 98), which develops the regulation Articles 654, 695, Civil Code, the Code is also referred to personal and family (Art. 99), a bank (Art. 786), insurance secret (Art. 933) and the mystery of the will (st.1128). Analysis of a number of other regulations allows us to call a number of mysteries that are associated with the above, and therefore subject to review as the civil rights objects. You can enter a generic category of "personal sensitive information", which combines the concepts of personal and family secrets, and includes a medical secret, communication secret preliminary investigation secret, notary secret, the secret of adoption, security secrets,

attorney's secrets, secrecy of confession, the secret ballot and information judges of the security measures of law enforcement officials. It should be noted that a significant portion of the above mysteries governed by regulatory acts of the other branches of the law, which indicates their complex legal nature. However, their direct connection with personal confidential information, which can be attributed to a number of intangible benefits, points to the importance it is the civil law aspects of their legal regime. I must admit that most of the above mysteries adequately regulated in the legislation and enforcement problems are of the nature of them, mainly due to the level of public legal awareness.

In the transition to an information society regulation of the legal regime of personal confidential information is especially important. Almost all the modern electronic world, human actions are recorded in different databases (invoices, receipts, medical records, etc.). The value of

information has always been recognized by society and the state in ancient Rome, the law provides for a double penalty for forcing slaves to reveal the secrets of their masters<sup>2</sup>.

VA Dozortsev writes about a completely different than the traditional exclusive rights, the right to information<sup>3</sup>. Based on the foregoing, if the information can be regarded as an object of law, it can be stated that personal information is confidential and is the subject of rights, because it is a component of a variety of information.

Among the objects of civil law, as a personal confidential information, can be attributed to intangible benefits such as the name, image, honor, dignity and business reputation. Their informative character lies in the fact that, being the estimated moral categories, they are, on the one hand, are based on certain personal confidential information about the

subject, and on the other, themselves carry this information. In addition, damage to these benefits can be applied to "dissemination of information", ie, personal confidential information.

According to foreign law, personal confidential information constitute information about a particular person, not related to his professional or social activities and give an assessment of his character, appearance, health, property, family status, lifestyle, several facts of biography, as well as his relationship with relatives familiar etc.<sup>4</sup>

Consideration of the objects of personal confidential information poses a very important question of whether the information can serve as the objects of property rights. Its resolution will eliminate many problems, such as legislative (contradictions between the "On principles and guarantees of freedom of information", which establishes the ownership of information resources (it

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<sup>2</sup> Gerasimov BM Problems of the Russian information legislator-tion // Information Resources of Russia. -1996. -№6.-S.9-13.

<sup>3</sup> Dozortsev VA Information as the object of an exclusive right // Delo pravo.-1996.-№ 4.-S.27-35.

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<sup>4</sup> Daniel J. Solove A. Taxonomy of Privacy // University of Pennsylvania Law Review. 2005. #154.

also states "The agreement on free access and order the exchange of publicly available scientific and technical information of CIS Member States" September 11, 1998), and a number of other laws) and law enforcement (in particular, problems related to taxation). A number of scientists VA Dozortsev, E. Volchinskaya<sup>5</sup> consider that the information is only an object of exclusive rights, other VA Kopylov, IL Bachilo<sup>6</sup> admit the possibility of recognition of the documented information as an object of property rights.

I would like to draw attention to the formation of personal confidential information, that is, how it is formed in the legal field, some aspects of personal confidential information (such as insurance secret Notary mystery, banking, medical) and many others are enshrined in legislation and legal framework for their protection

also designated by the legislator, but it is only one side of the coin, mainly responsible in determining the confidentiality of personal information and its protection is and should be himself the owner of, as this information must be in the legal field of the personality (in foreign literature known to the concept of "privacy" right to "personal space") and the personality must take security measures by third of this information.

Furthermore, if we assume that the information is subject to the right, it will be, is the object of not only civil rights, but also other branches of law such as criminal law, administrative law, etc. For example: - Code of the Republic of Uzbekistan on administrative responsibility of 22.09.1994 year (hereinafter KoAO) is the norm, which states: - "Disclosure of medical ... secrecy of correspondence and other communications, notarial acts, ... as well as other information that may cause moral or material damage to the citizen", as you can see here as well,

<sup>5</sup> Volchinskaya E. Nevesely anniversary // Business and Law. -1996. -№3.-S.21-30.

<sup>6</sup> Bachilo IL On the right of ownership of information resources // Information Resources of Russia. - 1997. №4.-S.19-23.

lists the constituent elements of personal confidential information (such as medical secrecy, secrecy of correspondence, notarial secret and other information, under which mainly refers to personal confidential information as well as its distribution, mainly can cause moral damage) that for such actions the legislator has defined responsibility. Here there is a norm of protected information, as an object of public law (KoAO Art. 155 Violation of rules of use of information), which protects the information (as well as personal confidential information), the rights object from unauthorized access and use.

In some cases, civil legal categories used by the criminal law, such as the protection of certain components of the personal confidential information (secret adoptions, and others.), Which are reflected in the following criminal law, for example: - "disclosure of the confidentiality of adoption, (also an element of personal confidential

information) that says "Disclosure of secrets protected by law of adoption of orphans or children deprived of parental care, committed against the will of the adoptive parents or udocheriteley or guardianship authority" is prohibited by law, that is, criminal law protects this type of personal confidential information. In addition, the criminal law also has rules, such as "illegal collection, disclosure or use of information", which also refers to the legal protection of "confidential or other such information without the owner's consent for the purpose of its disclosure or use", as well as the criminal legislator protects and business reputation of legal entities as well as Art. 192 of the Criminal Code (hereinafter CC), which states that "Discrediting competitor, ie dissemination of false, inaccurate or distorted information in print or otherwise breeding text or in the media with the aim of harming the business reputation of the business entity" that is, Criminal legislature

takes under the protection of business reputation of the business entities, that is, personal confidential information of a legal entity. In addition to the criminal law as a norm to protect the right of information, which states that "violation of the rules of information, ... violation processing and transmission systems ...", there are also rules protect computer information, its use, distribution, modification and so on.

I would like to emphasize that the legal mechanism for the protection of personal confidential information, as a legal category is scattered in different branches of law. It follows then that the protection of personal confidential information, the civil law regulates certain relations within certain limits, that is, if the personal confidential information is protected (as above specified) by public law, the civil law "waiting" (Public Law protects only some very "minimum" amount of personal confidential information), and if the public law can not protect the "civil law" have the

right to the owner of the personal confidential information to use the civil rights protection mechanisms. That is, we can say the following when other branches of law does not protect confidential personal information, the right to become the dominant civil right "under the wing of taking the" protection of private and confidential information, because not all the components of personal confidential information reflected in the laws and protected by them. Feature personal confidential information is that it is variable, and the fact that one is a personal confidential information to another may not be (due to the fact that it can not respond to the disclosure of certain information), or may not be protected at the request of the holder of personal confidential information.

We believe that personal confidential information, as the object appears in several aspects, first he takes actions it creates a buffer zone and if this zone invaded by third parties he has a civil right to be

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protected from them, and the second is the right to protection in the first and in the second case the LCI is an object of civil law.

Taking into account the multidimensional nature of personal confidential information, more correct to speak of the right to personal privacy information as a complex of subjective civil law, which includes the authority to request from third parties keep your computer privacy and authority to transfer the information to others. Quite rightly noticed, it should be noted that the personal confidential information refer to confidential information relating not only to one person, and in some cases close around him, his family and members of his family. Because personal confidential information without the owner of common knowledge can create an uncomfortable situation or family members may lose the peace of mind and balance, also due to the fact that there are legal relations connected with personal confidential

information, this information (personal confidential information) is subject to these relations.

We believe that personal confidential information as an object of civil rights is a wide range of use and clarification of the nature of personal confidential information as objects of civil rights fruitfully affects not only the standard-setting activities, but also on the formation of a new practice of economic relations, including on enforcement.