

UDC 340

**PUBLIC RELATIONS IN THE SPHERE of PERSONAL DATA CIRCULATION AS AN OBJECT of CRIMES AND ADMINISTRATIVE OFFENSES****NOVIKAU DZMITRY****SALAUYOU PAVEL****Polotsk State University, Novopolotsk, Belarus**

*The article examines personal data as an object of crimes and administrative offenses. Attention is drawn to the need to improve legislation in this matter.*

Currently, information technologies are rapidly developing, and with them legislation regulating public relations in this area, incl. in terms of the circulation of personal data in the context of the digitalization of society.

In the Republic of Belarus, the concept of personal data sounds like this - basic and additional personal data of an individual, subject to entry in the population register in accordance with the legislative acts of the Republic of Belarus, as well as other data that allow such a person to be identified. These can be: name, email address, person's location, profession, gender, health, and so on. With the emergence of these legal relations in society, the following questions arise: how will the state protect this data? What laws will be passed to implement this protection?

In the Republic of Belarus, in the main law, the Constitution of the Republic of Belarus (hereinafter - the Constitution) Article 28 is enshrined, according to which everyone has the right to protection from unlawful interference in his personal life, including from encroachment on the secrecy of his correspondence, telephone and other messages, his honor and dignity. a more detailed description of this right is enshrined in the Law "On Information, Informatization and Protection of Information", namely, "no one has the right to demand from an individual to provide information about his private life and personal data, including information constituting personal and family secrets, secrecy of telephone conversations, postal and other messages concerning the state of his health, or to receive such information in any other way without the will of this individual. "Also, according to this law, measures to protect personal data from disclosure should be taken from the moment when the personal data was provided by the individual to whom they belong to another person, or when the provision of personal data is carried out in accordance with the legislative acts of the Republic of Belarus.

At the moment, the Republic of Belarus is in the process of adopting the Law of the Republic of Belarus "On the Protection of Personal Data"; the National Center for Legislation and Legal Research of the Republic of Belarus and the Council of Ministers of the Republic of Belarus are responsible for preparing the draft of this law. Now it is already at the stage of "preparation for the second reading" and soon may well become a normative legal act of the Republic of Belarus. The purpose of this law will be to ensure the protection of the rights and freedoms of individuals when processing their personal data.

To protect the rights of subjects of personal data, it is also necessary to create a special state body in the Republic of Belarus, which will suppress illegal actions of offenders in the field of personal data. Such a body is provided for in the Law "On the Protection of Personal Data" and it will take measures to protect the rights of subjects of personal data in the process of collecting, processing, distributing, providing personal data. This body can become a key subject in initiating the process of bringing to criminal and administrative responsibility of persons who violate the rules of law in the field of personal data circulation.

Next, we will consider two types of liability for illegal actions in the field of personal data circulation in the Republic of Belarus - criminal and administrative liability.

Initially, we will talk about criminal liability. The main article of the Criminal Code of the Republic of Belarus (hereinafter - the Criminal Code) in the field of personal data protection is 179 of the Criminal Code of the Republic of Belarus - illegal collection or dissemination of information about the private life of another person's personal or family secrets, without his consent. An example is the situation when person "A" told others about a friend's cleared conviction, although the friend hid it. At the same time, his right to personal secrecy was violated. It is worth noting that personal data is not directly mentioned in this article.

However, with the development of computer technology, chapter 31 of the Criminal Code - Crimes against information security - becomes relevant in the issue of protecting personal data. All articles of this chapter of the Criminal Code, namely from 349 to 355, also perform the function of protecting personal data that are in personal computers, mobile phones and Republic of Belarus, you can pick up a situation from judicial practice: man A. created a fake website on other information devices, as well as on the Internet. Users, thinking that the site is real,

used it (followed the links, entered the data). Later, after receiving personal data, person A. used this data to block real user accounts.

As for administrative responsibility, there is only one article in the Code of Administrative Offenses of the Republic of Belarus (hereinafter referred to as the Code of Administrative Offenses), which indicates personal data as the direct object. This article is 22.13 of the Administrative Code – deliberate illegal disclosure of personal data by a person who knows commercial or other secrets protected by law or personal data in connection with his professional or official activities without the consent of its owner. This responsibility will occur in a situation where a citizen, working as the head of a student hostel, has transferred data about the parents of the tenant to other residents, without his consent.

However, at the moment there are a number of problems in the field of personal data protection in the sphere of criminal and administrative responsibility: the lack of detailed criminal legal protection of personal data, unresolved responsibility for the cross-border transfer of personal data, etc.

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