



Омбудсман України
Ombudsman of Ukraine



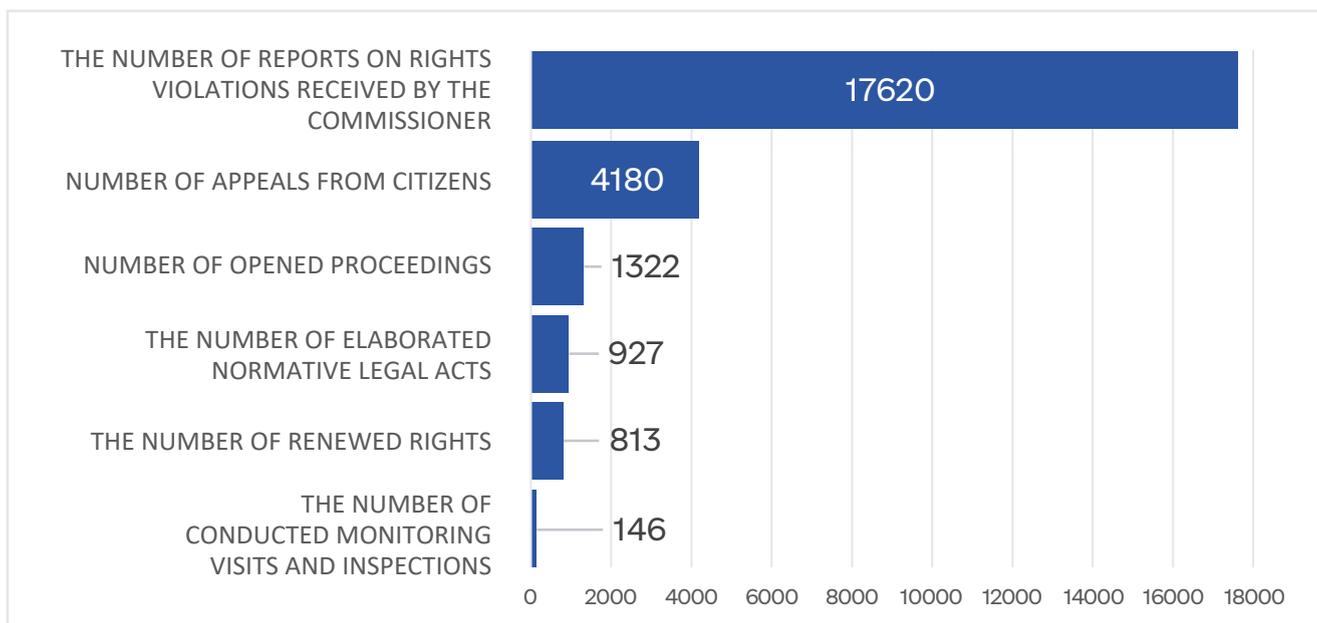
YEAR OF ACTIVITY

of the Ukrainian Parliament Commissioner
for Human Rights in the field
of information protection rights

By Resolution No. 2353-IX of the Verkhovna Rada of Ukraine dated July 1, 2022, Dmytro Lubinets was appointed to the position of the Ukrainian Parliament Commissioner for Human Rights.

This document is dedicated to cover the activities of the Ukrainian Parliament Commissioner for Human Rights during the year of his work, in the period from July 2022 to June 2023, in the protection of information rights.

The number of reports on rights violations received by the Commissioner, in the period from July 2022 to June 2023, is **17 620**



The structure of the Commissioner's Office has been adapted to the conditions of the armed aggression against Ukraine

During the conditions of the full-scale war, the Ukrainian Parliament Commissioner for Human Rights faces an important task – monitoring the observance of information rights and preventing their violations.

Taking into account the new challenges and for the best protection of citizens' rights during the war, it was decided to revise the structure of the Commissioner's Office. Thus, the position of Representative of the Information Rights Commissioner was created.

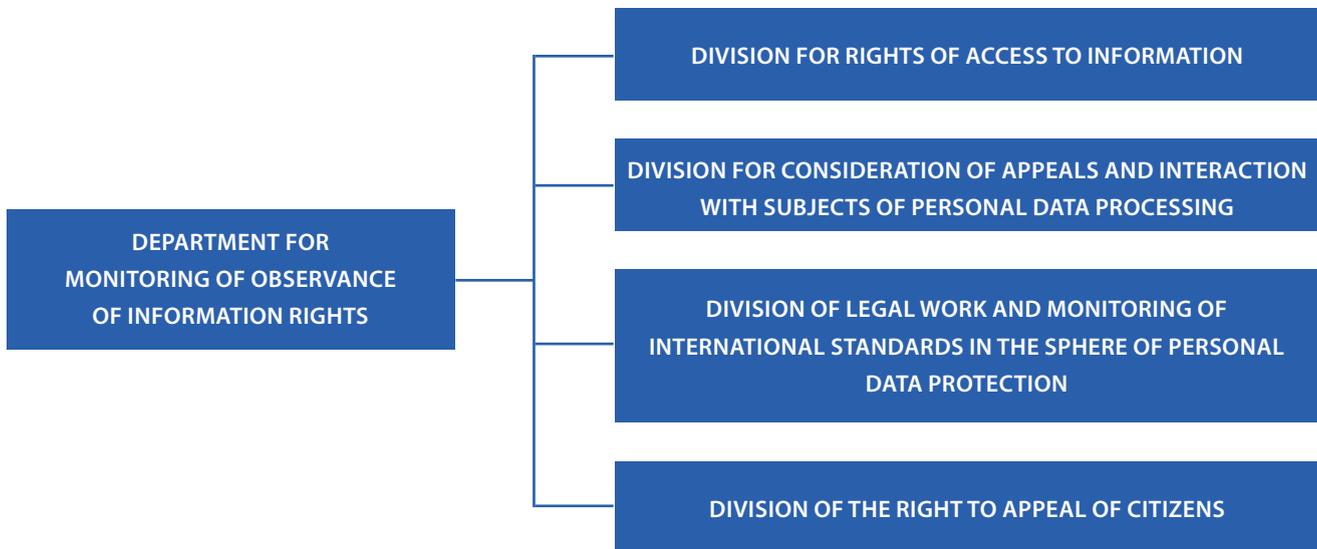


Yuliia DERKACHENKO,

Representative of the Commissioner for Information Rights

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A separate structural unit was also created – Department for Monitoring of Observance of Information Rights, which includes 4 divisions:



REGULATORY AND LEGAL WORK

927 projects of normative legal acts were considered, of which 89 projects of normative legal acts were given comments and suggestions. According to the results of the monitoring of the projects of regulatory and legal acts, which were considered at the meetings of the Verkhovna Rada of Ukraine, committees of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and Government committees, 37 positions of the Commissioner for draft acts were prepared.

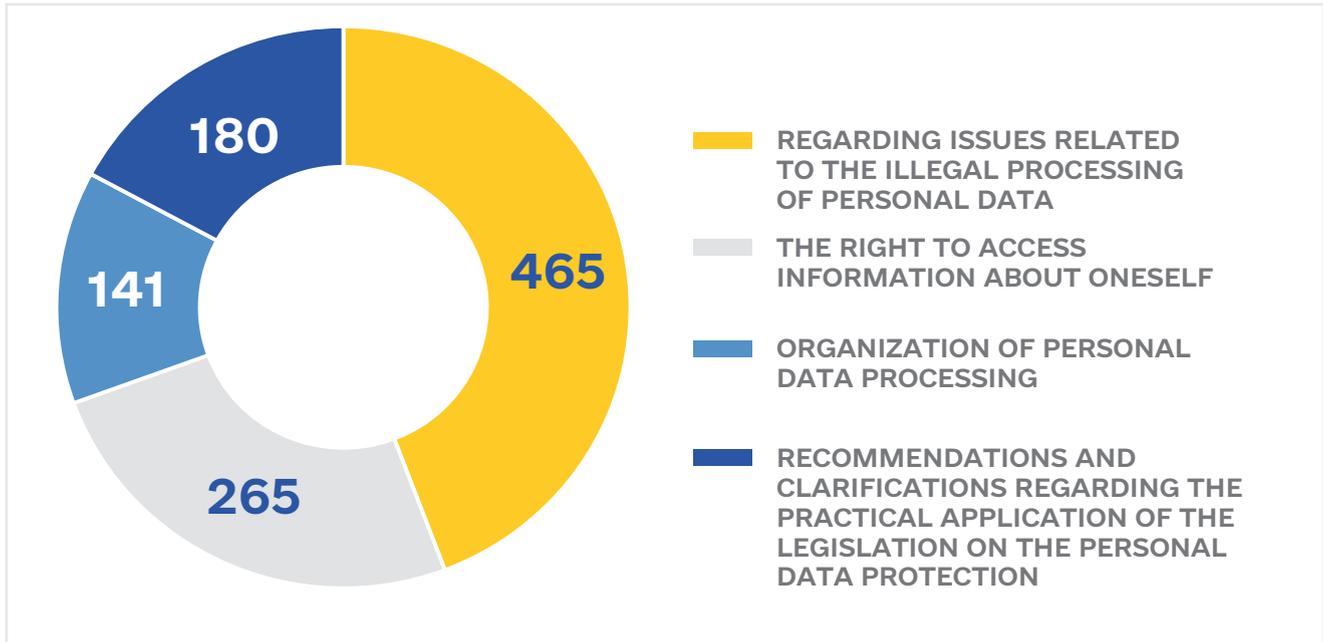
Employees of the Department for Monitoring of Observance of Information Rights and employees of regional representative offices carry out monitoring visits and inspections, as well as provide legal advice on the following issues:

- practical application of legislation on personal data protection;
- realization of the right to file an appeal;
- disclosure of information in publicly available sources;
- organization of personal data processing.

EXPERT COUNCIL ESTABLISHED AT THE REPRESENTATIVE OF THE COMMISSIONER FOR INFORMATION RIGHTS

PERSONAL DATA PROTECTION

Ukrainian Parliament Commissioner for Human Rights received **1,051** messages from individuals and legal entities on issues of personal data protection, of which:



EXAMPLES OF RENEWING THE RIGHT TO PERSONAL DATA PROTECTION:

1. In July 2022, the Commissioner discovered that the personal data of Ukrainian military personnel and foreign citizens who provide military aid to Ukraine during the period of martial law were published on the Internet by unidentified persons on a website. In particular, the following personal data is published on the specified website: photo, full name, date of birth, identification code, series and number of passport, phone number, place of registration, e-mail, photo of official ID, contact information of relatives, etc. Due to the fact that in the conditions of military aggression by the Russian Federation, such dissemination of personal data may harm the state's defense capabilities, the Commissioner appealed to the Security Service of Ukraine and the National Police of Ukraine. Due to the fact that personal data was made public by the Pechersk Department of the State Police in Kyiv, criminal proceedings have been opened under the first part of Article 182 (Violation of privacy) of the Criminal Code of Ukraine, and measures are being taken to uncover the specified criminal offense.



2. In July 2022, the Commissioner received an appeal from a citizen regarding the lack of information on the website of the online pharmacy about the business entity (seller) that collects, processes, uses and stores personal data, as well as the withdrawal of consent was improperly processed. As a result of the response measures taken, the website of the online pharmacy has been updated with information about the business entity, and proper collection of user consent has been implemented. The rights of users of the online pharmacy have been renewed.

3. From the mass media it became known that unknown hackers attacked a number of Ukrainian state portals on the night of February 22-23, 2023. In this connection, the Commissioner sent a request to the National Police of Ukraine. In response, the National Police of Ukraine reported that due to the fact of unauthorized interference in the work of information (automated) systems of state institutions, the Prosecutor General's Office initiated a pre-trial investigation on the grounds of a criminal offense provided for in part five of Article 361 of the Criminal Code of Ukraine and part one of Article 363 of the Criminal Code of Ukraine. The main investigative department of the National Police of Ukraine is responsible for the investigation, the details of the cyber attack, including the sources of its origin and possible damage from the said attack, are being established.



4. In March 2023, an appeal was received regarding the violation by the Executive Committee of the Novomoskovsk City Council of legislation in the field of personal data protection, in particular, the publication of the response to the applicant's request on the "Access to the Truth" website without depersonalizing personal data. Also, in May 2023, an appeal was received regarding the disclosure of the identification codes of several former employees by the Production Department of the Housing and Communal Economy of the Zatoka Settlement Council. In connection with the discovery of such facts, protocols on administrative offenses under part four of article 188-39 of the Code of Ukraine on Administrative Offenses (non-observance of the personal data protection procedure established by the legislation on personal data protection, which led to illegal access to them or violation of the rights of the subject of personal data) were drawn up and sent for consideration to the court.

5. In May 2023, the applicant R. appealed to the Ukrainian Parliament Commissioner for Human Rights regarding fraudulent actions by unknown persons using his personal data, which caused funds to be debited from his bank card. The applicant noted that he received a message in the Viber messenger about the possibility of receiving assistance, namely, funds allegedly from an international organization. The specified message contained a link to a phishing page on the Internet (website), which was created in advance by fraudsters. After entering personal data on this website, personal funds were debited from the applicant's bank card. In connection with the presence of signs of a criminal offense, a correspond-

ing letter was sent to the National Police of Ukraine to verify the facts stated in the application. According to the facts of fraudulent actions, the investigation department of the Podil police department of the State Police in Kyiv opened criminal proceedings under the first part of Article 190 of the Criminal Code of Ukraine “Fraud” and started a pre-trial investigation.

EDUCATIONAL WORK

06.10.2022 with the support of the Dnipro regional section of the Ukrainian National School of Judges, an online lecture was held for more than 70 judges of local general courts with the aim of deepening their knowledge about the observance of the right to the protection of personal data.



07.10.2022 on the basis of the Department (Center) for the provision of administrative services of the executive body of the Kyiv City Council (Kyiv City State Administration), an online lecture was held for the employees of the centers for the provision of administrative services in the city of Kyiv on the occasion of Lawyer’s Day.

27.10.2022 together with the EU4DigitalUA project, an online training on personal data protection was held for 270 representatives of central executive authorities entitled «Taking into account the principles and requirements of the legislation on the protection of personal data during the development and analysis of draft legal acts».

28.12.2022 110 employees of the National Agency of Ukraine for Civil Service issues took part in the online training on the protection of personal data under martial law.

27.01.2023 on the occasion of the International Day of Personal Data Protection, with the support of the Office of the Council of Europe in Ukraine and EU4DigitalUA, a round table «Actual issues of personal data protection: present and future» was held.



23.05.2023 with the support of the National School of Judges of Ukraine, online training was held for more than 270 heads of structural subdivisions of court apparatuses.

26.05.2023 online training on personal data protection was held for about 500 employees of the Ministry of Internal Affairs of Ukraine and employees of units of the system of the Ministry of Internal Affairs of Ukraine.

Права суб'єкта персональних даних

стаття 8 Закону України «Про захист персональних даних» передбачає 13 прав суб'єкта персональних даних

- Права на отримання інформації пов'язану з обробкою своїх персональних даних
- Права на захист своїх персональних даних від незаконної обробки

Oleksandr Marchenko

02.06.2023 training in the field of personal data protection was held for legal labor inspectors of the Federation of Trade Unions of Ukraine and its member organizations.

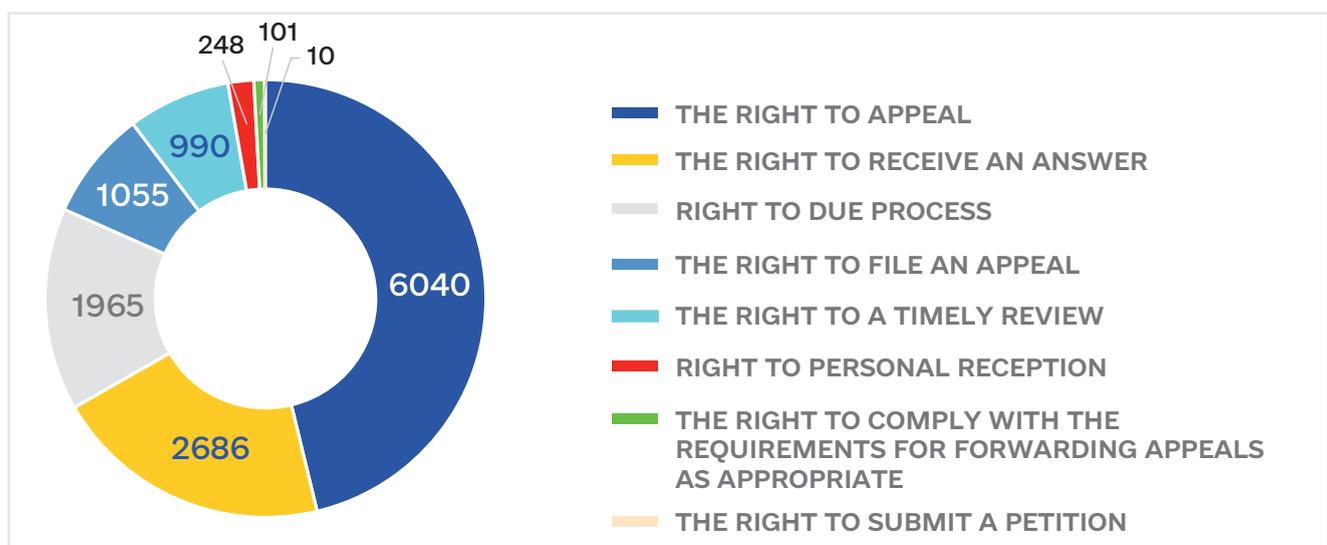
102 PERSONAL DATA PROTECTION AUDIT WERE CARRIED OUT

After summarizing the results of the checks, the following typical violations of the requirements of the legislation on the protection of personal data can be distinguished:

- the administrative document defining the general requirements for the processing and protection of personal data has not been approved, or the administrative document has been approved, but it does not meet the requirements of the law, in particular: the document does not define the categories of personal data subjects; the composition of personal data, which is collected in relation to the subjects of personal data; procedure for processing and protection of personal data;
- incorrectly defined legal grounds for personal data processing;
- operations related to the processing of personal data are not recorded;
- not all subjects of personal data are informed about the owners of personal data, the composition and content of collected personal data, their rights defined by legislation, the purpose of collecting personal data and the persons to whom their personal data is transferred;
- no action plan has been defined in case of unauthorized access to personal data, damage to technical equipment, occurrence of emergency situations;
- the procedure for destruction/deletion of personal data whose storage period has expired is not defined.

OBSERVANCE OF RIGHTS OF APPEAL

Ukrainian Parliament Commissioner for Human Rights received 13,195 messages from individuals and legal entities on issues related to the right to appeal, including:



SOME EXAMPLES OF RENEWING OF THE RIGHT TO APPEAL

1. In October 2022, the Commissioner received an appeal regarding the alleged violation by OJSC «Kirovogradgaz» (hereinafter – the Company) of the right of a citizen of G. to send verbal appeals by «hotline» telephones. Based on the results of the response measures taken by the Commissioner in relation to the chairman of the board of the Company, a protocol on an administrative offense under Article 212-3 of the Code of Ukraine on Administrative Offenses was drawn up, namely: non-fulfillment of the requirements specified in the first part of Article 19 of the Law of Ukraine «On Appeals of Citizens». On February 20, 2023, the protocol was sent to the Leninsky District Court of Kropyvnytskyi for consideration and decision-making.

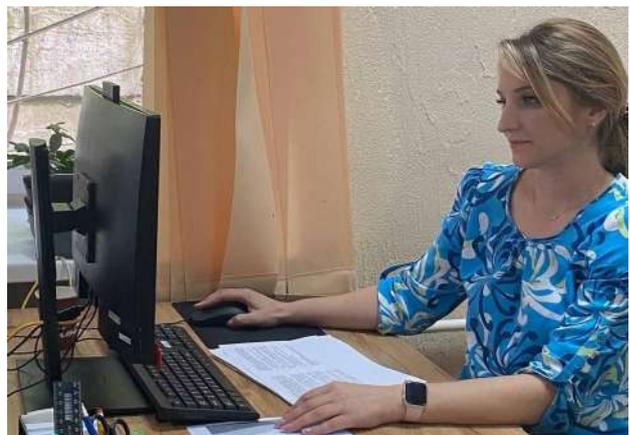


2. In December 2022, the Commissioner received an appeal regarding the alleged violation by the All-Ukrainian Union of Public Organizations “Jewish Confederation of Ukraine” (hereinafter – the All-Ukrainian Union) of citizen K.’s right to send an appeal and receive an answer. Based on the results of the response measures taken by the Commissioner in relation to the director of the All-Ukrainian Union, a protocol on an administrative offense under Article 188-40 of the Code of Ukraine on Administrative Offences was drawn up, namely: failure to comply with the legal requirements of the Commissioner or his representatives. On March 22, 2023, the protocol was sent to the Podilsky District Court of Kyiv for review and decision-making.



EDUCATIONAL WORK

14.02.2023 a training was conducted for the employees of the Department for Appeals and methodological assistance in processing written and oral appeals to the Commissioner provided to the Secretariat of the of Ukrainian Parliament Commissioner for Human Rights.



24.05.2023 a training on the peculiarities of observing the constitutional right to petition in the conditions of martial law in Ukraine was held for employees of the National Police of Ukraine, police departments in the regions of Ukraine.

02.06.2023 trainings were held in the field of ensuring citizens' rights to appeal, information and protection of personal data for legal labor inspectors of the Federation of Trade Unions of Ukraine and its member organizations.



13.06.2023 participated in the first meeting of the project “Protection of Freedom of Speech and Media Freedom in Ukraine”.

OBSERVANCE OF THE RIGHT TO ACCESS PUBLIC INFORMATION

3,374 messages from individuals and legal entities on issues of access to public information were sent to the Ukrainian Parliament Commissioner for Human Rights:



The Commissioner sent 7 submissions to state authorities (the Ministry of Justice of Ukraine, the National Health Service of Ukraine, the State Tax Service, the State Forestry Agency of Ukraine, the National Securities and Stock Market Commission, the State Film Agency of Ukraine, the Constitutional Court of Ukraine) regarding the elimination of violations related to the publication of open data, of which: all of them, except the State Tax Service, fulfilled the Commissioner's requirements. Regarding acting an administrative protocol was drawn up for the head of this Service, which was sent for consideration by the court.

SOME EXAMPLES OF RENEWING THE RIGHT TO ACCESS PUBLIC INFORMATION

1. In January 2023, the head of a public organization addressed the Commissioner regarding the violation by the Ternopil City Council (hereinafter – the Council) of the requirements of the Law of Ukraine “On Access to Public Information”. The applicant noted that he addressed the Council with a request in which he asked to provide information on the amount of the accrued and paid salary to the deputy mayor in the period from January to November 2022. However, the applicant was informed that due to force majeure, a decision was made to postpone the request. In order to renew the applicant's rights to information, relevant letters were sent to the Council from the Commissioner's Secretariat with explanations of the provisions of the Law of Ukraine “On Access to Public Information”. However, the Council again refused to provide the requested information on the same grounds. The Secretariat of the Commissioner for the Ternopil City Mayor drew up a protocol on an administrative offense, provided for by the second part of Article 212-3 of the Code of Ukraine on Administrative Offenses (hereinafter referred to as the Code of Administrative Offenses). By the resolution of the Ternopil City District Court of the Ternopil Region dated March 14, 2023, the proceeding in the administrative case on bringing the Ternopil Mayor to administrative responsibility for the commission of an administrative offense provided for in the second part of Article 212-3 of the Code of Administrative Offenses was closed due to the expiration of the terms provided for in Article 38 of the Code of Administrative Offenses at the time of consideration of the case. Disagreeing with the said resolution, the head of the public organization appealed to the court, which was partially satisfied by the Resolution of the Ternopil Court of Appeals dated May 15, 2023, and a new resolution was issued, which found the Ternopil mayor guilty of committing an administrative offense, provided for in the second part of Article 212-3 of the Code of Administrative Offenses. .



2. In December 2022, the chairman of the board of the non-governmental organization “Anti-Corruption Headquarters” appealed to the Commissioner regarding the violation of the requirements of the Law of Ukraine “On Access to Public Information” by the Kyiv communal enterprise for the construction of residential buildings “Zhytloinvestbud-UKB” (hereinafter – the Enterprise). The applicant noted that the Company refused to provide him with information related to the repair work of 11 residential buildings and a number of social infrastructure facilities in the city of Kyiv, which suffered the greatest destruction as a result of shelling by Russian troops. In order to renew the public organization’s right to information, a corresponding letter from the representative of the Commissioner was sent to the Enterprise. According to the results of the response measures taken by the Commissioner, the public organization’s right to information was renewed, in particular, the Enterprise provided the requested information in full.

3. In August 2022, a journalist from an information agency appealed to the Commissioner with statements regarding the violation by the Ministry of Justice of Ukraine (hereinafter – the Ministry) of the requirements of the Law of Ukraine “On Access to Public Information”. The applicant noted that he addressed the Ministry with thirty requests, in which he asked to provide information on the amount of wages accrued and paid in 2021 to the Ministry’s management staff and employees of the Ministry’s structural divisions. However,



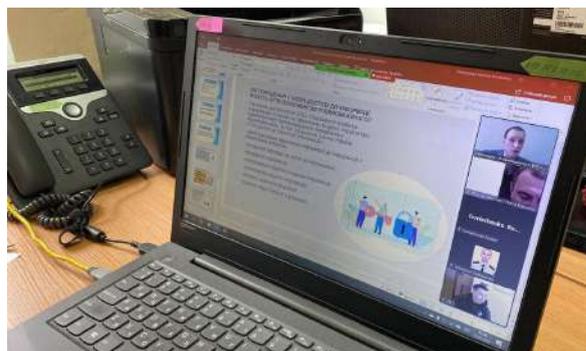
the Ministry refused to provide him with the requested information on the grounds that the requested information will be provided after the termination (cancellation) of the legal regime of martial law in Ukraine. In order to renew the applicant’s right to information, the relevant letters of the Commissioner’s Secretariat were sent to the Ministry. Based on the results of the response measures taken by the Commissioner, the applicant’s right to information was renewed. In particular, the Ministry re-examined thirty requests and provided the requested information in full.

4. The Commissioner carried out proceedings on appeals regarding the violation of the right to information by officials of the Supreme Court. According to the results of the analysis of the information received from the Supreme Court, it was seen that the requirements of the Commissioner’s representative regarding the re-examination of the requests and the provision of the requested information were not fulfilled. Taking into account the above, 2 administrative offense protocols were drawn up against the head of the Department of Analytical and Legal Work of the Supreme Court under article 188-40 of the Code of Ukraine on Administrative Offences, namely: failure to comply with the legal requirements of the representative of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights. On April 7, 2023, the specified protocols were sent to the Pechersk District Court of Kyiv for review and decision-making.

EDUCATIONAL WORK

In November 2022, an educational event on the topic “Ensuring the human right to information under martial law” was held for the Training Center of Prosecutors of Ukraine.

In September 2022, on the occasion of the International Day of the Right to Know and General Access to Information, the Secretariat of the Commissioner held a round table on the topic: “Trends in ensuring information rights in wartime conditions”



From November 2022 to March 2023, with the involvement of international experts, 5 trainings for local self-government bodies on the topic «Ensuring the human right to information under martial law» were held.

In May 2023, a training was held on the peculiarities of observing the constitutional right to petition in the conditions of martial law in Ukraine for employees of the National Police of Ukraine, police departments in the regions of Ukraine.



In June 2023, training was held in the field of ensuring citizens’ rights to information for legal labor inspectors of the Federation of Trade Unions of Ukraine and its member organizations.

In June 2023, training was held on ensuring human rights under martial law in Ukraine for employees of the Central Interregional Department of the Ministry of Justice (Kyiv) and its structural units.



RESULTS OF THE MONITORING OF THE STATE OF PROCUREMENT OF INFORMATION RIGHTS UNDER THE CONDITIONS OF MARTIAL STATE IN 2022

In order to identify the problems of compliance with information rights by subjects of power in the regional dimension and to provide recommendations for their elimination under the conditions of the legal regime of martial law during August - November 2022, the Secretariat of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights conducted monitoring with the participation of two experts in the field of information rights, regional coordinators of interaction with the public of the Commissioner of the Verkhovna Rada of Ukraine for human rights and support of the project «Human Rights for Ukraine», which is implemented by UNDP in Ukraine and financed by the Ministry of Foreign Affairs of Denmark during 2019-2023.



RESULTS OF THE MONITORING OF THE STATE OF PROCUREMENT OF INFORMATION RIGHTS UNDER THE CONDITIONS OF THE MARTIAL STATE IN 2022

In 2022, the monitoring of the provision of information rights covered the activities of regional-level authorities:



20 regional military administrations



92 district military administrations

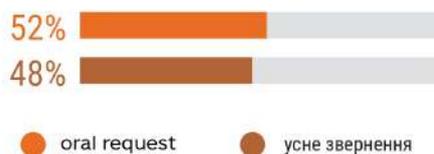


20 city councils in the central regions

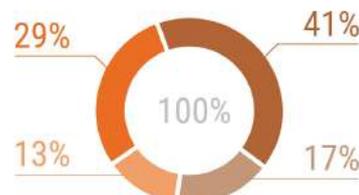
The purpose of the monitoring was to identify the main challenges in ensuring the information rights of citizens during the period of martial law, a special Methodology was developed for its implementation. The generalized monitoring results demonstrated the following level of provision of information rights of citizens by state authorities and local self-government bodies:



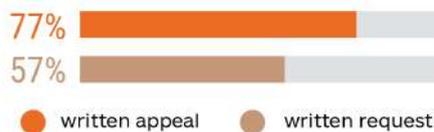
The state of ensuring the rights of citizens to receive information through applications and information requests in oral form (by phone)



The state of ensuring the right of citizens to personal reception by state authorities and local self-government bodies



The state of ensuring the rights of citizens to receive information through written appeals and information requests (by e-mail)



The average level of compliance with the requirements of the legislation regarding the publication of public information on the official websites of public information administrators



The level of publication by administrators on official websites of socially necessary information under martial law, in particular about:

- places of shelter, shelter, availability of medicines and food;
- about military threats from the aggressor and the need to evacuate the population within the territorial jurisdiction;
- about the mode and peculiarities of the functioning of bodies, enterprises and institutions that provide administrative and other services in the conditions of martial law;
- regarding the process of delivery, distribution and distribution of humanitarian aid.



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Thoughts, conclusions or recommendations are those of the authors and compiler of this edition and do not necessarily reflect the views of Danish Ministry of Foreign Affairs, Programme of the UN development in Ukraine or other agencies of the UN.



MINISTRY OF FOREIGN AFFAIRS OF DENMARK
Danida



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INTERNATIONAL ACTIVITIES OF THE DEPARTMENT FOR MONITORING OF OBSERVANCE OF INFORMATION RIGHTS

On November 16-18, 2022, in Strasbourg, the representative of the Commissioner for Information Rights Yulia Derkachenko took part in the 43rd plenary session of the Convention 108 Committee. The conference discussed the issues of digital identification, interstate data exchange to combat money laundering/terrorist financing, the interpretation of Article 11 of the Convention 108+, standard contractual clauses in the context of cross-border data flows.



In March 2023, the representative of the Information Rights Commissioner and employees of the Department for Monitoring of Observance of Information Rights took part in the International Data Protection Conference held in Warsaw, as part of the EU4DigitalUA project. The participants of the conference discussed the development of the draft law of Ukraine on the protection of personal data and on the National Commission for the Protection of Personal Data and Access to Public Information in order to bring Ukrainian legislation to EU standards. EU institutions, including the European Data Protection Supervisor and the European Data Protection Board, have shared their experiences on GDPR implementation, providing valuable information and guidance.

On March 14, 2023, the Office of the Ombudsman of Ukraine and the Spanish Data Protection Agency signed a Memorandum of Cooperation at the International Conference on Data Protection. The signing of this memorandum is aimed to deepen cooperation between the parties and sharing experience on the implementation of the General Data Protection Regulation (GDPR).



In March 2023, the representative of the Commissioner for Information Rights Yulia Derkachenko and the chief specialists of the Information Rights Monitoring Department visited the Polish Office for the Protection of Personal Data (Urząd Ochrony Danych Osobowych). The visit was organized as part of the work of the data protection component and was aimed at getting to know Polish colleagues and further sharing experience regarding the implementation of the GDPR and the Polish example of reforming the personal data protection system.



On April 12, 2023, Deputy Head of the Commissioner's Secretariat Yana Lyubimova and representative of the Commissioner for Information Rights Yulia Derkachenko took part in the first meeting of the steering committee of the Council of Europe project «HELP (human rights education for lawyers) for Ukraine, including during the war». The project is aimed at improving the qualifications of current/future lawyers in Ukraine (judges, prosecutors, lawyers, other court employees and law students) for their effective application of European standards in the field of human rights, in particular during wartime.



In May 2023, Yulia Derkachenko, the representative of the Commissioner for Information Rights, took part in the Spring Conference of European Data Protection Authorities, which was organized by the Hungarian Data Protection Authority. The main topics discussed at the conference were the assessment of the social impact of the use of technologies on different platforms, the issue of the interaction between data protection and competition law, the discussion of proposals for amendments to the General Data Protection Regulation, the presentation of the European Case Handling Workshop 2022 and the planning of further actions to strengthen international cooperation in the field of personal data protection.



During June 2023, as part of the EU4DigitalUA project, a two-week internship was held for employees of the Department for Monitoring of Observance of Information Rights at the Spanish Agency for the Protection of Personal Data. The internship included learning modules on topics such as risk management, security, privacy impact assessment, data spaces, biometrics, and more. In addition, the internship program included master classes from AEPD experts, as well as practical exercises to use new knowledge in practice.



In June 2023, the representative of the Commissioner for Information Rights Yuliya Derkachenko took part in the 44th plenary session of the Advisory Committee of the Convention on the Protection of Individuals in Connection with Automated Processing of Personal Data (Convention 108). This meeting brought together almost 70 participants from all regions of the world. Over the course of three days, participants exchanged opinions on issues of personal data protection. They discussed the current status of Convention 108+, data protection, including biometric data, in the framework of voting and elections, standard contractual clauses regarding cross-border flows of personal data, interpretation of Article 11 of the updated Convention 108, data protection for personal processing personal data for anti-money laundering/terrorist financing purposes.



At the beginning of July 2023, the representative of the Commissioner for Information Rights and the employees of the Secretariat of the Commissioner took part in the 1st network meeting of the bodies for the protection of personal data of the Eastern Partnership countries in Tbilisi. At the mentioned event, representatives of Ukraine, Germany, Moldova, Georgia, Armenia, and Azerbaijan shared their own experience in the field of data protection, talked about the current situation in the countries in the context of data protection, the peculiarities of legislation in this field, the organizational structure of bodies that have the relevant powers, etc. Key concepts and principles of data protection in accordance with the GDPR, the role of data protection authorities in ensuring compliance with the GDPR, the best practices of the mentioned countries regarding compliance with these principles, and the implementation of new projects to increase public awareness in the field of data protection were discussed at the specified meeting in the format of a dialogue.



INTERACTION OF THE DEPARTMENT FOR MONITORING OF OBSERVANCE OF INFORMATION RIGHTS WITH THE PUBLIC, STATE AUTHORITY AND LOCAL GOVERNMENT BODIES

1. On the occasion of the International Day of Personal Data Protection, the Secretariat of the Commissioner held a round table on the topic “Actual issues of personal data protection: present and future” with the support of the Council of Europe Office in Ukraine and EU4DigitalUA. The event was held with the participation of representatives of the Commissioner, employees of the Secretariat, representatives of state authorities, public organizations, experts in the field of personal data protection, international partners and students of Taras Shevchenko Kyiv National University. The participants of the round table discussed a number of issues related to the monitoring of the sphere of personal data protection in Ukraine, in particular, in the conditions of martial law, modernization of national legislation and the challenges of today. The proposals and ideas presented at this event will be used by the team of the Commissioner’s Secretariat to respond to current challenges in the field of personal data protection.



2. On the occasion of the International Day of General Access to Information, a round table «Trends in ensuring information rights in wartime conditions» was held at the Office of the Ombudsman of Ukraine. During the round table, experts announced proposals for protecting the right to access to information.

3. The representative of the Commissioner for Information Rights, together with the employees of the Department, held a meeting with the vice-president of the American Chamber of Commerce in Ukraine Tetiana Prokopchuk and the co-chairman of the Chamber's Committee on Personal Data Protection Artem Freyuk, Kyivstar. The topic of the meeting was the reform of the legislation on the protection of personal data in order to bring it up to the best European and world standards. In particular, the need to amend the Law of Ukraine «On Protection of Personal Data» and proposals for a new draft law registered in the Verkhovna Rada of Ukraine were discussed.



4. On International Open Data Day, a representative of the Commissioner for Information Rights took part in the strategic session «Open Data: Now and for Post-War Reconstruction». This year, the Ukrainian Open Data Day was dedicated to building a dialogue to jointly search for opportunities to publish data during martial law. Participants in the field of open data - central authorities-data managers, international donors, the public, and the power block (SSU and NSDC) - discussed mechanisms for publishing the most prioritized data to ensure transparency and combat data corruption during martial law.



5. The representative of the Commissioner for Information Rights took part in the International Scientific and Practical Conference dedicated to the 30th anniversary of the International Scientific and Technical University named after academician Yuriy Buhai. The representative of the Commissioner presented a report on the topic: Ensuring the right to information during the period of martial law.



6. The representative of the Commissioner for Information Rights took part in the expert discussion of the legal opinion of the Council of Europe regarding draft law No. 8153 of October 25, 2022 «On the protection of personal data», which is being prepared for the first reading in the parliament. The discussion included more than 100 participants - people's deputies, representatives of the government, public organizations, international and national experts and businesses. The event was organized by the Committee on Human Rights, Deoccupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities, and Interethnic Relations of the Verkhovna Rada of Ukraine together with the Council of Europe project «Strengthening the Implementation of European Human Rights Standards in Ukraine».

7. Employees of the Secretariat of the Commissioner took part in the first meeting of the steering committee of the project «Protection of Freedom of Speech and Media Freedom in Ukraine», which is implemented within the framework of the Council of Europe’s Action Plan for Ukraine «Resistance, Recovery and Reconstruction» (2023-2026).

8. On June 27-28, 2023, the trainers of the USAID program «COUNCIL: The Next Generation» conducted the training «Control function of the parliament» for the employees of the Secretariat of the Commissioner. The chief specialists of the Department joined the educational process. The participants of the training improved their knowledge in the field of parliamentary control in Ukraine, got acquainted with international practices of control, and exchanged their own opinions on improving the implementation of the control function of the Ukrainian parliament.



9. On July 5, 2023 Deputy director of the department - head of the unit of the information access rights Iryna Popovych took part in the briefing dedicated to the presentation of the study of compliance with the legislation of Ukraine in the field of open data of the EU legislation. The briefing was attended by representatives of the Cabinet of Ministers of Ukraine, the Ministry of Digital Transformation of Ukraine, and the international project TAPAS in Ukraine. During the briefing, there was a presentation of a study on the compliance of Ukrainian legislation with the regulations of the European Parliament and the Council. Also, at the briefing, Iryna Popovych introduced the participants to the activities of the Commissioner in ensuring the information rights of citizens and successful cases of renewing the rights to information, in particular,

access to open data. It was noted that in the modern realities of military life, as well as the digital and democratic development of the country, information must meet the criteria of completeness, reliability, accuracy and efficiency. Otherwise, untimely or improper provision of this information may endanger people's lives and health.

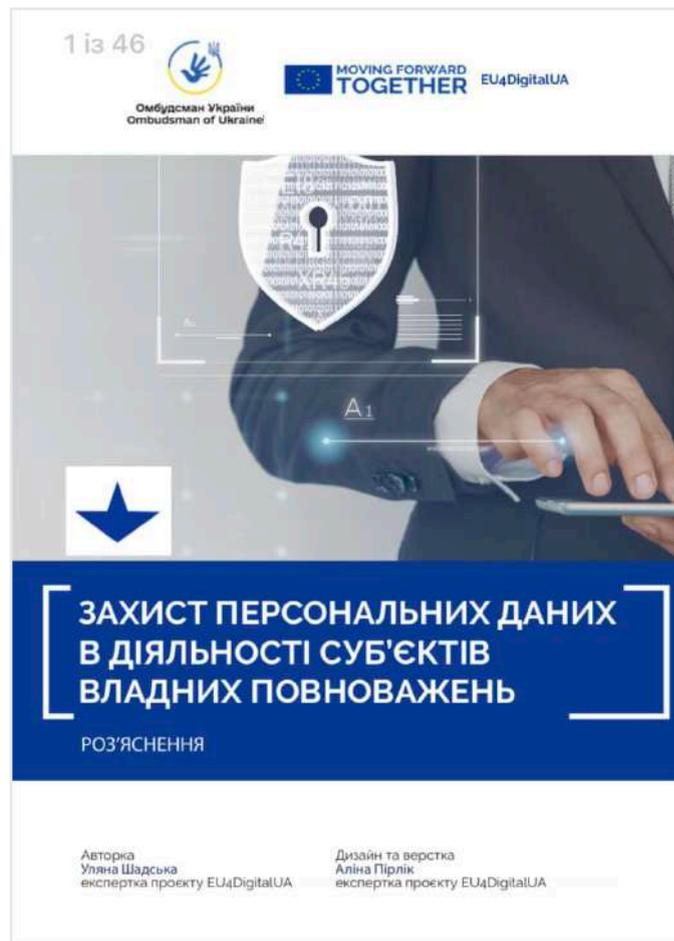


10. The representative of the Commissioner for Information Rights took part in a round table organized by the Association of Ukrainian Banks on the topic “Protection of personal data in Ukraine: consolidation of efforts and discussion”. The purpose of this event was to discuss the draft Law of Ukraine “On the Protection of Personal Data”, the consequences of the implementation of which may lead to current changes in the organization of work with personal data, including the work of banks and non-bank financial institutions. Representatives of Ukrainian banks, non-bank financial institutions and the National Bank of Ukraine, as well as representatives of other state institutions, took part in the discussion.



RECOMMENDATIONS AND CLARIFICATIONS IN THE FIELD OF INFORMATION RIGHTS

1. Dedicated to the International Day of Personal Data Protection, experts of the EU4DigitalUA project, in cooperation with representatives of the Secretariat of the Commissioner, developed an explanation of the necessary steps for organizing work with personal data, in particular in state authorities. The document consists of three sections: the first is devoted to theoretical principles, and the other two provide answers to practical questions regarding the processing and protection of confidential information. The explanation can be read by scanning the QR code indicated below:



2. During the realization of parliamentary control over the compliance of legislation regarding personal data protection, it was found that information about the uncontrolled collection of personal data by organizations that provide humanitarian, volunteer and other assistance to the population in difficult situations is being disseminated on the Internet. In view of the above, the Commissioner has prepared recommendations regarding some of the issues of personal data processing during the provision of humanitarian and charitable assistance. The relevant recommendations emphasize that the processing of personal data should be based on purpose and legal grounds. Only those data, the processing of which is necessary to achieve the goal, should be processed. You can read the relevant recommendations by scanning the QR code.



PARTICIPATION IN INTERNATIONAL PROJECTS

The following projects are implemented by the Department for Monitoring of Observance of Information Rights:

“EU4DigitalUA: capacity building, communication and data protection”

The project is financed by the European Union and being realized by the Academy of Electronic Government (eGA, Estonia) and the International and Ibero-American Foundation for Public Administration and Policy (FIIAPP F.S.P., Spain) in close cooperation with the Ministry of Digital Transformation of Ukraine. The realization of the project is aimed to increase the efficiency and security of the provision of services and their accessibility for citizens and businesses, increasing public awareness of the rights and tools of personal data protection.



“Supporting the implementation of European standards for the protection of human rights in Ukraine”

The general goal of the Council of Europe project is to support the Ukrainian authorities in the implementation of European human rights standards at the national level, with a special emphasis on the following areas:



- strengthening the institutional capacity of the Office of the Ombudsman for the protection of human rights, increasing the effectiveness of consideration of gross violations of human rights, including those reported in the context of military aggression;
- bringing the national policy, legislative framework and practice in the field of combating ill-treatment to international and European standards, including the creation of a mechanism for the rehabilitation of torture victims;
- harmonization of data protection policy, legal framework and practice with European standards, primarily with the Council of Europe Convention 108+ and its protocols;
- raising the awareness of national authorities, lawyers and the public about human rights standards.

«Protection of freedom of speech and media freedom in Ukraine»



The goal of the Council of Europe project is to promote a pluralistic media environment and strengthen the harmonization of the legal framework and policies regarding freedom of speech, media freedom and access to information in Ukraine in accordance with the standards of the Council of Europe (CoE) and the European Union (EU) during the Russian aggression against Ukraine and the recovery period. The tasks of the project are:

ensuring compliance of media institutions, freedom of speech and freedom of access to information in Ukraine with European standards; effective implementation of legislation regulating the protection of journalists, public broadcasting and the work of regulatory bodies in accordance with European standards; effective communication strategies that promote balanced media coverage and prevent information clutter.





Photo: staff of the Department of Information Rights Monitoring



Омбудсман України
Ombudsman of Ukraine

The Russian Federation and all the war criminals it sent to Ukraine will bear the most serious responsibility for the evil which they committed.

Ukraine carefully documents every crime and every brutality.
All the guilty will undoubtedly be punished.

We will never forget and never forgive. Like the world.

#StandWithUkraine



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Human Rights in Ukraine



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