

# FEDERAL LAW NO. 149-FZ OF JULY 27, 2006 ON INFORMATION, INFORMATIONAL TECHNOLOGIES AND THE PROTECTION OF INFORMATION

Passed by the State Duma on July 8, 2006

Approved by the Federation Council on July 14, 2006

## Article 1. Scope of this Federal Law

1. This Federal Law regulates relations arising in:

- 1) exercising the right to search, receipt, transfer, production and dissemination of information;
- 2) applying informational technologies;
- 3) ensuring protection of information.

2. The provisions of this Federal Law shall not apply to relations arising in the legal protection of the results of intellectual activity and means of individualisation equated thereto.

## Article 2. Basic Notions Used in this Federal Law

This Federal Law uses the following basic notions:

- 1) **information** means data (messages, data) irrespective of the form of their presentation;
- 2) **informational technologies** means processes, methods of search, collection, storage, processing, provision, dissemination of information and means of implementation of those processes and methods;
- 3) **informational system** means a totality of information contained in the data-bases and informational technologies and technical facilities providing for its processing;
- 4) **information-telecommunications network** means a technological system designed to transmit through communications lines information to which access is effected using computing technique facilities;
- 5) the **holder of information** means a person who by its own created information or obtained on the basis of law or contract the right to allow or restrict the access to information identified by certain features;
- 6) **access** to information means the possibility to receive and use information;
- 7) the **confidentiality of information** means the requirement which is binding upon the person who acquired access to certain information not to transfer that information to any third persons without the consent thereto of its holder;
- 8) **provision of information** means actions directed at obtaining information by a certain group of persons or transfer of information to a certain group of persons;
- 9) **dissemination of information** means actions directed at obtaining information by an unlimited group of persons or transfer of information to an unlimited group of persons;
- 10) **electronic message** means information either transmitted or received by the user of the information - telecommunications network;
- 11) **documented information** means information that is recorded on a tangible medium by documenting featuring the essential requisites making it possible to identify that information or, in cases specified under the legislation of the Russian Federation, its tangible medium;
- 12) **operator of informational system** means a citizen or legal entity conducting activity associated with the operation of informational system, including that involved in the processing of information contained in its data-bases.

## Article 3. Principles of the Legal Regulation of Relations in the Sphere of Information, Informational Technologies and Protection of Information

The legal regulation of relations arising in the sphere on information, informational technologies and protection of information is based on the following principles:

- 1) freedom of search, receipt, transfer, production and dissemination of information by any legal means;
- 2) imposition of restrictions on the access to information only by federal laws;
- 3) the openness of information on the activity of state bodies and local self-government bodies a free access to that information, except for the cases specified under federal laws;
- 4) the equality of languages of the nations of the Russian Federation in setting up information systems and their operation;
- 5) ensuring the security of the Russian Federation in setting up information systems, their operation and protection of information contained therein;
- 6) the accuracy of information and the timeliness of provision of same;
- 7) the inviolability of private life, impermissibility of collection, storage, use and dissemination of information on the private life of a person without his or her consent thereto;

8) impermissibility of institution by statutory legal acts of any privileges for the use of certain information technologies over others, unless the necessity of using certain information technologies to set up and operate state informational systems is prescribed by federal laws.

**Article 4.** The Legislation of the Russian Federation on Information, Information Technologies and the Protection of Information

1. The legislation of the Russian Federation Article on information, information technologies and protection of information is based on the Constitution of the Russian Federation, international agreements of the Russian Federation and consists of this Federal Law and other federal laws regulating the relations on the use of information.

2. Legal regulation of relations connected with the organisation and operation of mass media shall be effected in accordance with the legislation of the Russian Federation on mass media.

3. The procedure for storing and using the documented information included as part of the archives funds shall be established by the legislation on the archives-keeping in the Russian Federation.

**Article 5.** Information as an Object of Legal Relations

1. Information may be an object of public, civil and other legal relations. Information may be freely used by any person and be transferred by one person to another person, unless federal laws impose restrictions on the access to information or any other requirements for the procedure of provision or dissemination of same.

2. Information shall, depending on the category of access thereto, be divided into generally accessible information and also information the access to which is restricted by federal laws (information of limited access).

3. Information shall, depending on the procedure for provision or dissemination of same, be divided into:

- 1) information that is freely disseminated;
- 2) information provided by agreement of persons involved in the relevant relations;
- 3) information that shall be provided or disseminated under federal laws;
- 4) information the dissemination of which in the Russian Federation is restricted or prohibited.

4. The legislation of the Russian Federation may specify types of information depending on its content or the holder thereof.

**Article 6.** Holder of Information

1. The holder of information may be a citizen (an individual), legal entity, the Russian Federation, a subject of the Russian Federation or a municipal entity.

2. The powers of the holder of information shall, on behalf of the Russian Federation, a subject of the Russian Federation or municipal entity, be exercised by state bodies and local self-government bodies accordingly within the limits of their respective powers established under appropriate statutory legal acts.

3. The holder of information shall, unless otherwise envisaged under federal laws, have the right:

- 1) to allow or restrict access to information, determine the procedure and terms of that access;
- 2) to use information, including to disseminate it, at his or her discretion;
- 3) to transfer information to other persons under a contract or on other legally-established grounds;

4) to protect by legally established means his or her rights in the case of illegal receipt of information or illegal use of same by other persons;

5) to undertake other actions involving information or to allow the undertaking of those actions.

4. The holder of information shall, while performing his or her obligations, be obligated:

- 1) to observe the rights and legitimate interests of other persons;
- 2) to undertake measures towards protection of information;
- 3) to restrict an access to information when such obligation is established under federal laws.

**Article 7.** Generally Accessible Information

1. Generally accessible information shall include data of common knowledge and other information to which access is not restricted.

2. Generally accessible information may be used by any persons at their discretion, subject to the restrictions established by federal laws in relation to dissemination of that information.

3. The holder of information which has become generally accessible by his or her decision shall be entitled to demand that the persons disseminating that information identify themselves as a source of that information.

**Article 8.** Right to Access to Information

1. Citizens (individuals) and organisations (legal entities) (hereinafter referred to as organisations) shall have the right to carry out searching and receipt of any information in any form and from any sources subject to the requirements established by this Federal Law and other federal laws.

2. Citizen (an individual) shall have the right to receive from state power bodies, local self-government bodies and their officials in the procedure established under the legislation of the Russian Federation information directly affecting his or her rights and freedoms.

3. Organisation shall have the right to receive from state power bodies, local self-government bodies information directly affecting the rights and obligations of that organisation and also information required in view of interaction with those bodies as that organisation conducts its authorised activity.

4. No restrictions may be imposed on access to:

1) statutory legal acts affecting the rights, freedoms and obligations of person and citizen and also those establishing legal status of organisations and the powers of state power bodies and local self-government bodies;

2) information on the state of the environment;

3) information on the activity of state power bodies and local self-government bodies and also on the use of budgetary funds (except for data constituting state or official secrets);

4) information accumulated in the open funds of libraries, museums and archives and also in state, municipal and other informational systems set up or intended to provide citizens (individuals) and organisations with such information;

5) other information the impermissibility of restriction on the access to which is established by federal laws.

5. The state bodies and local self-government bodies shall be obligated to provide access to information on their activity both in the Russian language and in a national language of a corresponding constituent republic of the Russian Federation as is envisaged under federal laws, laws of the subjects of the Russian Federation and statutory legal acts of local self-government bodies. Person wishing to receive access to that information shall not be obligated to prove the necessity of receipt of same.

6. Decisions and actions (inaction) of state bodies and local self-government bodies, of public associations and officials infringing upon the right to access information may be appealed before a superior body or a superior official or in court.

7. In instances when illegal denial of access to information, untimely supply of information, provision of knowingly inaccurate information or information not corresponding to the content of inquiry for information has resulted in the infliction of losses, those losses shall be reimbursed in accordance with civil legislation.

8. No charge shall be imposed on the supply of information:

1) on the activity of state power bodies and local self-government bodies sited by those organisations on information-telecommunications networks;

2) affecting the rights and obligations of interested persons established under the legislation of the Russian Federation;

3) other information specified under the law.

9. The fixing of a charge for supply by a state authority or local self-government body of information on their activity shall be made only in the instances and on the conditions specified under federal laws.

#### **Article 9. Restriction of Access to Information**

1. Restriction of access to information shall be established by federal laws for the purposes of protecting the basic foundations of the constitutional system, morality, health, rights and legitimate interests of other persons, ensuring the defences of the country and security of the state.

2. Observing the confidentiality of information to which access is restricted under federal laws shall be obligatory.

3. Protection of information constituting a state secret shall be such as is envisaged under the legislation of the Russian Federation on state secrets.

4. The federal laws shall specify the conditions for categorising information as data constituting commercial secrets, official secrets and other secrets, the necessity to observe the confidentiality of that information and also responsibility for disclosure of same.

5. Information received by citizens (individuals) as they perform their professional duties or by organisations as they conduct certain types of activity (professional secrets) shall be subject to protection in instances when those persons are placed under an obligation under Federal Laws to observe the confidentiality of such information.

6. Information constituting a professional secret may be provided to third persons in accordance with federal laws and/or by court decision.

7. The period for fulfilling the obligations to observe the confidentiality of information constituting a professional secret may be restricted only with the consent thereto of a citizen (an individual) who provided such information about himself or herself.

8. It is prohibited to demand that a citizen (an individual) supply information on his or her private life, including information constituting a personal or family secret and to obtain such information against the will of a citizen (an individual), unless otherwise is envisaged under federal laws.

9. The procedure for access to the personal data of citizens (individuals) shall be established by Federal Law on Personal Data.

#### **Article 10.** Dissemination of Information or Supply of Information

1. Dissemination of information in the Russian Federation shall be effected freely subject to the requirements established under the legislation of the Russian Federation.

2. Information disseminated without using mass media shall include true data on its holder or on other person disseminating the information and in the form and volume which is sufficient for identification of that person.

3. In using to disseminate information the means making it possible to identify recipients of information, including items of mail and electronic messages, a person disseminating information shall be obligated to provide a recipient of information with the possibility to refuse such information.

4. The provision of information shall be effected in the procedure that shall be established by agreement of the persons involved in exchange of information.

5. Instances of and conditions for the obligatory dissemination of information or provision of information, including supply of obligatory copies of documents shall be such as established under Federal Laws.

6. It is prohibited to disseminate information which is aimed at the propaganda of war, inciting national, racial or religious hatred and hostility and also other information the dissemination of which is subject to criminal or administrative responsibility.

#### **Article 11.** Documenting of Information

1. The legislation of the Russian Federation or agreement between the parties may provide for requirements for the documenting of information.

2. The documenting of information within the federal bodies of executive power shall be effected in the procedure prescribed by the Government of the Russian Federation. The rules of documents keeping and documents turnover established by other state bodies and local self-government bodies within the limits of their respective competence must conform to the requirements established by the Government of the Russian Federation in part concerning document keeping and document turnover for the federal executive authorities.

3. An electronic message signed with an electronic digital signature or with other analogue of an autograph shall be recognised an electronic document in instances when federal laws or other statutory legal acts fail to establish or imply the requirement for drawing up that document on a paper medium.

4. For purposes of making civil-law contracts or legalisation of other legal relations involving persons exchanging electronic messages, the exchange of electronic messages each of which is signed with an electronic digital signature or with other analogue of an autograph of the sender of that message in the procedure established by federal laws, other statutory legal acts or agreement of the parties shall be regarded as an exchange of documents.

5. The right of ownership and other rights in things to tangible media containing documented information shall be established under civil legislation.

#### **Article 12.** State Regulation in the Sphere of Application of Information Technologies

1. State regulation in the sphere of application of information technologies shall provide for:

1) regulation of relations associated with the search, receipt, transfer, production and dissemination of information by using information technologies (informatisation) on the basis of principles established under this Federal Law;

2) development of information systems of various purposes to provide citizens (individuals), organisations, state bodies and local self-government bodies with information and also to ensure the interaction of those systems;

3) creation of conditions for the effective use in the Russian Federation of information-telecommunications networks;

2. State bodies and local self-government bodies shall in keeping with their respective powers:

1) take part in developing and realising directed programs of application of informational technologies;

2) create informational systems and provide access to information contained therein in the Russian language and national language of a corresponding constituent republic of the Russian Federation.

#### **Article 13.** Informational Systems

1. Informational systems shall comprise:

1) state informational systems - federal informational systems and regional informational systems created on the basis of federal laws and laws of the subjects of the Russian Federation respectively, on the basis of legal acts of state bodies;

2) municipal informational systems created on the basis of decision of a local self-government body;

3) other informational systems.

2. Unless otherwise is envisaged under federal laws, the operator of an informational system shall be the owner of technical facilities used to process information contained in the data-bases that is lawfully using those data-bases or a person with whom the owner made a contract for operation of the informational system.

3. The rights of the holder of information contained in the informational system data-bases shall be protected irrespective of the copyrights and other rights for such data-bases.

4. The requirements established under this Federal Law for the state informational systems shall apply to municipal informational systems, unless otherwise is provided under the legislation of the Russian Federation on local self-government.

5. The specificity of operation of state informational systems and municipal informational systems may be established in accordance with technical regulations, statutory legal acts of state bodies and statutory legal acts of local self-government bodies making decisions on the creation of those informational systems.

6. The procedure for the creation and operation of informational systems not being state informational systems or municipal informational systems shall be such as established by operators of those informational systems in accordance with the requirements set under this Federal Law or other federal laws.

#### **Article 14. State Informational Systems**

1. State informational systems shall be created for the purposes of realising the powers of state bodies and ensuring the exchange of information between those bodies and also for other purposes as may be established under federal laws.

2. State informational systems shall be created with due regard for the requirements envisaged under Federal Law No. 94-FZ of July 21, 2005 On Placing Orders For Supply of Goods, Execution of Work Provision of Services For State and Municipal Needs.

3. State informational systems shall be created and operated on the basis of statistical and other documented information supplied by citizens (individuals), organisations, state bodies and local self-government bodies.

4. Lists of types of information to be supplied in an obligatory fashion shall be established under federal laws, while the conditions for supply of same - by the Government of the Russian Federation or by appropriate state bodies, unless otherwise is stipulated under federal laws.

5. Unless otherwise is envisaged by a decision to create a state informatiol system, the functions of its operator shall be performed by the customer that made a state contract for the creation of such information system. Notably, the commissioning of the state information system shall be carried out in the procedure established by the customer.

6. The Government of the Russian Federation shall have the right to impose obligatory requirements for the procedure for commissioning of individual state informational systems.

7. It is not allowed to operate state information systems without the proper legalisation of the rights for the use of its components being objects of intellectual property.

8. Technical facilities designed to process information contained within state informational systems, including software technical means and means of information protection, shall comply with the requirements of legislation of the Russian Federation on technical regulation.

9. The information contained within state information systems and also other data and documents available at the disposal of state bodies shall constitute state information resources.

#### **Article 15. Use of Information-Telecommunications Networks**

1. The use on the territory of the Russian Federation of information-telecommunications networks shall be made subject to the requirements of the legislation of the Russian Federation in the field of communications, this Federal Law and other statutory legal acts of the Russian Federation.

2. Regulation of the use of information-telecommunications networks access to which is not restricted to a specified group of persons shall be effected in the Russian Federation with due regard for the universally accepted international practice of activity of self-regulating organisations in that field. The procedure for the use of other information-telecommunications networks shall be determined by the owners of those networks with due regard for the requirements set under this Federal Law.

3. The use on the territory of the Russian Federation of information-telecommunications networks in economic and other activity may not serve as a basis for imposing additional requirements or

restrictions concerning regulation of the said activity conducted without the use of those networks and also for non-observance of the requirements established under federal laws.

4. Federal laws may provide for the obligatory identification of personality, organisations using an information-telecommunications network when conducting entrepreneurial activity. Notably, the recipient of an electronic message located on the territory of the Russian Federation shall have the right to conduct a check-up making it possible to identify the sender of an electronic message and in instances specified by federal laws or agreement of the parties, it shall be obligated to conduct such a check-up.

5. Transfer of information by using information-telecommunications networks shall be made without any restrictions, subject to compliance with the requirements set under federal laws for dissemination of information and protection of objects of intellectual property. Transfer of information may be restricted only in the procedure and on the conditions which have been established under federal laws.

6. The specificity of connection of state informational systems to information-telecommunications networks may be specified under statutory legal acts of the President of the Russian Federation or statutory legal acts of the Government of the Russian Federation.

#### **Article 16. Protection of Information**

1. Protection of information shall represent the undertaking of legal, organisational and technical measures towards:

1) ensuring protection of information against any illegal access, destruction, modification, blocking, copying, supply, dissemination and also against other illegal actions in respect of that information;

2) observance of confidentiality of information of limited access;

3) realisation of the right of access to information.

2. State regulation of relations in the sphere of protection of information shall be effected by establishing the requirements for the protection of information and also responsibility for violation of the legislation of the Russian Federation on information, information technologies and on protection of information.

3. The requirements for protection of generally accessible information may be set only for achieving the goals specified in Items 1 and 3 of Part 1 of this Article.

4. The holder of information and the operator of the information system shall, in instances specified under the legislation of the Russian Federation, be obligated to take measures:

1) to prevent unauthorised access to information and/or transfer of information to persons having no right of access to information;

2) to detect cases of unauthorised access to information promptly;

3) to exclude the possibility of unfavorable consequences associated with violation of the procedure for access to information;

4) to prevent the technical information processing facilities from being affected in a way that may result in the non-functioning of same;

5) to provide for immediate restoration of information that has been modified or destroyed as a result of unauthorised access thereto;

6) to ensure monitoring over the level of protection of information;

5. The requirements for protection of information available within the state information systems shall be such as prescribed by the federal executive body charged with ensuring information security and the federal executive body duly authorised in the sphere of countering technical intelligence services and technical protection of information, within their respective powers. In setting up and operating state information systems, methods and ways used in information protection shall be in conformity with the said requirements.

6. Federal laws may impose restrictions upon the use of certain information protection means and the conduct of individual types of activity in the sphere of information protection.

#### **Article 17. Responsibility for Offences in the Sphere of Information, Informational Technologies and Protection of Information**

1. Violation of the requirements of this Federal Law shall entail disciplinary, civil-law, administrative or criminal responsibility in accordance with the legislation of the Russian Federation.

2. Persons whose rights and legitimate interests have been violated in connection with disclosure of information of limited access or through any other unlawful use of that information shall have the right to resort as appropriate to the judicial protection of their rights, including by filing suits for damages, compensation of moral harm, for protection of honour, dignity and business reputation. The claim for compensation of losses may not be satisfied when the claim is made by a person who failed to take measures towards observance of the confidentiality of information or who violated the requirements set under the legislation of the Russian Federation for protection of information, provided the undertaking of those measures and observance of those requirements were the obligations of that person.

3. When the dissemination of specified information is restricted or prohibited under federal laws, the civil-law responsibility for dissemination of that information shall not be born by the person providing services associated either with:

1) transfer of information supplied by other person, on the condition of it being transferred without modifications and corrections therein;

2) or with storage of information and provision of access thereto, provided that person had no way of being aware of unlawfulness of dissemination of information.

**Article 18.** On the Invalidation of Individual Legislative Acts (Provisions of Legislative Acts) of the Russian Federation

The following shall be invalidated as from the effective date of this Federal Law, viz:

1) Federal Law No. 24-FZ of February 20, 1995 On information, informatisation and protection of information (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, 1995, No.8, Item 609);

2) Federal Law No. 85-FZ of July 4, 1996 On Participation in International Exchange of Information (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, 1996, No. 28, Item 3347);

3) Article 16 of Federal Law No. 15-FZ of January 10, 2003 On Making changes and amendments to individual legislative acts of the Russian Federation in connection with the adoption of the Federal Law On Licensing of Individual Types of Activity (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, 2003, No. 2, Item 167);

4) Article 21 of Federal Law No. 86-FZ of June 30, 2003 On Amending Individual Legislative Acts of the Russian Federation, Invalidation of Individual Legislative Acts of the Russian Federation, Provision of Individual Guarantees To Officials of Internal Security Bodies, Bodies For Control Of the Turnover of Narcotic Drugs and Psychotropic Substances and of Federal Bodies of Tax Police To Be Abolished In Connection With Taking Measures To Improve State Administration (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, 2003, No. 27, Item 2700);

5) Article 39 of Federal Law No. 58-FZ of June 29, 2004 On Amending Individual Legislative Acts Of the Russian Federation and Invalidation of Individual Legislative Acts of the Russian Federation In Connection With Taking Measures to Improve State Administration (Sobraniye Zakonodatelstva Rossiiskoy Federatsii, 2004, No. 27, Item 2711)

President of the Russian Federation

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