Legal framework of ensuring of cyber security in the Republic of Azerbaijan

Bakhtiyar N. Mammadov
Ministry of Communications and Information Technologies
Head of Legal and HR Department

Regional Seminar on Cyber Security for the Information Society
Riga, Latvia
25-27 May 2005
Ministry of Communications and Information Technologies:

- Formulates and implements state policy
- Conducts state regulation;
- Secures the legal normative regulation and development of communications and information technologies;
- Coordinates the activities of other government agencies in the areas of communications (telecommunication, post) and information technologies in the Republic of Azerbaijan;
- Responsible for rendering qualitative and reliable communication services in whole country.
MCIT: Functions

• participates in development of the drafts of legal normative acts in the field of communications and information technologies;
• prepares and approves legal normative acts and field standards regarding the issues under the scope of the Ministry;
• makes proposals on accession of the Republic of Azerbaijan to international conventions and agreements related with the field of communications and information technologies, as provided by the legislation.
MCIT: functions and rights

• supervises in fulfilling the protection of confidentiality regime and security measures of communication objects within its scope in a manner defined by legislation;

• determines the requirements related to the information security in the corporative communication network within its scope;

• participates in preparation and improvement of legal framework for transition into information society;

• participates in preparation and improvement of legal framework for transition into information society.
MCIT: rights

• to apply to the Cabinet of the Ministers of the Republic of Azerbaijan with proposals to develop and improve legal acts of the Republic of Azerbaijan related to communications and information technologies area;

• to adopt legal normative acts in the field of communication and information technologies under its scope.
Computer (Cyber) Crimes
Enforceable legislation

Crimes which target computers or which are committed by using computers are considered to be computer crimes.

– Larceny of computer equipment;
– Piracy;
– Hacking;
– Program viruses;
– Computer fraud.
Legal Normative acts

- “State Program on development of communication and information technologies of the Republic of Azerbaijan in accordance with modern requirements” (2005-2008) draft submitted to the Cabinet of the Ministers
- “Law on e-signature and e-document”
- “Law on Telecommunication” approved in 1st reading
- “Law on E-commerce” adopted by parliament
  ✓ (enforced on 1st of September 2000);
  ✓ Law on Information, Informatization and Protection of Information (came into force on 3rd of April 1998 (Art. 3,4. 16);
  ✓ Patent Law;
  ✓ Law on State Secret;
  ✓ Law on Copyright and Related Rights.
Legal Normative acts on cyber security

• Law On National Security dated 29 June 2004 (art. 6.6; 7.9);

• Law on protection of Information collections dated 14 September 2004 (Art. 1.0.11; 13).
Legal normative acts

• Decree of the President of the Republic of Azerbaijan on Approval of Regulation about the Ministry of Communications and Information Technologies of the Republic of Azerbaijan dated 10 August 2004;
• Decree of the President of the Republic of Azerbaijan N 172 dated 29 December 2004 On ensuring measures on cyber security in governmental bodies.
Chapter 30
of the Criminal Code
Crimes in the field of computer information

- Article 271: Unauthorized access to computer information;
- Article 272: Production, use and spread of detrimental electronic computer programs;
- Article 273: Violation of electronic computer, system or network operating rules.
Definitions

• Information: data on persons, items, facts, events and processes in any form (Law on Information, Informatization and Protection of Information.);

• Computer information: information saved on computers which could be transferred through telecommunication channels (commentary on CC of AR).
Article 271: Unauthorized access to computer information

• **271.1** - Unauthorized access to legally protected computer information in the electronic computers, their systems or networks or on the machine carriers resulted in erasing, blocking or copying computer information, disturbing the work of electronic computers, their systems or networks;

• is punished with fine from five hundred to one thousand conventional financial unit, refinery works up to one year, or imprisonment up to one year.
Article 271: Unauthorized access to computer information

Article 271.2
The same action carried out by
• a group of persons in prior agreement or
• a person abusing his official position and having equally an access to electronic computers, their systems or networks
• caused damages in large scale
is punished with fine from 1000-2000 times of conventional financial unit (c.f.u), refinery works up to two years, imprisonment within up to three years.
Article 272: Production, use and spread of detrimental electronic computer programs

272.1 - Production of electronic computer programs or introduction of changes into current programs resulted in erasing, blocking, modifying or copying information, disturbing the work of electronic computers, their systems or networks and use or spread of these programs are punished with 500-1000 (c.f.u)., imprisonment up to 2 years;

272.2 - The same actions entailed serious consequences through imprudence are punished with imprisonment within the term from two to five years.
Article 273. Violation of electronic computer, system or network operating rules

273.1 Violation of electronic computer, system or network operating rules on the part of a person having an access to electronic computers, their systems or networks resulted in erasing, blocking or modifying law protested information and caused a considerable damage is punished;

• with denial of particular position or activity privileges within up to three years, obligatory works within the term from 160 to 200 hours or freedom limitation within up to two years.
Article 273. Violation of electronic computer, system or network operating rules

273.2 - The same action entailed serious consequences through imprudence is punished with refinery works up to 2 years, or imprisonment up to three years.
Other related articles of Criminal Code of the Republic of Azerbaijan

- Violation of secrecy of correspondence, telephone calls, telegraph and other information - art.155;
- Personal privacy – art. 156;
- Violation of copyrights and neighboring rights – art.165;
- Violation of invention and patent rights - art.166.
Code on Administrative Violations

- Article 181 - Violation of rules of application of information reserves;
- Article 182 - Violation of rules of information protection.
Article 181- Violation of rules of application of information reserves

• Violation of rules of application of information reserves-entails imposition on natural persons penalty in amount 5-15, official persons 40-50 and legal persons 90-130 conventional financial units.
Article 182 - Violation of rules of information protection

• 182.1- Violation of envisaged by license rules of execution of activity in the area of information protection-entails imposition on natural persons penalty in amount 5-15, official persons 30-40 and legal persons 70-200 conventional financial units.
Article 182 - Violation of rules of information protection

• **182.2** - Application of non certified information system, base and data bank and means of data protection, which are subjected by legislation to certification,

• entails imposition on natural persons penalty in amount 10-15, official persons 40-50 and legal persons 150-200 conventional financial units.