

Guyvan P. Legal assessments of the European Court of Human Rights on the protection of personal data. Their importance for Ukraine

In this paper, the analysis and assessment of the effectiveness of the legal regulation of personal data circulation at the level of international law enforcement was carried out. The issues of the development and introduction of new mechanisms that can adequately regulate relations in the sphere of the circulation of confidential personal data are considered. This is primarily due to the fact that the human right to privacy, including respect for his personal data, is one of the fundamental principles that guarantee democratic, humane and fair interaction between the state, society and a specific individual. Ukrainian national legislation and judicial practice are still at the development stage, therefore, in the context of the implementation of the aspirations for European integration, the work addresses the very topical issue of careful study of European and world standards for protecting personal information about a person and adapting them to our legal system. The necessary measures have been studied for the further development of systemic legislation on the protection of personal data, which is a determining factor in civil society development, proper regulation in this area, both in terms of material and legal support, and in terms of developing stable and expected law enforcement practices.

Analyzed the legal positions contained in international treaties, such as the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, and numerous national laws, where the protection of personal data is understood as an integral part of the human right to privacy. . The principles of activity in this area of the European Court of Human Rights are evaluated. The basic principles of dispute resolution, such as legality, timeliness of processing, proportionality of intervention, are studied. Concrete examples of decisions of the ECHR, including in cases against Ukraine, are given. It has been taken into account that this organization is entitled not only with regard to the issuance of a verdict in a particular case, but also through the adoption of a case-law that is obligatory for use on the territory of all Member States, it can exercise so-called judicial justice. This is done by interpreting, clarifying and specifying the content of the general provisions of the convention norms to the situations of a particular case.

The case law of the ECtHR on the positive regulation of the private life of a person is noted by defining and establishing boundaries that, from the point of view of the moral foundations of society, are permissible and will not be regarded as undue interference by the legislator. The relevant criteria are assessed, formed on the basis of a judicial investigation of various interests in specific situations by the Court. The legal approaches of the European Court of Human Rights to regulating relations in the field of processing so-called "sensitive" personal data have been especially carefully studied. In particular, attention is paid to the principles of confidentiality, which is required when processing information about human health.

The shortcomings of the national justice are indicated, which should be corrected in the light of the European Court's case law. It is concluded that the European judicial practice is an important benchmark to ensure proper protection of personal data in our country. This is very important because the Ukrainian legal system, in contrast to European national and international legislation (which began to pay attention to the special regulation of relations for the protection of personal data from the 80s of the last century) is only at the beginning of such a process. Therefore, it requires improving the quality of Ukrainian law and law enforcement in terms of their focus in the democratic direction of ensuring the right to respect for private life.

Key words: judicial protection of personal data, proportionality of intervention.