

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

*Octopus Interface Conference: Cooperation against Cybercrime
Strasbourg, France
11-12 June, 2007*

MAIN DIRECTIONS OF REFORMS IN ICT SECTOR IN AZERBAIJAN

- **Privatization** and **liberalization** of market and attraction of new private investments to the development of the field, supporting of free and equal competition.
- In order to support the development in IT sector of Azerbaijan, technical and technological modernization, also preparation of **highly qualified specialists**;
- Development of the society according to modern requirements, improvement of state governance and the transparency provision, establishment of national information resources, development of knowledge economy, achievement of wide implementation of new technologies in all branches, protection of information security and information freedom, enlargement of integration into the global e-world.

Page 2

ICT projects in Azerbaijan

- In the framework of the "E-Government Initiative Project" joint project of Government of Azerbaijan and UNDP the preparation works for the organization of the "AzDATACOM" network, which will cover all regions of the country is in progress.
- The "Virtual Silk Road" project of Scientific Program of NATO will create an opportunity to provide universities with Internet services.
- Joint project of "AzNet" , UNDP, AzRENA and MCIT will create an opportunity to provide secondary schools with Internet services.

Page 3

ICT PROJECTS IN AZERBAIJAN

- In order to provide "G2G", "G2B", and "G2C" following projects have been launched:
 - "Technical Support to Institutional Establishment II" project;
 - "Pension and Social Aid" project ;
 - "Analyzing of poverty and Technical Support for potential establishment" project;
 - "Facilitation of Trade and Transport" project

Page 4

ICT PROJECTS IN AZERBAIJAN

- The on-line data transmission network applied in State Custom Committee is the first experience for the Wide Area Network System in E-government practice of Azerbaijan.
- To provide wide usage of ICT The State Social Protection Fund with the cooperation of the World Bank launched implementation of the projects, which are developed for ICT solutions for the institution on three major directions such as pensions, social provision and labor-market.
- Wide Area Network System is also being created in the Ministry of Taxes.

Page 5

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.

Page 6

Ministry of Communications and Information Technologies: *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;

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

Page 7

Ministry of Communications and Information Technologies: *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.

Page 8

Ministry of Communications and Information Technologies: *rights*

The Ministry is entitled with following rights for fulfilling its duties and functions

- 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.

Page 9

Ministry of Communications and Information Technologies: *Rights*



to cooperate with state bodies and legal entities of foreign countries about the issues under its authority through implementing international cooperation in manner defined by legislation, to prepare the drafts of international agreements (contracts), to sign international agreements (contracts);

to attract and involve scientific research and education centers, companies, experts in a manner defined by the legislation for study and solution of the issues under the discretion of the Ministry, conducting scientific research and expertise-engineering works, conducting technical studies and advisory services

Page 10

Ministry of Communications and Information Technologies: *Rights*



to supervise technical exploitation performance, in a manner defined by the legislation within its scope, in the communications and information technologies enterprises regardless the form of business organization and organizational-legal form, including execution of legal normative acts and area standards over the issues under its authority ;

to implement other rights considered in legislation

Page 11

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

Page 12

Legal Normative acts

National ICT Strategy for development of the Republic of Azerbaijan” (2003-2012). Approved by the Decree of the President of Azerbaijan dated 17 February 2003

Order N 1055 of the President of the Republic of Azerbaijan dated 21 October 2005 “On approval of State Program (E-Azerbaijan) on the development of information and communication technologies in the Republic of Azerbaijan for 2005-2008 years”

“Law on e-signature and e-document” adopted in 2004

“Law on Telecommunication” august 2006

“Law on E-commerce” adopted in 2005

Criminal Code of the Republic of Azerbaijan (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

« Page 13

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).

« Page 14

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.

« Page 15

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*

« Page 16

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).

« Page 17

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.

« Page 18

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

Page 19

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

Page 20

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.

Page 21

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.

Page 22

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

Page 23

Code on Administrative Violations

- **Article 181-** Violation of rules of application of information reserves
- **Article 182-** Violation of rules of information protection

Page 24

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.**

Page 25

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.**

Page 26

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.**

Page 27

Thank you for attention!

**Bakhtiyar
N.Mammadov**

*Head of Legal and Human
Resources department*

*The Ministry of
Communications
and Information Technologies
of the Republic of Azerbaijan*

Tel: (+994 12) 493 05 26
(+994 12) 498 57 35
Fax: (+994 12) 498 79 12

E-mail: law@mincom.gov.az
MCIT website <http://www.mincom.gov.az>

Page 28