

LEGAL MEASURES TO ENSURE CONFIDENTIALITY OF ELECTRONIC CORRESPONDENCE

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In the conditions of constant globalization and the development of information technologies, every person has free access to the Internet. Despite the presence of a large number of advantages in technological progress, which is manifested through the ability of a person to instantly find information of interest to him, the formation of the information environment also causes threats to interfere with the private life of an individual without his knowledge.

This work aims to analyze the features of a person's right to privacy on the Internet.

In general, the advent of information technology has introduced changes in the issue of privacy protection. Accordingly, the online format made it possible to track the information activity of users. In addition, the availability of data posted on the Internet for an almost unlimited circle of people makes them extremely vulnerable, calling into question the existence of network privacy as such (Recommendation

CM/Rec 6, 2014, p.7)

Such actions led to research on the main risks that a person can get on the Internet. One of the most serious threats is the collection and use of personalized information by Internet users with the help of cookies. After all, the use of such records tracks personal information (a person's age, gender, country of origin, place of residence, and name of the device from which the search is carried out), which in some cases allows for detailed identification of the person. The main purpose of using cookies is the authentication, collection, and storage of personal information for the formation of the appropriate characteristics of the consumer and the further use of certain advertisements in one's interests. For example, we note that the well-known company Google, to create advertising campaigns, not only establishes the regularity of a person's actions on the Internet, such as searching, and shopping on the Internet, but also monitors and has access to information in e-mails that are on the Gmail platform.

It should be noted that Google officially admits that it has committed such acts and there is an explanation on the website about the possibility of doing. The representatives of the corporation note that the above-mentioned procedure is legal because there is no direct interference in the life of a person. However, we believe that this technology violates privacy on the Internet since messages are accessed. Therefore, such an action by Google is an interference with private life.

Please note that promoting a person's safe access to the Internet is an important security function of every democratic country. Thus, in 2016, the Recommendation CM / Rec (2016) 5 (1) of the Committee of Ministers of Member States on Internet Freedom (hereinafter referred to as the Recommendation) was introduced. According to the Recommendation, member states of the Council of Europe are subject to both positive and negative obligations regarding the protection of a person's right to privacy. The norms of the aforementioned legal act indicate that any state intervention in the exercise of human rights and fundamental freedoms on the Internet must meet the requirements of the Convention. In particular, the participating country should provide information to the public promptly and appropriately about

restrictions that directly relate to the possibility of disseminating confidential information, taking into account the relevant legal framework that is directly related to this. Laws must ensure that all personal data are protected following Article 8 of the Convention

The state must exercise control over the use of personal data on the Internet. The practice of the European Court of Human Rights notes that it is important for the owner and the administrator to not allow the disclosure of personal data that became known to him in connection with the performance of professional or official or labour duties. We note that state intervention in the right to privacy on the Internet requires compliance with the requirements of legality, legitimacy and proportionality by Article 8 of the Convention, in the form of the use of the so-called provision of such intervention in the restriction of rights, which would be justified in specific conditions. In particular, at the international level, there is a certain degree of discretion regarding the identification of the balance between public and private interests in the context of protecting the right to privacy on the Internet today (Recommendation CM / Rec 5 (1) of the Committee of Ministers of Member States on Internet Freedom, 2016, p. 10).

So, taking into account the above, we can note that the mechanism for protecting the user's right to privacy on the Internet is the most important during constant modernization. After all, a person should feel protected in freely searching for information and correspondence. We believe that regulations should be introduced at the international level, which properly clarify the impossibility of interfering in the personal life of an individual in the online sector and, in the event of its violation, the aspects of filing a complaint with the relevant authority.

References:

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