

DOI <https://doi.org/10.30525/2592-8813-2022-3-6>

## CONFIDENTIAL INFORMATION AND TRADE SECRET AS RESTRICTED INFORMATION IN UKRAINE

*Oleksandr Kravchenko,*

*Candidate of Science of Law, Doctoral Student*

*National University of Life and Environmental Sciences of Ukraine (Kyiv, Ukraine)*

*ORCID ID: 0000-0002-8870-7662*

*alex\_23@i.ua*

**Abstract.** The scientific work is devoted to the analysis of the already existing legislation of Ukraine regarding information with limited access, as well as personal views on possible ways of improving the legislation in the field of our scientific intelligence. The scientific work is interesting because today the owner of commercially (economically) valuable information determines at his own discretion whether his commercially valuable information will be confidential information (CI) or will be a trade secret (TS). Therefore, the legislator needs to separate these two concepts so that the economic entity knows where CI and where TS. The idea of scientific intelligence is determined by the state of implementation of the state policy and legislation of Ukraine in the field of protection of confidential information (CI) and trade secret (TS). Searching for ways to improve legal and institutional mechanisms for the protection of TS and CI, as well as a comparison of existing regulatory and legal documents with the aim of improving the legislative framework of Ukraine.

**Key words:** confidential information, trade secret, commercial value, information, security, business entity.

**Introduction.** The scientific work is devoted to the analysis of confidential information and traded secret as information with limited access. It is established that confidential information = is a type of information with limited access, and trade secret = is one of the secrets of secret information. It should be noted that confidential information = primarily information about a natural person that is secret, namely: business information, family secrets, as well as information that a natural person considers confidential, except of information that, according to the law, cannot be confidential information.

Trade secret = this is commercially valuable information that provides advantages in the market over competitors, namely: legal entities, individual entrepreneurs, and other business entities.

We proposed a draft of the Law of Ukraine "On Trade Secret", which corresponds to modern CT threats, including in the case of ATO zone or combat operations, or during other special operations. Article 15 of our draft of the Law describes actions about the protection of Trade secret during ATO or combat operations, or during other special operations, the owner of the trade secret decides at his own discretion, but within the limits of the legislation of Ukraine, what actions to take regarding the protection of trade secrets. The Security Service of Ukraine and other law enforcement agencies of Ukraine are responsible for assisting business entities and protecting trade secret during anti-terrorist operations or military operations, as well as other special operations. In the event of damage to the business entity through the leakage of information constituting a trade secret from bodies authorized to carry out certain actions regarding the protection of trade secret during anti-terrorist operations or military operations, as well as other special operations, the losses shall be compensated by the guilty bodies. (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

The analysis of the difference between CI and TS shows that at the legislative level, it is necessary to clearly separate them. Currently, there is practically no difference, and the owner of commercially valuable information independently determines where CI and where TS. From our point of view, CI is secret information concerning a natural person, and TI is secret information concerning legal entities, enterprises, institutions and organizations, Private Entrepreneur, which has a commercial value that positively affects the profit of business entities. The legislator needs to exclude the mention of a legal

entity from the definition of confidential information = this is necessary for improving the business space of Ukraine. And formulate the definition of CI, for example, as follows: confidential information is information to which access is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him.

**Main body.** The task and the main goal of the work is to find ways and mechanisms to improve the legislative framework of Ukraine in the field of protection and protection of information with limited access, namely CI and TS.

The methodological basis of scientific intelligence is a set of research methods: logical-semantic – to improve the conceptual-categorical apparatus, in particular, the terms "confidential information" and "trade secret"; comparative analysis – to compare concepts regarding the essence and development of legal protection of confidential information and trade secret in Ukraine, both information-legal and administrative-legal aspects; formal and legal – to disclose the system of legal norms of Ukraine related to the legal protection of confidential information and trade secret; etc.

In Article 21 of the Law of Ukraine "On Information", information with limited access is confidential, secret and official information. Information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority, is considered confidential (Pro informatsiiu, 1992). Moreover, confidential information can be distributed at the request (consent) of the relevant person in the order determined by him in accordance with the conditions provided for by him, as well as in other cases determined by law (Pro informatsiiu, 1992).

Article 7 of the Law of Ukraine "On Access to Public Information" specifies that confidential information is information to which access is limited to a natural or legal person, except for subjects of authority, and which can be distributed in the manner determined by them at their will in accordance with conditions stipulated by them (Pro dostup do publichnoi informatsii, 2011). Managers of information, defined in Part 1 of Art. 13 of this law, those in possession of confidential information may distribute it only with the consent of the persons who restricted access to the information, and in the absence of such consent – only in the interests of national security, economic well-being and human rights (Pro dostup do publichnoi informatsii, 2011).

Article 8 of the Law of Ukraine "On Access to Public Information" defines secret information as information, access to which is restricted in accordance with Part 2 of Art. 6 of this law, the disclosure of which may harm a person, society, and the state.

Information containing state, professional, banking, intelligence secrets, secrets of pre-trial investigation and other secrets prescribed by law, including commercial secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011).

We found that the definition of commercial secret is contained in the Civil Code of Ukraine (CCU) (Tsyvilnyi kodeks Ukrainy, 2003), as well as in the Economic Code of Ukraine (ECU) (Hospodarskyi Kodeks Ukrainy, 2003), but, in our opinion, it needs improvement. In Art. 505 of the CCU states that KT is information that is secret in the sense that it is unknown as a whole or in a certain form and combination of its components and is not easily accessible to persons who usually deal with the type of information to which it belongs, in this regard, has a commercial value and has been the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the person who legally controls this information (Tsyvilnyi kodeks Ukrainy, 2003). In Art. 162 of the Civil Code states that a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value due to the fact that it unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect its confidentiality (Hospodarskyi Kodeks Ukrainy, 2003).

Legal terms such as "TS owner" (ECU) (Hospodarskyi Kodeks Ukrainy, 2003), «person» (CCU) (Tsyvilnyi kodeks Ukrainy, 2003), in our opinion, it should be replaced by the term "TS owner", as

we proposed in the draft Law of Ukraine "On Trade Secret" (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini*: annex A).

Article 505 of the CCU uses the term "person", but it is not clear which "person" the legislator means, namely: a legal entity or a natural person. In our opinion, it should be clearly stated in Art. 505 of the CCU, what exactly is a legal entity and formulate it, for example, as follows: KT is information that is secret in the sense that it as a whole or in a certain form and the totality of its components is unknown and is not easily accessible to persons who usually deal with the type of information to which it belongs, in this connection has commercial value and was the subject of measures adequate to the existing circumstances to preserve its secrecy, taken by the legal entity that legally controls this information.

Article 162 of the ECU states that A business entity that holds technical, organizational or other commercial information shall have the right to protection against illegal use of such information by third persons subject to such information has certain commercial value, is not known to third persons, is not legally accessible by other persons, and the holder of such information takes appropriate measures to protect its confidentiality (Hospodarskyi Kodeks Ukrainy, 2003). Here, in addition to the not entirely correct (in our opinion) term "holder of TS" (change to "owner of TS"), mentions of confidentiality should be removed, because confidential information is information about a natural person, not a legal entity. And formulate the definition of TS in Art. 162 of the ECU, for example: a business entity that is the owner of technical, organizational or other commercial information has the right to protection against the illegal use of this information by third parties, provided that this information has commercial value in connection with the fact that it is unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the information takes appropriate measures to protect it.

Having analyzed the legislation of Ukraine regarding confidential information and trade secret as information with limited access, we can note the following:

1. The owner of information that has a commercial value determines at his own discretion whether the information that has a commercial value will belong to CI or TS.

2. The owner of information that has a commercial (economic) value independently establishes measures to protect this information and other aspects related to the protection of CI or TS (organizational, legal, technical).

3. The owner of information that has a commercial value establishes the terms of the classification of CI or TS, the circle of persons who can be familiar with the specified information (on contractual basis), and the terms of termination of protection and protection of CI or TS.

The analysis of Ukrainian legislation shows that currently there is practically no difference between CI and TS, and the owner of commercially valuable information independently determines whether it will be CI or TS.

From our point of view, CI is confidential information concerning an individual, TS is secret information concerning legal entities, enterprises, institutions and organizations, which has a commercial value that positively affects the profit of economic entities.

The legislator needs to exclude the mention of a legal entity from the definition of confidential information and formulate it, for example, as follows:

confidential information – information, access to which is limited to a natural person and which can be distributed in a certain manner at his will, in accordance with the conditions stipulated by him.

More widely, regarding the administrative and legal protection of T, we revealed in previous scientific investigations:

- 1) subjects and their powers regarding TS protection in Ukraine (Kravchenko, 2019, *Subiekty ta yikh povnovazhennia shchodo okhorony komertsii noi taiemnytsi v Ukraini*: 133–156);

- 2) regulatory and legal measures to ensure TS in Ukraine (Kravchenko, 2019, *Normatyvno-pravovi zakhody zabezpechennia komertsii noi taiemnytsi v Ukraini*: 82–89);

3) the structure of legal relations in the field of TS protection in Ukraine (Kravchenko, 2019, *Struktura pravovydnosyn u sferi okhorony komertsii noi taiemnytsi v Ukraini*: 137–145);

4) ways of adaptation of Ukraine to international standards of legal protection of trade secret (Kravchenko, 2018, *Shlyahy adaptazii Ukrainy do mizhnarodnyh standartiv pravovoi okhorony komertsii noi taiemnytsy*: 75–79).

It is necessary to update and periodically revise the list of information that does not constitute a trade secret in Ukraine, namely the resolution of the Cabinet of Ministers of Ukraine (CMU) No. 611 (Pro perelik vidomostei, shcho ne stanovliat komertsii noi taiemnytsi, 1993).

In order for business entities in Ukraine to be able to effectively face modern threats and challenges. Also clearly understand what is a trade secret of an enterprise, institution or organization, and what cannot be.

**Discussion.** Yarmaki H.P. and Muzyka S.S. determined the classification of confidential information according to the following criteria: 1) by ownership: a) state; b) private; 2) according to the right of access: a) during the performance of official powers by officials; b) the owner and persons granted this right; 3) by field of application: a) commercial; b) banking; c) tax; d) attorney's office; e) judicial, etc ( Yarmaki, Musyka, 2021, *Klasyfikatsiya konfidentsii noi infotmatsii*: 98). Звісно, що з цією класифікацією конфіденційної інформації (КІ) ми не можемо погодитись, так як:

1) Information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority, is considered confidential (Pro informatsiiu, 1992). Moreover, confidential information can be distributed at the request (consent) of the relevant person in the order determined by him in accordance with the conditions provided for by him, as well as in other cases determined by law (Pro informatsiiu, 1992). In the current definition of confidential information, it is clearly stated that, in addition to subjects of power, thus., state ownership cannot be confidential information (CI). And state information with limited access = it is either official information or a state secret.

2) In point 3) by field of application: a) commercial; b) banking; c) tax; d) attorney's office; e) judicial, etc. = this is, in addition to tax information, and in general listed secret information, not confidential (CI). Specifically, information containing state, professional, banking, intelligence secrets, secrets of pre-trial investigation and other secrets prescribed by law, including commercial secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011). And tax confidential information according to the criteria for the classification of confidential information by H. P. Yarmaki and S. S. Musyka (Yarmaki, Musyka, 2021, *Klasyfikatsiya konfidentsii noi infotmatsii*). = what is it at all

We agree with Kupchak M.Ya. and Skovron .I.A., that despite the existence of the Law of Ukraine "On Access to Public Information", which clearly classifies information with limited access into confidential, secret and official information, as well as the existence of definitions of the terms "confidential information", "secret information" and the list of information that belongs to official information, consider it necessary to legislate the criteria for classifying tax information as official or secret information. In fact, the legal regime of protection and the level of danger from the disclosure of information belonging to secret or official information differ significantly. Furthermore, there is currently no definition of the concept of "tax secrecy" in domestic legislation (Kupchak, Skovron, 2020, *Podatcova informatsia z obmezhyhym dostupom*).

Article 5 of the Law of Ukraine "On the Protection of Personal Data" states that the objects of protection are personal data that can be classified as confidential information about a person by law or by the relevant person. Personal data related to the exercise of official or official powers by a person authorized to perform the functions of the state or local self-government are not confidential information. (Pro zahyst personalnyh dannyh, 2010).

Yarmaki H.P. and. Muzyka S.S believe that types of confidential information that are not the property of the state include commercial secrets, banking secrets, tax secrets, etc. (Yarmaki, Musyka,

2021, Klyasyfikatsiya konfidentsiinoi infotmatsii: 97). Here as we can see that secret information is listed again, not confidential information (CI).

N.V. Kovalenko claims that the various types of confidential information, the disclosure of which is subject to criminal liability, include, for example, the following information: medical secrets, correspondence secrets, voting secrets, adoption secrets, notarial and bank secrets, lawyer's secret, confidential information about a person, computer information with limited access ( Kovalenko N. V., 2016, Okremi skladovi administratyvno pravovoho rezhymu konfidentsinoi informatsii: 80). As we can see, N.V. Kovalenko does not list confidential information, but secret information, namely, information that contains state, professional, banking, intelligence secrets, pre-trial investigation secrets and other secrets prescribed by law, including trade secrets, is recognized as secret. (Pro dostup do publichnoi informatsii, 2011). The confidential information is information about a natural person, as well as information to which access is limited to a natural or legal person, except for subjects of authority (Pro informatsiiu, 1992).

As we can see, not all researchers draw a clear distinction between confidential information of CI and secret information (secrets, including TS). Article 1 of the draft law "On Trade Secret", which was proposed by us, defines the following legal concepts, namely:

1) trade secret = this is information of a technical, organizational, commercial, production and other nature, with the exception of that which, according to the law, cannot be classified as a trade secret, has the right to protection against the illegal use of this information by third parties, provided that this information has a commercial value due to the fact that it is unknown to third parties and there is no free access to it by other persons on legal grounds, and the owner of the trade secret takes appropriate measures to protect the TS;

2) classifying information as a trade secret (TS) = the procedure for making (by a professional in this field) a decision to classify a category of information or individual information as a commercial secret with the establishment of the degree of their secrecy by substantiating and determining the possible damage to the enterprise, institution or organization in case of disclosure of this information, including this information in the set of information constituting a commercial secret;

3) a collection of information that constitutes a trade secret = an act in which lists of information are compiled that, according to the decisions of a professional in this field, constitute a trade secret in the areas defined by this Law;

4) classification of material carriers with trade secret = introducing restrictions on the distribution and access to a specific trade secret in accordance with the procedure established by law, by providing the appropriate seal of secrecy to documents (TS), products or other material carriers of this information;

5) material carriers of trade secret (TS) = material objects, including physical fields, in which information constituting a trade secret is displayed in the form of texts, signs, symbols, images, signals, technical solutions, processes, etc.;

6) information constituting a trade secret = scientific-technical, technological, production, financial-economic or other information (including a component of production secrets (know-how)) that has actual or potential commercial value due to its unknownness to third parties, to which there is no free access on a legal basis and in relation to which the owner of such information has introduced a regime of trade secret (TS);

7) trade secret regime (TS) = legal, organizational, technical and other measures taken by the owner of information constituting a trade secret to protect its confidentiality;

8) the owner of a trade secret = a person who possesses information constituting a trade secret, on legal grounds, has restricted access to this information and has established a regime of trade secret (TS) in relation to it;

9) access to trade secret = familiarization of certain persons with information constituting a trade secret (TS), with the consent of its owner or on other legal grounds, provided that this information remains confidential;

10) provision of information that is a trade secret = transfer of information that is a trade secret and recorded on a physical medium by its owner to state authorities, other state bodies, local self-government bodies for the purpose of performing their functions;

11) disclosure of information constituting a trade secret = action or inaction, as a result of which information constituting a trade secret, in any possible form (oral, written, other form, including using technical means) becomes known to third parties without the consent of the owner such information or contrary to labor or civil law contracts;

12) state authorities, legal entities, and natural persons who, while performing their functions defined by law, or providing services to an enterprise, institution, or organization, directly or indirectly received, in accordance with the procedure established by law, information containing a trade secret, are obliged to ensure the preservation of such information, not to disclose this information and not to use it for their own benefit or for the benefit of third parties. In the event of damage to an enterprise, institution or organization through the leakage of information constituting a trade secret from the controlling or law enforcement authorities, the damages shall be compensated in full by the guilty authority (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

To our mind, if the legislator obliges the state authorities to protect trade secret from unfair use, then he should also provide measures of responsibility for the disclosure of such information. Today, such measures are not foreseen by the legislator. The exception is the provisions of the Law of Ukraine "On the Antimonopoly Committee of Ukraine", in which Article 22-1 states that employees of the Antimonopoly Committee of Ukraine and its territorial branches bear the responsibility established by law for the disclosure of trade secret (Pro Antymonopolnyi komitet Ukrainy, 1993).

In Article 4 (of our draft law on NS) regarding the classification of information as a commercial secret, and methods of obtaining such information, we specify the following:

1. The right to classify information as a trade secret and to determine the list and composition of such information belongs to the owner of such information.

2. Information independently obtained by a person during research, systematic observations or other activities is considered to be obtained in a legal way, despite the fact that the content of the specified information may coincide with the content of information that constitutes a trade secret, the owner of which is another person.

3. A trade secret obtained from its owner on the basis of a contract or on another legal basis is considered to be obtained in a legal way.

4. A trade secret, the owner of which is another person, is considered to have been obtained illegally, if its acquisition was carried out with the deliberate overcoming of the measures taken by the owner of the information constituting a trade secret, measures to protect the confidentiality of this information, and also if, while receiving this information, the person knew or had sufficient grounds to believe, that this information constitutes a trade secret, the owner of which is another person, who carries out the transfer of this information, the person does not have a legal basis for the transfer of this information (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini: annex A*).

In our turn, in Article 5 of the above-mentioned draft law, the provision of trade secrets to state bodies and local self-government bodies, control and law enforcement bodies, namely:

1. The owner of a trade secret, upon a reasoned request of a state authority, another state body, a local self-government body, supervisory and law enforcement agencies, provides them with information constituting a trade secret free of charge. The request must be signed by an authorized official,

contain an indication of the purpose and legal basis of the request for trade secret, and the deadline for providing this information, unless otherwise established by the legislation of Ukraine.

2. If the owner of a trade secret refuses to provide it to a state authority, another state authority, or a local self-government body, these authorities have the right to demand this information in court.

3. The owner of a trade secret, as well as state authorities, other state bodies, local self-government bodies, control and law enforcement bodies, which received a trade secret in accordance with part 1 of this article, are obliged to provide this information at the request of courts, prosecutor's offices, preliminary investigation bodies, bodies of inquiry on cases pending in their proceedings, in the manner and on the grounds provided for by the legislation of Ukraine.

4. The documents provided to the authorities specified in parts 1 and 3 of this article and containing trade secret must be stamped "TS" with the indication of its owner (for legal entities – full name and location, for individual entrepreneurs – surname, first name I, the patronymic of a citizen who is an individual entrepreneur, and place of residence) (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini*: annex A).

Consequently, the following is written in Article 6 (of our draft law on TS) on the non-disclosure of information constituting a trade secret by state and local self-government bodies, controlling and law enforcement bodies:

1. State authorities, other state bodies, local self-government bodies, supervisory and law enforcement bodies, in accordance with the legislation of Ukraine in this area, are obliged to create conditions that ensure the protection of the confidentiality of information constituting a trade secret, provided to them by enterprises, institutions or organizations in connection with their performance of their official duties.

2. Officials of state authorities, other state authorities, local self-government bodies, control and law enforcement bodies, employees of these bodies, without the consent of the owner of information constituting a trade secret, are not entitled to disclose or transfer to other persons, state authorities, other state authorities, local authorities self-government, controlling and law enforcement bodies, information that is a trade secret that became known to them in connection with the performance of their official duties, except for cases provided for by law, and also do not have the right to use this information for selfish or other purposes for personal purposes.

3. In the case of a violation of the confidentiality of information constituting a trade secret by officials of state authorities, other state bodies, local self-government bodies, supervisory or law enforcement bodies, these bodies shall indemnify the economic entity in full, if the trade secret was leaked due to the fault of these bodies, and other liability according to the legislation of Ukraine by court decision (Kravchenko, 2019, *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini*: annex A). What is important here is that it is not the official who bears material responsibility, but the state body or other body itself. Since a certain official who is guilty of divulging TS may not have such material funds to compensate the economic entity in full.

**Conclusions.** Making conclusions, we emphasize that in the field of trade secret protection, it is necessary to adopt the Law of Ukraine "On Trade Secret", which clearly formulates the rules of TS protection measures in the business space of Ukraine. And speaking about the protection of CI, the legislator needs to exclude mention of a legal entity from the definition of confidential information. And to formulate the definition of CI, for example, as follows: confidential information is information to which access is limited to a natural person and which can be distributed in a certain manner at his will in accordance with the conditions stipulated by him. And CI about a natural person circulating in the subjects of authority should be classified as official information.

## References:

1. Kravchenko, O. M. (2019). *Administratyvno-pravovi zasady okhorony komertsii noi taiemnytsi v Ukraini* [Administrative and legal principles of trade secret protection in Ukraine]. (PhD Thesis). Kyiv [in Ukrainian].
2. Pro informatsiiu [On Information]. No. 48. (1992). <https://zakon.rada.gov.ua/laws/show/2657-12#Text> [in Ukrainian].
3. Pro dostup do publichnoi informatsii [On Access to Public Information]. No. 32. (2011). <https://zakon.rada.gov.ua/laws/show/2939-17#Text> [in Ukrainian].
4. Tsyvilnyi kodeks Ukrainy [The Civil Code of Ukraine]. No. 435-IV. (2003). <https://zakon3.rada.gov.ua/laws/show/435-15/paran2312#n2312> [in Ukrainian].
5. Hospodarskyi kodeks Ukrainy [Economic Code of Ukraine]. No. 436-IV. (2003). <https://zakon2.rada.gov.ua/laws/show/436-15/page> [in Ukrainian].
6. Kodeks Ukrainy pro administratyvni pravoporushennia [Code of Ukraine on administrative offenses]. No. 8073-X. (1984). <https://zakon.rada.gov.ua/laws/show/80731-10/paran3896#n3896> [in Ukrainian].
7. Kravchenko, O. M. (2019). Normatyvno-pravovi zakhody zabezpechennia komertsii noi taiemnytsi v Ukraini [Regulatory and legal measures to ensure commercial secrecy in Ukraine]. *Recht der Osteuropäischen Staaten*, 1, 82–89 [in Ukrainian].
8. Kravchenko, O. M. (2019). Struktura pravovidnosyn u sferi okhorony komertsii noi taiemnytsi v Ukraini [The structure of legal relations in the field of trade secret protection in Ukraine]. *Visegrad Journal on Human Rights*, 3, 137–145 [in Ukrainian].
9. Kravchenko, O. M. (2019). Subiekty ta yikh povnovazhennia shchodo okhorony komertsii noi taiemnytsi v Ukraini [Entities and their powers regarding the protection of trade secrets in Ukraine]. *Orhany publichnoi vldy v Ukraini: teoriia ta praktyka* (Monograph) (p. 133–156). Kyiv: MON Ukrainy, NU «Odeska yuryd. akad.» [in Ukrainian].
10. Kravchenko, O. M. (2018). Shlyahy adaptazii Ukrainy do mizhnarodnyh standartiv pravovoi okhorony kimertsii noi taemnytsi [Ways of adaptation of Ukraine to international standards of legal protection of trade secret]. *Visegrad Journal on Human Rights*, 5, 75–79 [in Ukrainian].
11. Pro perelik vidomostei, shcho ne stanovliat komertsii noi taiemnytsi [About the list of information that does not constitute a commercial secret]. No. 611. (1993). <https://zakon.rada.gov.ua/laws/show/611-93-%D0%BF#Text> [in Ukrainian].
12. Yarmaki H. P., Musyka S. S. (2021). Klasyfikatsiia konfidentsii noi infotmatsii [Classification of confidential information]. *South Ukrainian legal journal*, 1, 94–98 [in Ukrainian].
13. Kupchak M.Y, Skovron I.A. (2020). Podatcova informatsia z obmezhyhym dostupom [Tax information with limited access]. *Lviv State University of Life Safety* [in Ukrainian].
14. Pro zahyst personalnyh dannyh [On Information]. No. 34. (2010). <https://zakon.rada.gov.ua/laws/show/2297-17#Text> [in Ukrainian].
15. Kovalenko N. V. (2016). Okremi skladovi administratyvno pravovoho rezhymu konfidentsii noi informatsii [Separate components of the administrative-legal regime of confidential information]. *Bulletin of the National University "Lviv Polytechnic"*, 5, 75–82 [in Ukrainian].
16. Pro Antymonopolnyi komitet Ukrainy [About the Antimonopoly Committee of Ukraine]. No. 3659-XII. (1993). <http://zakon3.rada.gov.ua/laws/show/3659-12> [in Ukrainian].