

case-law of the ECHR, and depends on the circumstances of a particular case. It is necessary to systematize the case-law of the Court, translate the decisions of the Court, review them and analyse them, as well as publish such information in open access to the society.

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PROTECTION OF PERSONAL DATA IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS: GENERAL CHARACTERISTICS

The purpose of the work is to present the main theoretical aspects of personal data protection and demonstrate their application in practice.

The importance of the research on the protection of personal data is determined by the fact that in today's conditions there are many sources of information, which often include personal data, the protection of which must be provided internationally.

What does the concept of personal data protection mean? The system of law is known to contain a very general definition of personal data, which is understood as "information or a set of information about an individual that is identified or can be specifically identified" [1]. Use of personal data

means any actions of the controller of the personal data with regard to processing of such data, their protection and provision of partial or full right to process such personal data by other subjects of relations related to personal data, which are performed according to the consent of a personal data subject or according to the law. This concept includes a set of legal and technical actions directed to protection of personal data. The legal complex of actions includes:

- database registration;
- receiving an agreement from the subject of personal data for processing his/her personal data;
- signing an agreement between the owner and the manager of the personal database;
- notification of the subject of personal data about the change of the purpose of processing or other information of the database;
- notification of the representative state agency on issues of the personal data protection about the change of purpose of processing or other information of the database;
- destruction of the database;
- appointment of responsible ones.

The technical complex of actions includes:

- setting passwords and access codes to the database;
- setting special accommodation, safes for storing the database;
- other technical actions.

In the area of personal data protection, Europe has one of the best systems, based on the Convention of the Council of Europe No. 108, legal documents of the European Union, and the case law of the European Court of Human Rights and the Court of the European Union.

In Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, states: "Everyone has the right to respect for his private and family life, his home and correspondence" [2]. The concept of private life in this article includes a complex of any personal data. The European Court of Human Rights, established by the Convention, in its judgment in the case «Leander v. Sweden» noted that the preservation of personal information by the public authorities is an interference with its right to respect to private life and must therefore comply with the requirements of Article 8 s. 2 of the Convention. Further, the European

Court stated that the State should also take reasonable measures in order to comply with the individual's right to respect for his/her private life and to protect personal data from private parties. Today, the European Union has become a main one in the development of legal regulation in the field of personal data protection. Directive 95/46 / EU of the European Parliament and of the Council of Europe "On Protection of Individuals in the Processing of Personal Data and the Free Movement of Such Data" of 24 October 1995, which was replaced by the Personal Data Protection Regulation of 24 May 2018, which entered into force on 24 May 2016 is as of today the most advanced standards for personal data protection.

Among the decisions of the European Court of Human Rights, which are directly related to the right of a person to protect personal data, the following can be distinguished:

– «M. S. v. Sweden» (application No. 34209/92, decision of 27/08/1997) - Transfer of medical information about a person to a hospital upon request of a public authority;

– «Amann v. Switzerland» (application No. 27798/95, decision of 16/02/2000) - Listening to telephone conversations. Legislative uncertainty about the authority to store information about a person;

– «Kennedy v. The United Kingdom» (application No. 26839/05, decision of 18/05/2010) - Legality of the grounds and procedure for conducting silent observation.

The key provisions of the above-mentioned decisions of the European Court of Human Rights formed the basis of the Convention No. 108 of the Council of Europe of 28 January 1981 "On the Protection of Individuals with regard to Automatic Processing of Personal Data". This document was the first in this area. It first sets out key principles for the processing of personal data, the rights of individuals in connection with the processing of its personal data, the basic rules for cross-border data transmission.

Providing the protection of personal data at the international level enables everybody, when there is a breach in the right to privacy, to apply to the court and receive appropriate assistance in the exercise of this right. One can express the hope that those shortcomings that appear during the application of the law will be gradually eliminated by the adoption of such law enforcement documents, which will give an ability in practice to

comply with the requirements of the law as much as possible and eliminate possible complications during their execution.

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COVERT INVESTIGATIVE (SEARCH) ACTIONS: DEFINITIONS, CLASSIFICATION AND GENERAL CONDITIONS OF REALIZATION

The main means of forming evidence in criminal proceeding are investigative (search) actions. According to the Criminal Procedure Code of Ukraine, investigative (search) actions are those aimed at obtaining (collecting) evidence or verifying already obtained evidence in a particular criminal proceeding.

The characteristics of investigative (search) actions are the following: they have a cognitive focus on receiving, fixing or verifying evidence; significantly affect the rights of individuals, and therefore some of them have to be agreed with the prosecutor or judge; the procedure for conducting is fixed in the criminal procedural code; if necessary, they are provided under the state coercion.

The main forms of investigative (search) actions are the **covert investigative (search) actions**. In accordance with Article 246 of the Criminal Procedure Code information about the fact and methods of their conduct is not the subject to disclosure.