



PERIODIZATION OF INTERNATIONAL COOPERATION IN THE FIELD OF PERSONAL DATA PROTECTION IN CYBERSPACE

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Abstract: *In this article, the author has studied the process of formation of the institute of personal data protection in cyberspace and its expansion from the national level to the international one. The author also highlights the gradual, chronological formation of the international legal framework in this area. Likewise, the author attempts to periodize the stages of development and formation of the international institute for the protection of personal data, which the world knows today.*

Keywords: *personal data, periodization, law, cyberspace, the right to be left alone, legislative framework, stage, data protection, Convention 108, GDPR.*

The concept of "personal data" began to be actively discussed and formed after the Second World War, when there was a need to ensure computer and network security. At that time, legal systems began to pay more and more attention to the regulation of the processing of information about individuals and to create new legal concepts, including the right of an individual to his "personal data". However, long before the very term "personal data" appeared, regulation of the dissemination of personal information about other people already existed both on the part of society and on the part of the state.

Since ancient times, information related to a person's personality has been important for his self-realization in society. Early legal systems provided means to protect the "good name" of individuals and legal entities by prohibiting the dissemination of false or intimate information. At that time, information was mainly transmitted orally, and the self-regulation of society with the help of social sanctions was sufficient to maintain control over information circulation.

The first studies of the nature of confidential information, which later became the basis for the formation of a narrower right to "personal data", were conducted at the end of the XIX century in the USA. The article "The Right to Privacy" by lawyers S. Warren and Louis D. Brandeis⁵, published in 1890, is considered one of the most influential publications in the history of American law on the protection of personal information rights. In this article, they define personal data as information that has the attributes of ordinary property, where the rights to them can be transferred, they have value, and their use is associated with the realization of this value. They emphasize that the protection of personal information is not part of the intellectual property right, but rather is related to the peace of mind of the individual.

⁵ Warren, Samuel D., and Louis D. Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193–220.
URL.: <https://doi.org/10.2307/1321160>.



The article "The right to privacy" and the use of the term "the right to be left alone" in court cases, including the Roy Olmsted case in 1928, played an important role in the development of legal concepts and legal protection of personal information. Louis Brandeis, one of the associate judges, expressed his opinion on the broad protection of the right to privacy and the inadmissibility of unjustified government interference in a person's private life, which influenced subsequent decisions in this area.

The formation of the legal framework for the protection of personal data can be observed as early as 1948 with the adoption of the Universal Declaration of Human Rights, which declares the inadmissibility of arbitrary interference in personal and family life, violation of the secrecy of correspondence and violation of human honor and reputation. In 1950, the European Convention for the Protection of Human Rights and Fundamental Freedoms also provides for cases where the right to respect for private and family life may be restricted to protect national security, public order, economic well-being, crime prevention and the protection of the rights of others.

The International Covenant on Civil and Political Rights of 1966 prohibits both arbitrary and unlawful interference in personal and family life, as well as violation of the secrecy of correspondence. However, these international treaties and sources of international law describe only the right to non-interference in personal life, which coincides with the right to "be left alone" mentioned by S. Warren and Louis D. Brandeis. The right to personal data protection, as mentioned earlier, is considered to be derived from the right to non-interference in personal life.

The study of periodization makes it possible to understand the process of formation of the institute of personal data protection and the further evolution of cooperation, the development of a personal data protection strategy at the international level. This will help to understand what problems and challenges arose at different stages and what measures and initiatives were taken to solve them. It is also indisputable that this knowledge can be useful for analyzing and anticipating future trends and changes in the field of personal data protection.

The study of periodization allows you to learn from the experience and mistakes of the past. An analysis of previous approaches and solutions can help in determining the most effective strategies and methods for protecting personal data in the present and future. This avoids the repetition of problems and incorrect solutions, as well as saves time and resources on developing new approaches.

Another undoubted advantage of a more detailed study of the periods of formation of international cooperation in the field of personal data protection in cyberspace is the opportunity to trace the formation of the regulatory framework in this area. Periodization helps to understand the development of the international legal and regulatory field in the field of personal data protection. This is important for ensuring compliance with relevant international standards and agreements, as well as for making the right decisions and developing data protection policies.

And, of course, the study of periodization helps to understand not only the problems and challenges, but also the potential opportunities and advantages of cooperation in the



field of personal data protection at the international level. This can contribute to the development of joint initiatives, the exchange of experience and the transfer of best practices between countries and organizations, as well as contribute to the creation of a unified and coordinated international approach to data protection.

So, the periodization of international cooperation in the field of personal data protection in cyberspace helps to understand the historical context, learn from the past, comply with regulatory requirements and develop global cooperation in the field of data protection. This is important for the development of effective strategies and policies in the field of personal data protection and security in cyberspace.

Since the legal science has not yet adopted a universally recognized, general, common for all mankind system of periodization of international cooperation in the field of personal data protection in cyberspace, I would like to offer my own version of the stages of formation of international cooperation in the field of personal data protection in cyberspace. The proposed periodization includes several stages of development. So this what it looks like in more detail:

1. Preliminary stage (until 1995);
2. Early stage (1995-2010);
3. Modern stage (2010 to the present day).

At the preliminary stage, international cooperation in the field of personal data protection in cyberspace was just beginning to take shape. The main focus was on national legislation and regulation, and international cooperation was limited.

At this stage of the development of international cooperation in the field of personal data protection in cyberspace, which extends until 1995, the main emphasis was placed on national legislation and regulation. At that time, there were no clearly established and widely accepted international standards and agreements in the field of personal data protection.

Each country has developed its own legislation and policy regarding the protection of personal data, based on its national needs and goals. This created significant differences and inconsistencies in legal norms and approaches to data protection between different countries.

International cooperation in the field of personal data protection has been limited and insufficiently developed. Basically, cooperation took place on a bilateral basis, mainly between countries by their mutual understanding agreements or information exchange.

There were also first initiatives at the international level, for example, the Convention on the Protection of Individuals with Regard to the Automated Processing of Personal Data, also known as "Convention 108", which was adopted in 1981. However, such initiatives were limited to a geographical area and did not cover all countries of the world.

Also at the preliminary stage, the first national laws and regulations regulating the processing and protection of personal data began to be formed. For example, in the UK, the Data Protection Act was adopted in 1984⁶, and in Europe, national laws began to be developed, in particular, in Germany and France.

⁶ URL.: <https://www.legislation.gov.uk/ukpga/1984/35/enacted>



The German Personal Data Protection Act (Bundesdatenschutzgesetz, BSG)⁷ was adopted in 1977 and was one of the world's first national laws regulating the protection of personal data. The BSG establishes the rules and principles of personal data processing, the rights of data subjects and the obligations of organizations collecting and processing data. The Law has been revised and updated in accordance with the requirements of the European Union, including the requirements established by the European Directive on the Protection of Personal Data.

The Law on the protection of personal data in France (Loi No. 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés)⁸ was adopted in 1978 and is also one of the first national laws concerning the protection of personal data. It regulates the collection, processing and use of personal data in France. The Law establishes principles related to the consent of the data subject, transparency of processing, data security and the rights of data subjects. He also created the National Commission for the Protection of Personal Data (Commission nationale de l'informatique et des libertés, CNIL), which oversees compliance with the law and controls the processing of personal data.

Both of these laws have a long history and were important steps in the development of legal regulation of personal data protection. They were subsequently revised and updated taking into account the development of technologies and the requirements of the European Union, especially after the adoption of the General Data Protection Regulation (GDPR) in 2016.

However, at this stage, international cooperation was limited and unsystematic. There was no single and comprehensive international instrument for the protection of personal data. This led to difficulties in ensuring a unified approach and coordination of actions in the field of data protection at the international level.

Thus, the preliminary stage of periodization was characterized by the formation of the first initiatives and standards in the field of personal data protection, but remained limited and unstructured. He laid the foundations for further development and expansion of international cooperation in the field of personal data protection in cyberspace.

The early stage (1995-2010) in the development of international cooperation in the field of personal data protection was characterized by the appearance of the first attempts to develop international instruments and agreements that became the basis for the subsequent regulation of this area. During this period, it became clear that the protection of personal data should not be limited only to national frameworks, and the establishment of common international standards and principles is required.

One of the most well-known international instruments developed at an early stage is the Directive of the European Parliament and of the Council of the European Union

⁷ URL.: <https://www.bpb.de/kurz-knapp/hintergrund-aktuell/241406/27-januar-1977-das-bundesdatenschutzgesetz-wird-verabschiedet/#:~:text=Die%20erste%20Fassung%20des%20deutschen,stand%20der%20Schutz%20personenbezogene%20Daten.>

⁸ URL.: <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006095896>



(Directive 95/46/EC)⁹. This directive was adopted by the European Union in 1995 and became the first important international standard in the field of personal data protection.

The European Directive on the Protection of Personal Data establishes general rules and principles that must be observed with respect to the processing and transfer of personal data in the member States of the European Union. It provides citizens of the European Union with control over their personal data and defines the responsibilities of organizations that collect and process this data.

The basic principles laid down in the Directive on the Protection of Personal Data include:

- The principle of legality. The processing of personal data must be carried out in accordance with the law and fair conditions;
- The principle of limiting goals. Personal data must be collected for certain, legitimate and pre-determined purposes, and must not be used outside of these purposes;
- The principle of proportionality. The collection, processing and storage of personal data must be proportionate and must not exceed what is necessary to achieve the purposes of processing;
- The principle of accuracy. Personal data must be accurate and up-to-date, and, if necessary, must be updated or corrected;
- The principle of preserving a limited shelf life. Personal data should be stored only for the necessary period, not exceeding the purposes for which they were collected;
- The principle of safety. Appropriate technical and organizational measures must be taken to protect personal data from unauthorized access, loss or destruction.

It should be noted that the European Directive on the Protection of Personal Data has become the basis for the development of national data protection laws in the member States of the European Union. It has also become an important reference for other countries and regional organizations when developing their own legislation in the field of personal data protection. It also influenced the development of international cooperation in the field of data protection and served as the basis for subsequent regulatory acts, including the General Data Protection Regulation (GDPR), which entered into force in 2018, and replaced Directive 95/46/EC.

The modern stage (2010 and later) is a period of intensive development of international cooperation in the field of personal data protection in cyberspace. During this time, there have been several key events and the adoption of important regulations that significantly affect the field of personal data protection.

In the modern period, there is an intensive development of international cooperation in the field of personal data protection in cyberspace. One of the key events was the adoption of the General Data Protection Regulation (GDPR) by the European Union in 2016¹⁰. GDPR establishes uniform norms and standards for the protection of personal data throughout the EU and is important for international cooperation in this area.

⁹ URL.: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31995L0046>

¹⁰ Regulation (EU) 2016/679 Of The European Parliament And Of The Council. URL.: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>



During this period, there has been the development of international data transmission mechanisms, such as international security standards and mutual recognition agreements. This includes mechanisms that ensure the secure transfer of data between different countries and regions, as well as ensuring compliance with data protection rules and standards.

There is a strengthening of international cooperation and exchange of experience between States and regulatory authorities in the field of personal data protection. This allows countries to develop joint approaches to data protection, share best practices and experiences, and cooperate in investigating violations and exchanging information.

It should also be noted the development and adoption of additional international instruments and agreements aimed at strengthening the protection of personal data in cyberspace. Some of these tools include the International Data Protection Frameworks and other agreements developed by various international organizations and groups of countries.

In general, the current stage is characterized by increased international cooperation, standardization and the development of common approaches to the protection of personal data. This makes it possible to harmonize rules and regulations in the field of data protection between countries, to ensure more effective protection of the rights and interests of citizens, as well as to ensure the security and confidentiality of data in cyberspace.

The periodization of international cooperation in the field of personal data protection in cyberspace reflects the gradual development and strengthening of legal and organizational mechanisms to ensure the privacy and security of personal data at the international level. This allows countries and organizations to cooperate and coordinate their approaches and policies in the field of personal data protection, increasing the efficiency and effectiveness of international information and data exchange.

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