JOURNAL OF INTELLECTUAL PROPERTY AND HUMAN RIGHTS

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882

http://journals.academiczone.net/index.php/jiphr

The Concept of Methods and Means of Civil Protection of Personal Data

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Annotation: The article is devoted to a comprehensive analysis of the methods and means of civil protection of personal data in the Republic of Uzbekistan in the context of modern challenges of the digital age. The multi-level system of legal regulation of relations in the field of personal data processing, based on the constitutional principles of privacy and special legislation, is studied. The classification of personal data, the obligations of operators to protect them, as well as the system of administrative and criminal liability for violations in this area are considered. Particular attention is paid to the analysis of tort liability, mechanisms for compensation for material and moral damage, injunctions and other forms of enforcement as the main instruments of civil protection. Technological aspects of personal data protection are studied, including cryptographic technologies and the concept of " privacy by design ". The article analyzes international experience in regulating the protection of personal data, in particular the provisions of the GDPR, and their impact on the development of national legislation. Practical recommendations are offered to improve the system of personal data protection for data subjects and operators. In conclusion, a draft amendment to the Law of the Republic of Uzbekistan "On Personal Data" is presented, aimed at strengthening civil-law mechanisms for the protection of personal data and increasing the effectiveness of legal protection of personal data subjects in the context of the digital transformation of society.

Key words: Personal data, civil protection, information security, tort liability, compensation for moral damage, personal data operators, GDPR, digitalization , privacy, biometric data, injunctions, class actions, cryptographic protection, privacy by design , material damage, administrative liability, criminal liability, consent of the data subject, principles of data minimization, right to be forgotten, Republic of Uzbekistan.

The modern information society is characterized by the intensive development of digital technologies, which creates new challenges in the field of protecting the privacy of citizens. Personal information is becoming one of the most valuable assets in the digital economy, while simultaneously posing a serious threat to individual security if used unlawfully. The globalization of information processes and the widespread use of Internet technologies require a rethinking of traditional approaches to ensuring the confidentiality of personal data, which determines the relevance of a comprehensive study of this issue in the context of modern legal realities.

Legal regulation of relations in the sphere of personal data processing in the Republic of Uzbekistan is based on a multi-level system of normative acts. The fundamental principle is the provision of Article 31 of the Constitution of the Republic of Uzbekistan on the right of everyone to privacy, personal and family secrets [1]. The law The Republic of Uzbekistan “ On Personal Data ” defines personal data as information recorded on electronic, paper and (or) other tangible media, related to a specific individual or enabling his/her identification [2]. This definition covers a wide range of information, including

[1]Constitution of the Republic Uzbekistan . // National Legislation Database, 01.05.2023, No. 03/23/837/0241 .

[2] Law Republic of Uzbekistan “ On personal data ”. // National database of legislation, 03.07.2019, No. 03/19/547/3363 .

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882
http://journals.academiczone.net/index.php/jiphr

biometric, biographical, professional and other characteristics of the individual, which emphasizes the comprehensive nature of the legal protection of individual information.

The Republic of Uzbekistan, following global trends in digitalization , is actively developing a legislative framework in the field of processing and protecting personal data of citizens. Personal data is any information related to a specific or identifiable individual that can directly or indirectly identify this person. This information includes a wide range of information - from basic identification data to specific characteristics of an individual that require a special protection and processing regime.

According to Uzbek legislation, personal data are classified into several categories depending on the degree of their confidentiality and the specifics of their processing. General personal data includes basic identification information about an individual - last name, first name, patronymic, date and place of birth, residential address, contact information. Special categories of personal data cover information about race and nationality, political views, religious beliefs, health status, criminal record and other particularly sensitive aspects of the individual. Biometric personal data include unique physiological and biological characteristics of a person used to establish his or her identity - fingerprint data, retinal characteristics, anthropometric parameters of the face, voice characteristics and other individual biological markers [3]. The processing of such data requires the written consent of the subject of personal data, except in cases where the law provides for the possibility of their processing without consent in order to ensure public safety and law and order.

Personal data operators in the Republic of Uzbekistan have extensive obligations to ensure the protection of personal information being processed. A fundamental requirement for operators is the precise definition of the purposes of collecting and processing personal data, followed by strict adherence to the established boundaries of using such information. Operators must ensure the storage of personal data only for the period necessary to achieve the stated processing purposes, after which the personal data must be destroyed, unless other storage periods are provided for by special regulations or contractual obligations . Operators are obliged to ensure the confidentiality of personal data and take all necessary legal, organizational and technical measures to protect personal data from unauthorized or accidental access to them, destruction, modification, blocking, copying, provision, distribution of personal data, as well as from other illegal actions in relation to personal data [4]. Operators must appoint a person responsible for organizing the processing of personal data, develop and approve a policy regarding the processing of personal data, and determine procedures aimed at preventing and identifying violations of the legislation on personal data, eliminating the consequences of such violations.

Violations in the field of personal data processing take various forms and entail differentiated legal liability. Administrative offenses (Article 46 [2] of the Code of the Republic of Uzbekistan on Administrative Responsibility) include the illegal collection, use and distribution of personal data without the consent of the subject, for which penalties are provided for citizens in the amount of seven, and for officials - fifty basic calculation units [5]. Criminal liability shall be imposed for illegal collection, systematization, storage, modification, addition, use, provision, distribution, transfer, depersonalization and destruction of personal data, as well as failure to comply with the requirements for the collection, systematization and storage of personal data on technical means physically located on the territory of the Republic of Uzbekistan and in personal data bases registered in the established manner in the State Register of Personal Data Bases when processing personal data of citizens of the

[3] Partyka , N. Z. Yemelyanova. T. L. Partyka Information protection in a personal computer. Tutorial / N. Z. Yemelyanova. T. L. Partyka Partyka , I.I. Popov. - M.: Forum, Infra-M, 2018. - 368 p.
[4] Averchenkov , V. I. Protection of personal data in the organization / V. I. Averchenkov . - M.: Flinta, 2016. - 260
[5] Code of the Republic of Uzbekistan on Administrative Responsibility. // Bulletin of the Supreme Council of the Republic of Uzbekistan, 1995, No. 3 .

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882
http://journals.academiczone.net/index.php/jiphr

Republic of Uzbekistan using information technologies, including the World Wide Web, committed after the application of an administrative penalty for the same actions, shall be punishable by a fine of one hundred to one hundred and fifty basic calculation units or deprivation of a certain right for up to three years or correctional labor for up to two years (Article 141 [2] of the Criminal Code of the Republic of Uzbekistan) [6]. Such gradation of liability reflects the varying degrees of social danger of the acts committed.

Technological aspects of personal data protection require the use of modern information security methods. Cryptographic technologies, access control systems and information flow monitoring are becoming integral elements of comprehensive protection. The concept of " privacy by design " , which involves the integration of privacy protection mechanisms at the stage of designing information systems. The development of artificial intelligence and big data technologies creates new challenges that require the adaptation of existing legal mechanisms to changing technological realities and the development of innovative approaches to ensuring the information security of the individual.

Civil protection of personal data is a comprehensive system of legal mechanisms aimed at restoring the violated rights of personal data subjects and compensating for damages caused. In modern legal systems, effective protection of personal data requires an appropriate combination of private law enforcement , including actions by civil society actors, compliance by regulated data controllers, and public law enforcement by regulators [7]. Civil protection methods include traditional tort remedies, specialized mechanisms for compensation of damages, injunctions, and modern forms of collective protection of rights. This system of legal remedies is evolving under the influence of technological progress and a growing understanding of the economic value of personal data, which requires the adaptation of existing legal concepts to the new challenges of the digital age.

Tortious liability for breach of privacy rights is a fundamental element of civil law regulation in this area. The concept of tortious liability in the field of data protection was first introduced in the United States in the 19th century, when the press and mass media developed significantly and laws were created to protect individuals from intrusive media behavior. Traditional tort grounds include breach of confidentiality, misuse of personal data for commercial purposes, publication of false information about privacy, and invasion of privacy. A claim for invasion of privacy is a common law tort that allows an injured party to sue a person who unlawfully invades their private affairs, discloses their private information, misrepresents them, or misappropriates their name for personal gain. The development of digital technologies has expanded the understanding of tortious liability to include cases of unlawful processing of personal data, violation of data minimization principles, and failure to comply with data subject consent requirements.

Compensation for material and moral damages is a central element of the system of civil-law means of protecting personal data. According to Article 82 of the GDPR (General Data Protection The General Data Protection Regulation (GDPR) is the main data protection law of the European Union, adopted in 2016 and entered into force in 2018.), any person who has suffered material or non-material damage (such as emotional distress) as a result of a data protection breach has the right to compensation [8]. Material damage may include direct financial losses from the unauthorised use of personal data, the costs of restoring the violated rights, or lost profits from the commercial use of personal data by third parties. There are several national court decisions regarding compensation for non-material damage,

[6] Criminal Code of the Republic of Uzbekistan. // Bulletin of the Supreme Council of the Republic of Uzbekistan, 1995, No. 1.
[7] Gstrein OJ How to protect privacy in a datafied society? A presentation of multiple legal and conceptual approaches // Philosophy & Technology. 2022. URL: https://link.springer.com/article/10.1007/s13347-022-00497-4
[8] Data protection litigation on the rise: an area to watch out for // Lexology . 2020. URL: https://www.lexology.com/library/detail.aspx?g=c7d16841-667b-43f2-b3f2-22907dee1d54

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882
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with an Austrian court being the first to award compensation to a data subject for emotional harm due to the unlawful processing of their personal data. Non-material damage includes psychological suffering, humiliation of human dignity, violation of privacy and other forms of non-pecuniary damage. Determining the amount of compensation is particularly complex, as it requires an assessment of the extent of the violation of the individual's fundamental rights and taking into account the specifics of the digital environment.

Injunctions and other forms of enforcement are essential preventive civil protections for personal data. Preliminary injunctions may be granted, for example, to prevent imminent irreversible damage, but the granting of a preliminary injunction may require prima facie facie evidence of right and risk. Injunctions include demands to stop unlawful processing of personal data, delete unlawfully collected data, block access to personal information, and restore violated technical protection measures. A claim may be brought either for damages or for an injunction if the damage does not provide adequate compensation; in some cases, a claim for both damages and an injunction may be allowed in the same case. If a data controller or processor breaches its obligations under the GDPR, remedies under unfair competition law (including injunction claims) may be available. Of particular importance are class actions and representative actions, which allow the rights of an indefinite number of persons to be protected in the event of mass violations of personal data protection.

The urgent need for a comprehensive scientific analysis of methods and means of civil protection of personal data is due to multiple factors of modern legal development. Traditional approaches to the protection of privacy require a radical rethinking in the context of the digital transformation of social relations. The scientific community must develop new conceptual approaches to understanding personal data as an object of civil rights, taking into account their specific nature and economic value. The study should cover not only theoretical aspects, but also practical mechanisms for implementing protection, including pre-trial and judicial methods for restoring violated rights.

International experience in regulating the protection of personal data demonstrates a tendency to strengthen legal guarantees and expand the rights of data subjects. The General Data Protection Regulation of the European Union (GDPR) sets strict requirements for the processing of personal information and provides for significant penalties for violations [9]. The principles of data minimization, transparency of processing and ensuring the right to be forgotten are becoming international standards. Uzbekistan is actively integrating the best world practices into national legislation, which helps to increase the level of protection of personal data of Russian citizens and ensure compatibility with international requirements in the context of the globalization of the information space.

The legal reforms carried out in the Republic of Uzbekistan in the field of personal data protection require scientific justification and practical adaptation of international standards to the national legal system. The adoption of new regulations in the field of information technology and personal data protection creates the need to develop effective mechanisms for their implementation through civil law institutions. Reforming the judicial system and introducing digital technologies into justice opens up new opportunities for protecting the violated rights of personal data subjects.

The Development Strategy of the Republic of Uzbekistan for 2022-2026 pays special attention to the digitalization of the economy and the development of the information society, which is directly related to the need to ensure reliable protection of citizens' personal data. The creation of a digital government and the introduction of electronic government services require the formation of a trust environment based on guarantees of the inviolability of personal information. The development of the digital economy and e-commerce is impossible without the creation of an effective system for protecting the

[9]Voigt, P., & von dem Bussche , A. (2017). *The EU General Data Protection Regulation (GDPR): A practical guide* . Springer International Publishing . https://doi.org/10.1007/978-3-319-57959-7

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882
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personal data of consumers and participants in digital circulation. Strategic goals for improving the legal culture of the population include the formation of a conscious attitude of citizens to the protection of their personal data and knowledge of available methods of legal protection.

Civil protection of personal data is a system of legal means and mechanisms aimed at preventing, suppressing and restoring the violated rights of personal data subjects within the framework of private law relations. This system includes both substantive legal norms that determine the content of rights to personal data and procedural mechanisms for their protection through civil proceedings. A feature of civil protection is its compensatory nature, aimed at restoring property and moral damage caused by the illegal use of personal data. The effectiveness of such protection depends on a clear definition of the legal status of personal data and mechanisms for proving the fact of a violation in the digital environment.

Effective protection of personal data requires a comprehensive approach that includes both technical and organizational security measures. Personal data subjects should adhere to the basic principles of information security: exercise caution when transferring confidential information to unknown persons and organizations, create individual cryptographically strong passwords for each Internet service, avoiding their reuse on different platforms. It is recommended to activate multi-factor authentication using additional verification channels, including email and mobile communications. When interacting with financial and other organizations, it is necessary to require the conclusion of non-disclosure agreements for personal information, and minimize the amount of personal data posted in open and closed digital communications, taking into account the possibility of unauthorized access to such information [10]. Organizations should develop and implement a personal data processing policy, train employees in the basics of personal data legislation, and install technical means of information protection that ensure an appropriate level of security for the personal data being processed. Particular attention should be paid to the protection of personal data when processed in information systems, including the use of cryptographic protection, access control, anti-virus protection and data backup.

The conducted analysis of methods and means of civil protection of personal data in the Republic of Uzbekistan indicates the formation of a comprehensive system of legal mechanisms adapted to the modern challenges of the digital age. The system of civil protection, based on the constitutional principles of privacy and special legislation on personal data, includes traditional tort remedies, specialized mechanisms for compensation for material and moral damage, injunctions and preventive measures of enforcement. A feature of the Uzbek model of legal regulation is a differentiated approach to liability for violations in the field of personal data processing, providing for administrative and criminal sanctions depending on the nature and degree of public danger of the acts committed. The effectiveness of civil protection of personal data largely depends on the development of procedural mechanisms for proving violations in the digital environment, improving technical means of information protection and raising the legal culture of personal data subjects, which requires further scientific research and practical adaptation of international standards to the national legal system.

It is advisable to make additions to the Law of the Republic of Uzbekistan “On Personal Data”:

"Article 27 [1.] Civil protection of personal data

The subject of personal data has the right to protect his/her violated rights in civil proceedings, including the right to:

compensation for material damage caused by unlawful processing of personal data;

compensation for moral damage;

[10] Takidze D. T. Protection of personal data in Russia // Bulletin of the Magistracy. 2021. No. 5-4 (116). URL: https://cyberleninka.ru/article/n/zaschita-personalnyh-dannyh-v-rossii

Volume: 4 Issue: 6 | Jun–2025 ISSN: 2720-6882
http://journals.academiczone.net/index.php/jiphr

demand to stop the unlawful processing of personal data;

a request for the deletion or destruction of unlawfully processed personal data;

restoration of violated rights by other means provided by law.

Material damage subject to compensation includes:

direct property losses associated with the unlawful use of personal data;

costs of restoring violated rights, including legal costs;

lost profits from unlawful commercial use of personal data by third parties.

Moral damage caused by unlawful processing of personal data is subject to compensation regardless of compensation for material damage. The amount of compensation is determined by the court in accordance with civil legislation.

In the event of a mass violation of the rights of personal data subjects, a class action lawsuit may be filed in accordance with the procedure established by civil procedural legislation.

The subject of personal data has the right to apply to the court with a request to apply measures to secure the claim, including a ban on further processing of personal data until the dispute is resolved on the merits.

The personal data operator is liable for damage caused by the unlawful processing of personal data, regardless of fault, unless he proves that the damage arose as a result of force majeure or the intent of the victim.

Claims for the protection of the rights of personal data subjects may be made within three years from the date when the personal data subject learned or should have learned of the violation of his or her rights .