HISTORY OF THE FORMATION AND DEVELOPMENT OF REGULATORY AND SCIENTIFIC PRINCIPLES OF INFORMATION ABOUT AN INDIVIDUAL AS A SUBJECT OF CIVIL RIGHTS

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ABSTRACT

The authors of the article have clarified the genesis of legislation and the position of scholars in regard to the information about a person as an object of civil rights. It has been stated that the emergence of civil legal relations in the field of personal information became possible due to the adoption of the Law of Ukraine "On Information" (1992), which enshrined the definition of information, its regimes (with open and restricted access), and distinguished between "information" and "a document". It has been proved that the first civil definition of information as an object of civil rights was enshrined in the Civil Code of Ukraine (2004). The term of "personal information" was first used in the Law of Ukraine "On the Basic Principles of Information Society Development in Ukraine for 2007-2015" (2007). The system of normative and legal regulation of personal information has been formed in Ukraine after a while. It has been emphasized that the process of legal regulation of relations regarding personal information is not exhaustive and continues to be developed. It is confirmed by the lack of definition and content of information about a legal entity.

It has been established that information is a multifaceted category and is considered by different sciences. The authors have characterized two positions in regard to information about a person: administrative (information about a person as an object of property rights) and civil (information about a person as an intangible benefit).

It has been concluded that personal information is an independent type of information that is part of the system of intangible benefits. This information is divided into two groups: information about an individual and information about a legal entity. There are personal non-property, property rights regarding information, which have an exclusive, monopolistic nature.

Keywords: Information, Information about a Person, Personal Data, Legislation, Legal Science Civil Rights, Identification, Security Arrangement

INTRODUCTION

Modern development of human rights and information technologies provide opportunities for a person to form any information about himself, to provide it with various modes of protection, to disseminate and protect it. State authorities, institutions, etc. in addition to individuals receive, process and store information about a person within the framework of their activities. Personal databases, data banks, government registries, Internet websites, social

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media pages, ad units, websites, and more are among the most common information resources that contain personal information.

It should be noted that the issue of the genesis of personal information both in the category of legal regulation and legal science has not been systematically studied yet. Most scholars in their works studied only some aspects of this problem, in particular, general issues of determining information in accordance with the current legislation of Ukraine, the right to personal data, protection of business reputation of a legal entity, etc. Despite the actual expansion of the composition of personal information and its use in various verbal, material resources, there is no definition of the concept and types of this information in the Ukrainian civil legislation, the subjects of such information are not clearly defined. Unfortunately, the category of "personal information", which is a broader concept of any information that is formed in relation to individuals and legal entities, is still scientifically ungrounded. At the same time, there is a practical need to provide a civil characteristic of personal information. The above has both determined the choice of the topic of this article, and testifies to its relevance for theoretical analysis of information about a person as an independent object of civil rights, and the definition of new conceptual approaches to its improvement.

RESULTS AND DISCUSSION

Information about a person, as a legal category, has its own genesis of the formation. Personal information was first considered to be information about a person that did not need any protection. The development of human rights led to the formation of the category of "private life", which required its protection by the state. The expansion of the information space has led after a while to the emergence of the terms "personal data", "personal information". Legal protection regimes for such information have been formed in order to protect the indicated data. Those are banking, notorial, medical secrets, adoption secrets, etc. Subsequently, a trade secret regime appeared for legal entities. Those categories were primarily formed in connection with the expansion of human rights (the legal aspect for the formation of personal information) and the latest computer technologies (technical aspect of the genesis of personal information).

Scientific and technological progress has played a special role in the formation of information about a person, since it has led to the emergence of information technologies – a set of computers, computer communication systems, databases, and software packages (Zatserklianyi, Melnikov & Strukov, 2006). Information resources made it possible to materially record any information, in particular information about a person. The technical aspect of the genesis of personal information has posed new challenges for the protection of personal information, since the material carrier containing personal information has also become an independent object of legal relations, in particular databases.

There was a rapid formation of the information society in the 90s of the XXth century in the world, whose strategic resource was information that could interact not only with the material, but also with the spiritual world of a person (Burkatska & Saprykin, 2014). The manifestation of the information society was the emergence of a new legal category – information relations, which were initially considered as public and legal ones, since they correlated with the processing of information in public resources. The situation has changed after a while: individuals and legal entities have become full participants of information relations, which form, process, store information about them. The legal regulation and scientific views began to be formed simultaneously with the emergence of factual relations regarding information about a person.

Kokhanovska addressed the problem of defining information as an object of law one of the first in Ukrainian jurisprudence, and offered to consider the information right as the right of an individual to create, produce, receive, know, record, use, disseminate and store information according to the procedure provided by the Civil Code of Ukraine and other laws. The objects of information right, according to the scholar should include: information as an intangible benefit; open information and information with limited access (in particular, all types of secrets);

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information products (resources), documents, etc. in various areas of information activities; information systems (networks, in particular, the Internet); objects of intellectual property rights that do not have qualifying features and are not recognized as such in the manner prescribed by law; information that acquires legal significance at the time and in terms of its impact on a person (Kokhanovska, 2013).

Information simultaneously with scientific research has become the object of legislative regulation. Thus, the emergence of civil legal relations in the field of personal information became possible due to the adoption of the Law of Ukraine "On Information" (1992), which enshrines the definition of information, its regimes (with open and restricted access), and distinguishes between the categories of "information" and "a document". The latter was considered as one of the objective forms of information's existence (Law of Ukraine, 1992). The Article 10 of the Law of Ukraine "On Information" identifies the types of information according to the content, where information about an individual occupies a separate place. At the same time, such type of information as information about a legal entity was not defined. The adoption of that act enabled the Ukrainian state to become a participant in globalization information processes in the modern world.

The Law of Ukraine "On the National Informatization Program" was adopted in 1998 (Law of Ukraine, 1998), which defined the concept of informatization. The concept of informatization of society developed in that act made it possible to continue the development of legal regulation of relations in the field of information, in particular about a person. In addition, this Law established such new terms for domestic legislation as: "information service", "information technology", "information product", "information resource", "information sovereignty of the state". Such legislative consolidation paved the way for the further formation of legislation in the field of personal information, since it made it possible to combine information and technology definitions and categories with legal material. The identification of the types of information resources made it possible to establish that personal information could be one of the components of their content, in particular, information about library visitors began to be considered as the content of the database of library readers.

Due to the adoption of a new version of the Law of Ukraine "On Banks and Banking" in 2001 the concept of "information" was introduced into the definition of banking secrecy as information about the activities and financial condition of a client, which became known to the bank in the process of customer service and relations with a customer or third persons in the provision of bank services and the disclosure of which may cause material or moral damage to a client (Law of Ukraine, 2000). This definition of banking secrecy through the term of "information" was the beginning of the intensive development of other types of information related to individuals and legal entities.

A broad definition of the concept of "information" was suggested in the Law of Ukraine "On Protection of Economic Competition", where information in accordance with the Art. 1 is information in any form and type, stored on any media (including correspondence, books, notes, illustrations (maps, diagrams, organization charts, drawings, etc.), photographs, holograms, movies, video microfilms, sound recordings, databases of computer systems either full or partial reproduction of their elements), explanations of persons and any other publicly announced or documented information (Law of Ukraine, 2001). Most of the sources of objective form were embodied in the stated legislative definition, which might contain information and their material carriers. Thus, the legislator for the first time distinguished the form of information's existence from the information carrier.

A new type of information about an individual was enshrined in 2002 in the Art. 228 of the Family Code of Ukraine (Law of Ukraine, 2002). This information about the adoption: the registration of persons wishing to adopt a child; search for a child for adoption; submission of an application for adoption; consideration of the adoption case, etc. This type of information like bank secrecy received legal protection through the secrecy regime of adoption, which made it possible to define it as information with limited access.

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The civil definition of information as an object of civil rights was for the first time enshrined in the Civil Code of Ukraine. Information in the wording of 2003 of the Civil Code of Ukraine was defined as documented or publicly announced information about events and phenomena that took place or are taking place in society, the state and the environment. Part 1 of the Art. 200 of the Civil Code of Ukraine received a new wording in 2011, and the information was defined as any information and/or data that can be stored on physical media or displayed electronically (Law of Ukraine, 2003a). The latest wording has expanded the content of information, *i.e.*, the information began to include any information and/or data, which made it possible to relate personal information with the category of "information" in a broad sense. Besides, there is a technical and legal link of information to its material media. Thus, the civil definition of information indicates two main characteristics of this object: first of all, data is its content; secondly, any tangible carrier, including electronic is the objective form of information. Another characteristic of this object is contained in the Art. 177 of the Civil Code of Ukraine, according to which the objects of civil rights are things, including money and securities, other property, property rights, results of works, services, results of intellectual, creative activity, information, as well as other tangible and intangible benefits. It follows that information is an object of civil rights with all its inherent features.

The adoption of the Civil Code of Ukraine made it possible to expand the application of the category of "information" not only to individuals, but also to legal entities. This conclusion follows from the fact that information on the content in accordance with the Art. 10 of the Law of Ukraine "On Information" is divided into: information about individuals, information of reference and encyclopedic nature, information about the environment (environmental information), information about the product (work, service), scientific and technical information, tax information, legal information, statistical information, sociological information, other types of information (Law of Ukraine, 1992). The legislator clearly distinguishes information about an individual in this list of information. Herewith, if we analyze such types of information as information about the product (work, service), tax information, statistical information, one can argue that these types of information may also belong to a legal entity. Besides, a legal entity in accordance with Part 1 of the Art. 91 of the Civil Code of Ukraine is able to have the same civil rights and obligations (civil legal capacity) as well as an individual, except those that by their nature can only belong to a person (Law of Ukraine, 2003a). This makes it possible to assume that there is separate information about a legal entity. In the presence of two categories: "information about an individual" and "information about a legal entity" it became possible to combine them into a single term – "information about a person" by the analogy with the title of the Section II "Persons" of the Book I of the Civil Code of Ukraine. Thus, information about an individual and information about a legal entity is the types of information about a person.

The reform of the legislation in the field of personal information was continued with the entry into force of such regulatory legal acts. In particular, the Law of Ukraine "On Electronic Digital Signature" (Law of Ukraine, 2003b) was adopted in 2003, which introduced another element to the identification of a person in the form of an electronic digital signature. The Law of Ukraine "On Electronic Documents and Electronic Document Management" was also adopted in 2003; it determined that the participants in the relationship regarding electronic document management are individuals and legal entities (Law of Ukraine, 2003c). This Law defines an electronic document and distinguishes between the categories of "data" and "information". The Law of Ukraine "On Telecommunications" (2004) for the first time introduced the definition of such legal categories as "domain", "domain. UA", "second level domain" and regulated the legal relations between the consumer and the provider of telecommunication services (Law of Ukraine, 2003d). This Law has also suggested the definition of "information" according to technical criteria. Besides, this Law introduced a new form of information to be recorded on a tangible carrier.

A new wording of the Law of Ukraine "On Information Protection in Automated Systems" was adopted in 2005, which changed the content and title of the Law into the Law "On Information Protection within Information and Telecommunication Systems" (Law of Ukraine,

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2005). Updates of this Law have become natural, because the understanding of information, the possibility of its obtaining and protecting has completely changed in society and among scholars since the adoption of its first edition in 1994. We should note that this Law defines the concept of the "owner of information", *i.e.,* an individual or a legal entity who owns the right of ownership to information. The introduction of this category was one of the most important steps in forming the features of personal information. First of all, the legislator has clearly defined that information may belong to both individuals and legal entities, and therefore, it is possible to terminologically define – "information about an individual" and "information about a legal entity". Secondly, the legislation establishes a parallel approach to defining information as an object of civil rights. If the Civil Code of Ukraine considers information as an intangible benefit, then specialized legislation classifies information as objects of property rights. A discussion on the legal regime of information took place in the domestic legal science from that moment, as a result of which two scientific directions were formed. Proponents of the first direction (for example, M. V. Bryzhko (Bryzhko, 2011), S. V. Petrov (Petrov, 2013)) recognized information as an object of property and partially implemented it in administrative law. Scholars who insisted on the second direction (in particular, O. V. Kokhanovska (Kokhanovska, 2013), L. B. Sitdikova (Sitdikova, 2007), Ye. V. Petrov (Petrov, 2003)) considered information as an object of intangible benefits. This legal position is embodied in civil science.

Information about an individual has been supplemented since 2007with a new type of information – about the state of health, due to the supplement of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" containing in the Art. 39-1 "Right to Secrecy about the State of Health" (Law of Ukraine, 1992). This type of information received a protective regime of medical secrecy.

The need to protect personal information was emphasized in the Law of Ukraine "On Basic Principles of Information Society Development in Ukraine for 2007-2015" (2007) (Law of Ukraine, 2007). The term of "information about a person" was used for the first time in this normative act. It can be used as a legal category in a broad sense to characterize information/data in regard to individuals and legal entities, since the term of "person" refers to the bearer of specific legal rights and responsibilities, who is a party to the relevant legal relations (Stefanchuk, 2006). The bearer of rights and responsibilities can be both an individual and a legal entity.

The next step in the legal regulation of personal information was the adoption of the Law of Ukraine "On Personal Data Protection" (2010), which defined that the subject of personal data is an individual whose personal data is processed (Law of Ukraine, 2010). Thus, personal data has become an element of information about an individual. This Law stipulates that the legality of obtaining information about an individual for using it in the personal database may be carried out by the following means: obtaining the permission of the owner of information, in particular about his/her personal data; signing an agreement on the creation of information for the database; concluding an agreement on the transfer of the ownership of existing information. The legal significance of the Law in regard to the concept of "information about an individual" is as follows. First of all, the definition of personal data (information or a set of information about an individual who is identified or can be specifically identified) has been provided. This suggests that personal data fall into the category of "information about an individual" in a broad sense. Secondly, there is a mechanism of transferring information about a person from its owner to another person. Following the adoption of this Law on July 6, 2010, Ukraine ratified the Council of Europe Convention No. 108 "On the Protection of Individuals with regard to Automatic Processing of Personal Data", adopted on January 28, 1981 (Council of Europe, 1981), and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (Council of Europe, 2001). The term of "personal data" in accordance with paragraph "a" of the Art. 1 of the Convention No. 108 means any information relating to a specific person or a person who may be specifically identified. Therefore, information about a person should have a content that would make it possible to identify a person among others.

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The Article 10 of the Law of Ukraine "On Access to Public Information" of 2011 (Law of Ukraine, 2011) defines access to personal information in the form of personal rights in relation to own information, which allows to assert the existence of a system of personal rights regarding personal information. This normative act established the types of information with limited access: confidential information, secret information, official information and provided characteristics of public information.

The distinction between information about a private and public person was made in the Decision of the Constitutional Court of Ukraine of 20 January 2012, No. 2-rp/2012 in case No. 1-9/2012, according to which there was a definition between information about personal and family life of a person and information about a person, who holds a position related to the performance of functions of the state or local self-government agencies, official or service powers (The Constitutional Court of Ukraine, 2012). This decision was another step towards the formation of the characteristics of information about an individual.

As we know, information is a multifaceted category, so it is the subject of research in various fields of science. Besides, personal information is characterized by dualism. Thus, on the one hand, information is an intangible benefit, and therefore cannot be alienated from a person. On the other hand, the information when recorded on a tangible carrier can be transmitted from one person to another, and in certain cases act as good. This property of information has become a reason for discussion in legal science about the possibility of recognizing information as a viable object (Slipchenko, 2014).

Kokhanovska points out that there are two main directions in the current science of civil law: the concept of understanding information as an intangible benefit and the "neo-proprietary" concept of ownership of information. The main problem is that there may be two objects in case of fixing information on a tangible carrier: intangible information in nature and a tangible carrier. Moreover, the latter fully complies with the norms of property law, which makes it attractive to extend such a legal regime to a complex object – a material carrier with information attached to it. Information, of course, is an intangible result of human intellectual activity and is essentially close to such objects known to civil law as objects of intellectual property rights and personal intangible benefits (Kokhanovska, 2004). Agreeing with this position, it should be noted that there are two approaches to the definition of information in legal science: its understanding as an intangible benefit and the object of property rights ("neo-proprietary" concept of ownership of information). These two areas continue to develop in parallel in both national and European science. At the same time, scholars specialized in administrative law support the concept of ownership of information (which is related to the ownership of a tangible carrier of information), because the civilist approach considers information as an intangible benefit (without reference to the tangible carrier of information).

Determining the place of personal information in the system of civil rights is an important area of research, because the place of this information as an object of civil law is defined in two ways: as an independent object of property rights and as a type of intangible benefits. Information about a person has its own separate relationship with the person and with the right to human life. The relationship of information with a person can be characterized as identifying, *i.e.,* one that individualizes a person through information about him. Indication of a particular person through information about him can affect the safety of human life, since open information about a person allows anyone to find a person at his address, which creates a passive threat to both private life and life itself. Therefore, it can be hypothesized that the place of personal information among the objects of civil rights has certain properties. However, this issue needs to be addressed in order to develop scientific and legislative innovations on this object.

The scientific literature substantiates the position that the issue of the system of civil rights objects becomes especially relevant in connection with the constant increase in the range of phenomena that are defined as objects of civil rights (Stepanov, 2013). This outlines the importance of researching the issue of determining the place of personal information in the system of civil rights objects.

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As we know, the objects of civil rights are tangible and intangible benefits, in respect of which there are property and personal non-property relations between the subjects of civil law. In accordance with Part 1 of the Art. 177 of the Civil Code of Ukraine, the objects of civil rights are things, including money and securities, other property, property rights, work results, services, results of intellectual, creative activity, information, as well as other tangible and intangible benefits (Law of Ukraine, 2003a). Thus, the Art. 200 of the Civil Code of Ukraine, which contains the definition of information, was introduced in Chapter 15 of the Civil Code of Ukraine "Intangible Benefits". Thus, information is part of the system of intangible benefits. At the same time, there is a scientific debate about the place of information among the objects of civil rights.

Thus, according to A. I. Marushchak (Maruschak, 2009), information about a person cannot be the object of civil rights. However, we do not agree with this position of the scholar in view of the following. The general and most characteristic feature for all objects of civil rights is their discreteness, *i.e.,* their qualitative, as well as physical and/or accounting certainty and separation from all other objects. This feature is universal, it is manifested both on certain types of objects of civil rights (legal abstractions) and on an empirical level (Lapach, 2002). Objects of civil law are also characterized by the target orientation of meeting the needs of the holder of subjective rights and its legal assignment to a particular subject. The specified system of features of civil law objects is completely inherent in the information about a person as it can belong to a certain subject, there are rights and duties in its regard, it can be separated from other objects by means of the tangible carrier, where it is recorded. Vytushko considers information as an independent object of civil rights and does not correlate it with intangible benefits. We agree with this position only in part, because certain types of information, in particular about a person, have a relationship with a person, which affects the recognition of their intangible property in respect of which civil rights arise (Vytushko, 2001). Lapach notes that when listing the objects of civil rights, the legislator placed "information" between "works and services" and "results of intellectual activity". According to the scholar, this makes some sense (Lapach, 2002). This can be applied to information as an object of activity, but information can also be of some benefit. For example, information that is generated about a particular person must belong to a person on a certain right, which makes it possible to exercise subjective rights to this object.

Particular attention should be paid to the opinions of scholars on the possibility of extending the regime of ownership of information, in particular personal information. Thus, O. I. Yaremenko argues that the domestic legislation lays the foundations of ownership of information. This right is most clearly regulated in the Law of Ukraine "On Scientific and Technical Information", where the Art. 6 determines the scientific and technical information as the object of ownership and determines the list of reasons for its occurrence (Yaremenko, 2008). M. V. Kolesnykova notes that the ownership of information is the right to own, use and dispose of information and/or data that can be stored on physical carriers or displayed in electronic form (Kolesnikova, 2012). According to V. S. Tsymbaliuk, information has objective features of property. It is based on natural features, it can be measured by conditional printed sheets, the number of symbols (letters, numbers, etc.), in electronic form – in bits, bytes, kilobytes, etc. (Tsimbalyuk, 2010). Based on the above scientific opinions, it can be stated that there is a position of scholars who correlate information about a person with property and offer to extend the ownership mode of information, in particular information about a person. It is the position of scholars in the field of administrative law. It is considered that to recognize information, in particular information about a person, as an object of property rights is erroneous, because information cannot be recognized as a thing and certain types of information cannot have a subject-owner at all, in particular, information about natural disasters. Besides, personal information has the property to be changed, *i.e.,* it is dynamic. The lack of statics in this object of civil rights makes it impossible to extend the regime of ownership. It should be borne in mind that information about a person has a dualistic legal nature, since the information that is recorded on a tangible carrier can be correlated with the tangible carrier, where it is attached (it is subject to the regime of ownership). Actually, personal information has an intangible content.

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Kokhanovska points out the intangible nature of information and offers a doctrinal definition of information as an intangible non-property benefit of a special kind. The scholar came to the conclusion that information as an object of civil law can be considered: 1) as a personal intangible benefit in the set of benefits listed in the Art. 201 and Book 2 of the Civil Code of Ukraine; 2) as a result of creative intellectual activity, *i.e.,* as an object of exclusive rights regulated in the Art. 199 and Book 4 of the Civil Code of Ukraine; 3) as an information product, resource, document, *i.e.,* an object that can be an information product and the subject of any transactions, taking into account its features and specifics as an object of a special kind (Kokhanovska, 2006). We support this position, because personal information can be attributed to a person's personal intangible benefits. The only problem is that if a document or other information product contains information about a certain person, then there is a question, whether such an agreement is legal? We believe that the information attached to the material resource can become a viable object of civil rights only due to the will and will expression of the private entity in regard to the dissemination of information about him. Therefore, the distribution of certain information products, which contain information about a person, without the consent of a person will be a violation of the non-property rights of this person.

Sitdikova also supports the scientific position of O.V. Kokhanovska. She characterizes personal information in more details and notes that intangible benefits such as good name, honor, dignity and business reputation are among the objects of civil law that have informational content. Being evaluative moral categories, their informative nature is that they, on the one hand, are based on certain information about the subject, and on the other – independently carry this information (Sitdikova, 2007). If we apply the above positions to legal relations, the subject of which is information about a person, then it can be stated that the information may be an intangible benefit aimed at disseminating and/or identifying the person. For example, personal information will be the subject of a relationship in regard to medical or commercial secrecy. The value of such information lies in the identification relationship with the person. Information about a person is aimed at satisfying the intangible interests of a person who has no tangible content. Thus, it can be argued that personal non-property rights arise in relation to personal information.

It should be noted that the possibility of classifying personal information as personal intangible rights is due to the fact that the rights arising from personal intangible benefits have their own specific, characteristic properties, features. First of all, inalienable rights are inseparable from the identity of their holder, belong to a particular person and are called "personal". Secondly, personal intangible rights are absolute. Thirdly, personal non-property rights are deprived of tangible (property) content. Even if the invasion in the sphere of personal rights has led to negative economic consequences for their carrier, personal rights are not filled with tangible content (Lapach, 2002). Supporting this position, it should be noted that information about a person cannot be separated from its owner, since it allows us to individualize/identify the subject, save information/data about him, it is unique, because each subject forms a special and unique information about himself. The absolute nature of rights to information is characterized by the fact that the subject-owner of information is opposed by an unlimited number of obligated persons, who have an absolute obligation not to violate the person's rights to information about himself. The right to information about a person may not have a tangible content, except cases, when a person by his own actions carries out the commercialization of information about himself. In this case, after obtaining the status of a negotiable object, information about a person does not lose contact with the carrier, since information will be changed depending on changes in the person's status, his creative and personal characteristics, business experience, etc.

Based on the above, it is possible to distinguish between personal information and other objects of civil rights. In particular, information about a person is inseparable from the carrier, has a constant relationship with a person, information is absolute and cannot be materially determined. Allocation in the classification of objects of civil rights of its components (things, money, securities, works, services, information, results of intellectual activity, including

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exclusive rights to them (intellectual property), intangible benefits) makes sense if there are really established and significant differences from the point of view of civil law in the legal regime of such phenomena (Senchyshchev, 1999). Information about a person, which consists of systematized information/data and has an objective form of existence, has the characteristics of intangible benefits, and therefore may refer to intangible benefits.

V.A. Dozortsev considers information as a kind of intangible rights and refers it to the objects of absolute exclusive rights. The scholar notes that the consolidation of exclusive rights means that no one has the right without the permission of the right holder to use the object protected by such rights in certain ways (Dozortsev, 2003). The position of the scholar is based on the theory of exclusive rights, which has not been enshrined in law. However, if we analyze the place of personal information in the system of objects of civil rights, it should be noted that the owner of personal information may give consent to transfer information about himself. No one has the right to pass it on to others except the person who owns the information. That is, the rights to personal information are exclusive, monopolistic. The owner of the information about himself has a monopoly right on this object, because this information is inextricably linked with this person. With the consent of the owner, such information may be transferred to another person, who will only record it on a tangible carrier, in particular in a database, etc. In this case, the complete alienation of information from its owner is not carried out, and only certain information/personal data is transmitted. Thus, information about a person generates personal intangible rights to it, which once again emphasizes the intangibility of information about a person as an object of civil rights.

The exclusivity and monopoly of the rights of the owner of personal information cannot be equated with the absolute rights of the property owner, because personal information cannot be completely alienated from the owner. Information about a person, unlike ordinary things, has no natural tradability and it cannot be fully alienated from a person. If personal information has an objective form, in particular we mean the data recorded in a database, in this case this object may be the element of a broader object (database collection, blockchain) and may be transferred to civil circulation.

CONCLUSION

Based on the conducted study, we can make the following conclusions

1) On the basis of the analysis of the state of legal regulation of relations in the field of personal information, it can be argued that the legislation enshrines the following terms: “information about a person”, “owner of information”; information modes; the system of the rights of the person concerning the information about this person is fixed. Information about an individual, in particular about his signature, personal data, was formed separately. Despite the dynamic legal regulation of information relations, the definitions of “information about an individual” and “information about a legal entity”, the place of these legal categories in the system of objects of civil rights, remain unrevealed. This indicates the need to improve the legal regulation of civil relations regarding personal information.
2) The formation of the concept of personal information is associated with the expansion of human rights (legal aspect) and the latest computer technologies (technical aspect). The concept of “personal information” was first enshrined in the Law of Ukraine “On the Basic Principles of Information Society Development in Ukraine for 2007-2015” (2007). The category of “personal information” is still not fixed at the level of civil law. It has been found out that there are two approaches to the definition of information in legal science: its understanding as an intangible benefit and the object of property rights. At the same time, scholars specializing in administrative law support the concept of the ownership of information, because the civilist approach considers information as an intangible benefit. Information about a person in the presence of his will can be considered as a viable object, since this type of information can have economic content, the ability to objective existance and separation from a person. The fact that the subject agrees to the use of information about himself makes it possible to separate the information from the subject-carrier.
3) The place of personal information among the objects of civil rights can be identified through the analysis of the place of information as a general category. The modern jurisprudence has no research on issues related to determining the place of personal information in the system of objects of civil law. Information about a person is an intangible benefit, which is covered by the exclusive rights of the person. This

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statement is based on the fact that personal information is inseparable from the carrier; the information is absolute, cannot be materially defined and is a dynamic category. Personal information is a benefit that has no material content. It has a dualistic legal nature, because the information that is fixed on a tangible carrier can be correlated with the tangible carrier, where it is attached (it is subject to the regime of ownership). In this case, information about a person has an intangible content, so the system of information about a person is subject to the regime of exclusive rights to intangible benefit. The person who owns the information about himself has a monopoly right on this object, because this information has an inseparable relationship with a person. Such information with the consent of the owner may be transferred to another person, who will only record it on a tangible carrier, in particular in a database, etc. In this case, the complete alienation of information from its owner is not carried out, and only certain information about a person is transmitted. Personal information is an independent type of information that is part of the system of intangible benefits. This information is divided into two groups: information about an individual and information about a legal entity. There are personal non-property, property rights in regard to information, which have an exclusive, monopolistic nature.

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