

Privacy in Armenia: overview

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LEGISLATION

1. What national laws (if any) regulate the right to respect for private and family life and freedom of expression?

Article 34 of the Constitution of Armenia provides that everyone has the right to protection of their personal data and that data processing must be carried out in good faith, for the purposes prescribed by law, with the consent of the person concerned or on the basis of any other legitimate ground prescribed by law.

Article 42 of the Constitution guarantees the right to freedom of expression, which can be restricted on the grounds of state security, protecting public order, health and morals, or the honour, good reputation and other basic rights and freedoms of others.

Armenia has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms 1950. In the case of a conflict between the Convention and national law, the Convention must prevail. Rulings of the European Court of Human Rights are sources of law, which means that the courts of Armenia must apply these rulings and follow them strictly.

General rules on the processing of personal data are set out in the Law of Armenia on protection of personal data, which was adopted in 2015.

2. Who can commence proceedings to protect privacy?

A person whose right to respect for private and family life is violated can commence proceedings to protect his or her privacy.

3. What privacy rights are granted by law?

Privacy rights include the following rights:

- Right to personal data protection.
- Right to know of personal data collected by state and local self-government bodies and right to request the correction of any inaccurate data, as well as the deletion of data obtained illegally or the processing of which no longer has legal grounds.
- Right to protection of private and family life, honour and good reputation.
- Right to inviolability of the home.
- Freedom and secrecy of correspondence, telephone conversations and other means of communications.
- Freedom to marry (a woman and a man having attained the marriageable age can freely marry and form a family).

Privacy rights, except for the right to personal data protection and the right to marry, can only be restricted by law to:

- Protect state security and the economic welfare of the country.
- Prevent or disclose crimes.
- Protect public order.
- Protect health and morals.
- Protect the basic rights and freedoms of others.

Freedom to marry can only be restricted by law to protect health and morals.

4. What is the jurisdictional scope of the privacy law rules?

The Armenian privacy law rules apply in Armenia. The law does not specify whether privacy law rules will apply if, for example, an Armenian company collects and processes personal data out of Armenia or a foreign company processes Armenian citizens' personal data.

5. What remedies are available to redress the infringement of those privacy rights?

In the case of breach of personal data protection rules, a natural person can seek protection before the Personal Data Protection Agency of the Ministry of Justice of Armenia, the courts, or initiate criminal procedures (if there are sufficient grounds for it).

A data subject can seek the following remedies:

- Compensation for damages.
- Correction of his or her personal data.
- Deletion of his or her personal data.
- Prevention of unlawful access.
- Use of encryption.

Violation of personal data protection rules may lead to administrative liability (subject to monetary penalties) or criminal liability (subject to monetary penalties or imprisonment). Violation of the right to protection of honour and good reputation can lead to civil liability and recovery of damages, the maximum amount of which is defined in the Civil Code of Armenia. Violation of the right to inviolability of the home is a crime punished by either monetary penalties or imprisonment.

6. Are there any other ways in which privacy rights can be enforced?

There are no other ways in which privacy rights can be enforced.

Practical Law Contributor profile



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Professional qualifications. Republic of Armenia, Attorney, 2007

Areas of practice. Banking; capital markets; anti-money laundering and counter-terrorism financing.

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Professional associations/memberships. Chamber of the Advocates of the Republic of Armenia (since 2012).

Publications

- Authored the article "*Warranty: a Rescue or a Trap?*", *AmCham Business Magazine Spring-summer 2014*.
- Authored "*Analysis of the Company Law*", *International Trust Laws and Analysis, Supplement 2018*.
- Co-authored the article "*Doing business in Armenia*", *Practical Law Global Guide 2016/17*.
- Co-authored the article "*Mergers and Acquisitions 2016*", *International Comparative Legal Guide*.
- Co-authored the article "*Litigation and Dispute Resolution 2017*", *Global Legal Insights*.
- Expert contributor, *Data Protection in the Financial Sector Guidance: Data Guidance, the global privacy platform, 2017*.