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Implementation of consular protection and data protection law
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PhD in Law

Abstract. Protection of civil rights in foreign countries is an important part of the consular system. The article examines the role of consular protection among emerging branches of international law. In addition, aspects of consular protection related to Data Protection law, which is rapidly evolving in modern international law and undergoing drastic changes as a result of the pandemic, were studied. As a result of his research, the author believes that the scope of work in this area should be expanded and improved.

Keywords. Consul, consular protection, citizen, diplomatic protection, migration, digital economy, data, cybercrime, virtual objects, digital jurisprudence.

The institute of consular protection, by its legal nature, is an inter-sectoral institute of international law. In the theory of law, an inter-sectoral institution is a set of legal norms aimed at regulating legal relations in several sectors¹. Intersectoral legal institutions are also known in science as complex legal branch².

The institute of consular protection also applies legal norms in such areas as human rights, international legal assistance, diplomatic law, international security law, international economic (trade) law, responsibility of states in international law. The institute of consular protection theoretically and practically meets all the requirements of the institute of law. In particular, it has its own subject of regulation and management methods. It should be noted that the protection measures applied to of foreign countries may also be based on the general principles and norms of other branches of law.

In our opinion, consular protection of civil rights in foreign countries is literally legal protection. Such protection is provided by complex, multifaceted and inter-sectoral law enforcement. The protection of a citizen even outside the state is not a simple manifestation of legal protection and legal protection. Such protection is a complex legal protection of a specific nature, which is carried out by the state and goes beyond the borders of the state.

The norms of consular law are, in essence, aimed at establishing international friendly relations on the basis of the principles of sovereignty, non-interference in internal affairs, mutual benefit³. Consular protection is of great practical importance in the context of liberalization of laws in a number of countries, increasing the number of cases when property belongs to more than one state, citizens leaving the country for different reasons and purposes, and living abroad for different periods. Therefore, in the current process of globalization, a constructive approach to consular protection is needed⁴.

Changes in the economy, technology and migration, and the increasing activity of non-governmental organizations in international relations increase the practical importance of consular legal protection, in contrast to human rights, diplomatic law and other areas of public law. This is because the consular functions contain important elements that ensure the rights and interests of the participants in international economic relations, technology, migration, cultural and humanitarian relations.

In practice, the importance of consular protection in the protection of economic rights and interests of citizens is obvious. Today the role of the state in protecting the interests of the individual, ensuring the balance of public and private interests is growing. Therefore, first of all, there is a growing need to develop and improve the activities of institutions aimed at protecting the rights of citizens; secondly, specific issues related to diplomatic and consular protection, including concepts in the field, features, their legal nature, the basis of legal regulation, etc. require more attention.

In the coming years, the mobilization of all mechanisms in the implementation of economic diplomacy, including the potential of consuls, honorary consuls and our compatriots abroad, to expand trade, economic and investment cooperation with foreign countries; Special attention has been paid to the widespread introduction of information and communication technologies to digitize and increase the efficiency of consular activities.

The protection of the rights of both legal entities and individuals of the Republic of Uzbekistan in foreign countries is an important part of the consular system. In this context, we have found it expedient to study the role of consular protection among emerging branches of international law. In addition, we examined the aspects of consular protection in relation to Data Protection law, which is rapidly developing in modern international law and is undergoing drastic changes as a result of the pandemic:

In the current context of developing regular and active cross-border cooperation, the task of protecting personal data is not only a national issue, but also a rapidly evolving system of international norms that unites existing concepts and standards.

New technological realities (digital economy, big data, web networks, cryptocurrencies, cybercrime, virtual objects, digital jurisprudence) have created new challenges and challenges for the legal and regulatory system.

As an integral continuation of the activities of consular protection in cyber legal relations, it is appropriate to study the relationship aspects of the Data Protection Law.

In the course of our research, the norm is now creative in the international legal regulation of personal data and law enforcement practice have identified two different paths. Including:

1. The right to protection of personal data is recognized as one of the components of the single fundamental system responsible for the protection of human rights. The norms governing this area are adopted within the framework of legal

documents of a general humanitarian nature and are adopted within the framework of the United Nations and other organizations with full responsibility for this area.

2. Mechanism for the creation and operation of technical and organizational standards governing standards and processes of information and data protection within a single information space. This group of norms is of a practical nature, and it is this group of norms that directly regulates prevention and protection measures and liability for violation of an individual's right to protection of personal data⁵.

We consider it expedient to fill this line with our following proposal. It is necessary to develop norms and provide for the development of bilateral consular conventions between states and the protection of information about their citizens, their transfer to the competent authorities, the exchange of personal data of citizens between the parties.

We will see on a number of grounds what effect this may have on practice and in the end, including the following issues to be included in the Conventions:

- Uniform requirements for methods of automated data processing, applied principles and technologies will be introduced;
- the rights and obligations of the owners of personal data and the operators authorized to process the data and the right of access to the data;
- requirements for cases of cross-border data transmission, restrictions on transmission and cases when denial of transmission is allowed;
- Improves the legal framework for the protection of personal data.

Regarding the processing of information by consular posts, it should be noted that the amount (quantity) of information about a person is determined by the legislation of each state.

Personal information is information that belongs to a particular individual or is recorded electronically, on paper, and (or) on another tangible object that allows him or her to be identified. In other words, the personal information is usually an academic title, name, permanent residence information, document numbers, telephone numbers, personal identification number, postal addresses, and so on.

In addition to consular legal assistance and protection, the Institute of Consular Protection essentially covers the issue of legal assistance. This aspect of the institution of consular protection further enriches its legal essence. The specific legal aspect of the issue of legal assistance provided to citizens by the consul is that a citizen can use consular activities to carry out a number of types of legal relations in foreign countries, even within the state. In particular, at the request of a citizen, deregister him from the place of residence abroad, collect alimony for a child whose father is a foreign citizen, assist in the return of their relatives and friends, assist in the objective investigation of deaths in foreign countries, appeals to participate in the protection of the rights of ownership and disposal of residential real estate in court, to submit applications and objections to law enforcement agencies can be received from both citizens abroad and within the country⁶.

In consular practice, the legal basis for working with personal data is the documents of states on the system of bodies regulating the activities of foreign relations bodies, the norms of international law and bilateral agreements.

Personal information is processed to the extent and for the time necessary to achieve a particular purpose, but the retention period should not exceed the period specified in the relevant legislation. Consular posts may keep personal data in the manner prescribed by their legislation until the expiration of the contract or until the final settlement of the rights and obligations arising from the contract.

In the absence of the above legal grounds, consular posts shall obtain a notification of consent from the subject of personal data for the processing of personal data.

In consular practice, work with personal data is required in the following areas:

- visas (visa applications, visa archive, visa applications, visa appointment system, students);
- consular issues (emergency assistance to travelers, consular assistance, legal assistance and documentation services, register of arrested and detained citizens, database of consular affairs, database of non-repayable financial assistance users, sale of foreign currency);
- activities in the field of personnel and salary fund (selection procedures, local staff, internships);
- security (including permanent camera surveillance systems);
- projects and agreements in the field of state and economic diplomacy, development programs;
- complaints;
- Records kept in diplomatic missions (citizenship, birth books, inheritance issues, special voter lists).

In international practice, consular posts have the right to transfer personal information to third countries and international organizations, if there is a legal basis. For example, in EU countries, the free movement of personal data is not restricted to protect individuals in connection with the processing of personal data. In countries outside the European Union, additional requirements set out in the general rules must be met⁷.

In the course of our research, it was concluded that in consular activities, personal data refers to all types of information that are directly or indirectly related to the individual.

There are a number of laws and regulations governing the handling of personal data. The common denominator of all these rules is that they are intended to protect people from violating their privacy when processing personal information. Processing of personal data is the performance of an action or set of actions to collect, systematize, store, modify, supplement, use, transfer, distribute, transmit, alienate and destroy personal data.

Diplomatic missions abroad have the right to process personal information required by parliament and government to carry out the tasks assigned to them. The consuls are also someone, for example:

- Requests for information;
- Dissemination of open data;
- job search;

- confirms participation in meetings or other events, etc.

Consular posts shall be responsible for the processing of personal data carried out within the scope of their activities, unless otherwise provided.

The processing of data carried out within the framework of the activity should be in a special register of the institution. With this, the consular post can systematically monitor whether the data processing is carried out on a legal basis. Consular offices are responsible for updating the register.

Personal information collected by consular offices abroad is used for specific purposes. In this regard, personal information is stored for different periods of time, depending on exactly what they are used for and what obligations there are in the legislation against them.

If a positive solution is not achieved as a result of direct step-by-step protection within the Institute of consular Protection, the problem will be resolved through diplomatic means and the means of peaceful settlement of disputes in international law. However, this does not mean that the duties of the consul will be suspended. The consul will not lose his activism on this issue, but will ensure that the state uses other means of protection under international law. Such actions of the consul once again confirm that the institute of consular protection is an interdisciplinary institution. As a result of the above research, we have formulated the following suggestions and conclusions:

- the importance of consular law in international legal relations, like other legal institutions, stems from the nature of social relations that regulate it;
- the implementation of legal protection within the framework of consular law is systematized and closely linked with a number of areas of law;
- the norms necessary for the implementation of legal protection in consular practice are the basis for the formation of legal social relations;
- the correct application of the Data Protection Law, in particular the norms applicable to various sectors in the implementation of consular protection, creates a solid legal basis for the sustainable development of relations between states.

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