AZERBAIJAN

Data Protection Laws of the World

DLA PIPER

Introduction

Welcome to the 2025 edition of DLA Piper's Data Protection Laws of the World Handbook. Since the launch of our first edition in 2012, this comprehensive guide has been a trusted resource for navigating the complex landscape of privacy and data protection laws worldwide. Now in its fourteenth edition, the Handbook has grown to provide an extensive overview of key privacy and data protection regulations across more than 160 jurisdictions. As we step into 2025, the global landscape of data protection and privacy law continues to evolve at an unprecedented pace. With new legislation emerging in jurisdictions around the world, businesses face a growing need to stay informed and agile in adapting to these changes. This year promises to bring new developments and challenges, making the Handbook an invaluable tool for staying ahead in this ever-changing field.

Europe

Established data protection laws in Europe continue to evolve through active regulatory guidance and enforcement action. In the United Kingdom, the UK government has proposed reforms to data protection and e-privacy laws through the new Data (Use and Access) Bill ("**DUAB**"). The DUAB follows the previous government's unsuccessful attempts to reform these laws post-Brexit, which led to the abandonment of the Data Protection and Digital Information (No.2) Bill ("**DPDI Bill**"), in the run-up to the general election. Although the DUAB comes with some bold statements from the government that it will *"unlock the power of data to grow the economy and improve people's lives"*, the proposals represent incremental reform, rather than radical change.

United States

In the United States, legislation on the federal and in particular state level continues to evolve at a rapid pace. Currently, the US has fourteen states with comprehensive data privacy laws in effect and six state laws will take effect in 2025 and early 2026. Additionally, at the federal level, the new administration has signaled a shift in enforcement priorities concerning data privacy. Notably, there is a renewed focus on the regulation of artificial intelligence (AI), with an emphasis on steering away from regulation and promoting innovation. This includes the revocation of previous executive orders related to AI and the implementation of new directives to guide AI development and use.

In the realm of children's privacy, many of the new administration's supporters in Congress have indicated a desire to make the protection of children on social media a top priority, and new leadership at the Federal Trade Commission (FTC) appears aligned on this goal, albeit with a willingness to take another look at the recently adopted amendments to the Children's Online Privacy Protection Act (COPPA) Rule. Health data

privacy remains a critical concern, with a handful of states following Washington state's lead in enhancing or adopting health data privacy laws. On the international data transfer front, Executive Order (E.O.) 14117 " Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern" as supplemented by the DOJ's final Rule will impact companies transferring data into certain jurisdictions, such as China, Iran and Russia. Another area of focus for companies with an EU presence will be the Trump administration's approach to the Privacy and Civil Liberties Oversight Board, as it is a critical pillar of the EU/UK/Swiss-US Data Privacy Framework.

Asia, the Middle East, and Africa

Nowhere is the data protection landscape changing faster – and more fundamentally – than in Asia, with new laws in India, Indonesia, Australia and Saudi Arabia, as well continued new data laws and regulations in China and Vietnam. The ever-evolving data laws, as well as the trend towards regulating broader data categories (beyond personal data), in these regions continue to raise compliance challenges for multi-national businesses.

Emerging trends in data governance

Unlocking data, regulating the relentless advance of AI, creating fairer digital markets and safeguarding critical infrastructure against the ever growing cyber threat, continue to impact and overlap with the world of data protection and privacy. Perhaps most notably, the EU have introduced a raft of new laws forming part of its ambitious digital decade, which will bring huge change to businesses operating within the EU. With the rapid adoption of artificial intelligence enabled solutions and functionality, data protection supervisory authorities have been closely scrutinising the operation of AI technologies and their alignment with privacy and data protection laws. For businesses, this highlights the need to integrate date protection compliance into the core design and functionality of their AI systems. In the midst of this, the privacy community found itself at the centre of an emerging debate about the concept of 'AI governance'. This is not a surprising development – AI systems are creatures of data and the principle-based framework for the lawful use of personal data that sits at the heart of data protection law offers a strong starting point for considering how to approach the safe and ethical use of AI. As AI technologies advance, so will regulatory expectations. It is expected that regulatory scrutiny and activity will continue to escalate and accelerate in tandem with the increase in integration of powerful AI models into existing services to enrich data. Whilst privacy professionals cannot tackle the AI challenge alone, expect them to continue to be on the front lines throughout 2025 and beyond.

Disclaimer

This handbook is not a substitute for legal advice. Nor does it cover all aspects of the legal regimes surveyed, such as specific sectorial requirements. Enforcement climates and legal requirements in this area continue to evolve. Most fundamentally, knowing high-level principles of law is just one of the components required to shape and to implement a successful global data protection compliance program.

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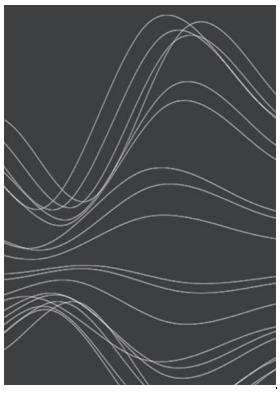

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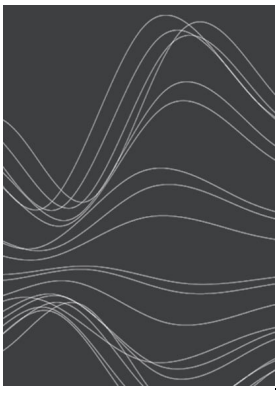

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Azerbaijan

LAST MODIFIED 15 FEBRUARY 2022

Data protection laws

Law on Personal Information dated 11 May 2010.

Definitions

Definition of Personal Data

Any information allowing to identify a person, directly or indirectly, is considered personal data.

Definition of Sensitive Personal Data

Personal data of special category includes information relating to race or nationality of an individual, his/her family life, religion and belief, health or conviction.

National data protection authority

The major regulator/enforcement authority (DPA) is the Ministry of Digital Development and Transport.

In addition, the other designated state authorities which are vested in powers to enforce applicable data protection/privacy laws, within the scope of their competences, include the Ministry of Internal Affairs, the Ministry of Justice, the State Security Service, and the Special State Protection Service.

Registration

Information systems of personal data must be registered with the DPA. There are also certain exemptions from such registration requirement.

Data protection officers

The DPA, through its officers, may demand elimination of violations of statutory requirements by legal entities and individuals, also take necessary actions for holding accountable persons who breached the statutory requirements regarding collection, processing and protection of personal data.

Collection and processing

Collection and processing of personal data can be implemented either with obtaining a prior consent of a data subject or when the data is of open category (i.e. non-confidential).

Transfer

Transfer of personal data can be performed with a prior written consent of a data subject, unless the data is of open category.

Security

Adequate level of protection of personal data should be provided by owners of operators of personal data.

Breach notification

There is no specific requirement as to notification of the DPA by the owner or operator of personal data about breach.

Enforcement

If the rights of a data subject are breached as a result of the illegal collection and processing of personal data, inadequate protection of such data, or non-compliance with the statutory requirements, the data subject may claim for compensation of material and moral damages sustained by him/her through the local court.

Electronic marketing

No consent of a recipient is required for e-mail marketing, provided only that service providers must establish a registration system for persons who wish to opt out from receiving marketing materials, and comply with such system.

Online privacy

There are no rules directly regulating use of cookies in Azerbaijani legislation. However, if cookies contain any personal data, the Azerbaijani data protection rules will apply as to the use of such cookies.

If a data subject cannot be identified just based on location data, it would unlikely be deemed as personal data, falling outside the scope of personal data protection related requirements.

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For more information

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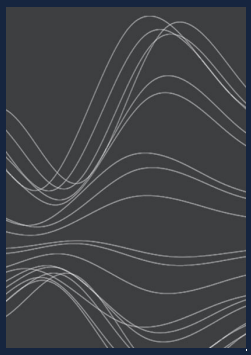

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About us

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help companies with their legal needs around the world.

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