**Regional Union of Consumer Societies "Kraypotrebsoyuz"  
Private professional educational institution  
"Krasnoyarsk Cooperative College of Economics, Commerce and Law"**

Educational interdisciplinary project on the discipline "Office management and secrecy" and "English language".

On the topic: The difference between state secrets and commercial secrets

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Topic:

THE DIFFERENCE BETWEEN A STATE SECRET AND A COMMERCIAL ONE

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Annotation

The research topic is devoted to the analysis and comparison of the concepts of state and commercial secrets, as well as their differences and connections. The paper examines the main characteristics and signs of state secrets, its role and importance in the functioning of state bodies and organizations. In addition, the key features of trade secrets, their importance for business and economic security are considered.

The study analyzes legislative acts regulating issues of state and commercial secrets, as well as international treaties and agreements related to information protection. The mechanisms and measures for the protection of state and commercial secrets, as well as their interrelation and impact on national security and economic development, are being investigated.

The paper also examines the practical aspects of ensuring the confidentiality of information used in government and commercial organizations, as well as emerging problems and ways to solve them. In conclusion, it is concluded that it is important to maintain a balance between the need to protect state and commercial secrets and ensure access to information for citizens and organizations.

Keywords:

State secret, commercial secret, confidentiality of information, information protection, legal aspects of information protection, problems and ways to solve them, Criminal Code of the Russian Federation, punishment for an offense, information, national security.

Introduction

Relevance: in recent years, the number of criminal cases under consideration has increased, and therefore there is a need to ensure the security and protection of information, as well as the constant development and change of the legal framework and principles governing these categories of information.

The problem: many people do not understand the importance of state and commercial secrets, their interrelationship and impact on national security and development. Uncontrolled dissemination of such information can lead to serious consequences, including threats to national security, leakage of information, secrets and loss of competitive advantages.

The aim of the project is to provide a complete and comprehensive understanding of the differences between state and commercial secrets, as well as to offer practical recommendations for ensuring the security and protection of these categories of information.

Project objectives:

- to define the concept and classification of information constituting a state and commercial secret;

- to consider the procedure for the admission of officials and the legal basis for state and commercial secrets;

- translation of the text into English

- vocabulary expansion

Hypothesis: state and commercial secrets have different characteristics, goals and protection mechanisms, and their interaction and impact on national security and economic development require separate analysis and development of effective information protection measures.

Method: collection and analysis of information, systematization and translation into English.

1 The concept of state secrets and commercial  
  
 Secrets differ in the categories of information that are protected, but their common unifying feature is the damage that could presumably occur from the dissemination of such information.

The Law of the Russian Federation "On State Secrets" dated July 21, 1993 N 5485-1 specifies the interpretation of state secrets - this is information protected by the state, the dissemination of which could harm the security of the Russian Federation. This information can be presented in various forms, such as documents, data, photographs, videos.

Modern authors define state secret as: “...information of a military, economic and political nature that is of great national importance and is specially protected by the state”

Trade secrets are one of the key elements of the competitiveness of any organization. It includes information that is not publicly available and has economic value to the enterprise.

Article 3 of the Federal Law of July 29, 2004 N 98-FZ “On Trade Secrets” defines a trade secret as a regime of confidentiality of information that allows its owner, under existing or possible circumstances, to increase income, avoid unjustified expenses, maintain a position in the goods market, works, services or receive other commercial benefits.

Thus, state secret is an important category that covers information that is important for the security of the state and its interests. Thus, this is information that is not a trade secret, does not require special protection and has no commercial value for its owner.

2 Procedure for access of persons and legal basis to state and commercial secrets

The need to obtain access to state secrets arises when carrying out work that affects information protected by the classification of secrecy.

Gaining access to state secrets usually requires passing a special clearance check, which includes checking tax and judicial clearance, as well as checking for connections with foreign states or organizations, which may pose a threat to state security.

According to Article 2 of the Law on State Secrets, access to state secrets is a procedure for registering the right of citizens to access information constituting a state secret, and for enterprises, institutions and organizations to carry out work using such information.

Admission of organizations to carry out work related to the use of information constituting state secrets, the creation of information security means, as well as the implementation of measures and (or) provision of services to protect state secrets is carried out by obtaining licenses for them to carry out work with information of the appropriate degree of secrecy.

The procedure for individuals to access trade secrets is determined by law and is regulated by agreement between the parties who deal with the trade secret. This procedure is intended to ensure protection against unauthorized access and disclosure. An access restriction stamp is placed in the upper right corner.  
The categories of employees who have the right to access information containing trade secrets are specified. According to Art. 11 of the Federal Law on Trade Secrets, an employee’s access to information constituting a trade secret is carried out with his consent, unless this is provided for by his job duties.

Persons with access to trade secrets have the right to receive the necessary information to perform their duties. The employer must provide, against receipt, for the employee to perform his job duties, a list of information that constitutes a trade secret, as well as the regime and penalties for violation. To do this, the employer provides all the necessary conditions for compliance with the trade secret regime.

It further specifies the procedure that must be followed by employees to obtain access to information containing a trade secret, and also lists the conditions under which employees’ access to this information may be terminated.

3 Responsibility of persons for violation of work with information constituting state and commercial secrets

Chapter 29 of the Criminal Code of the Russian Federation opens a section on crimes against state power. The generic object of these crimes is social relations that ensure stability and normal functioning of state power as a whole, as well as its individual institutions and bodies.

- Art. 276 “Espionage” also contains offenses related to the disclosure of secret information in the interests of foreign states and organizations, but not by citizens of the Russian Federation, but by foreign citizens and stateless persons;

- Art. 283 “Disclosure of state secrets” establishes liability for the disclosure of the information in question to entities that are not specified in Art. 275 and 276 of the Criminal Code of the Russian Federation.

- illegal receipt of information constituting a state secret (Article 283.1 of the Criminal Code of the Russian Federation);

- violation of requirements for the protection of state secrets (Article 283.2 of the Criminal Code of the Russian Federation);  
 - loss of documents containing state secrets (Article 284 of the Criminal Code of the Russian Federation);

In the Russian Federation, liability for violation of work with trade secrets is regulated by the Criminal Code of the Russian Federation. According to Art. 183 of the Criminal Code of the Russian Federation, persons who illegally receive, use, distribute or disclose commercial, tax or banking secrets may be subject to criminal liability. Such liability includes a fine, compulsory labor, arrest or imprisonment for a term of four years.

Responsibility for violation of work with information may incur civil liability. It includes obligations to compensate for damage caused to the owner of a trade secret, as well as obligations to stop the violation and not disclose in the future.

According to paragraph “c” of paragraph 6 of Part 1 of Art. 81 of the Labor Code of the Russian Federation, disciplinary measures in the form of a reprimand, reprimand, or dismissal may be applied to an employee for disclosing confidential information. The punishment is determined by the employer depending on the severity of the disciplinary offense committed. The financial responsibility of the employee is regulated by Art. 243 of the Labor Code of the Russian Federation, recovery of the full amount of damage caused in the event of disclosure of information constituting a secret protected by law.

Also, persons may bear administrative liability under Art. 13.14 of the Code of Administrative Offenses for the disclosure of information, access to which is limited by Federal Law, except in cases where the disclosure of such information entails criminal liability, by a person who gained access to such information in connection with the performance of official or professional duties.

Thus, penalties for violating work with information constituting a trade secret may vary depending on the specific circumstances and the extent of the violation. It is important to understand the need to maintain confidentiality and non-disclosure of trade secrets in order to avoid negative consequences.

CONCLUSION  
  
 During the work, the main aspects of access to state and commercial secrets, liability for violation of work with information constituting these types of secrets, as well as current problems in the prevention of crimes related to protected state and commercial secrets were considered.

State secret is a unique structure of elements in the mechanism of power and carries out the function of protecting certain categories of information from dissemination, maintaining security for national interests; it also has a political connotation, since it exercises state power. The information is established by a list of what is subject to protection by the state. Trade secrets, on the other hand, refer to information that is proprietary to a private business or organization. Since it does not have a list of information, because it is different in application. Thus, the difference between secrets lies in their source and purpose. State secrets protect the interests of the state, while commercial secrets protect the interests of private individuals or organizations.

The classification of crimes in Chapter 29 of the Criminal Code “Crimes against the foundations of the constitutional order and security of the state” is presented as follows: high treason (Article 275 of the Criminal Code), espionage (Article 276 of the Criminal Code), disclosure of state secrets (Article 283 of the Criminal Code), illegal obtaining of information constituting a state secret (283.1 of the Criminal Code of the Russian Federation), violation of requirements for the protection of state secrets (283.2 of the Criminal Code of the Russian Federation), loss of documents containing state secrets (Article 284 of the Criminal Code).  
State secrets are regulated by special laws and regulations that establish rules for the classification, storage, access and dissemination of information related to state secrets. Such laws are aimed at protecting the interests, security and defense of the country. The legal regime of state secrets also consists of departmental acts, most of which are classified for official use.

Trade secrets, on the other hand, are governed by commercial law, specifically non-disclosure agreements. It is aimed at protecting the interests and competitiveness of enterprises. Here it is protected not only by the Criminal Code of the Russian Federation, but also by the Civil Code of the Russian Federation, the Labor Code of the Russian Federation and the Code of Administrative Offenses.

During the research, problems related to the protection of state and commercial secrets were identified, and ways were proposed  
According to Art. 2 of the Law on State Secrets, access to state secrets is a procedure for registering the right of citizens to access information. Admission of officials and citizens of the Russian Federation to state secrets is carried out on a voluntary basis.  
The procedure for obtaining access provides for verification activities to be carried out in relation to the person by the authorized bodies. Such events are carried out with the written consent of the citizen or official.

The procedure for individuals to access trade secrets is determined by law and is regulated by agreement between the parties who deal with the trade secret. This procedure is intended to ensure protection against unauthorized access and disclosure. An access restriction stamp is placed in the upper right corner.  
Drawing a general conclusion, state and trade secrets are two different types of information, which are regulated by different regulations and have their own characteristics.

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