

**ADMINISTRATIVE AND LEGAL SUPPORT  
OF INFORMATION SECURITY IN AGENCIES  
OF NATIONAL POLICE OF UKRAINE**

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**INTRODUCTION**

An important precondition for strengthening national competitiveness, stimulating economic growth and improving citizens' quality of life is to intensify the processes of developing information space and make conditions for the dynamic penetration of information and communication technologies in all areas of public life, which should contribute to the formation of a highly developed information society in Ukraine. The above leads to the necessity of developing an effective national information policy, as well as an effective administrative and legal mechanism for its implementation.

One of the condition for the formation of an effective state information policy is the availability of an appropriate system of entities that are authorized to perform tasks entrusted to them to ensure such a policy through the adoption of appropriate administrative and legal acts and the implementation of organizational and managerial measures. The bodies of the National Police of Ukraine take an important place in the system of subjects of formation and implementation of national information policy. A scientific study of the specifics of the police agencies' activities in providing state information policy is particularly relevant for further national law-making and enforcement, which is essential for the sustainable maintenance of law and order in the country, the effective functioning of the information space.

Thus, the necessity of developing an effective national information policy, improving the administrative and legal and institutional support for its implementation, the importance of establishing effective police agencies in this direction, the lack of development of the theoretical provisions on this issue, as well as the imperfection of legal regulation in this area, determine the relevance of a comprehensive study the peculiarities of the administrative and legal ensuring of the state information policy by the National police agencies of Ukraine.

## **1. Information Security as an Object of Administrative and Legal Support in Police Agencies of Ukraine**

Within the framework of ensuring the national security of our country, priority is given to minimizing the vulnerability of state information resources, information resources of private law actors, as well as the network infrastructure of public agencies and local self-government in the event of various emergency situations, including those that arose during a break-up, intentional damage, cyberattack, etc. In view of this, the activation of efforts of all actors to ensure the state of information security in the direction of an adequate state policy of information security, which should also take into account all forms and manifestations of information threats and determine effective ways of counteracting them, becomes of great importance<sup>1</sup>.

The National Police of Ukraine, as the central executive body that serves the society by ensuring the protection of human rights and freedoms, combating crime, maintaining public security and order, can not stand aside the problems related to the information area of our country. Indeed, the lack of adequate action against such threats is a factor that leads to the commitment of many crimes against the integrity of our country, property, established procedure of actions of state agencies, etc.

Thus, scholars under the information security understand, for the most part, the state of protection of interests of the man, the society and the state, determined in the legislative level, in the information area, which makes the proper conditions for the formation and development of the information space, provides citizens' rights and freedoms in the information area, etc.

According to the draft Doctrine of the Information Security of Ukraine, developed in pursuance of the decision of the National Security and Defense Council of Ukraine dated April 28, 2014 "On Measures to Improve the Formation and Implementation of the State Policy in the Field of Information Security of Ukraine", enacted by the Decree of the President of Ukraine of May 1 2014 No. 449, information security is an important independent area of ensuring national security, which

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<sup>1</sup> Негодченко В. О. Перспективні напрями удосконалення адміністративно-правового забезпечення інформації з обмеженим доступом в органах Національної поліції України. *Прикарпатський юридичний вісник*. 2016. № 3. С. 85–92. С. 86.

characterizes the state of protection of national interests in the information area from external and internal threats and represents a set of information-psychological and information-technological security of the country<sup>2</sup>.

Summarizing the views of the scientific community and law enforcement agencies, information security can be defined as the direction of state information policy that characterizes the state of security of interests of the man, the society and the state determined by the legislative level, which makes the proper conditions for the formation and development of the information space of Ukraine, ensures citizens' information rights and freedoms, timely detection, prevention and neutralization of real and potential threats to national interests in information area.

The notion of "information security" in its content is a broader concept than "cybersecurity". This point of view is due to the fact that, in the framework of ensuring cyber security, the main focus is on the implementation of various measures (organizational, legal) in the field of computer systems and / or telecommunication networks, that is, the first of all is the "digital environment" or it emphasizes the prevention of violations of the rights and freedoms of citizens, society and the state in the information area with the help of such systems (networks). At the same time, speaking about information security, we also mean the real space around the person and concerns not only computer networks, but also other channels of information distribution. Cybersecurity, for the most part, embodies the "technological aspect" of information security (security of digital space), caused by the rapid development of information and communication technologies.

It is also worth considering the correlation between the notions of "information security" and "security of information". An analysis of their etymology suggests that the term "information security" is broader than "security of information". Information security of Ukraine, as already noted, can be considered from the point of view of protecting national, personal and social interests. The threats to this security are not only the "state of security of information" as such, but also the

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<sup>2</sup> Про Доктрину інформаційної безпеки України : Проект указу Президента України. URL : [http://comin.kmu.gov.ua/control/uk/publish/article?art\\_id=113319&cat\\_id=61025](http://comin.kmu.gov.ua/control/uk/publish/article?art_id=113319&cat_id=61025).

manifestations of restrictions on freedom of speech and access to public information, the dissemination by the media of a cult of violence, cruelty, pornography, attempts to manipulate social consciousness, in particular by disseminating inaccurate, incomplete or biased information<sup>3</sup>, etc. Instead, the security of information is a certain state in which its integrity, inviolability is preserved, used or disseminated. The security of information can be secured by restricting the access (accidental or unauthorized) of entities that do not have this right. In this case ensuring the security of information is an integral part of general information security. That is, providing, for example, the security of information about a specific person, about agencies' activities, we provide a policy of information security of the country on behalf of relevant actors.

Thus, the Ukrainian police powers in providing information security of the country (as one of the areas of national information policy) are determined by several factors: 1) the place of the National Police in the system of law-enforcement bodies in general and in the system of internal affairs bodies in particular; 2) the nature of the tasks performed; 3) the structure of the National Police and the system of bodies and units of the National Police that is substantially updated compared to the police structure and more adapted to counter current threats to the information security of people, societies and the state as a whole; 4) the specificity of forms of information security: legal (or legislative) and technical; 5) the necessity of observing rights and freedoms of the man and the citizen simultaneously with the use of measures to ensure information security.

According to the current legislation, the National Police of Ukraine is a central executive body that serves the society by ensuring protection of human rights and freedoms, combating crime, maintaining public security and order<sup>4</sup>. The Law of Ukraine "On National Police" stipulates rules regulating the police activity in the information area, police powers regarding the use of information resources and combatting offense in the field of information. Executing its tasks, the police ensure the observance of human rights and freedoms guaranteed by the

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<sup>3</sup> Про основи національної безпеки України : Закон України від 19.06.2003 № 964-IV. URL : <http://zakon.rada.gov.ua/laws/show/964-15>.

<sup>4</sup> Про Національну поліцію : Закон України від 02.07.2015 № 580-VIII. URL : <http://zakon.rada.gov.ua/laws/show/580-19>.

Constitution and laws of Ukraine (including in the field of information). It also ensures continuous information to the public agencies and local self-government bodies as well as to the public on its activities in the field of protection and safeguard of human rights and freedoms, crime prevention, public security and order. Police provide access to public information that it owns according to the procedure and requirements specified by law.

The law enforcement powers of the police to ensure information security of the state include:

1) implementation of preventive activities aimed at preventing offenses in the field of information;

2) identification causes and conditions that facilitate the commitment criminal and administrative violations in the field of information, use within their competence measures for their elimination;

3) taking measures for detecting criminal, administrative offenses in the field of information security;

4) taking measures aimed at eliminating threats to the life and health of individuals and public safety that arose as a result of the commitment criminal, administrative offense in the field of information security;

5) pre-trial investigation of criminal offenses in the field of information and information security within the limits of a definite investigation;

6) search for persons who are absconded from the bodies of pre-trial investigation, investigating judge, court, who committed the aforementioned offenses;

7) in cases determined by law, the execution of proceeding in cases of administrative violations in the field of information, makes decisions on the use of administrative penalties and ensures their enforcement.

The police powers in the field of information and analytical support can include: 1) making databases that are part of a unified information system of the Ministry of Internal Affairs of Ukraine; 2) use of databases (banks) of the Ministry of Internal Affairs of Ukraine and other bodies of state power; 3) carrying out information search and information-analytical work.

Police activities related to the protection and processing of personal data are carried out on the grounds defined by the Constitution of Ukraine, the Law of Ukraine "On Personal Data

Protection". Police have direct operational access to the information resources of other state power bodies under the mandatory observance of the Law of Ukraine "On Personal Data Protection". Information on access to the database (bank) should be recorded and stored in an automated data processing system, including information about the policeman who has received access, and the amount of data accessed to it. Every policeman's action to receive information from information resources is recorded in a special electronic archive, which is entrusted to the information technology service of the Ministry of Internal Affairs of Ukraine.

Police should take all measures to prevent any violations of human rights and freedoms related to the processing of information. Police bear personal disciplinary, administrative and criminal responsibility for their actions, which resulted in violations of human rights and freedoms related to the information processing. Within the framework of its competence, the Ministry of Internal Affairs of Ukraine exercises control over observance of the requirements of laws and other acts during the formation and use of police information databases (banks).

By providing information security to the person the police prevent crimes and offenses related to the implementation of the individual's rights in the field of information, exercise an individual preventive work aimed at identifying and eliminating causes and circumstances of these offenses. Concerning the society information security it should be noted that the police take a number of legal and organizational measures aimed at ensuring the security of information, identifying and eliminating factors in the information area, which can cause damage or impair the realization of the information rights, needs and interests of the country and its citizens. In the framework of national information security, the police, in the framework of powers granted to it, implement the national information policy, develop strategies for combatting crimes in the field of information, organize interaction with other actors to ensure national information security, etc.

## **2. The Mechanism of Administrative and Legal Support of Information with Limited Access in the Police Agencies of Ukraine**

The concept of "legal support" is defined, in the majority, as implemented by the government through legal rules, regulations and a

set of means of streamlining social relations connected with their legal consolidation, implementation, protection, safeguarding and restoration<sup>5</sup>.

The administrative and legal mechanism of ensuring citizens' rights and freedoms in the field of prevention and combatting corruption can be defined as a special procedure of activity of state bodies and local governments in making proper conditions for realization, protection and safeguarding citizens' rights and freedoms from unlawful corruption actions, which is carried out by the use of special measures of administrative-legal nature<sup>6</sup>.

Many researchers to the elements of the mechanism of administrative-legal support refer rules of administrative law, acts of the implementation of administrative law, legal relations or consider it as a system of measures in three areas: regulation, safeguard and protection. We believe that such an approach can be expanded. First, it should be emphasized that social relations are not an element of this mechanism, they are the object of influence, it is these relations that should be arranged by the corresponding mechanism. Such relations are connected with the implementation of public administration of economic, socio-cultural and administrative-political areas of life, as well as ensuring the implementation and protection of individuals' and legal entities' rights, freedoms and legitimate interests. Secondly, the method of administrative law is based on the relations of subordination between participants in social relations, and this is a sign of the so-called imperative method of regulation (or method of power regulations or power-subordination)<sup>7</sup>. Consequently, not all methods are included in the mechanism of administrative and legal support, namely, imperative.

Taking into account the given mechanism of administrative and legal support of information with restricted access in the police agencies is the activity of the Ukrainian police and other agencies regulated by the

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<sup>5</sup> Лазур Я. В. Поняття, сутність та елементи адміністративно-правового механізму забезпечення прав і свобод громадян у державному управлінні. URL : [http://nbuv.gov.ua/UJRN/FP\\_index.htm\\_2009\\_3\\_57](http://nbuv.gov.ua/UJRN/FP_index.htm_2009_3_57).

<sup>6</sup> Плиська В. В. Поняття та елементи адміністративно-правового механізму забезпечення прав і свобод громадян у сфері запобігання та протидії корупції. *Науковий вісник Ужгородського національного університету. Серія: Право.* 2015. Вип. 35. Т. 2. Ч. 1. С. 143–147. С. 145.

<sup>7</sup> Адміністративне право : підручник / Ю. П. Битяк (кер. авт. кол.), В. М. Гаращук, В. В. Богуцький та ін. ; за заг. ред. Ю. П. Битяка, В. М. Гаращука, В. В. Зуй ; Нац. юрид. акад. України. Харків : Право, 2010. 624 с. С. 31.

norms of law in relation to the circulation of information that is in the legal possession or disposal of the police in respect of which access is subject to a legal restriction in the interests of public safety and order, crime fighting, human rights and freedoms protection, interests of society and the state, the disclosure of which can cause and substantial damage to these interests and publicity dominates the public interest to obtain them. The elements of the mechanism of administrative and legal support of information with restricted access in the police can be attributed to: administrative law, enshrined in agencies' relevant acts. These norms regulate social relations that arise in obtaining, storing, distributing and providing access to restricted information by police agencies and departments, as well as other state agencies, which are in proper relationship with the police agencies in relation to the circulation of information from restricted access; bodies that enter into relations with citizens and among themselves on circulation of restricted information (National Police and its territorial units, the Security Service of Ukraine, other agencies); forms and methods of police and other agencies' activities in relation to the circulation of information with limited access in its system, as well as on ensuring citizens' rights in the field of information according to established restrictions.

In the structure of the National Police, the direction of work related to the circulation of official information is monitored by the Ukrainian National Police Department of Documentary Support and relevant subdivisions of documentary support in the departments of the National Police of Ukraine<sup>8</sup>. The statute of this department has been approved by the order of the National Police of Ukraine on November 18, 2015.

According to the requirements of this Act the Department of Documentary Support of the National Police is the structural unit of the National Police Central Directory. The Department exercise its powers directly, as well as through the established order of administration, departments, divisions (sectors) of the documentary departments (chancellery) of the police departments of the structural subdivisions of the National Police in the Autonomous Republic of Crimea and the city

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<sup>8</sup> Про затвердження Положення про Департамент документального забезпечення Національної поліції України : Наказ Нац. поліції України від 18.11.2015. Служб. док.

of Sevastopol, oblasts, Kyiv, territorial subdivisions, interregional territorial police bodies.

The main task of this Department in the field of the circulation of information with restricted access is to ensure, within the limits of authority, the protection of official information, control over its preservation in the bodies and units of the police.

Concerning the work with secret information in the police, the situation is slightly different. The relevant administrative rules are contained in the following acts: the Law of Ukraine "On State Secrets"<sup>9</sup>, the Resolution of the Cabinet of Ministers of Ukraine from 12.10.2010 No. 939 "On Approval of the Order for the Organization and Support of a Secrecy Regime in National Agencies, Local Self-Government Bodies, at enterprises, institutions and organizations" (for official use), the Order of the Security Service of Ukraine from August 12, 2005 No. 440 "On Approval of the Volume of information presenting State secret"<sup>10</sup> and other documents with restricted access.

The Security Service of Ukraine is entrusted with the competence to ensure the protection of state secrets according to the legislation. The Security Service of Ukraine has the right to control the state of the state secret protection in all state bodies, local self-government bodies, enterprises, institutions and organizations, as well as in connection with the exercise of these powers to receive free information from them on issues of securing state secrets. The Security Service of Ukraine conclusions, set in official inspections acts on the results of monitoring the state of state secrets protection, are mandatory for officials of enterprises, institutions and organizations, regardless of their ownership forms<sup>11</sup>.

The Central Directorate of the Security Service of Ukraine makes proposals to the President of Ukraine on the issuance of acts concerning state secrets, which are mandatory for implementation by public agencies, enterprises, institutions, organizations and citizens.

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<sup>9</sup> Про державну таємницю : Закон України від 21.01.1994 № 3855-XII. URL : <http://zakon.rada.gov.ua/laws/show/3855-12>.

<sup>10</sup> 10. Про затвердження Зводу відомостей, що становлять державну таємницю : Наказ Служби безпеки України від 12.08.2005 № 440. URL : <http://zakon.rada.gov.ua/laws/show/z0902-05>.

<sup>11</sup> Про Службу безпеки України : Закон України від 25.03.1992 № 2229-XII. URL : <http://zakon.rada.gov.ua/laws/show/2229-12>.

In addition, the Security Service of Ukraine has the right to participate in the development and implementation of measures to ensure the protection of state secrets and to monitor compliance with the procedure for recording, storing and using documents and other material carriers containing official information gathered in the course of operational search, counterintelligence activities in the field of defense of the country, to facilitate according to the procedure provided for by law, enterprises, institutions, organizations and entrepreneurs in preserving commercial secrets, disclosure of which can harm the vital interests of Ukraine.

The third and most important element of the mechanism of administrative and legal support of information with restricted access at the National Police is the forms and methods of administrative activity of authorized entities regarding the circulation of this information.

Classification of forms of management in the administrative-legal literature is mainly carried out after the emergence of certain consequences. Therefore, they are more often divided into legal and non-legal. Legal forms are the publication of legal acts, the use of coercive measures, etc., act as legal facts and can generate (change, terminate) administrative-legal relations. Non-legal forms include no direct legal significance, that is, they do not entail the emergence of a specific legal result. These are actions such as the organization and holding of meetings, discussions, inspections, drafting plans, forecasts, programs, methodological recommendations, implementing measures to improve the quality and efficiency of managerial work, etc.<sup>12</sup>

Consequently, administrative-legal support is carried out, in particular, in the form of publication of acts regulating the circulation of information with restricted access.

Consequently, it can be concluded that the method of the activity of authorized persons with regard to information with restricted access in the police bodies is the means and methods of realization of powers granted to him/her in relation to the circulation of information with restricted access in the police agencies in order to ensure public order and safety, crime prevention, protection citizens' rights and freedoms.

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<sup>12</sup> Адміністративне право України. Академічний курс : підручник : у 2 т. Т. 1 : Загальна частина / редкол.: В. Б. Авер'янов (голова). Київ : Юрид. думка, 2004. 584 с.

According to generally accepted points of view, administrative-legal methods are divided into two large groups: persuasion and coercion. The method of persuasion is manifested in carrying out information and advocacy work on running information with restricted access in the police. Such work is carried out both among the personnel and among citizens. Among other measures carried out by the method of persuasion, we can note the training of persons working with restricted information, exchange of experience in ensuring the legal regime of this information in general in the system of law enforcement.

Yet and the prevailing method in the mechanism of administrative and legal support of restricted access to the police system is the coercive method, or, as it is called, the imperative method. This is due to the fact that in these relations preference is given to the assignment of responsibilities, the initiative of the actors of these relations is limited; among the legal facts that cause the establishment of parental relations related to information with restricted access, are dominated by acts of unilateral expression of will. The coercive method is manifested in the use of precautionary measures, coercive measures and measures of liability.

For preventive measures we can carry out inspections of documents with the stamp "For official use", restriction of access of mass media representatives to documents marked "For official use" and the transfer of such materials to them, conducting an expert evaluation of material media that are planned to be transmitted to foreigners. Also in the system of the National Police it is prohibited: to deliver non-working documents bearing the stamp "For official use" in an organization where there are no permanent regular employees; use information from documents bearing the stamp "For official use" for open appearances or publishing in the media, to exhibit such documents at open exhibitions, display them on stands, showcases or other public places; to keep documents with the stamp "For official use" in public libraries; removal from business or transfer of documents stamped "For official use" from one business to another without permission; to issue documents with the stamp "For official use" outside the premises<sup>13</sup>.

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<sup>13</sup> Про затвердження Інструкції про порядок обліку, зберігання і використання документів, справ, видань та інших матеріальних носіїв інформації, які містять службову інформацію : Постанова Кабінету Міністрів України від 27.11.1998 р № 1893 URL : <http://zakon.rada.gov.ua/laws/show/1893-98-п>.

In the event of such cases being detected, the documentary support or regime units and the technical protection of information should take measures to stop the violation, restore the state of the existing situation before committing unlawful actions and bring the perpetrators to justice.

The analysis of administrative and legal acts regulating the circulation of information with restricted access to the National Police and the powers of the relevant actors in this area, leads to the conclusion that they mainly use such methods of legal regulation as prescriptions and prohibitions. By means of regulations for a participant in public relations, the subject of authority is to perform certain actions, for example, to register a document containing information with restricted access, according to a certain procedure.

Summarizing the foregoing it may be noted that the peculiarity of the mechanism of administrative and legal support of information with restricted access in police agencies is that it is implemented in the administrative and political area of government, where the state interests above the individual rights, freedoms and legitimate interests of individual citizens. This mechanism is related to the activity of the executive agencies of the state in ensuring the accumulation, storage and use of information with restricted access in the bodies of the National Police of Ukraine.

### **3. Improvement of Administrative and Legal Support of Information with Restricted Access in the Police Agencies of Ukraine**

The legal regime of restricted information has gradually received proper legal and organizational support in recent years. Instead, scholars and practitioners point out that many problems remain unresolved. The mentioned problems concern not only the bodies of public administration, but also directly affect the activities of the police of Ukraine. We believe that before discussing the improvement of the legal regime of information with limited access in the police, it is necessary to outline the general directions of optimization of the legal regime of this information on a national level. After all, the further work of the police and police departments on the proper administrative and legal support of information with restricted access in its own area of activity will depend on such steps.

The Law of Ukraine "On Information" states that the procedure for referring information to a secret or official service, as well as access to it, is governed by laws<sup>14</sup>. Such laws became, to some extent, "On State Secrets" and "On Public Information Access". However, if the situation is rather stable in the area of classified information, there are certain problems with respect to official information.

The fuzziness of legal rules in the field of legal regime of official information was the result of the publication of additional clarifications from authorized officials of the state on the use of the norms of the Law of Ukraine "On Public Information Access". For example, the Commissioner for Human Rights notes that the first step in the course of resolving whether it is possible, according to the Law of Ukraine "On Public Information Access" to provide the information "for official use" status, is to determine if this information is such that:

1) is contained in the documents of the authority actors, which constitute internal correspondence, in particular, memoranda, recommendations, if they relate to the development of the direction of the institution or the exercise of control, oversight functions of state agencies, the decision-making process and precede public discussion and / or decision making;

2) collected in the course of operational-search, counter-intelligence activities, in the field of defense of the country, which is not classified as state secrets.

When referring information to official service, it is mandatory to carry out checks on its compliance with the following set of requirements: 1) the restriction of access meets one or more of the following interests: in the interests of national security, territorial integrity or public safety in order to prevent disturbances or crimes, to protect population's health, the reputation or rights of others, in preventing the disclosure of confidential information or to maintain the authority and impartiality of justice; 2) the disclosure of information can cause substantial damage to the above-mentioned interests; 3) the public interest in obtaining such information prevails from the disclosure of such information. Therefore, we must follow the specified sequence of steps before transferring certain information to the official one.

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<sup>14</sup> Про інформацію : Закон України від 02.10.1992 № 2657-XII URL : <http://zakon.rada.gov.ua/laws/show/2657-12>.

Taking into account the foregoing and for the purpose of proper administrative and legal support of the regime of information with restricted access, there is a need for the adoption of a separate Law of Ukraine "On Official Information", as required by the Law of Ukraine "On Information". Thus, the regulatory framework regulating information relations in Ukraine will be streamlined: the Law of Ukraine "On Information" – Framework, Laws of Ukraine "On Public Information Access", "On State Secrets", "On Official Information" are basic ones.

The contents of the proposed Law "On Official Information" should include the following sections: the notion of official information; the procedure for referring information to official one; a list of information that can not be attributed to official one; the order of registration of documents containing information which constitute official information; the order of copying, replication, transfer of documents containing the information constituting service information, as well as the disclosure of information constituting official information; the procedure for access to official information of citizens, authorized persons of state bodies and public organizations; the list and powers of state agencies in the field of official information; the order of control over the circulation of official information; responsibility for violating the law on official information, etc.

Among the issues that require additional regulation, is the procedure for ensuring the regime of official information when receiving foreign delegations, groups and individual aliens in the police bodies and units. This is also relevant concerning the organization of studying foreigners in higher education institutions with specific training conditions of the Ministry of Internal Affairs of Ukraine. In some ways, these issues are outlined in the Instruction on the procedure for recording, storing and using documents, cases, publications and other material media containing official information; at the same time, this act is mostly framed, therefore, in the system of the National Police of Ukraine an additional Regulations require: the structure of the program of work with foreign delegations in the bodies of the National Police of Ukraine; the order of staying and placement of foreign students in the territories of higher educational establishments with specific educational conditions; clear deadlines for informing the security services of Ukraine about the composition of the foreign delegation or training group; requirements for

the premises of the National Police of Ukraine, in which the foreigners are systematically accepted or in which foreign citizens reside.

The next urgent issue is the regulation of the procedure for the work of the expert commission of the National Police of Ukraine on the circulation of official information. The Resolution of the Cabinet of Ministers of Ukraine of November 27, 1998, No. 1893, states that lists of information containing official information are approved by ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations. In order to comply with this provision, central commissions are formed by central executive agencies. They include representatives of the regime-secret and other structural subdivisions of the most skilled specialists.

If necessary, other experts of interested institutions may be involved in the work of the expert commission. The decision of the commission is made by a protocol, which is approved by the ministry, another central executive body. Based on the decision of the expert commission, the information is included in the list of information containing the official information.

Nevertheless, in the system of the National Police of Ukraine, the regulatory act on the activities of such a commission, the order of its meetings, the decision making, etc., was not adopted, therefore the elimination of this shortfall will promote the optimal mode of the circulation of the official information. We also believe that this act should also include provisions on the requirements for members of such expert commissions (age, education, other professional competencies).

In our opinion, unsolved, there is also the question of the appointment of a state expert on state secrets in the bodies of the National Police of Ukraine. According to the Law of Ukraine "On State Secret", the functions of a state expert on secrets in other government bodies, the National Academy of Sciences of Ukraine, enterprises, institutions and organizations are relied on specific officials by the President of Ukraine upon the submission of the Security Service of Ukraine on the basis of proposals from the heads of relevant state bodies, the National Academy of Sciences of Ukraine, enterprises, institutions and organizations. Intervention in the activities of a state expert on secrets of a person who is subordinate to his position is not allowed.

By the Decree of the President of Ukraine dated December 12, 2009 No. 987, in the system of the Ministry of Internal Affairs of Ukraine, the functions of a state expert on state secrets are assigned to: the Minister of Internal Affairs of Ukraine; First Deputy Minister of Internal Affairs of Ukraine; Deputy Minister of Internal Affairs of Ukraine – Head of the apparatus; Deputy Minister of Internal Affairs of Ukraine. In addition, by this decree, state experts are also defined in the system of the National Guard of Ukraine: the commander of the National Guard of Ukraine, the first deputy commander of the National Guard of Ukraine. We believe that this situation needs to be corrected. In particular, the National Police of Ukraine carries out operative search activities, therefore it is understandable that it operates with the information that belongs to the state secret, namely: on the affiliation of persons to secret police staff (employees) of the operational unit of the National Police; about the connection of the features of a person involved in criminal proceedings and taken under protection according to the current legislation of Ukraine in connection with the threat of its life or health and in respect of which measures are being taken or taken to change personal data or appearance or place residence, with its previous individual characteristics; on the functional duties of secret staff members (employees); about the actual appointment or affiliation of a unit created for the purpose of carrying out tasks of operational and investigative activities, the disclosure of which may hinder the performance of these tasks; the fact (regardless of time) or plans to use the office (vehicle or other property) of institutions, organizations, enterprises that enable them to be identified on a confidential basis for performing operational-search, counterintelligence or intelligence activities.

Therefore, it is necessary to amend the Decree of the President of Ukraine "On the List of Officials in Responsibility for the Functions of the State Expert on SECRETS" of 12.12.2009 by adding the following officials to the list of state experts on state secrets: the Head of the National Police; First Deputy Head of the National Police of Ukraine – Chief of Criminal Police; Deputy Head of the National Police of Ukraine – Head of the staff; Deputy Head of the National Police of Ukraine.

## CONCLUSIONS

Information security is the direction of the state information policy that characterizes the state of ensuring personal, social and the state interests, determined on the legislative level, which creates the proper conditions for the formation and development of the information space of Ukraine, ensure information citizens' rights and freedoms, identifies, prevents and neutralises. threats to national interests in the information area. At the same time, the police are not the leading actors of information security, but it is precisely on the effectiveness of its activities in this area that directly depends on the observance of procedural mechanisms for the collection of evidence in electronic form, the optimization of forms and methods of identification and fixing offenses committed in cyberspace, making expert researches.

The areas of police activity, which contain official information, include: 1) the scope of operational-search activities and pre-trial investigation, the scope of operational and technical measures; 2) the area of counteraction to terrorism and extremist manifestations; 3) the scope of duty of parts; 4) the area of public security and order maintenance; 5) the scope of protection of court employees, law enforcement agencies, participants in the criminal procedure and other persons; 6) the scope of the fight against certain types of crimes; 7) area of work with personnel; 8) the scope of mobilization work, territorial defense and civil protection; 9) area of communication, information-telecommunication and computer networks; 10) area of state secrets protection; 11) the scope of cryptographic protection of information. The content of the official information in each sphere is disclosed.

Elements of the mechanism of administrative and legal support for the circulation of information with restricted access in the bodies of the National Police of Ukraine are: 1) administrative and legal rules regulating social relations arising from the receiving, storage, distribution and access to restricted information by police bodies and units; 2) bodies that enter into relations with citizens and among themselves in relation to the circulation of information with restricted access; 3) forms and methods of the activities of the police and other agencies regarding the circulation of information with restricted access in its system, ensuring citizens' rights in the field of information observing established restrictions.

## **SUMMARY**

The article deals with study of the essence and peculiarities of the administrative and legal ensuring of state information policy by the bodies of the National Police of Ukraine. The general characteristic of the subjects of providing state information policy has been given. The peculiarities of the administrative and legal status of the police agencies as subjects of state information policy ensuring have been studied. The purpose and tasks of the police agencies' activity in implementing the state information policy of Ukraine have been determined. The functions of the police agencies regarding the state information policy of Ukraine have been specified; the specifics of their implementation have been outlined. The tasks and functions of the units of organizational and analytical support and operative reaction of the police bodies of Ukraine have been exposed. The article described features of the information circulation providing by the units of information and analytical support and operational response of the police agencies of Ukraine. The peculiarities of organization of documentary support of police bodies of Ukraine have been revealed. The directions of improvement of the organizational and legal principles of ensuring state information policy in the police bodies of Ukraine have been proposed. The mechanism of administrative and legal support of information with restricted access in police agencies of Ukraine has been analyzed, on the basis of which proposals for optimization of administrative and legal ensuring of information security in police agencies have been developed.

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