

ADMINISTRATIVE AND LEGAL SUPPORT OF INFORMATION SECURITY IN NATIONAL POLICE BODIES OF UKRAINE

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INTRODUCTION

Problem formulation. 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 subjects, as well as the network infrastructure of public authorities and local self-government in the event of various emergency situations, including those that arose during a break-up , intentional damage, cyber-attack, 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 information security policy, which should also take into account all forms and manifestations of information threats and determine effective ways of counteracting it, becomes of great importance.

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 safety and order, can not stand aside the problems related to the information sphere of our state. Indeed, the lack of adequate action against such threats is a factor that leads to the commission of many crimes against the integrity and integrity of our state, property, established procedure of actions of state authorities, etc.

Consequently, the importance of providing information security by the National Police of Ukraine as one of the areas of state information policy does not raise any objections, at the same time it is necessary to clarify the essence of information security, its features and content as the key object of providing the National Police of Ukraine. The above will allow us to determine, at the appropriate level, the directions of optimizing the activity of the police in this area, as well as to develop scientifically grounded proposals for improving the current legislation that regulates the issues of national and information security of our country.

It should be noted that some scholars have devoted their works to the clarification of the content of the notion of “information security”. They are: I. Aristova, O. Baranov, A. Bereza, I. Blyzyuk, I. Bodnar,

L. Borisova, N. Voloshina, O. Dovgan, M. Dzyuba, Y. Zharkov, Ya. Malik, V. Petryk, V. Suprun, V. Tatsiy, V. Tsimbalyuk, M. Shvets and others. However, it must be emphasized that today in the scientific literature there is still a discussion about the definition of this concept. In connection with this we consider the most common views on the content of the term “information security”.

1. The concept and content of information with restricted access in police bodies of Ukraine

The processes of assimilation of new rules of work with information in modern realities take place under difficult conditions, and therefore the main task of our state is an adequate response to the social consequences of the leap in the development of information technologies and their reflection in the national legal system.

1. The Fundamental Law of our state declares that “... every person is guaranteed the secret of correspondence, telephone conversations, telegraph and other correspondence. Exceptions can only be established by a court in cases provided for by law, in order to prevent a crime or to find out the truth during the investigation of a criminal case, if other ways to obtain information are impossible. Collection, storage, use and distribution of confidential information about a person is not allowed without his/her consent, except in cases specified by law, and only in the interests of national security, economic welfare and human rights. Everyone has the right to freely collect, store, use and disseminate information orally, in writing or in any other way, of his/her choice”¹.

National police, as a leading maintainer of public safety and order in the country, work with information of various kinds, including those that affect the sphere of state sovereignty, its economic, informational, and environmental security, and therefore, in addition to publicly available information, the National the police of Ukraine must adhere to the special regimes established by the state for certain types of information in terms of its accumulation, distribution and storage.

According to Article 9 of the Law of Ukraine “On National Police”, it operates on the principles of openness and transparency and ensures continuous information to public authorities and bodies of local self-government, as well as to the public on its activities in the field

¹ Конституція України : Основний закон України від 28.06.1996 № 254к/96-ВР. URL.: <http://zakon.rada.gov.ua/laws/show/254к/96-вр>.

of protection and protection of human rights and freedoms, crime prevention, ensuring public safety and order. Police provide access to public information the owner of which is in accordance with the procedure and in accordance with the requirements specified by law, as well as may publish (distribute) restricted information only in cases and according to the procedure established by law².

Given the foregoing, the question arises of the study of the nature, types and legal regime of information with limited access in the police bodies and units. And for the beginning it is necessary to find out the content and types of information that is in place in the scientific literature and the current legislation of Ukraine. In the domestic legislation the following classification of information with restricted access is established: 1) confidential information; 2) secret information; 3) service information³.

Confidential is information about an individual, as well as information access restricted to a natural or legal person, except for the subjects of power. Confidential information may be distributed at the request (consent) of the relevant person in the order specified by him in accordance with the conditions provided by him, as well as in other cases, determined by law. The following information can not be classified as restricted information: the state of the environment, the quality of food and household items; accidents, catastrophes, dangerous natural phenomena and other emergencies that have occurred or may occur and threaten the safety of people; the state of health of the population, its standard of living, including nutrition, clothing, housing, medical care and social security, as well as socio-demographic indicators, the state of law and order, education and culture of the population, etc.

The Law of Ukraine “On Access to Public Information” somewhat broadens the provisions of the Basic Law “On Information”. Restricted information is: 1) confidential information; 2) secret information; 3) service information. Restrictions on access to information are carried out in accordance with the law, while complying with the set of requirements: exclusively in the interests of national security, territorial integrity or public order in order to prevent disturbances or crimes, to protect public health, to protect the reputation or rights of others,

² Про Національну поліцію : закон України від 02.07.2015 № 580-VIII. URL.: <http://zakon.rada.gov.ua/laws/show/580-19>.

³ Про інформацію : Закон України від 02.10.1992 № 2657-XII. URL.: <http://zakon.rada.gov.ua/laws/show/2657-12>.

to prevent disclosure information obtained confidentially, or to maintain the authority and impartiality of justice; Disclosure of information may seriously harm those interests; the disclosure of such information prevails from the public interest in obtaining such information.

If we recall the differences between the document and the information mentioned above, then it may be noted that information is restricted to access, not a document. If the document contains restricted information, access to information is restricted to information. Access to information on the disposal of budget funds, possession, use or disposal of state and communal property, including copies of relevant documents, conditions for obtaining these funds or property, surnames, names, patronymic names of individuals and the name of legal entities, who received these funds or property. The above provision does not apply to cases when the disclosure or provision of such information may harm the interests of national security, defense, investigation or prevention of a crime.

The information specified in the declaration of a person authorized to perform state or local government functions submitted in accordance with the Law of Ukraine “On the Prevention of Corruption”, other than the information specified in the paragraph four, part one, Article 47 of this Law, is not part of the restricted information. According to this Law⁴, the following definitions of information with restricted access are provided:

1. Confidential information – information access restricted to a natural or legal person, other than the subjects of power, and which may be distributed in the order specified by them at their discretion in accordance with the conditions stipulated by them.

2. “Secret information” means information the access of which is limited in accordance with part two of Article 6 of this Law, the disclosure of which may harm the person, society and the state.

3. The official may include information which: is contained in the documents of the authorities, which constitute internal correspondence, memoranda, recommendations, if they relate to the development of the direction of the institution or the exercise of control, oversight functions of state authorities, the decision-making process and precede public discussion and / or decision-making.

Summarizing the above, it can be concluded that the information with limited access to the police system is the information and/or data stored

⁴ Про доступ до публічної інформації : Закон України від 13.01.2011 № 2939-VI. URL: <http://zakon.rada.gov.ua/laws/show/2939-17>.

on tangible media or displayed electronically, which are in the legal possession or disposal of the police, whose access is subject to a legal restriction exclusively in the interests of securing public safety and order, combating crime, protecting human rights and freedoms, the interests of society and the state, the disclosure of which may seriously harm those interests, and public disclosure of such information prevails in the public interest in obtaining it.

The classified information in the National Police System includes classified information and classified information. Confidential information is not in circulation by the police, since the decision to restrict access to it is taken solely by natural persons and legal entities of the acquired right, except for the subjects of authority, to which we refer the National Police as the central executive body.

Thus, the following can be attributed to the official information in the system of the National Police:

1. In the field of work with personnel, official information is information that reveals: information about the results of the implementation of psychological diagnosis, psychological support and testing on the polygraph of candidates for service in the police and police departments; candidates for study in higher education institutions with specific training conditions that train police officers; information on the level of suicidal activity among police officers; information on personal matters of the permanent and variable composition of the National Police of Ukraine, with the exception of information that is classified as state secrets.

2. In the area of mobilization work, territorial defense and civil defense, the official information is disclosed: information on the preparation and conduct of command-and-staff mobilization exercises and staff mobilization exercises, reports on the results of the exercises, the content and results of exercises on territorial defense, anti-terrorist subjects and civil protection of bodies and units of the police, institutions and institutions belonging to the police department.

3. In the field of communication, information and telecommunication and computer networks, the official information is available on: documents on the organization of radio and radio control over the use of dedicated radio frequency resources by the authorities and units of the police; the construction, operation and features of communication channels, including internal and external, between the police agencies and units.

6. In the area of counteracting terrorism and extremist manifestations, information is disclosed that reveals: the actions of police bodies and units in the event of a threat of terrorist acts, extremist manifestations, with the exception of information classified as state secrets; the state of readiness of the bodies and units of the police to counter terrorism and extremist manifestations, with the exception of information classified as state secrets.

7. In the area of the protection of state secrets, the information is considered to be official when it discloses: the organization and the actual state of ensuring the protection of state secrets, with the exception of information that is classified as state secrets; the system of protection, the internal object regime, the technical equipment of regime objects, zones, premises where work is carried out associated with state secrets, in peaceful time, if the information not classified as state secrets is not disclosed⁵.

Another type of information with restricted access in the police departments and units is the secret information. According to the Law of Ukraine “On State Secret”, the state secret (secret information) is a kind of secret information that includes information in the field of defense, economy, science and technology, foreign relations, state security and law and order, the disclosure of which may harm the national security of Ukraine and which are recognized in state secrets in accordance with the procedure established by this Law and are subject to state protection.

Taking into account that the National Police of Ukraine serves the society by ensuring protection of human rights and freedoms, combating crime, maintaining public security and order, the following information may be included in the state secret in the main sphere of its activities: the personnel of the police units carrying out operative- search activity; on means, content, plans, organization, financing and material and technical support, forms, methods and results of operational and investigative activities; on persons who collaborate or previously collaborated on a confidential basis with the National Police; the composition and specific persons who are secret staff of the National Police of Ukraine; on the organization and procedure for the implementation of the protection of administrative buildings and other objects of the National Police of Ukraine.

⁵ Про затвердження Переліку відомостей, що становлять службову інформацію в системі Національної поліції України : Наказ Нац. поліції України від 10.05.2016 № 385. URL: <https://www.npu.gov.ua/uk/publish/article/1912166>.

Thus, according to the research conducted to the features of information with restricted access in the police system, the following can be attributed: information and/or data stored on tangible media or displayed electronically; the information is in the possession or possession of the police; access to this information has a well-defined circle of police officers; disclosure of such information may seriously harm the rights and freedoms of citizens, the interests of society and the state; the police are taking appropriate measures to prevent third parties from accessing the information specified.

2. The mechanism of administrative and legal provision of information with limited access in the police bodies of Ukraine

Legal support is a process of streamlining public relations with the help of legal norms, and its mechanism is already a certain set of tools or elements through which the influence on social relations is exercised. In our case, with regard to the administrative-legal mechanism, it is clear that the question should be about the norms of administrative law and administrative-legal relations in the field of the circulation of information with restricted access.

Many researchers to the elements of the mechanism of administrative-legal support include the norms of administrative law, acts of the implementation of administrative law, legal relations or consider it as a system of measures in three areas: regulation, protection 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 spheres of life, as well as ensuring the implementation and protection of the rights, freedoms and legitimate interests of individuals and legal entities. Second, the method of administrative law is based on the relations of subordination between the participants in social relations, and this is a sign of the so-called imperative method of regulation. 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 limited access in the police bodies is the activity of the police of Ukraine and other bodies regulated by the norms of law in relation to the circulation of information that is in the legal

possession or disposal of the police with regard to which access is subject to a legal restriction in the interests of securing public safety and order, combating crime, protecting human rights and freedoms, the interests of society and the state, the disclosure of which may cause and substantial damage to these interests, and disclosure is dominated by public interest in obtaining it.

The elements of the mechanism of administrative and legal support of information with limited access in the police can include:

1) administrative and legal rules, enshrined in relevant bodies' acts. These rules regulate social relations that arise in obtaining, storing, distributing and providing access to restricted information by police agencies and departments, as well as other bodies of the state that are in the proper relationship with the police agencies in relation to the circulation of information from restricted access;

2) bodies that enter into relations with citizens and among themselves regarding the circulation of information with restricted access (National Police and its territorial units, the Security Service of Ukraine, other bodies);

3) the forms and methods of activity of the police and other bodies in relation to the circulation of information with limited access in its system, as well as on ensuring the rights of citizens in the field of information in compliance with the established restrictions. Such forms are realized, for the most part, as power regulations, and methods of activity are, predominantly, imperative.

Administrative-legal norms regulating public relations in the field of information with restricted access are contained in the laws of Ukraine, by-laws, departmental orders and instructions of the National Police of Ukraine. The Laws of Ukraine "On Information" and "On Access to Public Information" establish the following classification of information with restricted access: 1) confidential information; 2) secret information; 3) service information. The Resolution of the Cabinet of Ministers of Ukraine of 27.11.1998 approved the procedure for the registration, storage and use of documents, cases, publications and other material media of information containing official information, etc.⁶

⁶ 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 structure of the National Police, the direction of work related to the circulation of official information is supervised by the Department of Documentary Support of the National Police of Ukraine and the relevant departments of documentary support in the departments of the National Police of Ukraine. The provisions of this department were approved by the order of the National Police of Ukraine of November 18, 2015.

The Department of Documentary Support of the National Police is a structural subdivision of the central authority of the National Police. The Department carries out its powers directly, as well as through the established in the established order of management, departments, divisions (sectors) of the documentary departments (chancellery) of the structural subdivisions of the police apparatus, the main departments of the National Police in the Autonomous Republic of Crimea and the city of Sevastopol, the 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 police agencies and units⁷.

The information that constitutes a state secret in the system of the National Police may include: information on the involvement of officers in operational-search activities, the disclosure of which may harm the activity or the life or health of these officers (staff), their close relatives in communication with the performance of these officers (personnel) of the tasks of this activity; information on the connection of the features of a person in respect of which measures are taken or carried out in accordance with the Law of Ukraine “On State Protection of Court and Law Enforcement Bodies Staff” (change of personal data or appearance or place of residence), with its previous individual characteristics; information about the affiliation of persons to secret staff members (employees) of the operational unit; information on individual indicators of involvement in cooperation, fact (regardless of time), plans to engage in cooperation on a confidential basis to perform the tasks of the operative and investigative activities of the person who makes it possible to identify it; information about the fact or plans of the use of the office premises (vehicle or other property) of institutions, organizations and enterprises that enable them to be identified on a confidential basis for the purpose of carrying out tasks

⁷ Про затвердження Положення про Департамент документального забезпечення Національної поліції України : Наказ Нац. поліції України від 18.11.2015. Служб. док.

of operational-search activity; information on a set of all indicators on the content, organization, state of combat and special training of staff (personnel), the disclosure of which pose a threat to national interests and safety; information allowing identification of a specific object in respect of which an operational-search activity is being carried out or planned, the disclosure of which constitutes a threat to national interests and safety; information about the fact or methods of carrying out the undercover investigative (search) action⁸.

The Security Service of Ukraine should be mentioned in the mechanism of administrative and legal provision of information in the system of the National Police among the leading actors. The specificity of the administrative-legal mechanism, as we have already noted, is that it regulates the legal relations of the subordinate type (power-subordination), and the Security Service of Ukraine has control over all the social relations associated with the circulation of information with restricted access, that is, acts as a subject of authority in relation to the National Police of Ukraine.

The Security Service of Ukraine is entrusted with the competence to ensure the protection of state secrets in accordance with the legislation. The Security Service of Ukraine has the right to control the state of the state secret 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 information free of charge from them on issues of securing state secrets. The conclusions of the Security Service of Ukraine, set forth in the acts of official inspections 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.

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

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

⁸ 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>.

carriers containing official information gathered in the course of operational search, counterintelligence activities in the area of defense of the country, to facilitate, in accordance with the procedure provided for by law, enterprises, institutions, organizations and entrepreneurs in preserving commercial secrets, disclosure which can harm the vital interests of Ukraine.

Another part of the mechanism of administrative and legal provision of information with limited access in the police is the methods of activity of the relevant actors. Administrative-legal methods are divided into two large groups: persuasion and coercion⁹. The method of persuasion is manifested in carrying out information and advocacy work on running information with limited 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 the prevailing method in the mechanism of administrative and legal provision of restricted access to the police system is the coercive method, or, as it is called, the imperative method.

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, the system of the National Police 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.

Summarizing the foregoing it may be noted that the peculiarity of the mechanism of administrative and legal provision of information with

⁹ Котельникова Е. А., Семенцова И. А., Смоленский М. Б.. Административное право : учебник. Ростов н/Д : Феникс, 2002. 352 с. С. 147.

limited access in police agencies is that it is implemented in the administrative and political sphere 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 authorities of the state in ensuring the accumulation, storage and use of information with restricted access in the bodies of the National Police of Ukraine.

1) is contained in the documents of the subjects of authority, 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 authorities, the decision-making process and precede public discussion and/or decision making;

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

It is important to understand that the correspondence of information to one of the clauses of Article 9 of the Law of Ukraine “On access to public information” does not create the obligation to automatically assign information to the official. The law provides that such information may be classified as service.

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 order in order to prevent disturbances or crimes, I am the population to protect 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, you must follow the specified sequence of steps before transferring certain information to service one¹⁰.

Taking into account the foregoing and for the purpose of proper administrative and legal provision of the regime of information with

¹⁰ Роз’яснення Уповноваженого Верховної Ради України з прав людини щодо віднесення публічної інформації до службової згідно із Законом «Про доступ до публічної інформації», розроблені спільно з Експертною радою при Представникові Уповноваженого з прав людини. URL: http://www1.ombudsman.gov.ua/index.php?option=com_content&view=article&id=4049:2014-10-01-07-37-36&catid=239:2014&Itemid=256.

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 Access to Public Information”, “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 information; a list of information that can not be attributed to official information; 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 authorities 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 bodies and units of the police. This is also relevant in the light of 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, while this normative act is mostly framed, therefore, in the system of the National Police of Ukraine, additional regulation requires: 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.

Therefore, it would be expedient to publish the Instruction “On securing the regime of secrecy for the protection of official information in the foreign citizens”¹¹.

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 authorities. They include representatives of the regime-secret and other structural subdivisions of the most skilled specialists.

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. In accordance with 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 the secrets of a person who is subordinate to his/her position is not allowed¹².

¹¹ Негодченко В. О. Шляхи оптимізації адміністративного законодавства, яке регулює поводження з інформацією з обмеженим доступом в органах Національної поліції України. *Право, держава та громадянське суспільство в умовах системи реформ на шляху до євроінтеграції* : матеріали міжнар. наук.-практ. конф., м. Дніпропетровськ, 21–22 листоп. 2014 р.). Дніпропетровськ : Дніпропетр. гуманіт. ун-т, 2014. С. 164–167. С. 164–165.

¹² Про деякі питання передачі державної таємниці іноземній державі чи міжнародній організації : Указ Президента України від 14.12.2004 № 1483/2004. URL: <http://zakon.rada.gov.ua/laws/show/1483/2004>.

According to the Decree of the President of Ukraine of 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 Ukraine¹³. 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 in accordance with 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 the unit created for the purpose of carrying out the tasks of operational-search activities, the disclosure of which may hinder the performance of these tasks¹⁴.

CONCLUSIONS

Information security is the direction of the state information policy that characterizes the state of security of the rights, society and the state, determined on the legislative level, which creates the proper conditions for the formation and development of the information space of Ukraine, provides information rights and freedoms of citizens, identifies, prevents and neutralizes threats to national interests in the information sphere. It is

¹³ Про Перелік посадових осіб, на яких покладається виконання функцій державного експерта з питань таємниць : Указ Президента України від 01.12.2009 № 987/2009. URL: <http://zakon.rada.gov.ua/laws/show/987/2009>.

¹⁴ 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>.

concluded that the concept of “information security” in its content is a broader notion than “cyber security”.

Police are not the leading provider 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 (with the use of electronic documents and electronic digital signature) for collecting evidence in electronic form, optimizing forms and methods for identifying and fixing offenses, committed in cyberspace, conducting expert research. For classified information in the National Police system, classified information and classified information. The official information in the police system should include information and/or data stored on tangible media or displayed electronically, which are legally owned or disposed of by the National Police of Ukraine, related to the implementation of tasks entrusted to the National Police and the exercise of its powers, which are not classified as state secrets and whose access restrictions are established in compliance with the requirements of the current legislation of Ukraine. Under the covert information in the police system, information and/or data stored on tangible media or displayed electronically, which are legally owned or disposed of by the police, in connection with the execution of tasks entrusted to the police and the exercise of its powers, disclosure which may harm the national security of Ukraine and which are recognized in the established procedure by state secrets and are subject to state protection.

SUMMARY

The article deals with investigation of the essence and peculiarities of the administrative and legal provision of state information policy by the bodies of the National Police of Ukraine. The methodological principles of ensuring the state information policy by the police of Ukraine have been analyzed. The author has clarified the concept of state information policy, defined its purpose, objectives, principles and directions. 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 organs as subjects of state information policy provision have been investigated. The purpose and tasks of the police bodies' activity in implementing the state information policy of Ukraine have been determined. The functions of the police bodies regarding the state information policy of Ukraine have been specified; outlined the specifics of their implementation. The tasks and

functions of the units of organizational and analytical support and operative reaction of the police bodies of Ukraine have been revealed. The article has described the features of the information circulation provision 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 providing state information policy in the police bodies of Ukraine have been proposed.

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