



## TRENDS OF FORMATION OF STATE POLICY ON INFORMATION SECURITY

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### Summary

This article analyzes the state of activity of subjects of information security and identification of areas of public policy on this issue. According to the results of the study the legislative acts of Ukraine, which the organs of the state are assigned, tasks and responsibilities in the field of information security, were analyzed. Concluded that the provision of certain aspects of information security rely on a large number of different government agencies whose competence regard to the various spheres of government, they have different reporting lines.

The proposals for the establishment by the authorized body for the formation of public policy in the field of information security in the status of the ministry are offered.

The proposals for an appropriate legal framework that will create the institutional and functional system of information security are outlined.

**Key words:** information security, national security, public safety, intelligence agencies, law enforcement agencies, military units, government policy.

### Аннотация

Статья посвящена анализу деятельности субъектов обеспечения информационной безопасности и определению направлений формирования государственной политики по этому вопросу.

По результатам проведенного исследования проанализированы законодательные акты Украины, которым на органы государства возлагаются задачи и функции в сфере обеспечения информационной безопасности и сделаны выводы о том, что обеспечение отдельных аспектов информационной безопасности полагаются на большое количество различных государственных органов, компетенция которых касается различных сфер государственного управления, они имеют разную подчиненность.

Обоснованы предложения по созданию уполномоченного органа по формированию государственной политики в сфере информационной безопасности в статусе министерства.

Изложены предложения по формированию соответствующей правовой базы, что позволит создать институциональную и функциональную систему обеспечения информационной безопасности.

**Ключевые слова:** информационная безопасность, национальная безопасность, государственная безопасность, разведывательные органы, правоохранительные органы, воинские формирования, государственная политика

### Formulation of the problem.

The purpose of this paper is an analysis of activities of information security in the sector and public policy on this issue.

**Relevance of the topic.** Despite the fact that information security is one of the most important functions of the state, as of today in Ukraine is virtually no relevant state authority responsible for public policy in the field of information security.

As a result, some issues related to information security are regulated by several laws of Ukraine, the scope of regulation which are public relations in various fields and imposing the appropriate task to various government agencies.

**The main material.** According to the Article 17 of the Constitution of Ukraine [1] Information security Ukraine include the most important functions of the state, the execution of which is a matter of whole Ukrainian people.

The state operates through appropriate public authorities, placing them in the implementation of the relevant functions.

Based on a systematic analysis of Article 17 of the Constitution of Ukraine obviously that the information security is an element of national security, and responsibility to ensure is vested in the appropriate military units and law enforcement agencies, organization and procedure are determined by law.

However, the national legislation system applies two approaches to the definition of information security: the first – information security is seen as a component of national security, and the second – as an independent and self-sufficient category.

The first approach is implemented in the Law of Ukraine «On National Security» [2], which defines the basic principles of the state policy aimed at protecting national interests and guarantee the security of Ukraine in the individual, society and the state from external and internal threats in all spheres of life.

The concept of national security defined in Article I of this law according to which national security – is the protection of vital interests of human and civil society and the state, which

ensured the sustainable development of society, early detection, prevention and neutralization of real and potential threats to national interests in areas of law enforcement activity, anti-corruption, cross-border activities and defense, immigration policy, health, education, science, research, technology and innovation policy, cultural development of people, freedom of speech and information security, social policy and pension, housing economy, financial market, property rights, stock markets and securities turnover, fiscal and customs policy, trade and business, banking market, investment policies, audit activities, monetary and exchange rate policy, data protection, licensing, industry and agriculture, transport and communications, information technology, energy and energy conservation, natural monopolies, the use of mineral resources, land and water resources, mineral resources, environmental protection and environmental protection and other areas of public administration in the event of negative trends to generate potential or real threats to national interests.



For ease of use, we will reduce this definition, which will leave it only to those components of national security information specific to security relations, thus obtaining the definition of information security as a component of national security:

Information security (as a component of national security) – is the protection of vital interests of human and civil society and the state, which ensured the sustainable development of society, early detection, prevention and neutralization of real and potential threats to national interests in the fields of science, technology and innovation policy cultural development of the people, freedom of speech and information security, information security, communications and information technology in the event of negative trends to create a potential or actual threats to national interests.

Given the increasing role of information technology in all spheres of public life, their impact on society as a whole, certain social groups and institutions as well as individuals and entities, the first approach an understanding of information security deemed not in accordance with the present state of social relations.

Another approach to understanding information security is implemented in Fundamentals of Information Society Development in Ukraine for 2007-2015, approved by the Law of Ukraine on January 9, 2007, № 537 -V [3] in the following form: information security – the state of protection of vital interests man, society and the state in which the prevented damage due to: incomplete, untimely and unreliability of information used, the impact of negative information, the negative effects of information technology, unauthorized distribution, use and violations of integrity, confidentiality and availability of information.

Ensuring national security relies on the following subjects [2]:

President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defense Council of Ukraine, which is managing, coordinating and monitoring the implementation of measures in the field of national security;

ministries and other central executive authorities, the National Bank of Ukraine, the ordinary courts, Prosecutor Service

of Ukraine, local administrations and local authorities, the Armed Forces of Ukraine, Ukraine's Security Service, Foreign Intelligence Service of Ukraine, State Border Service of Ukraine and other military formations formed in accordance with the laws of Ukraine, which lies directly in the implementation of the national security.

Article 10 of the Law [2] defines the basic functions of the national security entities Ukraine, which are derived from the contents of this article shall be imposed on all subjects.

Let's select from them those related to information security:

development and periodic refinement of the National Security Strategy and Military Doctrine of Ukraine, doctrines, concepts, strategies and programs in national security planning sphere as well as implementation of specific measures to combat and neutralize threats to the national interests of Ukraine;

creating the legal framework which is necessary for the effective functioning of the national security;

continuous monitoring of the impact on national security of the processes occurring in the social, scientific, technological, information fields; forecasting changes occurring in them, and potential threats to national security;

prediction, detection and assessment of possible threats of destabilizing factors, their causes and consequences of development;

development of scientifically based proposals and recommendations for decision-making in order to protect the national interests of Ukraine;

prevention and removal of threats to influence and destabilizing factors in the national interest;

assessment of the impact of actions on national security and determine the cost for this purpose.

As is seen, the Law of Ukraine «On National Security» [2] no explicitly separates the tasks and functions of the entities entrusted with national security, limited to indicating that they exercise their powers within. The powers of these entities shall be determined by the laws that we consider in the context of information security.

Article 3 of the Law of Ukraine «On the National Security and Defense Council of Ukraine» [4] gives the National Security

and Defense Council of Ukraine functions of coordination and control of the executive power in the sphere of national security and defense in peacetime, particularly for information security.

Article 4 of this Act [4] imposes on the National Security and Defense Council of Ukraine the consideration at its meetings issues that the scope of information security:

identify strategic national interests of Ukraine, conceptual approaches and trends of the national security and defense in the information sphere;

information measures and other measures appropriate to the scale of potential and actual threats to the national interests of Ukraine;

maintenance and monitoring receipt and processing of relevant information, its storage, confidentiality and use in the interests of national security of Ukraine, on the basis of the analysis of the status and trends of events taking place in Ukraine and in the world to identify potential and actual threats to the national interests of Ukraine.

The National Security and Defense Council of Ukraine shall coordinate and control the national security entities.

One of the main components of the national security state in this state mechanism is the Security Service of Ukraine, whose activity is regulated by the Law of Ukraine «On the Security Service of Ukraine» [5]. According to the first article of this Law, the Security Service of Ukraine is a state law enforcement agency with a special purpose, which provides national security of Ukraine.

Among the tasks assigned to the Security Service of Ukraine in Article 2 of this Law, can be identified to ensure the protection of state secrets, which is one of the areas of information security.

In addition, the Security Service of Ukraine performs the analytical work, counterintelligence activities, involved in developing and implementing measures to ensure the protection of state secrets and confidential information held by the State, contributes in the manner provided by law, enterprises, institutions, organizations and entrepreneurs in the preservation of trade secrets, the disclosure of which could harm the vital interests of Ukraine.

Some issues of information security are in the Law of Ukraine «On Defense of Ukraine». [6]



Article 3 of this Act [6] determined that the preparation of state for defense in peacetime includes some measures to ensure information security:

reconnaissance and information-processing activities for the preparation of state for defense;

protection of Ukraine's information space and its entry into the global information space, creation of infrastructure in the information sector .

Important role in the defense of the state assigned to the General Staff of the Armed Forces of Ukraine, which is the chief military authority of national defense planning, managing the use of the Armed Forces of Ukraine, coordination and monitoring of tasks in defense executive authorities, local self-government, security forces, formed in accordance with the laws of Ukraine, and law enforcement authorities.

General Staff of the Armed Forces of Ukraine takes measures to ensure information security, such as participating in the organization and control of the use of information space of the state and has its use in times of crisis.

Ministries, national and other executive authorities in collaboration with the Ministry of Defense of Ukraine within its powers agree with the General Staff of the Armed Forces of Ukraine the use of State information.

The challenge of information security is also entrusted to the Foreign Intelligence Service of Ukraine, whose activity is regulated by the Law of Ukraine «On Foreign Intelligence Service of Ukraine» [7], which relies on the said authority:

mining, analytical processing and providing intelligence information to consumers;

the implementation of specific interventions aimed at supporting national interests and state policy of Ukraine in the information sector;

involved in safeguarding Ukraine abroad, security staff and their families in the host country, and travelers to foreign countries citizens of Ukraine who have access to information constituting a state secret;

involved in the fight against the illicit trafficking of weapons manufacturing technology.

These tasks are carried out according to the procedure established by the Law of Ukraine «On intelligence activities»

[8], which defines the legal basis for the organization and operation of government agencies engaged in intelligence activities to protect Ukraine's national interests against external threats.

According to this Act [8] intelligence activities is the activities which is undertaken by a special means and methods to ensure that specified by law by public authorities intelligence, promoting and protecting national interests, to combat external threats to the national security of Ukraine outside Ukraine.

Implementation of intelligence in the information sector relies on the Foreign Intelligence Service of Ukraine and the intelligence agency of the Ministry of Defense of Ukraine.

Intelligence activity is one of the most important means of information security, aimed at obtaining intelligence – information about events and circumstances relating to national security and defense, which can not be obtained through official channels, on which the forecasting and planning of information security are possible.

The greatest number of features to ensure information security is placed on the State Service for Special Communication and Information Protection of Ukraine (hereinafter – DSSZZI), whose activity is regulated by the Law of Ukraine «On State Service for Special Communication and Information Protection of Ukraine». [9]

Under this law DSSZZI is a government agency that is designed to ensure the functioning and development of the state system of public communication, the National System of confidential communication, protection of state information resources in information, telecommunications and information and telecommunication systems, cryptographic and technical protection.

DSSZZI tasks can be divided into the following groups:

the functioning of the state Special Communication system: State Government Communication system and the National System of confidential communications;

protection of state information resources in information and telecommunication systems;

cryptographic and technical information.

Thus, as seen from the tasks and functions conferred by the Law [ 9], its

activities focused first on the technical components of information security: cryptographic and technical protection of information (confidential and secret), which is owned by the state, protection of state information resources in information and telecommunication networks, the functioning of the State Special Communication System: State Government Communication System and the National System of confidential communication, and secondly its activities mainly aimed at protecting the state as subjects of information relations, leaving out attention such subjects of information relations as a society, man and citizen. These accents of DSSZZI activities are obvious in view of the fact that DSSZZI is primarily the subject of national security, the principal object of which is the state's interests in the information sphere.

However, in accordance with Article 7 of the Law of Ukraine «On Television and Radio Broadcasting» [12] states that development and implementation of state policy in the field of television and radio is rely on a central executive body. This body is the State Committee for Television and Radio Broadcasting of Ukraine (hereinafter – the State Committee).

As seen from the Provisions of the State Committee for Television and Radio Broadcasting of Ukraine, approved by the Decree of the President of Ukraine on May 7, 2011 Number 559/2011 [13], the State Committee is the central part in the system of central executive bodies in the formation and implementation of public policy in the information sector.

One of the main objectives of State Committee is the formation and implementation of public policy in the information sphere.

Based on the Provisions of State Committee, it is the chief part of the executive state power in the field of information security which relies, in particular, the formation of the state information policy, taking steps to prevent the impact of information that threatens information security, society, people, implementation tasks for information security, development of proposals for the improvement of public administration information sphere, while the State Committee on legislative tasks and functions of information security not charged, which greatly undermines its status in this regard.



In addition, the State Committee position, which has not a ministry status, contrary to the provisions of Law of Ukraine «On the central executive authorities» [10], according to which only the Ministry can provide public policy in one or more areas, other central executive authorities can carry out certain with implementation of public policy.

This results in the inability of activities of State Committee on the state policy in the sphere of information which, in particular, is providing information policy.

**Conclusions.** This Acts give tasks and functions to provide specific information security issues rely on a wide variety of state agencies, competence applies to a variety of government, they have different subordination. In this regard, there are no mechanisms of interaction between these bodies, these bodies on issues of information security is not directed and not coordinated.

A question about the analysis and coordination of these laws is not on the agenda, which gives grounds to the lack of state policy on information security.

This circumstances results in a lack of systemic activity of the state in the field of information security, especially the formation of an appropriate legal framework that will determine the objectives agreed on the issue of public authority and a mechanism for their system interaction.

Failure of this issues causes the further lack of clear and consistent system of information security subjects – body with appropriate tasks and functions and tools to do their jobs, resulting in uncontrolled impact on the information environment of the state and threatens the sovereignty of the state information, causing damage to all subjects of information relations, including creating conditions for violations of human and civil rights.

In this regard, there is an urgent need for the authorized state body of state policy in the field of information security, which has the status of ministry.

The first priority in public policy should encourage an appropriate legal framework that would create an institutional and functional system of information security.

However, in our opinion, should consider the following criteria:

first, the number of elements of information security system should not

be excessive, as they will lead to an increase in complications operation and, consequently, reduce its effectiveness;

secondly, there should be a single entity managing information security, endowed with discretionary powers in relation to other subjects of information security and implemented effective mechanisms of interaction;

thirdly, the powers and functions of business information security should be clearly defined, to avoid duplication, to avoid competition in the activities of these entities and, simultaneously, to cover all areas and aspects of information security that will achieve acceptable efficiency of system;

fourth, we believe that part of the information security system should include not only public authorities but also the institutions of civil society, which will equally effective ways to protect information in the interests of not only the state but also society and people and citizens.

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