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ПРАВОВІ ПІДСТАВИ ОБМЕЖЕННЯ ДОСТУПУ НА ІНФОРМАЦІЮ: ФІЛОСОФСЬКИЙ АСПЕКТ

Анотація. *Швидке поширення інтернету та комунікаційних технологій порушує питання доступу до інформації, особливо доступу до інформації через інтернет. Кількість інформації в мережі постійно збільшується, і водночас докладається все більше зусиль, щоб певною мірою обмежити доступ користувачів до неї. Чим більше обмежень створюють державні органи у цій сфері, тим більше зусиль докладається, щоб обійти або порушити ці заборони. Вільний доступ до інформації в демократичному суспільстві має стати правилом, а обмеження цього права – винятком. Ці обмеження повинні бути чітко визначені законом і застосовуватися лише у випадках, коли необхідно поважати законні та життєво важливі інтереси, такі як національна безпека та конфіденційність. Основною метою цього дослідження є розгляд правових та соціально-філософських аспектів доступу до інформації. Обмеження доступу до документів як засобів масової інформації практикувалося з давніх часів. Дослідження висвітлює наявні суперечності та відставання у реалізації принципів реалізації права на інформацію в Україні на рівні законів та підзаконних актів. Дослідження класифікує інформацію відповідно до характеру обмежень (здійснення) конституційних прав та свобод у інформаційній сфері. Було виявлено, що законодавство України не систематизує перелік конфіденційної інформації в єдиному регламенті на відміну від російської федерації та надає основні типи конфіденційної особистої інформації. Було встановлено, що обмеження будь -яких свобод та прав людини, у тому числі в інформаційному просторі, можна встановити за допомогою різних регуляторів, домінуючими серед яких є такі рівні реалізації: правовий (законодавчий); моральна самосвідомість суспільства; автономність особи. Описано особливості та сфери дії регуляторів обмеження свобод та прав людини. Для обмеження доступу до інформації використовуються різні методи захисту її від несанкціонованого надходження, які можна розділити на дві групи: офіційну та неформальну*

Ключові слова: *конфіденційна інформація, аспекти доступу, рівні впровадження, характер обмежень*

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LEGAL GROUNDS FOR RESTRICTING ACCESS TO INFORMATION: A PHILOSOPHICAL ASPECT

Abstract. *The rapid spread of the Internet and communication technologies raises the issue of access to information, especially access to information via the Internet. The amount of information on the network is constantly increasing, and at the same time more and more efforts are being made to limit users' access to it to some extent. The more restrictions state bodies create in this area, the more efforts are made to circumvent or violate these prohibitions. Free access to information in a democratic society should be the rule, and restriction of this right – the exception. These restrictions should be clearly defined by law and applied only in cases where legitimate and vital interests, such as national security and privacy, need to be respected. The main purpose of this study is to consider the legal and socio-philosophical aspects of access to information. Restricting access to documents as media has been practiced since ancient times. The study highlights the existing inconsistencies and lags in the implementation of the principles of exercise of the right to information in Ukraine at the level of laws and subordinate legislation. The study classifies information according to the nature of restrictions (exercise) of constitutional rights and freedoms in the information sphere. It was discovered that the legislation of Ukraine does not systematise the list of confidential information in a single regulation in contrast to the Russian Federation and provides the main types of confidential personal information. It was found that restrictions on any freedoms and human rights, including in the information space, can be established with the help of various regulators, the dominant among which are the following levels of implementation: legal (legislative); moral self-consciousness of society; autonomy of the person. Features and spheres of action of regulators of restriction of freedoms and human rights are described. To restrict access to information, various methods are used to protect it from unauthorised receipt, which can be divided into two groups: formal and informal*

Keywords: *confidential information, aspects of access, levels of implementation, nature of restrictions*

INTRODUCTION

Every person has the right to freedom of expression; this right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice. Human rights must not remain declarative. In recent years, Ukraine has been gradually approaching the community of world powers in which democratic values are developing. The report of the American human rights organisation Freedom House on the state of freedom in the world recognises Ukraine as a free country [1]. However, there is no reason to claim that the protection of human rights and freedoms is an integral part of Ukrainian legal culture and legal space. In the context of identifying ways to further improve the system of human rights protection, the object of study is to ensure the right to information. Humankind has vivid examples of the negative consequences of restricting rights in the

information space. In practice, such a concept of restriction of liberty took place in the brutal censorship of all information produced in the post-Soviet countries, which caused social discontent that eventually led to the collapse of states. Legal restrictions on information freedom in the USSR were entirely based on ideological considerations, which did not reflect the real needs of society.

Nowadays, Ukraine should strive to maximise media freedom in both the structural (commercial) and social (freedom of speech) sense. The transition to new technologies and channels of information distribution has radically changed the field of mass communications and the media, while conventional methods of regulating access to information are becoming a thing of the past. In an era of rapid technological change and convergence, archaic methods of state control over the media are becoming increasingly unfair, unjustified and, ultimately, unusable [2]. Despite advances in this area, many issues remain unresolved, including the absence or weakness of national freedom of information legislation and the low level of compliance in many countries. No country in the world can isolate itself from global change, and the future of any state depends on how it uses new communication technologies and responds to globalisation in the fields of economy, politics, and culture. However, insufficient development of philosophical and methodological aspects of the categorical status of access to information, ignoring its complex nature, which requires interdisciplinary research and involves the specification of features of the development of ways to protect it has led to a cognitive situation of uncertainty, both in economics and law.

1. MATERIALS AND METHODS

The phenomenon of human freedom throughout human history has been one of the objects of philosophical research. Freedom in different eras has been studied by thinkers as a special value, including considerable attention always being paid to information freedom. In the context of the subject matter, it is appropriate to note the position of Kant and philosophers of the late 19th – early 20th century. According to I. Kant, freedom in society is conditioned by nature itself to the solution of the greatest problem of the human race – the achievement of a universal legal civil society in which there is freedom – nature demands it. It is to nature that Kant attributes what he calls its "plan" – the development in the conditions of freedom of all natural endowments inherent in humanity. Freedom, according to Kant, is the only primary, innate right inherent in every person by virtue of their belonging to the human race. According to I. Kant, the essence of the natural purpose of freedom is that freedom is not just a good in general, not just a space for self-satisfaction, a merciful life, but a social space of activity, the development of natural endowments for the ascending development of the entire human race [3].

According to Kant, any action is impossible without including the due in its structure. From this principle of ethical completeness, he derives the famous categorical imperative: man lives among people, therefore, due as a measure to limit arbitrariness is required for the action to become real [4]. Thus, freedom, in essence, is a common, natural, integral property of every person in society. However, he has already laid the initial foundations for substantiating the concept of restrictions on human rights. This is the idea of the emergence of natural struggle, competition, finding balances between different interests or "freedoms" of many people and, as a consequence, the need for a certain regulatory environment. Continuation of the development of the research base of restrictions on the exercise of freedoms and human rights belongs to Berdyaev, who singled out "formal freedom", which, in his opinion, is expressed in the formula: I wish something that I want to be so; as well as "material freedom", which is expressed in the resolution: I want something to be. In his opinion, in formal freedom the will has no object of choice and direction; in material freedom such an object exists [5]. Classical philosophers were replaced by researchers who developed concepts of the information society, where information freedom is considered as a necessary mechanism for the development of information civilisation. This approach has a more methodological, general philosophical nature, which equips researchers with the methodology of studying the information society as a whole: D. Bell, M. Castells, M. McLuhan, E. Toffler [6-9].

The development of information technology and computer science has led to the consideration of issues within the knowledge and skills of working with information using information devices and technologies [10]. The study of the phenomenon of information as a scientific and philosophical category is conducted within the information approach [11; 12]. In recent years, scientists have been studying the phenomenon of information and the problems of informatisation of society from different positions: legal, social, philosophical, economic, technical and technological, etc., which are closely interrelated (A.D. Ursula, K.K. Kolina, I.M. Gurevich and others) [13]. With the accumulation of theoretical and empirical material, the development of philosophical and methodological framework, there is a possibility and necessity to develop a new scientific field that studies the features of information freedom as a multifaceted phenomenon of modern information civilisation. At present, this area can be referred to as a legal category and integrates socio-philosophical, cultural, legal, and informational approaches. But in the works of researchers, it is more represented from one position, and there

are virtually no studies that investigate it in a comprehensive dimension, which puts the subject matter to the fore.

The methodological framework of the study included philosophical, social, analytical and legal research methods. General scientific and special methods were also used. The main provisions of the legal framework for regulating the right to information at the international, national level and in some regional areas are studied. The applied methodology allowed to develop the main directions of optimising the application of the principle of restricting the right of access to information and choosing effective regulations for implementation in the national legal system. The methods used allowed to obtain reliable and substantiated conclusions and results. As one of the main methods of analysis, the study used the comparative method, which allowed to compare the domestic practice of implementing this principle in the process of human rights protection with the legal framework for regulating the object of study in the European Union and internationally.

At the theoretical level of analysis, the study investigated the fundamental provisions of the legal framework of regulation and exercise of the right of access to information in the aspect of protection of human rights at the international, foreign, and national levels. The descriptive method allowed to present the results of the study in a logical sequence. Methods, synthesis, analogy, system, classification, and analytical methods were also used during the study. The normative method was used to analyse aspects of issues arising within the framework of legal regulation of human rights in the context of access to information. The evaluation method allowed to conclude on the level of consideration and implementation of the recommendations of international organisations in the national legal system to establish the optimal level of restrictions on access to information.

The method of synthesis allowed to solve the research problems through its application to primary sources on this issue. The application of the analytical method to these primary sources allowed to make recommendations regarding the implementation of the provisions of European and international legislation into the national legal system; identify the main areas of experience in its application in the process of human rights protection and compliance of national systems with the international base and judicial practice. Methods of induction and deduction are used to analyse the content and structure of legislative texts, the characteristics of legal provisions in the context of the subject matter. The historical method was used during the analysis, which allowed to study the process of development of philosophical understanding of information law and its limitations in rule-making and legal doctrine at different stages of development. The genetic method allowed to identify stages in the evolution of the right to access information and the system of human rights protection in this legal field, to establish their sequence in time and to trace how and under the influence of which factors the provisions governing them changed. The structural and functional analysis allowed to consider the features of the structural organisation of modern institutions and organisations that introduce and apply access and restrictions to information and protect human rights and monitor their observance, their interaction with each other and with other institutions whose activities concern these questions in one way or another. To achieve this purpose, a system of methods of cognition of socio-legal phenomena is also used, as the development of a legal mechanism of provisions is a complex issue.

2. RESULTS AND DISCUSSION

An integral part of any information system is information, access to which is provided through the systematic and prompt disclosure of information and through the provision of information upon request. Sources of disclosure of information are official publications; official websites on the Internet; single state web portal of open data; information stands and other ways. From ancient times it was practiced to restrict access to documents as information carriers by individuals, to transmit it by special courier or pigeon mail, etc. Currently, modern telecommunication channels are used to implement this restriction mechanism. However, this approach requires significant capital investment.

Steganography is engaged in the development of means and methods of concealing the fact of message transmission. The first traces of steganographic methods are found in antiquity. Thus, there is a description of two methods of concealing information in the works of the ancient Greek historian Herodotus: writing the message on the shaved head of a slave, then regrowing hair and sending the slave to the recipient, who again shaved the slave's head to read the message. Another ancient way was to apply the message on a wooden board, which was then covered with wax, and thus did not arouse any suspicion. Then the wax was scraped off, and the message became visible. Currently, steganographic methods in combination with cryptographic have found wide application in order to conceal and transmit confidential information. Cryptography develops methods for converting information to protect it from unauthorised access. The right to receive information is an integral part of the broader concept of "Right to freedom of expression", which is reflected in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms [14]. With regard to the right to

freedom of expression, including the right to information, Part 2 of this Article of the Convention determines the grounds for their restriction. Furthermore, this article contains two conditions for the use of these grounds in practice:

– determination of grounds at the legislative level; therewith, legal regulation of restrictions on the right to information should allow a person to predict in advance under what conditions and within what limits they can obtain a particular piece of information, and any restriction must meet the criteria of accuracy and accessibility;

– being based on the criterion of "necessity in a democratic society", which is developed in sufficient detail and confirmed by European case law.

One of the most commonly used signs of determining the existence of this "necessity" is the proportionality of restricting access to information. The measure of restraint must be proportionate to the means and purpose of the restraint and be conditioned by an urgent public need. In general, the provisions of Ukrainian constitutional law follow the European tradition and guarantee the right of everyone to freely collect, store, use, and disseminate information. The Constitution of Ukraine contains certain restrictions on the granted right [15] (parts 2, 3 of Article 34 of the Constitution of Ukraine). Despite this, there is still some inconsistency and lag in the implementation of these principles of exercise of the right to information at the level of laws and subordinate legislation. This can be clearly analysed on the example of the Law of Ukraine "On Information" [16]. Thus, the issue of establishing regimes of access to information, and in particular the validity of the application of Article 30 of the Law of Ukraine "On Restriction of Access to Information", is very controversial in practice. The problem is that the article does not have clear criteria for reasonably classifying information as restricted. This indicates that a fairly wide discretion is given at the stage of law enforcement, which can lead to a violation of the rights of the subjects of information relations.

Furthermore, the current version of Article 9 significantly expands the grounds for restricting the right of access to information that is inconsistent with the principles of the Convention and does not allow a person to predict the extent of their possible conduct in advance. In particular, part 3 Article 9 of the Law of Ukraine in the presented wording narrows the amount of information to which a citizen has free access. In this approach, the legislator seeks to establish a list of permissible behaviours related to access to information, rather than clear criteria for restricting such access, introducing the principle of "everything which is not explicitly forbidden by law is allowed". By the nature of restrictions (implementation) of constitutional rights and freedoms in the information sphere, there are four main types of information (Fig. 1).

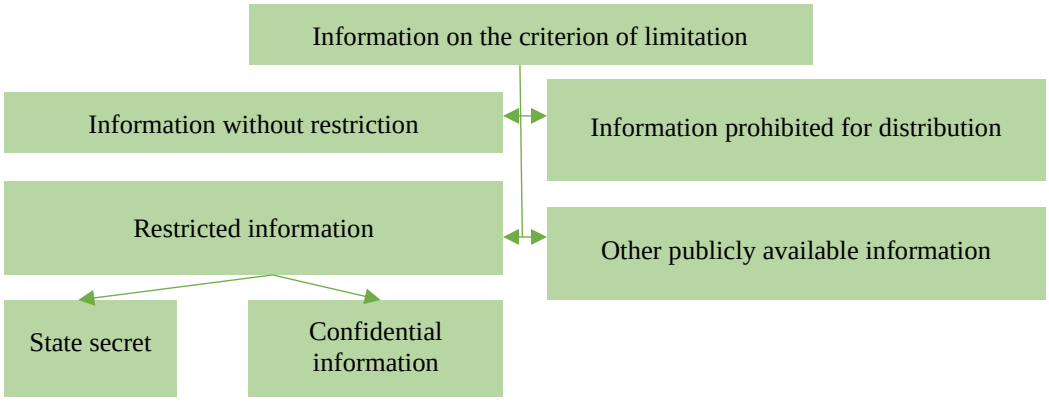

Figure 1. Classification of information by the criterion of limitation

A state secret includes information that is protected by the state and recognised as such at the legislative level, it contains information on intelligence, military, foreign policy, economic, counterintelligence, operational and investigative, etc. activities. A distinctive feature of this information is that its dissemination without restrictions can harm national security. The owner of a state secret is the state itself. Requirements for the protection of this information and control over their observance are regulated by the Law of Ukraine "On State Secrets" [17]. The law establishes a list of information that compares a state secret and a range of information that is not subject to classification. It also stipulates judicial protection of the rights of citizens in connection with unjustified secrecy, and defines bodies of protection of the state secret.

The degree of restriction of access to information constituting a state secret is determined by the degree of secrecy, the criteria of which are established by the State Committee of Ukraine for State Secrets. Confidential information is documented information, the legal regime of which is established by special rules

of current legislation in the field of state, commercial, industrial, and other public activities. The owners of this information are various enterprises, institutions, organisations, and individuals. The main subtype of confidential information is personal information. Therefore, some of this information is subject to restrictions by individuals or legal entities and cannot be subject to governmental authority. They establish the order of its distribution at will in accordance with the law [18]. Notably, the legislation of Ukraine does not systematise the list of confidential information in one regulation (Table 1 [19-25]). This list may be supplemented by at least fifteen pieces of legislation containing basic confidential information about the individual, but it is also not exhaustive and may be supplemented by other pieces of legislation.

Table 1. Basic types of confidential personal information

Information	Legislative act
Information on nationality, education, marital status, religious beliefs, health status, address, date and place of birth	Law of Ukraine No. 2657 [16]
About the registration number	Tax Code of Ukraine [19]
Information about the place of residence	Law No. 1382 [20]
Information on the personal life of citizens, obtained from citizens' appeals	Law No. 393 [21]
Information on the employee's remuneration	Law No. 108 [22]
Information about the deceased	Law No. 1102 [23]
A set of information about individuals who have suffered from violence	Law No. 2229 [24]
Data on the person taken under protection in criminal proceedings	Law No. 3782 [25]

For comparison, in the Russian Federation, this list is provided in the Decree of the President of the Russian Federation "The List of Confidential Information" [26], where seven of its types are identified:

- personal data;
- secrecy of investigation and proceedings;
- official secret – official information of limited dissemination about state bodies or organisations subordinate to them, as well as information obtained from external sources by employees of state bodies during the performance of duties;
- professional secret (medical, lawyer, notarial, and other secrets);
- trade secret – scientific and technical, technological, production, financial and economic or other information, including constituting the secrets of production (know-how), which has actual or potential commercial value due to its unknown to third parties;
- summary of the invention, utility model or industrial design from the official publication of information about them;
- information contained in the personal files of convicts, as well as information on the enforcement of judicial acts [27; 28].

Although personal information has the status of restricted information, it is fully open to the data subject. Only the latter decides on the transfer, processing and use of their personal data, as well as determines the scope of subjects to whom this data may be communicated. Some personal data does not have a protection regime, being well-known (for example, last name, first name, and patronymic). Sources of confidential information about the legal entity are agreements, contracts, letters, reports, analytical materials, statements of accounts, charts, schedules, specifications, and other documents drawn up on the activities of the legal entity. Confidential information about a legal entity is in some sense identical to commercial information, and can also harm a person if used by competitors. Trade secret is a kind of confidential information and includes information of organisational, technical, commercial, industrial, and other nature. At the same time, civil legislation makes provision for exceptions to information that cannot be considered commercial [29; 30]. A special act on trade secrets has not yet been adopted in the country, although the process began in 2008 [31]. Restriction of access to information is carried out in compliance with statutory requirements (Fig. 2).

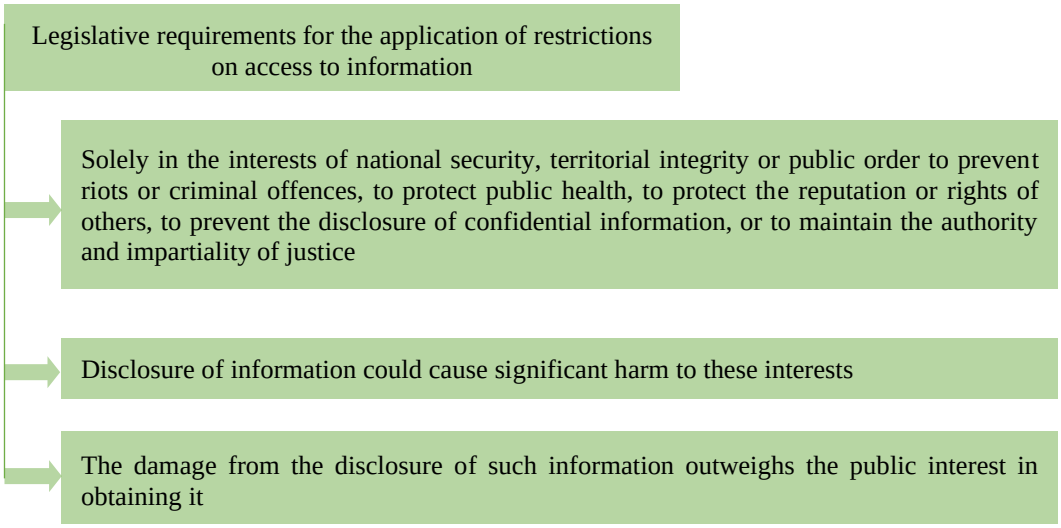

Figure 2. Legislative requirements for the application of restrictions on access to information

Restrictions on any freedoms and human rights, including in the information space, can be set by various regulators, the dominant of which can be determined by the following levels of implementation:

- legal (legislative);
- moral self-consciousness of society;
- autonomy of the person – individual rules of the person including moral consciousness, tastes, world outlook, representations, desires, etc.

That is, each regulator acts on its level: the law – on the state level, moral self-awareness – at the national (or public) level, the autonomy of the person – on the individual level. For each of the regulators, certain features can be identified and each of them is aimed at its own scope (Table 2).

Table 2. Features and scope of regulators of restrictions on freedoms and human rights

Regulator	Manifestation	Example
Autonomy of the person	Internal self-censorship of the individual	A person who is convinced that any information is harmful or of no value to them will not regularly review its content
Moral self-consciousness of society	System of ethical-moral and ideological-aesthetic norms recognised and dominant in society	Negative public condemnation of any information
Law	Generally binding rules established by the state, the implementation of which is ensured by legal coercion	Legislative prohibition or restriction of access to information

The moral consciousness of society considers the issues of tolerance to the perception of the content of information, suggests the reasons for justifying the restriction of access to certain information, in particular, as an example, the relevant law enforcement agencies detect the spread of obscene materials on the Internet, and prevent access to it [32; 33]. Thus, pornographic information "should be banned because it is harmful and violates public prohibitions and certain standards of public conduct that reflect some unwritten arrangements in a society. Society itself has decided that the dissemination of immoral materials that disorient people contributes to the process of moral decentralisation and causes harm. However, foreign authors have a different opinion about the prohibitions on obtaining certain information by the majority of citizens: "You are not allowed to satisfy your tastes, not because their satisfaction is harmful to society, nor even because it is immoral, but simply because we are not ready to endure it". That is, the author hints at the existence of a restriction by the public majority of the access of a minority with different tastes and views to information. Notably, the law differs from the other two regulators in that it is official. Here, too, as a striking example, we can touch on the same information that violates the moral foundations of society [34].

In this regard, the statement of Theodor Schroeder is correct that "printed publications, the main content of which are articles describing in detail the immoral behaviour of individuals, spreading moral degradation in society, are considered as undermining the public situation by detailing and justifying immoral behaviour, which has a tendency to morally bribe young people, contributing to the choice of the wrong way of life and

the commission of immoral acts. Undoubtedly, the legislator has the right to ban such publications without any violation of rights". To restrict access to information, various methods are used to protect it from unauthorised receipt, which can be divided into two groups: formal and informal. Formal means of protection perform protective functions according to a pre-arranged procedure without human intervention and include mechanical, electrical, electromechanical, electronic, and other similar devices and systems that operate independently of information systems, creating various obstacles to destabilising factors (door lock, screens). Hardware – mechanical, electrical, electromechanical, electronic, optical, laser, radar, and similar devices that are embedded in information systems or combined with it specifically to solve information security problems.

Software – software packages, individual programmes or parts thereof used to solve information security problems. Software does not require special equipment, but leads to a decrease in the productivity of information systems, requires the allocation of a certain number of resources for their needs, etc. Specific means of information protection include cryptographic methods. In information systems, cryptographic means of information protection can be used both to protect the processed information in the system components and to protect the information transmitted over communication channels. The conversion of information can be performed by hardware or software, using mechanical devices, manually, etc. Informal remedies, in contrast to formal ones, are regulated by human activities and are divided into legislative, moral, ethical, and organisational. To some extent, they resonate with the levels of implementation of restriction regulators considered above. Legislative means – regulation of rules of use, processing, and transfer of information of limited access by regulations which establish measures of responsibility for violation of rules of access to information. These remedies apply to all subjects of information relations. Organisational means – organisational, technical, and legal measures at the level of the organisation, which regulate the list of persons, equipment, materials, etc., are relevant to information systems, as well as modes of their operation and use. This also includes certification of information systems or their elements, certification of facilities and entities for compliance with security requirements. Moral and ethical means – moral norms or ethical rules that have developed in society or the team, compliance with which helps to protect information and restrict access to it, and their violation is considered non-compliance and leads to loss of prestige and authority.

Despite the expansion and ease of access to information received, in many countries, new legislation and restrictions, including blocking and filtering, are holding back the free flow of information on the Internet. The age of digital technologies marks the advent of a truly democratic culture of participation and interaction, and fulfilment of this opportunity is a major challenge today. With the advent of the new digital age, attempts to restrict the free flow of information on the Internet are doomed to failure [2]. Admittedly, the right to information, the right to disseminate and receive information in the age of global relations must belong to everyone. However, there will be two classes in society: those who have access to the Internet and those who do not. However, the right to information, the right to connect, are undoubtedly one of the fundamental freedoms. According to Article 19 of the Universal Declaration of Human Rights, "Everyone has the right to seek, receive, and disseminate information and ideas by any means and regardless of national borders". Therefore, the application of restrictions should be considered on a case-by-case basis using the "harm test" and the "public interest test", and should be expressly stipulated by legislation.

CONCLUSIONS

In the context of the development of the information society, the question of socio-philosophical aspects of access to information arises among one of the most relevant and unresolved. As the analysis indicates, the allocation of the issue of rights to access information from the general concept of property was not previously understood as a socio-philosophical problem, and was considered only from a cognitive or legal standpoint. From the socio-philosophical standpoint, the components of the real right to information were not considered, which led to several problematic aspects in the regulation of this area. This issue was mostly part of the type of property as a whole, intellectual property or ownership of material goods. Therefore, the applied approach to the development of methodology for analysis and philosophical generalisation of ownership of information and its components for use, receipt, sale, etc. can be considered a precedent.

REFERENCES

[1] Frequently Asked Questions. (2021). *Freedom House.* Retrieved from https://freedomhouse.org/template.cfm?page=265#4.

[2] Bulgakova, M. (2021). Legal grounds for restricting access to information. *International Renaissance Foundation*. Retrieved from https://www.irf.ua/pravovi_pidstavi_obmezhennya_dostupu_do_informatsii/.

[3] The right to access information: Theory and practice. (2021). Retrieved from http://khpg.org/files/docs/1204114313.pdf.

[4] Kant, I., Hegel, G.V.F., & Schelling, F.V.I. (2000). *German classical philosophy*. Moscow: EKSMO-Press.
[5] Berdyaev, N.A. (2007). *Philosophy of freedom.* Moscow: ACT.
[6] Bell, D. (2004). *The coming post-industrial society. Social forecasting experience translation from English*. Moscow: Academia.
[7] Castells, M. (2000). *The information age: Economy, society, and culture.* Moscow: State University "Higher School of Economics".
[8] McLuhan, M., & Fiore, K. (2012). *War and peace in the global village.* Moscow: ACT, Astrel.
[9] Toffler, E. (1999). *The third wave.* Moscow: ACT.
[10] Semenyuk, E.L. (1994). Information culture of society and progress of informatics. *Scientific and Technical Information*, 1(7), 3-37.
[11] Gryaznova, E.V., & Ursul, A.D. (2012). *Information and virtual reality: Conceptual foundations of the problem.* Nizhny Novgorod: Nizhny Novgorod State University of Architecture and Civil Engineering.
[12] Gurevich, I.M., & Ursul, A.D. (2012). *Information is a universal property of matter. Characteristics, estimates, limitations, consequences.* Moscow: Librokom.
[13] Colin, K.K., & Ursul, A.D. (2015). *Information and culture. Introduction to information cultural studies.* Moscow: Publishing House "Strategic Priorities".
[14] Law of Ukraine No. 475/97-BP "Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950". (1997, July). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.
[15] Constitution of Ukraine. (1996, June). Retrieved from https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text.
[16] Law of Ukraine No. 2657-XII "On Information". (1992, October). Retrieved from https://www.tax.gov.ua/diyalnist-/dpa-i-gromadskist/normativno-pravova-baza-u-sferi/arhiv-normativno-pravova-baza/53366.html.
[17] Law of Ukraine No. 3855-XII "On State Secrets". (1994, January). Retrieved from http://search.ligazakon.ua/l_doc2.nsf/link1/T385500.html.
[18] Law of Ukraine No. 2939-VI "On Access to Public Information". (2011, January). Retrieved from https://zakon.rada.gov.ua/laws/show/2939-17#Text.
[19] Tax Code of Ukraine No. 2755. (2010, December). Retrieved from https://zakon.rada.gov.ua/laws/show/2755-17.
[20] Law of Ukraine No. 1382-IV "On Freedom of Movement and Free Choice of Residence in Ukraine". (2003, December). Retrieved from https://zakon.rada.gov.ua/laws/show/1382-15#Text.
[21] Law of Ukraine No. 393/96-BP "On Citizens' Appeals". (1996, October). Retrieved from https://zakon.rada.gov.ua/laws/show/393/96-вр#Text.
[22] Law of Ukraine No. 108/95-BP "On Remuneration of Labour". (1995, March). Retrieved from https://zakon.rada.gov.ua/laws/show/108/95-вр#Text.
[23] Law of Ukraine No. 1102-IV "On Burial and Funeral Affairs". (2003, July). Retrieved from https://zakon.rada.gov.ua/laws/show/1102-15#Text.
[24] Law of Ukraine No. 2229-VIII "On Prevention and Counteraction to Domestic Violence". (2017, December). Retrieved from https://zakon.rada.gov.ua/laws/show/2229-19#Text.
[25] Law of Ukraine No. 3782-XII "On Ensuring the Safety of Persons Participating in Criminal Proceedings". (1993, December). Retrieved from https://zakon.rada.gov.ua/laws/show/3782-12#Text.
[26] Decree of the President of the Russian Federation No. 188 "On Approval of the List of Confidential Information". (1997, March). Retrieved from http://www.kremlin.ru/acts/bank/10638.
[27] Saifnazarov, I.S. (2019). Innovative methods of forming spiritual immunity of youth (on an example of Tashkent State University of economics experience). *Astra Salvensis*, 1, 355-362.
[28] Dumchykov, M.O., & Bondarenko, O.S. (2021). Criminological aspects of combatting money laundering in cyberspace. *Legal Horizons*, 14(2), 105-110.
[29] Civil Code of Ukraine. (2003, January). Retrieved from https://zakon.rada.gov.ua/laws/show/435-15#Text.
[30] Buribayev, Y., Khamzina, Z., Belkhozhayeva, D., Meirbekova, G., Kadirkulova, G., & Bogatyreva, L. (2020). Human dignity – The basis of human rights to social protection. *Wisdom,* 16(3), 143-155.
[31] Order of the Cabinet of Ministers of Ukraine No. 1404-p "On Approval of the Concept of the Draft Law of Ukraine "On Protection of Rights to Trade Secrets". (2008, November). Retrieved from https://zakon.rada.gov.ua/laws/show/1404-2008-р#Text.
[32] Maydirova, A., & Biryukov, V. (2013). Human capital quality as a determinant of efficient public administration. *Actual Problems of Economics,* 143(5), 386-398.
[33] Iatsyshyn, A.V., Kovach, V.O., Romanenko, Y.O., Deinega, I.I., Iatsyshyn, A.V., Popov, O.O., Kutsan, Yu.G., Artemchuk, V.O., Burov, O.Yu., & Lytvynova, S.H. (2020). Application of augmented reality technologies for preparation of specialists of new technological era. *Paper Presented at the CEUR Workshop Proceedings*, 2547, 181-200.

[34] Kravtsov, Y.S., Chetnverikova, N.A., Saifnazarov, I.S., Dombrovska, O.V., & Khovpun, O.S. (2019). Philosophical purpose of social communication in the aspects of sustainable development of modern social reality. *Asia Life Sciences*, 1, 329-337.

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