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ADAPTATION OF UKRAINIAN LEGISLATION TO EU REQUIREMENTS

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**Manhora T., Dzeveliuk A., Manhora V., Kahliak I., Tomliak T.,
Demianchuk Y., Semeniuk O., Pravdiuk A., Skichko I., Pohuliaiev O.**

**ADAPTATION OF UKRAINIAN LEGISLATION TO EU
REQUIREMENTS**

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Author's:

Manhora T., Dzeveliuk A., Manhora V., Kahliak I., Tomliak T., Demianchuk Y.,
Semeniuk O., Pravdiuk A., Skichko I., Pohuliaiev O.

Editor:

Tamila Manhora, candidate of Law Sciences Associate Professor of Law,
Vinnytsia National Agrarian University, Vinnytsia, Ukraine.

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5. Constitutional right to information in Ukraine and the EU

Abstract

The development of the information society at the present stage of active implementation of information and information and telecommunication technologies, access to cross-border information systems, availability of various types of information is a new stage in the development of human civilization. Information today is a real force that significantly affects the development of the state, society, and personality. At the same time, along with significant positive changes, new challenges and threats to the person, the state, national security, etc. are emerging.

Under these conditions, ensuring the rights and freedoms of man and citizen guaranteed by the Constitution of Ukraine in the information sphere and ensuring state independence, national security, immutability of the constitutional order of Ukraine are integrated into a complex complex of interrelated and interdependent problems that need to be effectively addressed, primarily at the legislative level. This determines interest in the chosen topic. It is worth noting that the constitutional right to information cannot be integrated into domestic legislation at the proper level without a scientific analysis of constitutional and legal norms and their constitutional regulation, analysis of the relationship between constitutional, legal and specialized regulation of the right to information [1].

Information, according to researchers, is a productive force and a commodity, while at the same time being a means of protection and attack in defending the state, corporate and personal interests of subjects of power relations. Since the first attempts at scientific understanding of the concept, essence and meaning of information in society, the problem of the right to access information has been the object of considerable attention of representatives of various scientific directions – historical, socio-psychological, philosophical, legal, technical, etc. However, despite the different level of coverage of the problem in terms of information content and source support, they do not exhaust the research topic, but on the contrary, in modern conditions of

formation of the national and global information space, it is enriched and actualized [2].

Introduction

Each state must provide the person who is on its territory with the opportunity to exercise information freedom. At the same time, the state should limit itself to the law, as well as to natural and informational human rights [3]. The rights to information play a special role in freedom of information. Establishing the interdependence of proper and possible behavior, the unity and equality of mutual rights and obligations, the right, outlining the boundaries of freedom, acts as a positive side of freedom, which eliminates arbitrariness, tyranny and oppression of the individual.

Law is a tool that, with the help of special legal methods, makes it possible to realize a person's information freedom. Being the product and result of the natural development of the whole society, the right must take into account the interests of both the whole society and the individual. The right provides a person with a number of opportunities that can be used to realize the inherent information freedom of a person [4].

The set of norms that are enshrined in law and implement the information freedom of a person is called information rights. Let us pay attention to the fact that the interpretation of information human rights is often given low priority. The concept of information, in turn, is also interpreted only partially. Some researchers actually narrow the right to information to freedom of information altogether. Information rights are primarily intended to realize the information freedom of the individual, including the dissemination of information [5].

The right to information is a fundamental comprehensive human right that belongs to them from birth. The right to information is the ability to freely carry out with information any actions not prohibited by law (receipt, use, storage, distribution, transformation), if they do not harm the information security of a person, citizen, state and society.

Information relations themselves arise in all spheres of life and activity of a person or society. Specific information relations and information rights can almost

always be attributed to one of the spheres of life or the corresponding group of rights – personal, political, economic, social, cultural [6].

In the XXI century, information is the main factor in the socialization of a person, a link between a person, society and the state. Objective and timely informing of citizens by the authorities and providing the necessary information for the functioning of the state on the part of citizens, obtaining by the participants of public relations reliable and complete information about events in the country, the environment, the use of information to meet basic needs are the basis and key to the development of a democratic, rule of law, civil and information society.

The Universal Declaration of Human Rights stipulates that everyone has the right to freedom of opinion and free expression (p. 19). This right encompasses the freedom to freely hold one's beliefs and the freedom to seek, receive and disseminate information and ideas by any means and means, regardless of state borders. Resolution of the Parliamentary Assembly of the Council of Europe 1087 (1996) on the consequences of the Chornobyl disaster states that public access to clear and complete information should be considered as a fundamental human right [7].

5.1 Development of human rights in the information society

The realities of today indicate a significant increase in the possibilities of exercising constitutional rights to information and freedom of information. Citizens have the opportunity at any time and from anywhere in the world to be in information interaction both within the country and with the outside world. The information infrastructure is developing globally, so to stay away from these processes is a return to the last century. We are deeply convinced that the information vacuum, not the possibility of analyzing and disseminating information, is one hundred percent transformation of the population into a humanoid mass that does not have its own thoughts, thinking and desire for development. Citizens in such territories turn into primitive beings with minimal needs, where the only information that cannot be questioned is and what is beneficial to the ruling elite.

In our opinion, information, the development of information rights of citizens, the development of the state as an organization of power, effective management is impossible without modern communications. The information society is the reality of today, and the protection of information human rights should become one of the priorities of the state.

Throughout the history of mankind, there has always been a question of building an effective and optimal form of political organization that would meet the requirements of the time, which could develop, act effectively, taking into account the latest opportunities, innovations in all possible areas. Public communications of today is not only the exchange of science, or other knowledge, it is the exchange of information [8].

Globalization, which permeates all aspects of human activity, including the state and law, left no place for the former dominants on which the functioning of the state was based. Integration in law, which finds its manifestation in the phenomena of harmonization and unification, poses fundamentally new tasks for modern states. As a result, the modern nation-state is modified under the influence of two opposite tendencies, leading, on the one hand, to its "weakening", on the other hand, to its "strengthening". The sign of the time was communication – the acceleration of physical movement, as well as the exchange of ideas, information, valuablestyam, lifestyle models [9].

At the same time, globalization processes are changing the status of a person as a subject of legal reality. The basis of such a change is the idea of the need for human activity and purposefulness in the direction of self-realization in various spheres of individual and social life. Especially significant is the development of the sphere of human and civil rights and freedoms, the scope of which is expanding, and the content is deepening. In addition to the above, it is necessary to take into account that the modern globalization era determines the guidelines for the treatment of information. The latter mainly spreads through the Internet, which has unlimited spaces. This actively influences the sphere of values, which to a large extent are increasingly beginning to receive their substantive basis through the media, Internet channels, etc.

The maximum involvement of a modern person in the "Internet" system contributes to the expansion of virtual space, which exists in parallel with objective reality. At the same time, virtual reality is increasingly dominating. Due to such active dissemination of information, a separate legal institution is formed – information law, which provides, among other things, for the protection of personal data of a person [10].

Accordingly, the rapid development of the modern information society entails the emergence of new rights (digital) that did not exist before the advent of the Internet network and which scientists include in the list of the fourth generation of human rights. Among them, in particular: the right to access the Internet, the right to freedom of speech on the Internet, the right to be forgotten, the right to digital death and others. For example, the right to digital death is enshrined in the French Digital Republic Act of 2016. Similar to a will, a person has the right to enforce his or her will to further the fate of his personal information published online after death by the providers of the relevant services. In this way, the rights of the individual will to some extent "continue" [11].

The development of the information society at the present stage of active implementation of information and information and telecommunication technologies, access to cross-border information systems, availability of various types of information is a new stage in the development of human civilization. Information today is a real force that significantly affects the development of the state, society, and personality. At the same time, along with significant positive changes, there are new challenges and threats to humans, state security, national security, etc. [12].

In addition to rights that directly implement information freedom, there are "related rights", by which we mean a group of rights that contribute to the realization of a number of rights and freedoms, as well as information freedom of a person, information rights. This is the right to petition, appeal to state bodies, freedom of the media, the right to receive information about the state of the environment, etc. Information rights do not duplicate them, but relate as a whole and a part. This means that information rights regulate information processes in areas that are not regulated by other information laws. Information rights are organically included in the structure of

other rights and freedoms, streamline information processes. But when using all the rights related to the provision of information, it is necessary first of all to focus on the principles of information freedom of the person, which occupy a prominent place and establish the principles of using the rights associated with information processes. Since information freedom determines the totality of certain possibilities of information rights, it is about information freedom that should be discussed in modern society, it is necessary to investigate and interpret information rights from the standpoint of information freedom [13].

The right to information is a fundamental right that ensures the comprehensive development of the individual, the full functioning of the rule of law and democracy, the formation of civil society. In the modern world, the presence or absence of this right in a person is an indicator of the level of democracy of the state, the civilization of society, the observance and protection of generally recognized rights and freedoms of man and citizen [14].

Man is a free being who a priori has freedom of activity and behavior, has freedom of choice, even in relation to his own life, since he can choose between life and death. However, man as a living being cannot exist outside of society, but each individual has his own amount of freedom, so it becomes necessary to find a common dimension of civil freedom for all, within which personal freedom would be realized [15].

At all levels of life of a modern person from global politics to everyday life, over the past few decades there have been dramatic changes. In this new reality, it is critically important not only the fact of the emergence of a new information and communication field, which radically transformed the usual infrastructure of social life, but also the explosive increase in the rate of change caused by the breakthrough development of digital technologies. The uniqueness of the experienced historical moment lies in the fact that fundamental changes occur in real time, while creating both unprecedented opportunities and problems that humanity has never yet encountered in its history [16, p 23].

The powerful development of mankind (including in the scientific and technical sphere), the processes of globalization, the change of value orientations in society actively contribute to the formation of new ideas about social relations. Due to this, law as a social institution undergoes transformation, it becomes more dynamic, unified, integrated, human rights and freedoms expand, their interpretation deepens [17].

The change of values is always an evolutionary process that involves their formation depending on the historical and cultural position of a person and society of a certain era. Due to this evolution, the most effective and livable values in specific conditions retain their role, and the less "stable" ones depart. Thus, it is appropriate to note that each period of human history in the context of values is a period of the "struggle" of traditionalism and innovation (modernity). At the same time, as noted, the negative impact of globalization on value attitudes lies in the fact that values become purely conditional, easily amenable to change. As a result, value relativism is formed, according to which all values are recognized as equivalent, and the criteria for their evaluation gradually become relative.

Under the influence of globalization, the entire system of social relations, the legal sphere and most legal phenomena are changing. Human rights are directly related to social existence, so globalization challenges also affect this institution. It is already possible to argue about the establishment of new human rights and the expansion of their content. If we consider them using mathematical methodology, we are talking about the so-called "fourth generation" of human rights [18].

A. Vengerov notes: "The fourth generation is a legal response to the challenges of the XXI century, when it comes to the survival of mankind as a biological species, the preservation of civilization, the further cosmic socialization of mankind. A new, fourth generation of rights is being born and, accordingly, international legal procedural institutions are emerging that ensure these rights. International humanitarian law is being formed, secular humanism becomes one of the milestones in the moral development of society" [19].

If the nineteenth century was called the century of production, the twentieth century of management, then the XXI century, I.V. Aristova notes, is really the century

of information, and information processes are the subject of conscious, purposeful and scientifically based activity. At the same time, law plays a significant role in the conscious design of information processes, through which not only the prevailing relations are regulated, but also the sphere of information activity is expanded, which is caused by social needs. Thus, the right affects the implementation of information processes, defining and supporting those areas that form the information society [20].

In the information space, there are tendencies to transform the representation of the individual in its virtual form, which performs the task of the necessary adaptation in the changing information flows of the global digital space.

In the conditions of modern development of society, human digitalization is an important condition for social adaptation to new challenges of the postmodern world. The term "digital person" was first used in 2001 by the American writer Mark Prensky to refer to people born after the digital revolution who live surrounded by computers, video games, players, video cameras, mobile phones (smartphones), networks, etc., and who are used to receiving information through digital channels, and all of the above becomes an integral part of their lives. In 2007, American entrepreneurs Josh Spear and Aaron Dignan introduced the concept of Born Digital ("digital from the day of their birth"), which was later transformed into Digital Generation ("digital generation") [21, p 11].

According to L. Leonova, the optimal definition of globalization in the field of human rights can be the recognition of the universal status of human rights, the consolidation of human rights and freedoms and their protection at the international level. Humanity has long realized the need to consolidate basic human rights in order to ensure them by all states of the world. In turn, we want to emphasize that the information space has no borders, it is common to all mankind as a whole. We are aware that certain countries of the world are trying to isolate their citizens, to create for them a parallel information reality, such as Russia, North Korea, that over time, reliable information will become available in these countries.

In the context of today, it is worth noting that sometimes the restriction of access to information is in the nature of ensuring the national security of the state, ostracized

in the conditions of the war in Ukraine. With the introduction of martial law, Ukraine partially deviates from its obligations under Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which establishes the right to freedom of expression and access to information, guided by Article 15(1) of the Convention, which allows taking measures deviating from its obligations under the Convention in times of war or other public danger that threatens the life of the nation, but only to the extent required by the severity of the situation, and provided that such measures do not contradict its other obligations under international law [22].

In particular, under martial law, the state may introduce the following information security measures: control over the content and dissemination of information in order to limit or prevent false information or information, the publication of which may harm human life and health, national security of the state; access to information and propaganda resources of the enemy on the territory of Ukraine is limited by Internet providers; the work of suppliers of electronic communication networks and/or services, printing companies, publishing houses, TV and radio organizations, TV and radio centers and other enterprises, institutions, organizations and institutions of culture and the media, as well as the use of local radio stations, television centers and printing houses for military needs and explanatory work among the troops and the population has been regulated; the work of receiving and transmitting radio stations of personal and collective use and the transmission of information through computer networks is prohibited [23].

The legal nature of the right to freedom is based on the understanding that every person is born free and has the right to freely choose for himself the nature and method of communication with the outside world, people, nature, to build the world that directly surrounds him, to perform at his own discretion any actions, including actions related to the collection, storage, dissemination of information, etc., which are not contrary to the law. Century. Art. 29 of the Constitution of Ukraine guarantees the right of every person to freedom, and under Art. 21 The institutions of all men are free [24].

Thus, the right of a citizen to personal freedom is also understood as a secured opportunity to demand the termination of a person's actions by court if these actions

limit the personal freedom of a citizen, namely, the freedom to receive, store, distribute information. The right to personal freedom is also an appropriate measure of the permitted behavior of a citizen to dispose of himself, information known to him, his actions, etc. Freedom includes physical, economic, political and individual freedom. O.V. Kokhanovskaya also adds to this list information freedom, by which one should understand the ability to freely dispose of information known to a person [25].

Human rights are a supernormal form of human interaction, ordering of their behavior and coordination of activities, they are also a means of overcoming contradictions and conflicts. For the first time at the international level, the consolidation of information human rights took place in Art. 12, 18 and 19 of the Universal Declaration of Human Rights, which in principle is reproduced in the basic law of our state – the Constitution of Ukraine [26].

The set of norms that are enshrined in law and implement the information freedom of a person is called information rights. It is worth noting that mankind spoke about information rights in its pure form relatively recently, because they are considered the rights of the fourth generation of human rights. These rights are still often separated into a set of virtual rights. As T. Malyarenko notes. Human security and human rights are closely related. It is based on ensuring human rights, and also takes into account the human rights of the "third generation", including the right to development and the right to peace [27, p. 17].

K.R. Kalyuzhny noted that, as time and development of society, and the world as a whole, has proven, the development of information human rights is influenced by many different factors. This includes the development of fierce competition and the market for information goods and services, a significant digital divide, the clash and breaking of the legislation of countries due to the disappearance of geographical and geopolitical borders of states within the framework of information networks and many others. All these circumstances require the development of a new systematic approach to the information rights of a citizen, because they can become an important tool for the rapprochement of not only countries, but also civilizations [28, p. 56].

Information is the value of the modern world, it is created, is in circulation, is used in all spheres of activity, ensures the performance of many functions and tasks that are before different subjects of information relations.

Reflecting the real reality, it affects all areas of social and state activity. With the advent of new, information technologies based on the introduction of nanotechnology, electronic communications, telecommunications systems, information becomes a constant and necessary attribute of any social relations.

The use of digital technologies has given rise to the processes of revolutionary transformations in modern society – the so-called digital revolution, the digital transformation of social relations, which is expressed in the use of modern digital technologies in various fields of human activity and as a factor of dynamic development has led to the creation of a digital economy, the formation of digital law institutions, a new configuration of social relations based on the use of social networks, the Internet, and others. information and communication technologies [29].

Technology gives life the potential for an unprecedented flourishing. Thus, the process of including algorithms and fruits of information and communication technologies in the formal sense accumulates a variety of forecasts and observations, which justifies the degree of materiality of digitalization. Their implementation is extremely rapid and is extremely active in any industry: from management to industrial production. Automated databases and computer bots conquer markets and transform society, meanwhile they succeed in doing so due to demand and dependence of certain areas on ICT options [30, p. 110].

In the era of post-industrial development, information becomes the determining factor of production, without which any development issues, both economic and legal, are leveled [31]. Information should reflect more complex, global and rapidly changing business processes, ensuring the ability of management to adequately respond to the challenges of legal and economic existence [32].

The modern world is developing very rapidly under the influence of innovations in the field of information and communication technologies. The management of states,

cities and communities, communication between the authorities and residents is increasingly carried out using these technologies.

Openness, transparency, accountability of government and participation in the governance of citizens become the basis for good governance, and technologies ensure the availability and simplicity of these processes. The choice of the model of electronic democracy in cities rests directly with local governments and active citizens. These tools combine and at the same time accelerate the development of e-governance services and technologies, in particular, e-document circulation, the quality of government e-services, its transparency, accountability and efficiency [33].

In the context of technology development, it became possible to actively exercise the rights of a citizen to participate in the management of state and public affairs, control over the activities of state authorities and local governments. In addition to receiving public services in electronic form, with the help of e-government, citizens can and should use a simple and convenient way of participating in the political life of the state, which is called "electronic democracy". E-democracy does not destroy the system of representative democracy, as radical digital apologists sometimes claim. The creation of public information services has led to the emergence of phenomena that are interpreted in different ways: crowdsourcing, crowd wisdom, complicity, civic support. In turn, it is advisable to emphasize that with the emergence of crowdsourcing, a way of manipulating the consciousness of citizens and the population as a whole has arisen through such a phenomenon as astroturfing. The broadest definition: imitation of a mass public initiative to create the illusion of demand from society. To do this, they use social networks, comments in the press, mass mailings, appeals, petitions (sometimes influencers and the media present astroturfing as a real initiative – consciously or unconsciously). The key tool of today's astroturfing is the digital technologies of bot farms, which simulate a massive reaction or initiative [34].

The right to information, as the right to freedom of thought, speech, to the free expression of one's views and beliefs, is an inalienable element of the human rights system, while having a great mutual influence in relation to each other. Thus, now a full-fledged human life is unthinkable without the right to freely express their thoughts,

their beliefs, without access to information, and therefore without the right to information.

Information rights today require such an interpretation, which, first of all, will take into account their main component – information freedom. If we understand, the information rights of a person are a set of norms protected by state authorities that establish the principle of equality of human rights, establish the priority of human freedom and protect human freedom in the field of receiving, producing and transmitting information. It includes both a set of information rights and the influence of human freedom, the fundamental role of information freedom in the realization of information rights [35].

Investigating the issue of information rights, we cannot ignore the problem of their protection, because the emergence of new technologies predetermines the emergence of new types of crimes and acts. The progress of society in the field of information, of course, gives countries great advantages in many spheres of public life, but this entails not only positive consequences, because the faster the information sphere develops, the more diverse problems arise, in particular offenses in the field of information and communication technologies. Such crimes take place not only at the local level, but also at the world level, which pose a threat to international information security. It should be noted that no state can fight this problem on its own, so there is a need for international cooperation on cybersecurity issues.

This problem is in the spotlight, because every year cybercrime causes very great damage to states and individuals. At the 73rd session of the UN General Assembly, Secretary-General A. Gutteresh estimated the annual losses from cybercrime in the world and at \$ 1.5 trillion [36]. According to Cybersecurity Ventures, global cybercrime spending is expected to grow by 15% annually over the next 5 years and reach US\$10.5 trillion per year by 2025, up from US\$3 trillion in 2015. year [37].

Understanding of all the dangers of cybercrime confirmed, in October 2022, NATO Secretary General Jens Stoltenberg, that hybrid attacks or cyberattacks, under certain conditions, could activate Article 5 of the North Atlantic Treaty, namely that an armed attack on one or more of them in Europe or North America would be

considered an attack on them all: and, accordingly, they agree that in the event of such an attack, each of them, exercising its legal right to individual or collective self-defense, as confirmed by Article 51 of the Charter of the United Nations, will assist that Party or the Parties under attack and will promptly take, individually or jointly with other Parties, such actions as will be deemed necessary, including the use of armed force, in order to restore and maintain security in the North Atlantic area. Each such armed attack and all measures taken in connection with it will be immediately reported to the UN Security Council. Such measures will be suspended after the Security Council has taken the measures necessary to restore and maintain international peace and security [38].

In Ukraine, the majority of incidents relate to the spread of malware to the Public Sector. According to the State Special Communication Service, in the period from mid-February to early March, Ukrainian organizations suffered about 2800 cyberattacks, and the historical record per day for Ukraine amounted to 271 DDoS attacks. For comparison: for the whole of 2021 there were 2200 cyberattacks. Their number over the past three years has increased 5 times. The largest 5 cyberattacks of the 21st century confirm the importance of cyber defense of businesses of any size and field of activity in the information society. According to a report from Microsoft, since October 2021, 19% of cyberattacks in the world have been directed against Ukraine. This is the second place in the ranking after the United States. In turn, 98% of all cyberattacks use the human factor and are designed for the actions of an unprepared user and business management [39].

Technological revolutions have occurred for markets and industries since the emergence of organized communities and societies. Due to the spread of mobile devices, increasing access to high-speed Internet, the development of modern technologies (artificial intelligence, big data processing, the Internet of Things, distributed ledger technologies, cloud computing), digital platforms are practically used in many areas of human activity [40].

The faster humanity goes online, the more risks we all have to face every day. The words "cybersecurity" and "cyberattack" are transformed from ephemeral to fully

meaningful, which is something we are dealing with more and more often. Actually, every Internet user should think about the security of their stay on the network, because the victims of cybercriminals are not always governments, large companies or successful banks. Often these are ordinary citizens who have modest bank accounts and pages on several social networks [41].

Science and technology play an increasingly dominant role in modern life, and every year the extent to which scientific developments can both support and hinder the realization of human rights is becoming increasingly apparent. In the context of the study, first of all, it should be emphasized that the information right of one person should not violate any rights of another person. And the information space is quite difficult to control, but there is a great need to subjugate it to the relevant laws.

Dynamic changes in legislation in today's realities are a forced measure of the legislator, the provision of certain preferences or the abolition of the previous ones is not very popular, but quite necessary action of the government [42]. The legislator must take into account the requirements and needs of the society, control is undoubtedly needed and a clear balance of information rights and information freedom.

We need new approaches to information support, its highest quality, more advanced methods, technologies that will ensure reliability, competitive advantages and efficiency of regrouping, generalization and processing, built on the principle of the greatest adaptability to the specifics of the activity [43].

Globalization penetrates into all spheres of public life, actively influences the law and creates new trends in the legal regulation of human rights. The information space has no borders, so each state determines its own rules for the implementation of human rights to information, appropriate structures for the provision and protection of information are created, and attempts are made to protect a person from harmful information. In modern realities, information is both a weapon and a commodity, and only then knowledge. It should also be taken into account that the use of the latest technologies, digitization of information will contribute not only to the creation of new products and services and the expansion of human capabilities, but may also lead to a number of negative consequences.[44]

It is quite clear that it is quite difficult to predict all the ways and prospects for the development of information rights, society and globalization in general. Information rights are the foundation of democratic development, a form of realization of citizens' rights to receive complete and objective information, but this is an opportunity, not an obligation of a person.

5.2 Constitutional principles of the right to information

The analysis of scientific sources does not give a precisely defined answer to the question of the relationship between the right to information and information rights, but two leading scientific opinions are clearly distinguished. According to the first opinion, the concept of "information rights" is broader and combines the right to information in its normative meaning (the right to collect, store, use and disseminate information), as well as the right to free expression of one's views and beliefs, freedom of thought, etc. In this case, the ratio of the whole and the partial is traced. That is, information rights and information rights are co-ordinated as whole and partial [45, p. 156]. This opinion is shared by researchers K. Kalyuzhny, O. Kokhanovskaya, T. Kostetskaya and other scientists.

Thus, T. Kostetska notes that, despite the existing approaches to understanding these concepts, it should be emphasized that the concepts of "right to information" and "information rights", their content are not identical [46, p. 115].

Researcher S. Vakaryuk emphasizes that "the concept of "information human rights" is broader, as it covers not only the ability to "freely collect, store, use and disseminate information in any way, of your choice" or even "the possibility of freely obtaining, using, distributing, storing and protecting information necessary for the realization of their rights, freedoms and legitimate interests", but all human rights and freedoms, having an informational nature; In addition, information rights and the right to information are correlated according to the "general – partial" scheme [47, p. 158].

Other researchers note that the right to information and information law are meaningfully identical. Such an opinion is based on the perception of the right to information not as a separate personal non-property right of an individual, but as a

universal constitutional right to information containing a set of possibilities that together constitute the so-called information rights [48, p. 25]. Identical views are held by A. Barovskaya, I. Marushchak, V. Tkachenko and others. According to O. Kharenko, the legal concept of information should reflect information processes in the state, the main function of which should be to promote the implementation of state functions, to ensure democracy and sovereignty. To do this, it must consolidate the most significant, legally significant properties and qualities for free and effective operation in the legal field, and the wording should be unambiguously perceived by all participants in the relationship. From the standpoint of law, the concept of "information" should fix a certain sign form that can be decoded and which has meaning for the sender and/or receiver, and must also have a certain value, significance [49, p. 120].

Today, the legislative consolidation of the right to information is a sign of a legal and democratic state, one of the main factors of human socialization. In Ukraine, the right to information is enshrined at the constitutional level. The Constitution of Ukraine, which enshrines the right to information, is fully consistent with the fundamental international legal acts in the field of human and citizen rights. The right to freely collect, store, use and disseminate information orally, in writing or in any other way (at one's choice) is defined in the norms of Art. 34 and united with the right to freedom of thought and speech, to the free expression of one's views and beliefs, determining their independence [50].

In particular, in part 2 of art. Article 34 of the Constitution of Ukraine enshrines: "Everyone has the right to freely collect, store, use and disseminate information orally, in writing or in any other way – of his choice."

In addition, the Constitution enshrines a number of other information rights and freedoms. In accordance with Art. 31 everyone is guaranteed the secrecy of correspondence, telephone conversations, telegraph and other correspondence. Exceptions may be established only by the 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 it is impossible to obtain information by other means.

Century. Art. 32 of the Constitution of Ukraine guarantees that every citizen has the right to get acquainted in state authorities, local governments, institutions and organizations with information about himself that is not a state or other secret protected by law. Everyone is guaranteed judicial protection of the right to refute false information about himself and his family members and the right to demand the removal of any information, as well as the right to compensation for material and moral damage caused by the collection, storage, use and dissemination of such inaccurate information.

Constitutional norms ensuring the realization of the right to information are implemented in the provisions of the Civil Code of Ukraine [51], in the zakonah of Ukraine "On Information" [52], "On The Approach to Public Information" [53], "On Citizens' Appeals" [54], etc.

Thus, the Law of Ukraine "On Information" defines the basic principles of information relations through which the constitutional right to information is realized. These include, in particular, the guarantee of the right to information, openness, availability of information, freedom to exchange information; freedom of expression and belief; the legality of receiving, using, distributing, storing and protecting information, as well as protecting a person from interference with his personal and family life (Article 2). The law guarantees all citizens, legal entities and subjects of power the right to information, namely the free receipt, use, distribution and storage of information necessary for them to exercise their rights, freedoms and legitimate interests, the implementation of tasks and functions (Articles 4, 5). Given that the basic law includes a number of the following rights to the basic structural elements of the right to information: the right to collect, the right to store, the right to use and the right to disseminate information orally, in writing or in another way – at his choice, which, in turn, are structured into other numerous information rights, L. Vakaryuk concludes that this right is complex.

As T. Kostetska rightly points out, the content components of other constitutional rights and freedoms enshrine such rights as: the right to consent to the collection, storage, use and dissemination of confidential information about a person; the right of every citizen to access information about himself (except for those that

constitute a secret protected by law) in public authorities, local governments, institutions and organizations; the right of everyone to check the accuracy of information about themselves and their family members; the right to refute false information in court; the right to request the removal of any information about yourself; the right of everyone to compensation for material and moral damage caused by the collection, storage, use and dissemination of inaccurate information about themselves and their family members; the right to ensure the secrecy of correspondence, telephone conversations, telegraph and other correspondence; the right to free access and dissemination of information about the state of the environment (the right to environmental information), the quality of food and household items (Articles 31, 32, 50), etc., which can be defined as "information rights" within the framework of the concept under study.

Thus, the Constitution of Ukraine, guaranteeing these information rights and freedoms, ensures "stability, prospects for the development of not only relevant institutions, but also the most dynamic national social relations of a new type – informational" [55, p. 115].

Interpretation of the right to information is expanding on the basis of the positions of specialists in various fields of jurisprudence. The question of the legal capabilities of citizens in the information sphere is one of the most important in finding the best option for legal regulation of the right to access information [56, p. 13].

As we can see, the constitutional right of Ukrainian citizens to information in its structure is a complex right, the main elements of which are: the right to free collection of information; the right to free storage of information; the right to free use of information; the right to freely disseminate information orally, in writing or otherwise, at one's choice; the right to the protection and protection of information [57, p. 57].

It is worth noting separately that Art. Article 15 of the Constitution of Ukraine prohibits censorship, that is, Ukraine prohibits control by public authorities over the content and dissemination of information in order to protect the information space, that is, direct or indirect actions of the state aimed at limiting or prohibiting the dissemination of information that may harm society. At the same time, in accordance

with part 3 of Art. 34 of the Constitution, the exercise of the rights to freely collect, store, use and disseminate information may be restricted by law in the interests of national security, territorial integrity or public order in order to prevent riots or crimes, to protect public health, to protect the reputation or rights of other people, to prevent the disclosure of information received confidentially, or to maintain the authority and impartiality of justice.

The Constitutional Court clarified that these restrictions should be exceptions provided for by law, have one or more legitimate purposes and be necessary in a democratic society. In case of restriction of the right to access to information, the legislator is obliged to introduce such a legal regulation that will make it possible to optimally achieve a legitimate goal with minimal interference in the implementation of this right and not to violate the essential content of such a right [58].

Therefore, the right of a person to access information guaranteed by Art. Art. 34 of the Constitution of Ukraine is not absolute and may be subject to restrictions.

Thus, the right to information belongs to fundamental human rights, which requires state support and guarantees at the legislative level. The content of the right to information constitutes the receipt, use, disposal, storage and protection of information. Legal guarantees of the right to information are reflected in the system of norms and principles that ensure the possibility of realizing human rights. The ability to freely collect, store, process and disseminate information should be realized not only through legislative regulation, but also by creating the necessary state guarantees and conditions for its implementation.

The main tasks of the legislator now should be to eliminate the contradictions of regulatory legal acts in the information sphere and harmonize legal norms by codifying information legislation.

5.3 Constitutional and legal regulation of access to information in Ukraine and the countries of the European Union

Observance of the constitutional right to access information in Ukraine is an urgent problem of constitutional, informational, administrative and other branches of

law. Despite the fact that the right to information is guaranteed by the Constitution, regulated by a number of laws, numerous cases of its violation necessitate its further proper legal support, strict adherence to constitutional norms. In addition, the proper implementation of citizens' access to public information at the present stage is important for ensuring the sovereignty and national security of the state and society.

It is well known that in every state, including Ukraine, there is not a single person who during his conscious life at least once has not exercised his right to access information owned by the authorities. Ways to exercise this right can be very diverse: direct appeal to the authority, familiarization with information from official publications, the media, the Internet, official websites of government bodies, etc. However, many questions arise that sometimes cannot be answered: whether a citizen always remains satisfied with the exercise of his right, whether there are difficulties, obstacles in the exercise of the right, whether the authorities violate and in what way the right to access information, how violations can be eliminated, etc.

The numerous cases of violations of the right to access to public information recorded by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine are evidence that the legal mechanisms of provision do not fully meet the requirements of today and need to be improved. Thus, out of the total number of reports of violations of civil and political rights, almost 70% are reports of violations of the right to information and appeals to public authorities.

The problem of access to public information has worsened under the quarantine restrictions, numerous cases of violations of the right of access to public information have been recorded, especially at the beginning of the pandemic. For example, public information managers (for example, public authorities) were not ready for such a large amount of requested information, which led to numerous violations of the constitutional right to access information. The problems of improving the legal mechanisms of passive access to public information, the completeness and timeliness of the disclosure of such information by information managers, minimizing the abuse of the right to information of requesters, eliminating violations of the legislation on the disclosure of information of increased public interest, etc. require modern approaches

to their solution. After all, the requirements for accessibility, openness, publicity of information are very high and are important for the development of modern democracy in Ukraine and ensuring the participation of citizens in public administration (both at the local and national levels).

In such circumstances, both the Law "On Access to Public Information" and bylaws that "do not have time" to meet the needs of the modern information society need to be improved. These problems have become particularly relevant in connection with Ukraine's ratification of the Council of Europe Convention on Access to Official Documents (Tromso Convention).

The problem of exercising the constitutional right to access public information was covered in their research by such domestic scientists as E. Ablyakimov, B. Kormich, I. Kushnir, E. Larin, A. Marushchak, O. Nesterenko, V. Politansky, O. Sybiga, L. Rudnik, E. Teptyuk, Y. Todika and others.

Since the system of legislation that provides guarantees of the constitutional right to access public information needs to be brought in line with modern international standards and the existing gaps are eliminated, further study of this issue is necessary.

To analyze the implementation of the constitutional right to access public information in national legislation, to identify the main problems and ways to solve them.

The fundamental principle of information openness is enshrined in international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Convention on Access to Information, Public Participation in Decision-Making and Access to Justice on Environmental Issues, and the Council of Europe Convention on Access to Official Documents.

The essence of the principle of information openness is: the availability for citizens of information that is of public interest or concerns personal interests; systematic informing citizens about proposed or adopted decisions; citizens exercise control over the activities of state bodies, organizations and enterprises, public

associations, officials and their decisions related to the observance, protection and protection of the rights and legitimate interests of citizens; providing citizens with information services [59].

The principle of information openness is also declared in the Constitution of Ukraine. Thus, the Constitution of Ukraine stipulates that everyone has the right "to freely collect, store, use and disseminate information orally, in writing or in any other way – of his choice" (Article 34). Article 32 states that "every citizen has the right to get acquainted in public authorities, local governments, institutions and organizations with information about himself that is not a state or other secret protected by law" [60]. Thus, in Ukraine, the right of access to information is a constitutional right of every person.

In Ukraine, the constitutional right of a person to access public information is enshrined and detailed by the laws of Ukraine, by-laws and other documents. The main document regulating the constitutional right of a person to access public information is the Law of Ukraine "On Access to Public Information" [61].

In addition to this basic law, certain issues of access to public information are regulated by a number of other regulatory legal acts, such as the laws of Ukraine "On Information", "On Prevention of Corruption", "On Protection of Personal Data", etc.

The right of access to information is defined as one of the information rights, which implies that everyone freely collects information and receives it from persons who own this information legally [62, p. 78].

As E. Teptyuk notes, "the right to access information is an organic component of the common right to information, its specific aspect, the universal starting element that is present in all the special rights of this single "from the birth" right to information" [63, p. 64].

According to E. Larin, the right to access information is a component of the subjective right of a person and a citizen to information, a set of his powers to freely collect and receive information, which consists in the guaranteed norms of the right of everyone to actually receive information, which is the result of an active search for

information and determining the legitimate ways of acquiring them during the exercise of his right to information within the limits and method, recognized by law [64, p. 3].

It should be noted that the constitutional right to information and the right to access information are correlated as a whole and a part. The right to access information, which provides for the possibility of free receipt of information, consists of separate powers to access specific types of information (public, mass, personal data, etc.) [65, p. 394].

According to international documents, information that is freely collected, received, stored, used and distributed is public. Restrictions on the right to collect, receive, store, use and disseminate public information are determined only by the conditions of storage, the specifics of the values and the special conditions for their preservation, which are determined by law.

The defining feature for public information is that it is pre-recorded by any means and on any media and was in the possession of subjects of power, other distribution of public information [66].

In our opinion, I. Kushnir, who believes that this right is "enshrined in the norms of the constitution, detailed in laws (taking into account international legal standards) the ability of a person to receive information recorded on tangible media or reflected in electronic form from administrators who own or are obliged to own it in accordance with applicable law, is quite complete. A person's constitutional right to access public information is a type of right to information and is provided by the state [67, p. 47]. One of the varieties of a person's constitutional right to information is a person's right of access to public information.

Public information is defined by Ukrainian legislation as reflected and documented by any means and on any media information that was obtained or created in the process of performance by public authorities of their duties stipulated by the current legislation, or which is in the possession of public authorities, other administrators of public information, determined by law.

Analysis of the Law of Ukraine "On Access to Public Information" allows us to conclude that public information includes: all information that is in the possession of

public authorities, that is, public authorities, other state bodies, local self-government bodies of other entities that carry out power management functions in accordance with the law and whose decisions are mandatory for execution; information on the use of budget funds by legal entities financed from the state and local budgets; information related to the performance by persons of the delegated powers of public authorities in accordance with the law or contract, including the provision of educational, recreational, social or other public services; information on the conditions of supply of goods, services and prices for them, if we are talking about business entities that are dominant in the market, which are endowed with special or exclusive rights or which are natural monopolies; information on the state of the environment; quality of food and household items; accidents, disasters, dangerous natural phenomena and other extraordinary events that have occurred or may occur and threaten the health and safety of citizens; other information of public interest.

A person has the right to freely receive and disseminate public information, except for restrictions established by law. Restriction of access to information is carried out in accordance with the law, provided that a set of the following requirements is met: 1) solely in the interests of national security, territorial integrity or public order in order to prevent riots or crimes, to protect public health, to protect the reputation or rights of other people, to prevent the disclosure of information received confidentially, or to maintain the authority and impartiality of justice; 2) disclosure of information may cause significant harm to these interests; 3) the harm from the disclosure of such information outweighs the public interest in obtaining it [68].

I. Kushnir defines the content of a person's constitutional right to access public information as "a system of needs and interests of a person, enshrined in the norms of the constitution and laws, taking into account international legal standards, regarding the receipt of public information through its systematic and prompt disclosure or upon request, as well as the possibilities of using it at its own discretion" [69].

According to V. Paliyuk, the principle of maximum disclosure of public information is important, which is that all information stored by public authorities is

subject to disclosure. In addition, the subjects of power must, on their own initiative, use the necessary means to publish such information that is at their disposal [70].

It should be noted that the national legislation regulating the right to access information is of sufficient quality, clear and structured, as evidenced by the assessments of international experts [71].

However, the new challenges of today, the rapid development of the information society, improved international standards of information rights require appropriate changes. Ukraine's ratification of the Council of Europe Convention on Access to Official Documents in May 2020 obliges Ukraine to guarantee the right of everyone (not only a citizen) to access information, introduces both national and international monitoring mechanisms in the field of access to public information. As we can see, the ratification of the Convention sets a task for the national legislator to make appropriate changes and additions.

According to art. 1 of the Basic Law of the Federal Republic of Germany of May 23, 1949, "everyone has the right to freely express and disseminate his opinion orally, in writing and through image, as well as to receive information freely from publicly available sources. Freedom of the press and freedom of transmission of information through radio and cinema are guaranteed. There is no censorship" [72].

The Constitution of the Federal Republic of Germany guarantees the security of any person to freely express and disseminate his opinion in the ways specified in the article, as well as to receive information from legitimate sources. The state regulates the freedom of the press and the freedom to transmit information through radio and cinema. Note that in Germany, television and radio companies and companies for publishing newspapers and magazines are privately or publicly owned, which determines their independence from state power. Thus, the risk of censorship is minimal, and the state proves that it is democratic and social. In art. 2 of the Basic Law of the Federal Republic of Germany stipulates that the rights that are defined in the abstract. 1 of this article, limited by the norms of general laws, in particular the legal norms on the protection of youth and the right that guarantees the

protection of personal honor; in abz. 3 art. Art. 5 stipulates that "art and science, research and teaching are free. Freedom of teaching does not exempt from the obligation to make allegiance to the Constitution" [72].

Such an interpretation of the norm means that the detailing of the order of legal use and restriction of the rights specified in the abstract. 1 art. 5 of the Basic Law of the Federal Republic of Germany is contained in the laws of both the Federation and the lands of the Federal Republic of Germany (in cases that do not contradict the Constitution of the Federal Republic of Germany and the laws of the Federation). Also, for freedom of teaching, a person should not violate the norms of the Constitution. According to Art. 10 of the Basic Law of the Federal Republic of Germany, the secrecy of correspondence, as well as postal, telegraph and telephone communications is inviolable. Restrictions can be established only on the basis of the law.

In accordance with Art. 49 section 2 of the Constitution of the Republic of Poland, the state "ensures freedom and protection of the secrecy of communication. Their restriction is provided only in cases specified in the law, and in a certain way." That is, the state guarantees freedom and security of communication. In part 1 art. Article 51 of the Constitution of the Republic of Poland states: "No one shall be obliged other than on the basis of law to disclose information relating to his identity." This means that no one can force a person to disclose personal information unless it is regulated by the laws of the Republic of Poland. According to part 2 of art. 51 of the Constitution of this country, "public power may not receive, collect, and provide other information about citizens than that which is necessary in a democratic rule-of-law state." That is, the Polish authorities should own and use only the information about citizens that is necessary when they perform their legal functions (for example, taxation; conducting a census; payroll, identifying the person who committed the offense, etc.) [73].

In part 3 of art. Art. 51 of the Polish Basic Law states: "Everyone has the right to access official documents and data collections relating to him." This means that each person is not prohibited from using those documents and information resources that contain information about them. In accordance with parts 4 and 5 of Art. 51, "everyone

has the right to demand a refutation, as well as the removal of information false, incomplete or collected in a manner contrary to the law. The principles and procedure for collecting and providing information are determined by law."

In part 1 art. Article 54 of the Polish Constitution enshrines: "Everyone is provided with freedom of expression, as well as the receipt and dissemination of information." That is, the state guarantees to anyone to express their vision of a particular situation, receive information from others and disseminate it. According to part 1 of art. 61 of the Basic Law of Poland, "a citizen has the right to receive information about the activities of public authorities, as well as persons performing public functions. This right also covers obtaining information on the activities of economic and professional self-government bodies, as well as other persons and organizational units within the limits within which they perform the tasks of public power and carry out the economic use of communal property or property of the state treasury". Thanks to such rights, every citizen of Poland exercises public control of the state, which, represented by the authorities, provides information about its activity [74].

In art. Art. 21 of the Constitution of the Italian Republic provides that everyone has the right to freely express their thoughts orally, in writing and otherwise. The press is not subject to permission or censorship [75]. The interpretation of the lines of this article "the press is not subject to permission or censorship" means that no one should and cannot influence the activities of the media regarding the content of their information and publications, unless it violates state law. If Italian law is violated or the press law expressly provides for the confiscation of the press, then this happens according to a motivated court decision. According to art. 21 of the Italian Constitution, "in case of urgent need and if it is impossible to make a timely court decision, the confiscation of the periodical press is possible by decision of judicial police officials, who must immediately and not later than twenty-four hours notify the court. If the court does not decide on the confiscation within the next twenty-four hours, the decision of the judicial police officials is considered to be overturned."

In accordance with Art. 28 of the Romanian Constitution, "the secrecy of correspondence, telegraph messages, other postal items, telephone conversations and

other legal means of communication is inviolable." This means that the state guarantees the secrecy of the transfer of information in the manner specified in the Constitution. According to Art. 29 of the Constitution of this country, "freedom of thought and opinion, as well as freedom of religious belief, shall not be restricted in any form. No one can be compelled to accept an opinion or join a religious 87 beliefs that will discourage his conviction" [76].

That is, the state respects the right of everyone to a subjective position and expression of their own opinions. In part 1 art. 30 states that "the freedom of public expression of opinions, opinions or beliefs and the freedom of any kind of creativity through speech, writing, images, sounds or any other means of communication are inviolable" This legal act details the right to express an opinion, namely, it states in what form it can be expressed. Parts 2–5 of the Romanian Constitution regulate freedom of the press, which is that: censorship is prohibited; freedom of the press also implies the freedom to establish print media; no printed edition may be prohibited; The law may oblige the media to publicly report on the sources of their funding.

The Constitution of Ukraine has raised the rights and freedoms of man and citizen to a qualitatively higher level. All human rights are equally necessary for the development of the individual, and therefore any attempts to rank them are unacceptable. This approach is fully consistent with modern international practice [77, p. 7]. One of the most important functions of a democratic constitution is the restrictive function. It consists in limiting state power, establishing constitutional boundaries and determining the basis for the activities (powers and procedural forms) of public authorities. It is in this function, according to most Western legal scholars, that the essence of the constitution lies. [78 , p. 91]. According to the provisions of Section II of the Constitution of Ukraine, fundamental rights and freedoms may be limited to: prevent a crime; stop the crime; prevent the disclosure of information received confidentially. In general, they can be consolidated into two groups: 1) protection of human and civil rights and freedoms; 2) protection of the state and society [79, p. 15]. The right to information according to international norms belongs to the universal natural as well as political rights of man and citizen. However, the Constitution of

Ukraine, in force at that time, did not provide for this right in the system of human legal status [80, p. 107].

The modern world is developing very rapidly under the influence of innovations in the field of information and communication technologies. The management of states, cities and communities, communication between the authorities and residents is increasingly carried out using these technologies. Openness, transparency, accountability of government and participation in the governance of citizens become the basis for good governance, and technology ensures the accessibility and simplicity of these processes. The choice of the model of e-democracy in cities is entrusted directly to local governments and active citizens. These tools combine and accelerate at the same time development of services and technologies of e-governance, on individual, e-document circulation, quality of e-services of the authorities, its transparency, accountability and efficiency [81].

We, in turn, want to emphasize that with a modern person, his daily life turned out to be dependent on mass communication. The spread of network computer technologies, mobile communications and the Internet, information resources of modern society can be not only good, but also subject to a growing number of threats, which can harm the interests of a person, society, state, lead to economic losses and jeopardize security of national information security. In this regard, the issue of public demand for information security is of extreme importance. The use of the Internet and information technology not only opens up endless possibilities for humanity, but also creates new serious threats [82].

The necessary tools for adhering to the democratic principles of openness and transparency of government bodies and the constitutional rights of citizens to information are the formation and development of high-quality information and communication infrastructure. This requires a constant and constructive dialogue between society and the authorities, as well as the introduction of the latest organizational, scientific, technical, methodological and other information mechanisms. This is the basis of high standards of professionalism and efficiency of public administration.

In the countries of the European Union, an e-government system has been introduced, which fully ensures the realization of the right of citizens to access state (public) information. E-government covers three main modules: G2G – government to government; G2B government to business; G2C government to citizens. It also provides for applied elements, including: free access of citizens to state information, transfer of state bodies to paperless clerical work, planning for all state bodies indicators of work efficiency per year and their regular monitoring [83, p. 13].

Also interesting is the European practice of functioning of the e-court, which covers the following components: access to information in the field of justice (information through the e-justice portal, registers, semantically structured network), access to the court and extrajudicial procedures in situations of a cross-border nature [84, p. 63].

Conclusions

The most important thing is the further improvement of legislation in order to bring it in line with constitutional norms. Obviously, an important problem is the lack of an independent and effective body that would control the implementation of public information by administrators. Compliance with the constitutional right to access public information is monitored by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine. However, the efficiency and effectiveness of such control is insufficient. One of the reasons is the imperfect mechanism of bringing to administrative responsibility, enshrined in the norms of the Code of Ukraine on Administrative Offenses. The establishment of a supervisory authority that could provide monitoring in the field of access to public information requires appropriate changes in national legislation. The lack of legislative consolidation of the definition of the term "socially necessary information" and a clear definition of the term "official information" leads to violations of the rights of citizens to access information that is of public interest and has no actual grounds for classifying it as public information with limited access. Currently, the problem of ensuring passive access to information, namely untimely or incomplete publication on the official websites of state authorities and local governments of information on decisions and regulations has not yet been

resolved. You also need to pay attention to the fact that the information that is published on websites is often incomplete, the site is built in such a way that it is difficult for a person to use it, to find the necessary information. The openness of such information is not systemic and is published in violation of the law.

It is worth noting that a number of legislative initiatives were submitted to the Verkhovna Rada of Ukraine to correct the situation. However, unfortunately, over the past seven years, not a single bill that would significantly improve the legislation on access to public information has been adopted.

An effective modern mechanism for legal support of the right to access to public information has been created in Ukraine. The right to access public information is guaranteed by the Constitution of Ukraine and regulated by relevant laws. However, in modern conditions of globalization and development of the information society, the requirements for the quality of legal mechanisms for access to information, primarily to public information, are quite high. Despite the rather high-quality legislation in the field of access to public information, there are a number of important issues in the field of ensuring this constitutional right that need to be addressed: to eliminate legislative gaps, to introduce an institution for monitoring the observance of the right to access public information; establish an appropriate supervisory authority; solve the problem of the quality of passive access to public information; minimize abuse of the right to information of requesters, eliminate violations of the legislation on disclosure of information of increased public interest, and improve the legal mechanism for protecting the right to access public information. In addition, for the effective functioning and development of Ukraine (as a democratic state) in order to ensure the constitutional right of citizens to access public information, it is necessary to take into account the norms of international and European law.

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