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IMPLEMENTATION OF THE PRINCIPLE OF RELIABILITY OF INFORMATION IN THE FIELD OF PROVIDING ACCESS TO INFORMATION

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The article deals with the theoretical and practical basis of implementation of the principle of reliability of information in the field of ensuring access to information. To conduct the research, the author used general scientific and specialized methods of cognition, namely comparative and legal, formal and juridical, method of legal modeling, method of system analysis and others. The goal of the research is to develop theoretical fundamentals which specify peculiarities of implementing the principle of reliability of information. It is marked that the problems of reliability of information have recently attracted scientists' great attention and become the object of information and legal scientific researches devoted to ensuring reliability within the framework of certain legal relationship. The work analyzes doctrinal ideas about reliability as a general property of information, factors influencing appearance of false information. The researcher makes review of the scientific literature and opinions concerning the category of “reliable information” in jurisprudence. Reliable information is considered as accurate, complete data representing objective reality, admitted by subjects of the developing relationship. To assure such conditions, different legal and other tools can be used, including publication, official introduction into specialized registers, as well as other information and legal systems, into the state (public) information systems, appeal to the presumption of reliability of information, etc. The information and legal principle of reliability should be viewed as an independent aspect which consists in the necessity of providing, obtaining, keeping, producing and distributing information that is true regardless of the principle of timeliness of information. The author proves the system character of the legal support for reliability of information, identifies a system of legal support for reliability of information, defines its features, functions, peculiarities and tendencies of development in the process of providing access to information in the age of developing information society, digital transformation and transition to the knowledge society.

Key words: information law, false information, rule of law, public authorities, digital profile.

Formulation of the problem. Establishment of the information society and transition to the knowledge society is closely related with the increased importance of reliability of information.

Dissemination of false information and the necessity to re-check the information that circulates in mass media determine the problems of reliability of information at a principally new level to provide legal support for the information security. It is identified as a primary task of the state policy that is focused on creation of a safe environment for information circulation. In the legal system, the requirement to reliability of the data used in some official information processes is being currently reconsidered. Reliability of information in a society has become one of the criteria characterizing establishment of a new type of society.

Analysis of research of the problem. Some aspects of the mentioned problem are studied in the works of O. V. Aristova, O. A. Baranov, K. I. Bieliakov, V. M. Bryzhko, R. A. Kaliuzhnyi, O. V. Kopan, V. K. Konakh, B. A. Kormych, O. V. Korzh, O. V. Kokhanovska, O. V. Marushchak, V. H. Pylypchuk, N. A. Savinova, M. Ya. Shvets and others. Nowadays, the organizational and legal changes are taking place in the work of public authorities forcing the necessity to continue scientific studies in that field with consideration of new conditions. The fact proves relevance of the research of the current problems of ensuring reliability of information.

The goal of the article is to study implementation of the principle of reliability of information in the field of providing access to information.

Presenting main material. Reliability of information is an important condition to ensure the right to access to information. Reliability of information about public authorities and local governments, as well as timeliness of the data are the basic principles of providing access to the information about the work of public authorities and local governments [1, p. 40].

V. Kuzmin notes that reliability is characteristic that values quality of information, its completeness and accuracy. It is influenced not only by accuracy of the data, but also adequacy of the ways of its obtaining [2].

According to V. Kucheriavenko, no adequate study of the category of “false information” has been conducted in the legal doctrine yet. Scientists, who are engaged in studying the information law and peculiarities of protecting non-property rights in relation to dissemination of false information, avoid substantial studying of that legal phenomenon and only refer to the definition developed in jurisprudence or the few definitions available in literature [3, p. 31].

The degree of reliability of information in reference to the real conditions of the information object or process influences correctness of the decisions made by a person or a system. Among the basic properties of information, scientists distinguish information quality, sufficiency (completeness) of information, relevance of information, adequacy of information, stability of information, timeliness and accuracy of information [4, p. 53].

The principle of reliability of information is implemented in the relationship established in the field of providing access to the data about the work of public authorities and local governments. Reliability of the supplied information about the work of public authorities and local governments is one of the principal requirements in the sphere of providing access to information about activity of the public authorities and local governments (Law of Ukraine “On the Order of Reporting about the Work of Public Authorities and Local Governments in Ukraine by Mass Media” [5]).

Reliability of information is determined as a principle and requirement in the field of providing access to the information about activities of courts (Law of Ukraine “On the Access to Court Decisions” [6]).

The studied principle and requirements are implemented by using specific tools, particularly legal (legislative requirements to ensuring reliability of information about activities of courts, state authorities and local governments, the right to reliable information about the work of power authorities); requirements to the information on official websites of public authorities.

Implementation of the principle of reliability of information in the field of providing access to information

Analysis of the principles of normative acts regulating requirements to the official websites of public authorities reveals several approaches to implementation of the principle and requirements to reliability of information:

- direct identification of the requirements to reliability of information on the official website and its pages; determination of the officials' personal responsibility for inaccurate and false information;
- establishment of responsibility for misinformation. In some cases, the responsibility is established for submitting a request for allocation, change or delete of misinformation on the official websites. Responsibility is often established against the persons who fill certain positions, but in some cases, it is established against a structural department; complex requirements to the control for reliability of information and responsibility for violation of the mentioned requirements;
- technological, program and linguistic tools of using official websites of executive authorities. Program and technological means of the official websites, and formats of the posted information should provide opportunities for the users to identify the date and time of information allocation on the official website, date and time of the last change of the information on the official website; supply efficiency of the active official website under a certain load. According to linguistic requirements, information on the official website should be presented in the state language or foreign languages;
- compliance with the requirements to the information security, including integrity, accuracy, completeness and reliability of data in the information and communication network, but the high rates of innovative development in different fields of living do not allow the in-time updating of the basic legislative documents identifying the main goals, tasks and measures of information protection [7, p. 53];
- special requirements to the control for reliability and completeness of information supplied by citizens who pretend to fill the state positions and by the state officials, as well as compliance with the requirements to the official behavior of state officials;
- legal responsibility for dissemination of false information.

The relationship which involve collecting and providing information about citizens by public authorities create an important component for implementation of the principle of reliability in the field of providing access to information. In particular, the problems of reliability of information are actively discussed in context of the different systems of collecting and processing data about citizens in the state information systems. They are the digital profile systems, the Unified state demographic register and documents certifying citizenship of Ukraine, a person's identity or special status, the National system of biometric verification and identification of the citizens of Ukraine, foreigners and stateless people, the integrated system of electronic identification, and the specific systems of social scoring [8–10].

Reliability of the information about citizens is an important factor in the systems of central collecting, processing and supplying data about citizens in the work of the state information systems. In all those systems, it is mandatory to provide reliable information and implement the general principle of information law in terms of reliability of the information within the framework of the special principles or requirements.

The Law of Ukraine “On Public Electronic Registers” includes a regulatory norm declaring that public authorities, identified according to the legal and normative act, which regulates performance of the state information system, should provide reliable and relevant information, which is presented in the information system, an access to the mentioned information in the cases and according to the procedure approved by the laws, should protect the mentioned information from unauthorized access, destruction, modification, blocking, copying, provision, distribution and other misconduct [11].

According to the Law of Ukraine “On the Unified State Demographic Register and Documents Certifying Citizenship of Ukraine, a Person's Identity or Special Status”, organization of the State demographic register is founded on the principle of reliability, relevance and completeness of the information included in the register about population.

Implementation of the principle of reliability of information in the population register is revealed in the goal of the State demographic register formation, i.e. creation of a system of recording data about population of Ukraine to ensure reliability and relevance.

The system of recording data about population in the register is a guarantee (in terms of creation of the state system of control for reliability) and the instrument to ensure reliability of information. Operability of the population register is supported by a set of tools which provide reliable and relevant information for the state to exercise its functions.

Conclusions. Reliability of information should be considered as conditions of its correspondence with the objective reality that is admitted by the subjects, and can be publically recognized by authorized subjects. To guarantee such conditions, different legal and other tools can be used, including publication, official inclusion and keeping in special registers and in other information and legal recording systems, in the state (public) information systems, appeal to the presumption of reliability of information, etc. Reliability of information is mainly assured by the approved criteria which are established by the state and owners of information, including data contained in the normative acts, in court decisions, in local legal acts, acts of self-regulation and in the acts of technical regulation. The information and legal principle of reliability should be viewed as an independent aspect which consists in the necessity of providing, obtaining, keeping, producing and distributing information that is true regardless of the principle of timeliness of information.

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РЕАЛІЗАЦІЯ ПРИНЦИПУ ДОСТОВІРНОСТІ ІНФОРМАЦІЇ У СФЕРІ ЗАБЕЗПЕЧЕННЯ ДОСТУПУ ДО ІНФОРМАЦІЇ

Розглянуто теоретичні та практичні засади реалізації принципу достовірності інформації у сфері забезпечення доступу до інформації. Використано загальнонаукові та спеціальні методи пізнання: порівняльно-правовий, формально-юридичний, метод правового моделювання, метод системного аналізу та інші.

Метою дослідження є розробка теоретичних положень щодо особливості забезпечення реалізації принципу достовірності інформації. Зазначено, що проблематика достовірності інформації порівняно недавно стала предметом інформаційно-правових наукових досліджень щодо забезпечення достовірності у межах окремих правовідносин.

Проаналізовано доктринальні погляди стосовно достовірності як загальної властивості інформації, факторів, що впливають на формування недостовірної інформації. Здійснено аналіз наявних у науковій літературі, в судовій практиці поглядів щодо категорії “достовірна інформація”. Вказано, що достовірну інформацію необхідно розглядати як точні, повні відомості (повідомлення, дані), що відображають об’єктивну дійсність, визнані суб’єктами відносин, що складаються. Для забезпечення такого стану можуть використовуватися різні правові та інші засоби, зокрема оприлюднення, офіційне включення та зберігання у спеціальних реєстрах, реєстрах, а також в інших інформаційно-правових системах, у державних (публічних) інформаційних системах, використання прийому презумпції достовірності інформації та інше. Зазначено, що інформаційно-правовий принцип достовірності слід розглядати як самостійний, який полягає у необхідності забезпечення, отримання, збереження, виробництва та розповсюдження інформації, що відповідає дійсності, незалежно від принципу своєчасності надання інформації. Обґрунтовано системний тип правового забезпечення достовірності інформації, виділено систему правового забезпечення достовірності інформації, визначено її ознаки, функції, особливості та тенденції розвитку у процесі забезпечення доступу до інформації, в умовах розвитку інформаційного суспільства, цифрової трансформації та переходу до суспільства знань.

Ключові слова: інформаційне право, недостовірна інформація, принцип права, органи державної влади, цифровий профіль.