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Legal definition of the concept «Informational security» in Ukrainian and international documents

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Alvin Toffler once noted in one of his books that today information has a material form and its possession becomes very important. In 1996, the implementation of various state programs, aimed at protecting information security, was started. This issue was brought to the political and international legal level. In particular, the concept of international information security was discussed in the context of the formation of the information society and global civilization. Special attention was focused on the USA and Russia, as these countries were in a state of cold war for a long time.

As you can see, nowadays information security is one of the main components of national security, especially during war. Although the concept of "information security" has existed in the political context for a long time, the legal systems of different countries define the concept of "information security" both equally and differently. However, there are definitions of this concept that are contained in international documents that are mandatory for most countries of the world.

We should start with the legislative definition of this concept in Ukraine. The most important interpretation of the concept is in the Decision of the Council of National Security and Defense of Ukraine "On Information Security Strategy" [1]. In Ukraine, information security is one of the components of its national security, and also represents a certain state

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of information security that concerns both the state and society in general. In addition, information security is defined by Ukrainian legislation as a system for countering the spread of harm through misinformation, etc. Having analyzed the legislation of Ukraine, it can be seen that this is the only definition of the concept of "information security". Even in the Law of Ukraine "On the Protection of Personal Data" there is only a definition of the concept "personal data" and there is not even a synonymous concept of information security [2]. Therefore, the national definition sees information security as a certain state of protection of personal and other data, that is, information. There is a legally defined procedure for interaction with information, as well as a system for protecting information and countering disinformation.

In 1998, at one of the sessions of the UN General Assembly, it was stated that the problem of information security is a multifaceted strategic direction of interaction between states in the world. The UN called on states to consider various information threats and to develop a procedure for countering these threats.

It will be most expedient to use those international treaties for analysis, which Ukraine is a party to or was previously a party to. The first document that has a similar concept to the concept of "information security" is the Convention on the Protection of Individuals in Connection with Automated Processing of Personal Data. This Convention contains the concept of "data security". Data security is appropriate security measures aimed at preventing destruction, loss, as well as preventing unauthorized access, alteration or dissemination [3].

The next document is Directive 95/46/EC of the European Parliament and the Council "On the protection of natural persons during the processing of personal data and on the free movement of such data". It should be noted that it became invalid based on the adoption of the Regulation "On the protection of natural persons in connection with the processing of personal data on the free movement of data". However, this document deserves attention, as there is a concept close to the concept of "information security". The term "processing security" means appropriate protection measures for personal data against destruction, loss, alteration, disclosure. Such measures, taking into account the current state of affairs and the cost of their

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implementation, should provide a level of security commensurate with the risk accompanying the processing and the nature of the data to be protected [4].

As we can see, the national and international definitions of information security are quite similar, although the names of the concept itself differ.

The national definition sees information security as a certain state of protection of personal and other data, that is, all information. There is a legally defined procedure for interaction with information, as well as a system for protecting information and countering disinformation.

The international definition is quite similar, although in some cases it is narrower or more complete. This concept represents the adoption of information security measures, the system of such measures, the procedure for actions in connection with the commission of illegal actions regarding information, determines the interaction of states to ensure world order and the development of international principles of information protection.

All in all, taking into account both definitions, it is appropriate to note that information security in general is a state of security of the information environment. This state ensures safe use, formation and development of information in the interests of society.

References:

- [1] About information security strategy: decision of the National Security Council of Ukraine dated 15.10.2021. URL: <https://www.president.gov.ua/documents/6852021-41069>
- [2] About the protection of personal data: the law of Ukraine dated 01.06.2010. URL: № 2297-VI. URL: <https://zakon.rada.gov.ua/laws/show/2297-17#Text>
- [3] Convention on the Protection of Individuals in Connection with Automated Processing of Personal Data: international document of Ukraine dated 28.01.1981. URL: https://zakon.rada.gov.ua/laws/show/994_326#Text
- [4] On the protection of natural persons during the processing of personal data and on the free movement of such data: directive 95/46/EU of the European Parliament and the Council dated 24.10.1995. URL: https://zakon.rada.gov.ua/laws/show/994_242 /stru/sp:max50:nav7:font2#Stru