RESTRICTIONS ON ACCESS TO PUBLIC INFORMATION IN THE NATIONAL SECURITY INTERESTS, THREE-PART TEST

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Abstract: The relevance of the topic is the need to form a modern model of national security protection, taking into account the human rights of access to public information. The conflict of topics lies in the inheritance of legal provisions for obtaining public information by every citizen and the possibility of using such information for personal or commercial purposes. To determine the tools for restricting access to information that may harm national security and national interests, it is customary to use various methods to create a quality environment for information circulation. From such positions, there is a need to conduct a study on modern tools for restricting access to public information to preserve state sovereignty and support the national security strategy. The use of restriction of access to public information is a key principle of strategic development of the countries of the world. In the context of geopolitical threats in the modern world, building an effective strategy to protect the country is a priority. The purpose of the article is to study the essence of restrictions on public information and the possibility of their implementation in the modern legal space. With the help of such approaches, it is worth using the tools to implement the preservation of national interests and preserve the right of citizens to access public information. The objective of the study is to determine the optimal distribution of the parity of the problem of citizensrights to public information and the need to limit them. An important direction in the research is the use of modern tools and methodology to identify key aspects of the subject and the possibility of their improvement under the strategic policy of the country. By using a set of analytical tools and methods, a study on restrictions on access to public information in the interests of national security was conducted. The methodology of the study is the possibility of using modern means of search systematic analysis of the practice of providing and restricting access to public information. The results obtained can improve the quality of state policy-making on the development of national security interests through an optimal policy of providing access to public information. The article investigates the key principles of the development of trends in the restriction of access to public information and describes the main tools for their implementation

Keywords: public information, national interests, three-part test, state secret, democracy, freedom of speech, liberalism, state sovereignty.

1 Introduction

In today's conditions, the development of strategic measures to ensure national security is a priority paradigm for the formation of a security complex in European countries and the global dimension. Russia's military aggression against Ukraine has created the conditions for revision and gradual transformation of approaches to access public information in the modern administrative sector. In such positions, the issue of using an effective mechanism of access to public information is a key advantage in the implementation of state policies on the implementation of freedom of speech and human rights. The subject of the study is that access to public information should be available to every citizen of a particular country. This approach is aimed at overcoming the phenomenon of corruption, and the development of speculative manipulation in the market, as well as improving the legal framework with the participation of a wide range of researchers and journalists. In addition, the issue of the quality of information circulation and key principles

of their restriction is of great importance. Restriction of access to information can cause several negative processes. However, in the context of the modern strategic development of the state, it is necessary to create a clear mechanism of access and the possibility of checking the quality of this information. The nature of information focused on possible danger or threat to national security should be limited by the qualitative principles of the legal field in Ukraine or any other European country. In addition, some mechanisms can qualitatively improve approaches to the formation and development of the most interesting and relevant forms of activity.

With this approach, it is worth using modern tools to implement the restriction and distribution of access to information. Several organizational structures that provide access to information may be strategically important for the state's interests. Therefore, the issue of information accessibility within such structures should be implemented according to a clear hierarchy. The importance of using modern practices of restricting access to public information, in particular, to protect the interests of national security, will stimulate the use and implementation of the methodology for the provision and restriction following strategic and social factors. Scientists argue about the most effective model of building access to public information in the country. There is a growing discussion about the possibility of using automated access systems and the implementation of appropriate access. Thus, it is worth exploring the peculiarities of the practice of restricting access to public information in the interests of national security and the strategic geopolitical interests of the country.

2 Literature review

The subject of the research is formed in many scientific works. which study the peculiarities of restricting access to public information as a tool for protecting national security. The issue of using such approaches can create a qualitative basis for protecting the national interests of the country. In addition, through the formation of a clear mechanism, it is possible to implement a qualitative development in the availability of information for public figures and particular citizens of the country. Also important in the current discussion is the issue of access to the information within military organizations and law enforcement agencies. Most employees of low positions or rank should be restricted in access to information. There is also the question of the possibility of creating digital backups and encryption of information. Maertens notes that the current vision of the development strategy of restricting access to public information is caused by speculation in the financial market (Maertens, 2020). Most of the disclosed information is used to carry out certain illegal actions that are made possible by gaining access to certain information. Preferential lending, and the possibility of fabricating documents in tenders, all of it is aimed at undermining the country's economy. Another researcher Zerback sees the essence of national security in the development of a comprehensive strategy of internal and external nature (Zerback, 2020). At the internal level, it is proposed to use tools for regulating the activities of law enforcement agencies, their development, and building systems for assessing the possibility of access to information and its protection. At the external level, the author suggests using modern software for threat analysis related to information confidentiality. The problem of access to information is described by the author as a key problem of the internal complex of tools to protect the interests of national security. Based on its implementation, the means of a legal mechanism for providing and restricting public information are being built. Scientist Margolin determines that the restriction of access to public information is a gross violation of human rights and should be optimized under the Convention on Human Rights and Freedoms (Margolin, 2020). This is also agreed by Pierre, who notes that human rights regarding access to public information should be ensured for every citizen (Pierre, 2020).

This stimulates the development of the judicial system and can curb the negative phenomena of corruption. The author Stoica determines that restricting access to public information is a necessary tool to optimize the country's policy in the implementation and realization of its strategy (Stoica, 2020). Through information restriction, it is possible to create a qualitative mechanism for the acquisition of forms and use of such information in the modern socio-political and socioeconomic environment. Another author, Popat, characterizes the problem of finding parity between ensuring the rights of access to public information, as well as the possibility of its partial restriction due to the need to ensure national protection and protect national interests (Popat, 2018). In such approaches, it is most appropriate to use modern software tools that can control the circulation of information and analyze the ways of their distribution. Under such conditions, the question arises about the possibility of further use of information in the modern public space. Thus, the review of literature sources has led to the setting of the relevant objectives and purpose of the study.

3 Research aims

The research aim is to determine the features of the implementation of access restriction to public information to ensure the protection of national interests and ways to improve the key benefits of implementation and formation of strategic prospects of the country. The development of information technology encourages the use of a clear algorithm for restricting access to public information. The objectives of the study are to analyze the current factors and factors restricting access to public information, as well as a possible mechanism for restraining the dissemination of information.

An important direction of the research is to determine the direction of national security, which concerns the possibility of designing public information. In this context, it is necessary to analyze a popular and effective tool for checking the possibility of access to public information as a three-part test. The tasks are to determine the peculiarities of the application of the three-part test and the quality of its formation in the modern political and social space.

The article investigates the key principles of development and formation of principles of distribution of access to public information. The possibilities of introducing a systematic form of regulatory instruments of access following the available public information in sectors that ensure national security and protection of strategic interests have been considered.

4 Materials and methods

During the research, several scientific research methods are used that can reflect the issues in as much detail as possible. In addition, they can create a set of optimization solutions for the distribution of access to information as parity of human rights and ensuring national interests. With the help of analytical research methods, the essence of the definition of public information and the quality of its provision based on preserving national interests and stimulating the development of national security was determined. Moreover, the suggested approach can reveal in more detail the principles of building and forming a strategy to ensure restrictions on access to information. This is possible based on the formation of the internal policy of countries on the storage of state secrets and the implementation of the convention on freedom of speech and human rights. The characteristic features of the formation and organization of the three-part test as a key tool for gaining access to public information have been determined. Using a three-part test, the possibilities of building and using modern means of acquiring relevant information have been analyzed. The method of abstraction has been used to synthesize the problems of the modern protection system development of the national interests of Ukraine, as a country with the broadest geopolitical challenges and threats to the national economy. The key directions of creating restrictions on access to information and the possibility of implementing a three-part test have been

identified by the method of deduction and induction. Statistical methods and grouping have been applied to process reports on the number of general administrative cases of possible access to public information. The corresponding statistical study has also been compiled, which shows the most acute areas of restrictions on access to public information. The article develops a methodological approach to the possibility of further use of means of restricting access to information. In addition, a mechanism for improving the three-part method by introducing it into a broad system of public administration has been suggested. The applied research methods can improve the quality of formation and use of modern approaches and management practices to restrictions on access to public information. Based on the given methods and methodology of the study, the results of modern research have been carried out. These results can reveal in more detail the characteristics of the acquisition and form a qualitative example of human activity in the global space.

5 Results

Nowadays, the issue of information protection is key for any human activity. Protection and classification of information can contribute to strengthening national security and form a characteristic climate for its storage. Such factors are caused by global processes of aggravating conflicts. Therefore, for state practices, the issue of ensuring national security is the most key, in the context of global political uncertainty and the need to regulate existing conflicts. Moreover, various forms of access control to information are used to ensure national security. One of the most popular in the modern dimension is the three-part test. It enables analysis of the real importance of information and possible damage caused.

The essence of public information in the scientific literature is considered from several positions, due to the legal and political fields. The issue of the legal nature of access to public information is the key to the development of an open system of economic potential and legal norms in the country. Public information in its essence provides the possibility of access to a citizen of the country to obtain key facts about the activities of an enterprise, organization, state policy, or strategy (Lee, 2018). In addition, to form a legal framework for access to state information, it is necessary to establish an effective mechanism for accessibility and classification. Such aspects should exist to avoid problems of disclosure of state secrets and key strategic information. It is also worth noting that with the current development of global events in the world, the need to create information security is a priority. The main areas that should be optimized under the restrictions on access to public information:

- Information about military facilities and the military strategy of the country is a key principle of strategic development of national security. After all, the possibility to disclose this information lies in the life of the country, taking into account current events in Ukraine. That is why, even though among human rights there is the possibility of obtaining information about the activities of the army and armed forces, this information should be carefully checked for the nature of its availability.
- Information on the activities of political figures and diplomatic treaties. The main priority is to create state secrets for those issues that can provide competitive advantages following the diplomatic and economic development of the country. This may improve the quality of storage of diplomatic treaties if they contain global strategic importance for the country. However, providing access to such information is possible if it does not interfere with the national strategic interest.
- Access to information on state financial organizations and social investment organizations. The issue of transparency of organizations is a key area for avoiding corruption and promoting open tenders and access to them for any enterprise. As a rule, countries have an imperfect system of real public information about the financial results of the company. To address this issue, independent audits are used, which can make the most accurate conclusion about the

company's activities and characterize it following the requirements.

The above areas will form the basis of national security because they will be the most problematic for obtaining information, so the country will prioritize the use of a rational system of access to information. Moreover, it is necessary not only to have a system in which information can be public, but also one that will effectively carry out regulatory activities (Wintterlin, 2021). It is through the use of regulatory activities that enterprises and state organizations can improve their performance. For example, at a certain time, public information was available on the procurement of military weapons, ammunition, etc. However, with the development of military events in Ukraine, it became necessary to close access to such information. From this point of view, the state must create an effective mechanism for regulating access to information and verifying the openness of its provision.

The issue of public information creates the legal basis for the development of democracy and freedom of speech in the state. The methodology of restricting freedom of access to information is a sign of totalitarianism and restriction of human rights and freedoms. This will negatively affect the overall state of formation of a democratic society in the country.

In large financial institutions and the activities of the court, there is information about the activities and implementation of the company policy. That is why to improve the quality of functioning it is necessary to implement several measures aimed at improving the policy of access to information. The most popular and typical for modern countries are the peculiarities of preparation and use of the three-part test. With the help of this test, it is possible to determine the following three factors regarding the availability of information:

- Is it possible to provide access to the information?
- Will the information provided harm national security?
- Does the information contain any information about strategic or infrastructure objects?

Based on the construction of such questions, it is worth using a three-part test. It can most accurately convey information about the company's activities and describe its general situation according to its segment of activity. In addition, today it is important to improve the quality of the organization's functioning based on open information about its activities. Such measures are aimed at solving the following problems of society in Ukraine, namely:

- Overcoming corruption is the most essential area because information on public tenders, procurement, and the possibility of providing full information on financial or strategic activities should be available to every citizen;
- Improvement of the judicial system. The development of the judicial system is a priority, as the publicity of information can affect independent judicial proceedings and create conditions for compliance with legal acts. This can qualitatively improve the functioning of the regulatory aspect in the country.
- The right to freedom of speech. The key direction of today's development of human rights is the possibility of acquiring freedom of speech and the possibility of discussing key issues of strategic importance for the country. That is why, through the use of public information, it is possible to carry out journalistic investigations, hold discussions on the strategic development of the country, and improve the quality of the basic functions of the state.
- Promotion of the country brand. Accessibility and openness of information for citizens of the country qualitatively confirm the effectiveness of the system of its strategic nature and the possibility of economic development. For investors, countries with high levels of corruption are unfavorable, because investments cannot bring real benefits and there are risks of financing dubious projects. That is why countries with the most open information on the activities of state

strategic facilities, the judiciary, and the political vector are the key to economic development.

Having identified the main characteristic aspects of access to public information, it is necessary to consider the key principles of the three-part test and the possibility of its widespread implementation following current trends. More details about the principles of the three-part test are presented in Table 1.

Tab. 1: Principles of using the three-part test

Strategizing	The possibility of forming long-term	
	national security, through building a single	
	mechanism of developed issues that can	
	reflect approaches to the design of national	
	strategic facilities.	
Three-stage protection	It consists of the formation of three stages	
	of checking the possibility of access to	
	information if at least one of them does not	
	meet or does not belong to the suggested	
	requirements, creating qualitative	
	characteristics of encryption and restriction	
	of access to information.	
Secrecy of information	Protection of information on state secrets is	
	a key area in the formation of national	
imormation	security policy.	
The	The introduction of the three-part test is	
openness of access to public information	based on the principles of using the	
	accessibility of every citizen to official	
	information, but the importance of	
	providing this or that information should be	
	reflected by the three-part test.	
Transparency	The questions of the three-part test should	
	be clear and concise, reflect the essence and	
1	mustant assust information	
	protect secret information.	

Source: compiled by the author

Table 1 shows the characteristic principles of the three-part test as a tool for providing access to information. The use of the three-part test should provide qualitative checks on the possibility of access to information and its further use. The three-part test is the most popular form of preserving information on national security. There is the possibility of using it not only for the strategic development of the state but also to contribute to the financial potential of the country.

The war in Ukraine has changed the approaches to the implementation of the legal mechanism in many areas of activity of state structural bodies in European countries (Niederdeppe, 2020). For instance, let us consider Ukraine, which uses modern methods of information preservation and opportunities to improve access to public information through a three-part test. In addition, Ukraine has introduced a system of control over the availability of access to information. In strategic terms, this approach can improve the functioning of the legal framework and ensure the preservation of national interests.

The key aspects that have changed in approaches to public information are as follows:

- Changing the political vector of the country regarding the provision of information about the activities of the military, armed forces, and any information about the provision and financing. Access to information should be restricted to ordinary citizens. However, there is a question about the formation of a hierarchy of access to the information within the military structures. Any information should be verified using a three-part test and have many characteristics regarding the mechanism of its provision.
- The openness of trials. In Ukraine, during the war, the issue of punishment of offenders and war criminals became more acute. Any judicial information is currently public, which led to the emergence of martial law in the country. It is also important to note that there are individual cases that motivate the secrecy of information on certain trials, but this

is temporary for the duration of the investigation. Upon its completion, any information should be published.

For businesses, the war in Ukraine has created conditions for access to public information. The main direction of business support has become preferential lending and opportunities for wide access to state economic resources and promotion of investments in the Ukrainian corporate sector. Information on financial activities has become partially mandatory for large industrial enterprises. This approach is due to the importance of developing a system for ensuring economic activity within the country.

The problem of forming a clear system of access to public information in the European space is caused by the following factors:

- Global liberalism and principles of democracy;
- The possibility of open access to information for citizens as a basis for the development of human rights and freedoms;
- Promotion of business climate improvement through the openness of information;
- Use of modern means of analysis and encryption of information.

These factors indicate that the political and economic vector of Europe stimulates the openness of information. Therefore, to address the strategic issue of preserving national security and strengthening the protection of relevant information, it is necessary to implement a quality system for analyzing possible restrictions. In addition, European countries should also apply mechanisms for analyzing access to public information from the perspective of socioeconomic development. Given the current crisis fluctuations, this is a priority task to preserve well-being within the country.

Military hostilities in Ukraine are constantly establishing tools to restrict access to information. The use of such restrictions can qualitatively improve the functioning of the legal field in Ukraine and provide the country with innovative approaches to ensuring the legality of the activities of state bodies and the political system as a whole. Let us consider the most popular areas covered by the three-part test in more detail in Table 2.

Tab. 2: The most popular coverage areas of the three-part test

rab. 2. The most popular coverage areas of the three-part test			
	2020	2021	
State secrets	10%	12%	
Lawyer and			
procurator	21%	15%	
information			
Protection of political	9	7%	
and legal information	9		
Access to	46%	53%	
information about			
military facilities and			
military units			
Managerial	6%	5%	
information	070		
Financial information	4%	6%	
Socio-economic and	4%	2%	
ethical information			

Source: compiled by the author based on «Minfin.ua» publishing house

These indicators characterize that during the escalation of the war in Ukraine, more and more attention is paid to the restriction of information on military facilities, any information on the movement of the military, and the purchase of special equipment. The outbreak of military aggression in 2014 and the global campaign in 2022 stimulated the construction of an effective mechanism not only to protect information to ensure national security but also to significantly restrict it. However, such measures have negative tendencies. In particular, due to the secrecy of partial information on the activities of Ukroboronprom, in 2021 several numerous corruption schemes have been revealed that violated and undermined strategic

security in the country. This has become a key catalyst to stimulate the construction of a mechanism of openness of information, which allows to conduct of an effective audit of the company and determine whether its activities are legitimate. Given the above, the three-part test is widely used in Ukraine as a key indicator for measuring the possibility of access to information

Thus, the study shows the following. Restriction of access to public information in the interests of national security is a priority in protecting these interests of the country. However, it is negative in terms of the possible development of corruption and the decline in the investment environment. That is why the country needs a qualitative mechanism for the use of the possibility of restricting access to information based on a three-part test as a tool for forming a policy of providing or restricting information.

6 Discussion

The results of the study indicate the possibility of further development of the problem and finding ways to solve it in the context of ensuring national interests and the possibility of creating the necessary conditions for the development of the national security strategy. The issue of forming access to information, as well as providing it to a wide range of citizens, concerns, first of all, the profile of a wide range of researchers who are trying to outline the key directions of building and developing a mechanism for checking the possibility of access to information in the financial, economic, administrative, steam and military sectors. Moreover, following the implementation of qualitative approaches to the analysis of available information and conducting key benefits following the interests of national security, it is necessary to form qualitative characteristics for the development of a regulatory mechanism for regulating access to such information.

Given the current trends of global political challenges and threats from the Russian Federation, the issue of building an effective system for the countries of the European Union and Ukraine is a priority, notes Rodriguez (Rodriguez, 2019). He argues that the prospects for further research should be based on the use of a qualitative mechanism to verify the possibility of access to information by citizens. It is worth considering the possibility of creating a four-part test, which would also include the question of whether the disclosure of the information would result in certain benefits. The essence of such an approach can be implemented in the right military organizations based on internal implementation, where access to certain information can lead to an improvement of the overall situation.

Foreign scientists, namely Cunningham, explore the concept of restrictions on access to public information of a technical nature (Cunningham, 2021). After all, in their opinion, the effective implementation of a modern system of control over the circulation and use of information should be implemented using a machine approach, without human intervention. This factor will exclude possible signs of corruption and the human factor in general. Therefore, the issue of document automation, encryption, and cryptography should become a key means of development in encrypting information. It can improve the quality characteristics of relevant developments and stimulate their development. With such approaches, it is important to research the quality of building a model for distributing access to public information based on software and digital technologies.

Ukrainian scientists, namely Stevanovic, believe that the prospect of further research may be the cooperation of domestic and international law enforcement agencies (Stevanovic, 2020). Gradual integration into a single mechanism of circulation and storage of access to information on a global scale can qualitatively improve the position of the European continent in the context of military threat and socio-economic instability. The use of the principles of cooperation and joint development of the security system, according to scientists, can qualitatively improve the ways of formation and development of modern

mechanisms for restricting access to public information and, as a result, ensure support for national security.

Given the outlined areas for further research, it can be concluded that the topic should be under constant monitoring. Moreover, it should be improved in terms of the development of technological equipment and the possibility of its use in the modern dimension. With such approaches, it is possible to create the most effective and appropriate mechanisms for the implementation of means. Thus, it is possible to form conclusions from the conducted research.

7 Conclusion

Thus, several fundamentally important conclusions can be drawn from the study to support national security by restricting access to public information. Taking into account the geopolitical processes in the modern world, the key direction should be to reduce the impact and the possibility of citizens' access to public information. Despite the possible negative consequences and the gradual economic downturn, the possibility of access to public information should be limited under martial law. The implementation of the three-part test is an effective tool for verifying the possibility of providing access to information. This method can be applied to many areas of its influence and have a rational distribution of the possibility of access to information.

Restrictions on access to public information in the interests of national security are key areas of research. This can form modern relevant approaches to the development and formation of the national strategy of the country. In addition, it is necessary to take into account some measures that can be used to stimulate the development of the investment climate, through the partial provision of information, in its incomplete volume.

The main basis of the study is the formation of signs of the consistency of the three-part test as verification of access to information. The challenge remains the qualitative mechanism of its application in internal military organizations and among their employees. It is proposed to improve the system of the three-part test by adding another category that can track the possible benefits of information disclosure.

Thus, the study can qualitatively characterize that restrictions on access to public information in the interests of national security are a modern necessity that needs to be improved and technically developed. Prospects for further research will concern the possibility of using effective tools for the development and formation of a strategy to protect national interests.

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