

Legal regime of access to public information in the field of civil aviation

The features of legal provision of the right and procedure for access to public information in the field of aviation as instrument of state regulation and modernization of the development of informational relations in the aviation sphere are considered.

Ensuring the freedom of information in today's globalized society is fully embodied when there are mechanisms to ensure public access to this information. In turn, the legal state can exist only if the authorities are transparent and citizens are involved in the process of making socially important decisions. Consequently, in democratic states the right of access to public information owned by public authorities must be provided in democratic states. After all, they make decisions and implement their policies on behalf of citizens, which makes their activities accountable to them.

The right of access to public information as an instrument of state policy to promote the development of informational relations in aviation plays a significant role. After all, informational interaction of citizens and their institutions, enterprises, organizations and bodies with state aviation authorities is a necessary precondition and one of the main forms of their participation in the development and implementation of state information policy in general and in the industry in particular. Just "under the condition of maximum information transparency and openness of the interacting parties it is possible to ensure the effectiveness of such interaction, which in this way gives grounds for the institutionalization of civic practices of participatory democracy" [1, p. 3]. It is exactly the concept that should determine the success of modernization reforms in the industry and is relevant in connection with the threats of modern information risks of both legal and technological nature in the context of globalization. Therefore, the increased requirements for transparency and openness of informational activities in the field of civil aviation are largely due to global trends in the spread of modern information and communication technologies in the industry. And only under the condition of "free production, storage, dissemination, exchange and use of information, a necessary component of which is legitimately guaranteed access to public information [1, p. 4], full entry of the aviation industry of Ukraine into the international aviation information space is possible.

The adoption of the Law of Ukraine "On Access to Public Information" in 2011, which defines the legal basis for openness and transparency of access to public information, was a step forward in this direction. According to the first part of Article 1 of this Law, "public information is information represented and documented by any means and on any media, which was obtained or created in the process of exercising by the subject of power its authority, provided by current

legislation, or which is in the possession of subjects of power, other managers of public information "[2].

Legislative provision of the right of access to public information is realized by providing a passive and active method of appropriate access, which provides not only the provision of information on request, but also the publication of public information on stands, in publications or media and on websites of information managers. According to paragraph 4 of the first part of Article 13 of the Law of Ukraine "On Access to Public Information" [2] and paragraph 4 of the Regulations on the State Aviation Service of Ukraine [3] the State Aviation Service of Ukraine (State Aviation Service) is the manager of public information in civil aviation. In accordance with the tasks assigned to it, the State Aviation Service, in particular: "establishes the procedure for servicing of aeronautical information and determines the procedure for publishing the integrated package of aeronautical information (subparagraph 44, paragraph 4); publishes and disseminates the needed mandatory information to ensure flight safety (subparagraph 64, paragraph 4); establishes a list of events and the amount of information about safety in the field of civil aviation, which must be notified, analyzed and / or investigated by the subjects of aviation, as well as establishes the procedure for notification, consideration of received information, its analysis and appropriate measures (subparagraph 65, paragraph 4); considers citizens' appeals on issues related to the activities of the State Aviation Service (subparagraph 79, paragraph 4) " [3].

According to paragraph 4 of the first part of Article 13 of the Law of Ukraine "On Access to Public Information" [2] and Section II of the Statute of the State Enterprise of Air Traffic Services of Ukraine [4] the State Enterprise of Air Traffic Services of Ukraine (UkSATSE) aircraft, which has a certificate of the State Aviation Service of Ukraine, is a manager of public information concerning air navigation services for aircraft flights.

The procedure for publishing information on the activities of the State Aviation Service of Ukraine and UkSATSE on their official websites provides not only its placement there, but also constant updating immediately, and no later than 5 working days from the date of document approval or after creation or change of information. According to the Law "On Access to Public Information", the information owned by the administrator must be published on the website, indicating the date of publication of the document and the date of updating the information. An exhaustive list of information that must be published on the official websites of these bodies is contained in Article 15 of the Law of Ukraine "On Access to Public Information".

Thus, when you open the website of the State Aviation Service of Ukraine or UkSATSE, you can see comprehensive information about the body and its functional properties: structure; mission; functions; powers; task; directions of activity; structure and amount of budget funds; the procedure and mechanisms for spending budget funds; the list of services and conditions of their reception, with the corresponding forms and samples of documents and rules of their filling; plans and order of open meetings; mechanisms or procedures by which the public can represent its interests; general rules of work of the institution, rules of internal labor regulations; work schedule and reception schedule for citizens; vacancies, the

procedure and conditions of the competition for filling vacant positions. Also, the website must contain general (structural) information about the activities of the subject of power, namely: its location; post address; contact telephone number; e-mail; names and contacts of the head of the body, his deputies and heads of structural and regional divisions; main functions of structural and regional divisions; list and contacts of enterprises, institutions and organizations belonging to the sphere of their management, as well as their managers. In addition to this, for the convenience of citizens, the official websites of these authorities have primarily created separate sections entitled "Public Information" or "Access to Public Information".

An important point for ensuring the transparency of the above-mentioned bodies is their observance of the rule, which is the obligation to publish draft normative-legal acts and their decisions no later than 20 working days before the date of their consideration for adoption. After its adoption, they have no more than 5 days to publish it on their websites. For this reason, the section "Public information" should contain a section, in which drafts of such acts and decisions will be placed.

The information posted on the websites of administrators should provide citizens with access to public information not only in a passive way, but also in an active way - by sending information requests. According to Part 2 of Article 1 of the Law of Ukraine "On Access to Public Information" "every person has the right to apply with informational request regardless of whether this information concerns him personally or not, without explaining the reasons for the request" [2]. It requires that the websites should contain comprehensive information that citizens need so that they can find out where and how to send a request for information. Thus, to simplify the procedure for making written information requests, Article 19 of the Law of Ukraine "On Access to Public Information" provides that a person may submit a request by filling out special forms [2]. Samples of such forms of requests for information are available on the websites of information managers: the State Aviation Service and UksATSE. The websites also contain all the contacts of the relevant public information manager, namely: postal address; phone; fax; e-mail address.

In accordance with the provisions of Article 20 of the Law of Ukraine "On Access to Public Information", the response to the information request by the relevant body "must be provided no later than 5 working days from the date of receipt of the request. If the request concerns the provision of a large amount of information or requires the search for information among a significant amount of data, the term of consideration of the request may be extended to 20 working days with justification for such extension" [5].

Last but not least is the creation of a section "Register of Public Information" or "Accounting for Public Information", which will reflect the system of accounting for documents containing public information and available to a particular authority. In this way, any average citizen, company, institution or organization will be able to understand what information can be requested from a particular administrator, which will reduce the number of requests made inappropriately. The accounting of public information must contain: the number of

the registration card, the name of the document, its number, the source of information, the industry to which it relates, the form, type and place of its storage.

Consequences

This way, due to a number of international and national legal acts, there are mandatory requirements for access to public information, terms, procedures and rules for disclosure of comprehensive information in the activity process of state bodies, including the field of civil aviation, established mechanisms for everyone's right of access to public information in a way to determine the regime of access to it, namely the exclusive grounds for restricting access to information, establishment liability for refusal or delay in providing information, to ensure the exercise of the right on access to information.

State aviation authorities should fully promote access, on the one hand, to public information that is subject to promulgation and, on the other hand, to information that is not the subject for this, but can be provided in case of request. It corresponds to the forms of so-called passive and active access to information.

Important guarantees of ensuring the right of access to public information provided by the Law of Ukraine "On Access to Public Information" are legal responsibility for violation of legislation on access to public information and implementation of public and state control over compliance with rights to access to public information. In practical terms, they are the most effective tools for ensuring the right of access to information in the field of aviation.

References

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