**Regional Union of Consumer Societies "Kraypotrebsoyuz"  
Private professional educational institution  
"Krasnoyarsk Cooperative College of Economics, Commerce and Law"**

Educational interdisciplinary project on the discipline "Office management and secrecy" and "English language".

On the topic: Restrictions on citizens' rights related to access to state secrets

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SUBJECT:

LIMITATIONS OF CITIZENS' RIGHTS RELATED TO ACCESS TO STATE SECRETS

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Annotation

The topic of the study is devoted to the analysis of state secrets. The work discusses the definition of state secrets and its significance for the security of the state, a list of information that can be classified as state secrets, conditions and procedures for obtaining access to state secrets, restrictions imposed on citizens with access to state secrets (for example, regarding international travel, contacts with foreigners, etc.), responsibility for disclosing state secrets, protection of state secrets in information systems and networks, review and declassification of information.

The study includes an analysis of legislative acts regulating issues of state and commercial secrets, as well as international treaties and agreements related to information protection. The mechanisms and measures for protecting state and commercial secrets, as well as their relationship and impact on national security and economic development, are explored.

The work also examines the practical aspects of ensuring the confidentiality of information used in government organizations, as well as emerging problems and ways to solve them. In conclusion, it is concluded that it is important to ensure access to information for citizens and organizations.

Keywords:

State secret, access to state secret, restriction of access, access check, classification of information, legislation, confidentiality, supervision, criminal code of the Russian Federation, liability

Introduction

The relevance of the project is due to the theoretical and practical significance of issues related to information and legal regulation of the circulation of information with limited access (confidential information) in the Russian Federation.

Project problem: finding a balance between ensuring national security and protecting confidential information, on the one hand, and respecting civil liberties and economic development of the country, on the other.

Project goal: analysis of restrictions on the rights of citizens related to access to state secrets under the legislation of the Russian Federation.

Tasks:

- define the concept, classification of information constituting a state secret;

- consider the procedure for admitting officials and the legal basis to state secrets;

- translation of text into English

- vocabulary expansion

Hypothesis: Restrictions on citizens' access to state secrets are an effective means of ensuring national security and protecting confidential information, but excessive regulation and lack of transparency in the access process can lead to negative consequences for civil liberties and the economic development of the country.

Method: collection and analysis of information, systematization and translation into English.

1 The concept of state secrets

State secret is information containing information constituting state, military, economic, scientific and technical, operational intelligence, environmental, informational or other special importance for ensuring the defense and security of the state, which has limited access and is subject to protection in accordance with the law. It is based on the need to ensure the indivisibility, integrity and security of public administration, as well as the protection of state interests. The rules for handling state secrets established by law strictly regulate access to such information and the procedure for its storage, transfer and use. Violations of handling state secrets can lead to serious consequences, including criminal liability.

State authorities and institutions that received this information have the right to classify information. A complete list of government bodies and what information can be classified is indicated in a special list of information classified as state secrets. It is exhaustive: an organization that is not listed in it cannot classify a culinary recipe and demand that its former employees be prosecuted for disclosing state secrets.

In Russia there are three classifications of secrecy: “special importance”, “top secret” and “secret”. They are assigned to information in the field of military, foreign policy, economic, scientific and technical, intelligence, counterintelligence and operational investigative activities. The difference between the two is what harm might be caused by the disclosure of information and what interests would be harmed as a result of the disclosure.

2 Bodies of protection of state power

Bodies protecting state secrets include:

 interdepartmental commission for the protection of state secrets;

 federal executive authorities (Federal Security Service of the Russian Federation, Ministry of Defense of the Russian Federation, Federal Agency for Government Communications and Information under the President of the Russian Federation), Service (Foreign Intelligence of the Russian Federation, State Technical Commission under the President of the Russian Federation and their local bodies;

 public authorities, enterprises, institutions and organizations and their structural divisions for the protection of state secrets.

State authorities, enterprises, institutions and organizations ensure the protection of information constituting state secrets in accordance with the tasks assigned to them and within the limits of their competence. Responsibility for organizing the protection of information constituting state secrets in government bodies, enterprises, institutions and organizations rests with their leaders.

Admission of officials and citizens of the Russian Federation to state secrets is carried out on a voluntary basis.

The permit provides for those making such a decision:

* assuming obligations to the state to not disseminate information entrusted to them that constitutes a state secret;
* consent to partial, temporary restrictions on their rights (the right to travel abroad for a period specified in the employment agreement (contract); the right to disseminate information constituting state secrets, to use discoveries and inventions containing such information; the right to privacy when carrying out verification activities during the period of obtaining access to state secrets);
* written consent for inspection activities to be carried out in relation to them by the authorized bodies;
* determination of types, sizes and procedures for providing benefits; familiarization with the norms of the legislation of the Russian Federation on state secrets, providing for liability for its violation;
* making a decision by the head of the public authority of an enterprise, institution or organization on the admission of the registered person to information constituting a state secret.

Organization of access of an official or citizen to information constituting a state secret is entrusted to the head of the relevant government body, enterprise, institution or organization, as well as to their structural units for the protection of state secrets. The procedure for an official or citizen's access to information constituting a state secret is established by regulatory documents approved by the Government of the Russian Federation.

Violation of the legislation on state secrets can be committed either intentionally or carelessly. For intentional violation of the legislation on state secrets in the form of high treason, espionage, disclosure of state secrets, criminal liability is provided for under Art. Articles 275, 276, 283 of the Criminal Code of the Russian Federation, respectively. Also, criminal liability is provided for such an act as the loss of documents containing state secrets, Article 284 of the Criminal Code of the Russian Federation. However, this crime is committed with a careless form of guilt.

Supervision over compliance with legislation in ensuring the protection of state secrets and the legality of decisions taken in this regard is carried out by the Prosecutor General of the Russian Federation and the prosecutors subordinate to him.

3 Legal acts regulating issues in the field of state secrets

The legal basis for the institution of state secrets is the Constitution of the Russian Federation, the Federal Law “On State Secrets”, the Law “On Security”, the Federal Law “On Information, Information Technologies and Information Protection”, decrees and orders of the President of the Russian Federation, decrees and orders of the Government of the Russian Federation, regulating relations in the field of protection of state secrets.

In accordance with Art. 2 of the Law “On State Secrets,” state secrets include information protected by the state in the field of its military, foreign policy, economic, intelligence, counterintelligence and operational investigative activities, the dissemination of which could harm the security of the Russian Federation.

Carriers of information labeled “State secret” can be any material objects that display information constituting a state secret.

The list of information containing state secrets includes:

– information from the military field,

– information from the field of economics, science and technology;

– information from the field of foreign policy and economics.

Three degrees of secrecy of information containing state secrets are established: “special importance”, “top secret”, “secret”.

4 Officials with access to state secrets

The access of officials and citizens of the Russian Federation to state secrets is regulated by the Law of the Russian Federation “On State Secrets” No. 5485-1 of July 21, 1993 (Article 21).

The procedure for access to state secrets is determined by the “Instruction on the procedure for access of officials and citizens of the Russian Federation to state secrets,” approved by Decree of the Government of the Russian Federation of February 6, 2010 No. 63.

Access to state secrets is voluntary.

Access of citizens to state secrets provides for:

* assuming obligations to the state to not disseminate information entrusted to them that constitutes a state secret;
* consent to partial, temporary restrictions on their rights;
* written consent for inspection activities to be carried out in relation to them by the authorized bodies;
* determination of types, sizes and procedures for providing social guarantees;
* familiarization with the norms of the legislation of the Russian Federation on state secrets, providing for liability for its violation;
* making a decision by the head of a government body, enterprise, institution or organization on access to information constituting a state secret.

Three forms of access to state secrets for officials and citizens have been established, corresponding to three degrees of secrecy of information constituting a state secret: information of special importance, top secret or secret. The presence of officials and citizens with access to information of a higher degree of secrecy is the basis for their access to information of a lower degree of secrecy.

If, due to the nature of the official duties performed, access to information constituting state secrets is provided, citizens can be appointed to these positions only after obtaining access to state secrets in the appropriate form. The list of positions, upon appointment to which citizens are granted access to state secrets, is determined by the nomenclature of positions of employees subject to registration for access to state secrets.

Access to state secrets under the third form is issued without security authorities conducting verification activities. If there are doubts about the reliability of the personal data provided, the head of the organization can send the materials to the security authority for verification activities. If, within 6 months after the verification activities, a decision was not made to grant a citizen access to state secrets, the note on the card about the verification activities carried out by the security authorities becomes invalid. In relation to citizens who were transferred to positions that do not provide access to state secrets, resigned from the organization, including upon termination of an employment contract in connection with organizational and (or) staffing events, completed their studies at an educational institution, etc. and for which cards are not requested within 6 months, the admission is terminated.

The heads of organizations, employees of their structural units for the protection of state secrets, as well as persons who are entrusted with the functions of structural units for the protection of state secrets, are granted access to state secrets with the implementation of verification activities by the security authorities.

CONCLUSION

The system for protecting state secrets in the Russian Federation has been formed, first of all we are talking about its regulatory framework. Laws on state secrets and security have been adopted, based on and in compliance with constitutional norms and norms of ratified international treaties, as well as a number of other by-laws. A number of provisions that have already received an official assessment by the Constitutional Court of Russia, the body of constitutional proceedings, and the highest judicial bodies of general jurisdiction. Those. A mechanism for compliance and compliance of legislation on state secrets with the basic law of the country and international agreements has also been formed.

The fundamental vector of these changes was the Constitution of the Russian Federation, which established and regulates the most important numerous institutions of branches of domestic law. The expansion of various spheres of constitutional regulation contributed to the consolidation of new concepts in the Constitution of the Russian Federation. So, in paragraph 4 of Art. 29 of the Constitution of the Russian Federation enshrined the fundamental provisions of the doctrine of state secrets: “Everyone has the right to freely seek, receive, transmit, produce and disseminate information in any legal way. The list of information constituting a state secret is determined by federal law.”

Having officially established the definition of the concept of state secret, a system for its protection was established, bodies and measures were identified. It is possible that the list of information constituting a state secret has also been subject to a clear definition; the legal guarantee of respecting the interests of the entire society has become the establishment of a list of information that cannot be classified. However, their inaccuracy and vagueness, which objectively exists and also cannot be overcome for objective reasons, has led to a number of lawsuits, sometimes dragging on for years.

In general, we can say that at this time, the time of information technology, information has become one of the most expensive and necessary resources. And for the successful development of the state, if we consider state secrets separately, it is necessary to improve the mechanisms for protecting this information from third parties in order to strengthen and preserve its sovereignty.

Thus, it is necessary to improve criminal legal means of combating encroachments on state and official secrets of internal affairs bodies. It is necessary to strive to ensure that the institution of state secrets does not become a burden for the normal development of society and the economy, does not harm, but helps. Criminal legal aspects of combating crimes that infringe on confidential information

LIST OF SOURCES USED

1 Constitution of the Russian Federation (adopted by popular vote on December 12, 1993, with amendments approved during the all-Russian vote on July 1, 2020) // ATP “Consultant Plus”.

2 Civil Code of the Russian Federation (part one) dated November 30, 1994 N 51-FZ (as amended on February 25, 2022) // SPS “Consultant Plus”.

3 Criminal Code of the Russian Federation dated June 13, 1996 N 63-FZ (as amended on March 4, 2022) // SPS “Consultant Plus”.

4 Law of the Russian Federation dated July 21, 1993 N 5485-1 (as amended on June 11, 2021) “On State Secrets” // SPS “Consultant Plus”.

5 Online Google translator

6 Russian-English dictionary of legal terms