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**THE ISSUE OF THE DISPLAY OF SENSITIVE INFORMATION IN THE
STATE LAND CADASTRE AND ITS PUBLICITY IN THE CONDITIONS
MILITARY CONFLICT**

O. Dorosh, Doctor of Economics, Professor

e-mail: dorosh_o@nubip.edu.ua

The National University of Life and Environmental Sciences of Ukraine

Y. Dorosh, Doctor of Economics, Professor,

Corresponding Member of NAAS of Ukraine,

e-mail: landukrainenaas@gmail.com

A. Tarnopolskyi, Deputy director,

e-mail: andrey0037@gmail.com

A. Dorosh, PhD of Economics

E-mail: doroshandriy1@gmail.com

Land Management Institute of

National Academy of Agrarian Sciences of Ukraine

The goal of the scientific work was to justify the need during the war in Ukraine to find a balance in the issue of limiting access to sensitive in terms of state and public security open data in the State Land Cadastre system to ensure the interests of national security and public interests. Information of interest to the aggressor should become inaccessible. This data selection should be made by the military and the Security Service and should not be publicly displayed. On the other hand – the rest of the information should be used by specialists in the field of geodesy and land management, construction and architecture, local self-government bodies with a certain number of persons with access to data. The author's proposal is also that access to data, including open data, should be regulated and authorized. So it is proposed to classify them at the legislative level in terms of levels of sensitivity, methods of use, access regulations, and to define lists of sensitive information and ways of displaying it. The need to change the attitude towards information resources

as free resources and transfer information to the status of an intangible asset with licensed access (analogue – software) was noted, because the introduction of information into economic circulation will cause the growth of the economy. It is proposed that upon the end of martial law, the restrictions that were in force under these conditions should be reviewed, amendments to the legislation should be introduced into the regulations of the State Land Cadastre, and the composition, content, and distribution capacity of the cartographic base of the Public Cadastre Map should be updated.

Key words: *martial law, sensitive information, state land cadastre, geospatial data, Public cadastral map, certified land surveyors, certified surveyors, certified architects.*

Formulation of the problem. The introduction of martial law and the full-scale Russian invasion of Ukraine prompted the state authorities and the public to prevent the unauthorized use or use in criminal interests for purposes against the state of Ukraine and the Ukrainian people of the available information resource (all state registers), including the State Register of Real Property Rights (hereinafter – SRRPR) and the State Land Cadastre (hereinafter – SLC). For this, by the decision of the Verkhovna Rada of Ukraine, all state registers were disabled in order to limit access to them in order to prevent threats to the security of the state, businesses, citizens and the information contained in these registers. This decision was a response to the discussion about the security of unsupervised, unregulated, unlimited, unauthorized access to a full set of information resources, including specialized and sensitive information. This discussion was held in society for many years, and the complete openness of information resources was identified with the prevention of corruption [1].

Today's situation has revealed the fallacy of such an approach and requires a reduction in public uncontrolled, unauthorized access to "sensitive" information. We are talking about critical infrastructure objects, their characteristics, which are reflected in open cartographic materials, in the land cadastre, in property rights

registers, in general plans of settlements, detailed plans of territories, and other open materials.

Analysis of the latest scientific research and publications. The issue of building geospatial data infrastructure, conceptual approaches to the formation of automated land and property complex management systems, optimization and proposals for filling in information of the State Land Cadastre dedicated to the work of such scientists as A. Tretiak, V. Tretiak, Y. Dorosh, O. Dorosh, O. Dyshlyk, Sh. Ibatullin, O. Kovalyshyn, O. Panchuk. Ye., Tarnopolskyi, M. Malashevskyi and other [1-15].

The very fact of the suspension of the public cadastral map and the limited possibilities of the personal offices of certified land surveyors and geodetic engineers caused great losses to the economy, the slowdown of even those investment projects that arose during martial law, complications with the transfer of business in the region of western Ukraine, a decrease in tax income and insurance deductions.

However, limited, unauthorized public access to information during wartime is justified. As for the information of the State Land Cadastre, it is time to select those that can be used by anyone to harm the State and should be unavailable not only during wartime. Such selection should take place on the proposals of the military and the Security Service of Ukraine. After such selection, data on sensitive information must have limited, controlled, authorized access. Accordingly, the rest of the information can be used by executors of work in the field of geodesy and land management, construction and architecture, local self-government bodies with a clearly defined circle of persons for the purpose of exercising authority. But also with certain authorization regulations. The mentioned experience of termination of access to SLC shows:

- first, about the need to establish access regulations to any databases containing sensitive information;

- secondly, about the fact that the State Land Cadastre is a database for specialized purposes and cannot be comprehensively accessible to representatives of the non-professional environment;

– thirdly, about the formation of a reasonably sufficient set of information placed on the Public Cadastral Map.

The purpose of the study. Find a balance between the possible use of "sensitive" information in the State Land Cadastre system by an aggressor to the detriment of the interests of Ukraine and the need to carry out land management in the conditions of military challenges.

Materials and methods of scientific research. To realize the purpose of the research, the following methods of scientific knowledge were used: monographic, analysis, generalization. The monographic method was used to study scientific works devoted to the creation of geospatial data, management of the land property complex, and filling in information of the State Land Cadastre. The analysis method was used to study the existing legal acts that provide for the filling of information in the State Land Cadastre and the restrictions that arose in connection with the introduction of martial law. The method of generalization substantiated and proposed changes regarding the procedure for access to "sensitive" information in the State Land Cadastre and restrictions that arose in connection with the martial law.

Research results and discussion. With the adoption in 2020 of the Law of Ukraine "On the National Infrastructure of Geospatial Data" No. 554-IX, which came into effect on January 1, 2021, the National Geoportal ensures the publication of geospatial data, basic among which is a number of information about: the state border of Ukraine; coordinate-spatial basis of geospatial data; administrative-territorial units and their boundaries; - territorial communities and the boundaries of their territories; settlements and their network of streets and roads; buildings and structures; engineering communications; railways; highways; hydrographic objects and structures; airports; sea ports; river ports; geographical names; registers of streets and addresses of objects; orthophotoplans; ground section; soils and land cover; digital terrain model [16].

Clause 1 of Article 7 of Law 554-IX defines that national and other geoportals are created as part of the national infrastructure of geospatial data (hereinafter - NIGD) and their functioning is ensured by industry or territorial coverage. That is, on

the basis of the basic data listed above, profile (branch and thematic) geospatial data are created.

Law 554-IX also defines that the State Land Cadastre "...includes geospatial data, metadata and services, disclosure, other activities with and access to which are carried out on the Internet" [16].

The information contained in the national geoportal is characterized by such fundamental things as publicity and accessibility, which served to attract investment, legalize the land market and, ultimately, fight corruption.

Almost two months after the start of the military invasion, real estate transactions were blocked. And since the end of April, in regions that have not experienced active hostilities, access to the State Register of Property Rights to immovable property has been partially restored, the content of which reflects information related to rights to immovable property, the encumbrance of these rights and their object and subject storage.

The functioning of the SLC as a single state information system regarding land resources, registration of land plots and land management was also temporarily suspended. The resumption of work began in May with the introduction of a number of strict restrictions, including a ban on providing information in extracts and copies of documents. The leakage of information from the SLC about the quantitative and qualitative condition of lands, their intended purpose, about the distribution between owners and users, about restrictions on the use of land within the state border of Ukraine is unacceptable. The explanation for this is simple: access to this information can pose a threat to the lives of people who are both in the areas of hostilities and in temporarily occupied territories. Such information for use should be available to a limited number of specialists, namely: designated state cadastral registrars, certified land surveyors, surveyors and architects.

Therefore, we must make it impossible for the aggressor to obtain geospatial information from open sources for planning military operations, sabotage of which can result in more accurate and more powerful missile strikes. It is about: objects of critical infrastructure are displayed on cadastral maps; orthophotoplans; topographic

maps; information about coordinates; terrain relief, etc. In order to prevent identification of the location of critical infrastructure objects on the Public Cadastral Map, information on the protection zones of main gas pipelines, oil pipelines, product pipelines, ammonia pipelines, etc. should be unavailable. In addition, information about the purpose of the land plot, about the property, which can provoke certain actions, should be hidden on this resource. The information resource displayed on orthophoto plans, which is related to the coordinates of objects, needs increased protection, since it is used by specialists in geodesy and land management, urban planning and architecture, and local self-government bodies. When it comes to the coordinates of the objects of the State Land Cadastre, in this case, only authorized access to this information is possible, which can only be had by certified land engineers, certified geodetic engineers, certified architects and representatives of local self-government bodies with a certain number of persons for the purpose exercise of power. Digital terrain models can also be of significant interest to the enemy, as they serve as a basis for striking with high-precision weapons. It is precisely such information that should, without a doubt, be inaccessible, and therefore protected.

Resolution No. 564 "Some issues of management and functioning of the State Land Cadastre under martial law" adopted by the Cabinet of Ministers of Ukraine dated 05/07/2022 entered into force on 05/14/2022 [17]. This by-law was developed by the central executive body in the field of land relations (State Geocadastre) in compliance with the requirements of the Law of Ukraine "On the Legal Regime of Martial Law" (Articles 12-1, 20), as well as the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" dated February 24, 2022 No. 64. The content of the resolution is aimed at protecting the rights of the state as well as the rights of individuals and legal entities. Its purpose is to determine the features of conducting the SLC characteristic of the conditions of martial law in Ukraine, which must be observed when entering information into the SLC or making changes to them about the objects of the SLC and using this information, in particular by accessing the SLC, making the information of the SLC public, before as well as through the Public

Cadastral Map, which is part of the SLC software [18]. This resolution regulates the following issues:

- entry of information (amendments to them) to the State Land Cadastre and their provision is carried out exclusively by state cadastral registrars of the State Geocadastre and its territorial bodies (state cadastral registrars must be included in the list, which in the conditions of martial law in Ukraine exercise the powers defined by the Law of Ukraine "On State Land Cadastre"). Such a list is approved by the State Geocadaster in case of agreement with the Ministry of Agrarian Policy and Food of Ukraine;

- approval of the list of administrative-territorial units for which user access to the State Land Cadastre has been suspended is foreseen;

- restrictions have been introduced regarding the publication of State Land Cadastre information under martial law conditions, in particular through the Public Cadastre Map;

- provision of information from the State Land Cadastre by administrators of centers for the provision of administrative services during martial law in the cases provided for by the Law of Ukraine "On Administrative Services" and in the manner determined by it, as well as by officials authorized by executive bodies of local self-government in the case of successful internships in the sphere of land relations on the territory of the relevant administrative and territorial units;

- the possibility of state registration of such land plots: formed by division or unification; land plots for which state acts of ownership without a cadastral number have been issued; land plots on which real estate objects are located, the ownership of which is registered in accordance with the established procedure;

- settled the issue of providing access to the State Land Cadastre under martial law both to users who had access until February 24, 2022, and to other users who did not have it;

- through the official website of the State Geocadastre, access to the information of the State Land Cadastre regarding the coordinates of the turning points of the borders of the objects of the State Land Cadastre was granted to: state cadastral

registrars, persons who are entered in the State registers of certified land surveyors and certified geodetic engineers, respectively, and authorized to carry out survey, research, topographical and geodetic works in the relevant territories, to compile land management documentation during the martial law in Ukraine;

- access of state cadastral registrars to the SLC is terminated for violation of specified decision-making restrictions (conditions), legislative requirements; for violating the requirements of the law, deny access to the SLC of other users without the right to restore it; on the territory of temporarily occupied administrative and territorial units, access to the SLC of all users is terminated;

- it became possible to confirm the payment of the administrative fee for providing information from the SLC with an electronic copy (including a screenshot) of the corresponding payment document.

However, this document did not regulate the procedure for authorized access to the information of the Public Cadastral Map. That is why this important resource is still unavailable both to the professional environment and to the rest of the users.

With the introduction of changes to the Procedure for maintaining the State Land Cadastre, adopted by resolution No. 1051 of October 17, 2012, the Cabinet of Ministers of Ukraine simplified administrative procedures (it concerns the improvement of the forms of the extract from the SLC about the land plot) [19]. The extract is issued through the Centers for the provision of administrative services or through the electronic office of a certified engineer-land manager. Such an extract is issued without the coordinates of the boundaries of the land plot, since their distribution is prohibited at the legislative level, and only certified land management engineers and certified geodetic engineers with special permission of the Security Service of Ukraine have access to them [20].

At the same time, when it comes to the current situation in Ukraine, the approach to the closure of information or its availability must be justified. If we are talking about territories that have been damaged or blocked due to hostilities, then such information (with certain limitations) should not be hidden, but on the contrary, it should be available to the professional environment, state and local self-

government bodies, and civil society. If we are talking about the restoration of these territories, then we need to develop an acceptable mechanism for using the data of the State Land Cadastre, which would allow us to develop such planning types of documentation as: a comprehensive plan for the spatial development of the territories of territorial communities, which is both urban planning and land management documentation; projects for establishing the boundaries of the territories of territorial communities, establishing (restoring) the boundaries of land plots, working projects of land management, implementing functional zoning of the territory of the settlement, etc. Otherwise, the lack of access to the information resource of executors of works in the field of geodesy and land planning, construction and architecture becomes a significant obstacle to creating a quality product, respectively, in the fields of land planning and urban planning in the conditions of military challenges.

In addition, communities in which active hostilities are not conducted must take care of their own development and implement spatial planning, manage resources and dispose of them effectively, since martial law imposed on the territory of the state does not cancel the powers, except for those restrictions related to the needs of wartime.

Research results and discussion. It is substantiated that in the issue of limiting access to open data during martial law, it is necessary to apply a selective approach: in the interests of national security, to single out information, access to which could cause harm to it, and to leave other open data of public interest publicly available (but with authorized access). It should be understood that the term "open data" does not define the method of access to it. Access to data, including open data, must be regulated and authorized. In order to regulate issues of access to information, it is necessary to classify it at the legislative level in terms of levels of sensitivity, methods of use, access regulations, to determine lists of sensitive information and methods of its display.

It is appropriate, in our opinion, to change the attitude to information and to change the system of access to information, namely:

1) The change in the attitude to information consists in the rejection of the attitude towards information resources as unlimited free resources and the transition to the transfer of information to the status of an intangible asset with licensed access (analogue - software). This will open up new opportunities both for producers of information and its holders, as well as for its users. The introduction of information into economic circulation will cause economic growth.

2) The change in the system of access to information should consist in the classification of information according to the level of access, in the formation of clearly structured regulations for access to open information, which should be based on authorization and payment. After the end of the martial law, it is necessary to review the restrictions that were in force under the conditions of the martial law, to make appropriate changes to the legislation, to the regulations of the State Land Cadastre and to update the composition, content and distribution capacity of the cartographic basis of the Public Cadastre Map, to determine a reasonably sufficient list of information placed on the Public Cadastre map.

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Дорош О.С., Дорош Й.М., Тарнопольський А.В., Дорош А.Й.

ПИТАННЯ ВІДОБРАЖЕННЯ ЧУТЛИВОЇ ІНФОРМАЦІЇ В ДЕРЖАВНОМУ ЗЕМЕЛЬНОМУ КАДАСТРІ ТА ЇЇ ПУБЛІЧНІСТЬ В УМОВАХ ВІЙСЬКОВИХ ВИКЛИКІВ

Ціллю наукової праці стало обґрунтування потреби під час воєнного стану в Україні віднайти баланс в питанні обмеження доступу до відкритих даних (чутливої інформації) у системі Державного земельного кадастру для забезпечення інтересів національної безпеки та суспільних інтересів. Недоступними мають стати відомості цікаві агресору й учасниками їх відбору мають стати військові, Служба безпеки – з одного боку, а з іншого – рештою відомостей мають скористатися фахівці зі сфери геодезії та землеустрою, будівництва та архітектури, органи місцевого самоврядування з визначеним колом осіб для реалізації повноважень. Авторська пропозиція полягає й у тому, що доступ до даних, в тому числі відкритих має бути регламентованим та авторизованим для чого запропоновано на законодавчому рівні їх класифікувати щодо рівнів чутливості, способів використання, регламентів доступу та визначити переліки чутливої інформації та способів її відображення. Відзначено потребу у зміні ставлення до інформаційних ресурсів, як безкоштовних ресурсів і переведення інформації в статус

нематеріального активу з ліцензованим доступом (аналог – програмне забезпечення), бо введення інформації в економічний обіг спричинить зростання економіки. Пропонується по завершенні воєнного стану переглянути обмеження, що діяли в цих умовах, ввести зміни до законодавства в регламент роботи Державного земельного кадастру та оновити склад, зміст і розподільчу здатність картографічної основи Публічної кадастрової карти.

Ключові слова: військовий стан, чутлива інформація, державний земельний кадастр, геопросторові дані, Публічна кадастрова карта, сертифіковані інженери-землевпорядники, сертифіковані інженери – геодезисти, сертифіковані архітектори