

## THE INFORMATION HOLDER'S SECURITY IN THE TECHNOLOGICAL AND INFORMATIONAL SOCIETY

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**Abstract:** *Due to the people's easy access to information, the bureaucracy that used to suffocate the information begins to lose its strength. Thus, the holder of information has a chance to be protected.*

*The population's power of opinion regarding the politicians and the pressure that the civil society exerts on them are growing. Consequently, the citizen's security, as holder of information, is achieved by incorporating the following dimensions: economic security, food safety, health security, individual's security, his life, honour and dignity, security of the property, investment safeness, location security, job security, family security, access to education and culture, political security, societal security, ecological security and military security.*

*This paper analysis some dimensions of the information holder's security in the technological and informational society.*

### 1. Decisional Transparency and Access to Public Documents

The free access to public information and the decisional transparency are basic concepts of the administrations on both sides of the Atlantic. Considering the prejudices that the dissemination of certain information can bring about, access

to such information should be restricted.

Transparency does not imply only open governing but also the concept of governing for everyone.

Three fundamental reasons led to the necessity of legally regulate the transparency concept:

- facility of the public authorities' control of actions or of the lack of action, based on the theory that power corrupts and the citizens can prevent the leaders' abuses;
- rendering efficient the decisional process and the increase of the public's trust in it, taking into account that there can also be a reverse of the medal – the authorities' aversion against risk – “the authorities' fear”;
- the fact that it represents an essential condition of the citizens' active participation in the decisional process.

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In the countries of the European Union and in the United States, the citizens are entitled to access public documents without motivating their access request and without having to explain the use of this information. The public authorities can deny access to the documents only when the information seriously jeopardizes the public interest. The citizens of the European Union, therefore the Romanians too, are entitled to access the documents of the European institutions.

Some examples regarding the access to free information in other states:

*Austria* has general access to the information provided in the Constitution. The citizens are forbidden access to documents, being entitled only to receive answers from the authorities concerning the contents of the respective documents.

*Germany* does not have a law regarding access to documents and information. Some regions have adopted local laws on the access to information.

*Italy* grants access to any person legitimately interested in the respective documents. Each request shall be motivated to this end.

*Denmark and Sweden* allow access only to the official documents. The internal documents become official after registration.

*Recommendation Rec(2002)2 of the European Union Ministries' Committee to the member states on the access to public documents* is the basic legal act in dealing with the decisional transparency. It is worth mentioning that its issuance (21.02.2002) is subsequent to the adoption of *Law 544/2001*. The implementation of the Recommendation resolves:

- the protection and promotion of the ideas and principles that make up its common patrimony;
- the possibility for the public to form an adequate image and a critical opinion on the condition of the society they live in, and on the authorities governing them, thus indulging the totally conscious participation of the public in the common interest issues.;
- the support of the administration's efficiency and the contribution to preserving the society's integrity, thus avoiding the risk of corruption;
- the carrying out of a closer union of its members;
- the assertion of the administration's legitimacy as public service and the consolidation of the public's confidence in its authorities.

Observing its statute as Recommendation, the principles of the regulation make up a minimum law and are not detrimental to the national laws and regulations that already admit a larger access right to the public documents.

In the Recommendation, *public authorities* mean the government, the national, regional or local administration and the natural persons or legal entities, as far as they perform public functions or exercise an administrative authority in accordance with the national law.

*Public documents* mean all information registered under any form, produced, received or owned by public authorities and connected with the administrative position, except for the documents under preparation.

*The Scope* is the one included in the public documents belonging to the public authorities.

*The General Principle*, applicable to all member states, compels to guaranteeing every person the right to access, on demand, the public documents owned by the public authorities. This principle shall apply without any discrimination, including the national origin prejudice.

### **Some restrictions of the access to public documents**

The member states may restrict the access right to the public documents clearly established by the law, proportional to the purpose of protecting:

- national security, defence and foreign relations;
- public security;
- prevention, investigation and prosecution at law of criminal activities;
- private life and other private legitimate interests;
- private or public commercial and economic interests;
- justice of the parties in a jurisdictional law court;
- nature;
- administration's missions of inspection, control and supervision;
- confidentiality of deliberations inside or between the public authorities during the preparation of a file.

Access to a document can be denied if the dissemination of the information comprised in the document prejudices or is susceptible to prejudice an interest mentioned above, except for the case when a higher public interest does not justify the dissemination.

The applicant will not need to motivate why he wishes to have access to the respective document. The request formalities shall be minimal. The request shall be treated fast. Access can be denied, but the reason of denial will be stated in all cases. The applicant shall be granted access to a vetting procedure in front of a law court or an impartial court of justice provided by the law.

## **2. The Role and the Place of the Citizen, as Information Holder, in the Informational Society**

The informational society is the structure where the production and the consumption of **information** is the most important **activity**, the information being identified as the main resource, the information and communication technologies are basic technologies, and the informational environment together with the social and the ecological one – **man's** living environment.

The informational society is the society of the 21<sup>st</sup> century! It must create and ensure impartial conditions for all the citizens of the planet so that they have access

to information and knowledge. The knowledge-based informational society must contribute to establishing a higher assurance in observing the fundamental human rights. Those responsible for the implementation and use of the modern information and communication technologies will make certain that the citizen's rights

are not threatened and his life and private security are not endangered. Moreover, the right to education, knowledge, work, the right to be informed, to travel freely to any region on the globe, to elect and be elected will be observed and consolidated. The informational society must participate in strengthening the right of

property, the right to write petitions, the right to private life. At the same time, the informational society must create the adequate framework for a healthy social life, must block the germs of seclusion and alienation, and must provide the conditions for the development of the society's basic cell which is the family.

The informational society must reduce gradually the state's rights to a single obligation: to be in the service of the citizen! To this end, the information and communication technologies have to provide the instruments and the methods which will turn the governing action from a mainly bureaucratic one into a more open, more flexible, more transparent and more creative one.

The application of informatics to the main economic activities forms the base of an informational infrastructure able to better answer to the increased dynamism and to the structural changes at the society's level. The organic integration of all the informatics systems within the society leads to the creation of the societal macro system whose functioning is ensured by a new and flexible infrastructure.

*The societal security* is the resultant of a process of cohabitation and association between individuals and groups defined by a succession of joint attributes (race, ethnicity, language, history and geography) which give expression to some common feelings (identity, traditions, symbols, values).

In the classical European society it is considered that the individuals are reunited within a society through an individual-based association contract (society), under the terms of a conscious and rational decision and that there is a moral union between the individuals and the groups (community), which regains its own individuality, transmitted from a generation to the other.

Due to the fact that "not always the states are founded on the structure of a nation, the society is never taken for a state"<sup>2</sup>. Based on these reasons, the security of the state does not always mean the security of the society.

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<sup>2</sup>Ionel Nicu Sava, *Security Studies*, Romanian Centre for Regional Studies, Bucharest, 2005

The society reflects the moral (sentimental) bases of the state; therefore the societal security refers to the threats to the societal fundamentals, firstly of moral, communitarian nature. If the security is reduced to the individual's security (or to the amount of the individuals' security) one can say that, if all the individuals of a society are safe, when taken individually, it does not mean that the respective society benefits from security.

In this case, the societal security refers to that part which is not covered by the state and by the individual security. It comes out that the state's security (obtained in a military, diplomatic and economic way) and the citizens' security (obtained in a policeable way) must be completed with the society's security, meaning the societal one.

### 3. Human Security and Threats to the Human Security

The present term of "security" originates from the Latin words „*securitas, securitatis*” and means “to be sheltered from any danger, the feeling of security that the absence of any danger gives to anybody”<sup>3</sup>, but also “protection, defence”. Reported to a basic unit that, in case of human civilization, is represented by the individual, it means lack of a danger, but also a calm and peaceful state. However, somebody's security – individual, human group, human community, state or states union – is not synonymous with the absence of any real or imaginary danger, but with the existence of a coherent assembly of methods, techniques

and procedures to control and manage any kind of risks and threats. Any individual can lead a peaceful life and carry on his activity if a succession of favorable conditions are created and preserved, mainly represented by: *the concerned individual's feeling that there are no real or imaginary dangers* which could cause him physical, material or psychical injures; *the existence of a system* on behalf of the individual, the human group and the state, *to control* the possible dangers that would infringe upon an individual's physical and psychical integrity; *the optimal psychosocial climate* present especially within the human group, and in the society, in general; *the confidence climate among the states* based on collaboration, cooperation and co-working in all fields of activity; *behaviour and co-habitation norms and rules unanimously accepted and observed* by all the people, both as individuals and as members of human groups and communities, of states and states unions.<sup>4</sup>

<sup>3</sup> Illustrated Encyclopedic Dictionary, , Edition Cartier, 1999, pg. 913

<sup>4</sup> Duțu Petre, „Globalizarea și raportul dintre securitatea națională și securitatea internațională” (Globalization and the ratio between national and international security) , „Impact Strategic” magazine, no. 1/2005, p 11-16

Thus, one can say that security is represented by the system of favorable internal, international, ecological, social, economic, military, diplomatic, politic, informational and cultural conditions where a human community carries on its activity. One may say that dependent on the geographic area where it manifests, security can be: national (when speaking of a state's territory), regional (when

it refers to more states of a certain geographic area) and international (referring to the entire planet).

National security is the attribute of every independent and sovereign state meaning that each national state is obliged to ensure all the conditions for its citizens to feel secure and sheltered of any risk, danger or threat.

Practically, *the objectives of the national security are: the guarantee of the citizens' fundamental rights and liberties, the defence of the national state, sovereign*

*and independent, unitary and indivisible, the consolidation of the rightful order and of the democratic institutions, the ensuring of a decent living standard to the population, the protection and promotion of the national interests in the world.* These above-mentioned objectives are carried out by political, legal, diplomatic, economic, social and military means, through public relations, information and cooperation with the states and the political, economic and security organizations within the zonal, regional and international space.

If two decades ago the term "national security" was a synonym of "defence", today, for most of the Euro-Atlantic states, security is firstly a non-military measure,

and the threats that have the precedence are non-military ones. The threats to the national security and, implicitly, to the citizens refer to: incompetent governance, corruption and subterranean economy, organized crime, traffic of strategic materials, ecological threats, border insecurity, illegal trafficking and commerce (weapons, drugs, smuggling, human trafficking), illegal migration, ethnic and religious conflict, proliferation of weapons of mass destruction, proliferation of uncontrollable technology, diminish of natural resources (e.g. water), terrorism, threats to information, military, economic, social and political threats etc.

Romania's national security strategy identifies as main threats to the country's security, in close connection with the dynamics of the worldwide political and military events, actions and phenomena such as: terrorism, proliferation of weapons of mass destruction and regional conflicts, representing the relatively stable state of equilibrium of the social system where the citizen, the governmental and non-governmental organizations, the people organized on different criteria, can freely develop and promote their own interests with the observance of a system of norms which in progress

It is still in this context that materializes the manner of organizing and managing the activities for carrying out the political power's interests and objectives, by a rational use of resources in order to ensure the social system's stability and security.

Nowadays' governments' final objective is the increase of the citizen's security which is considered to be "higher than the state's security". The citizen's security is not an abstract concept. Its domains are accurate and the degree to which the citizen's security is guaranteed can be, most often, quantified. The responsibility of the citizen's security as a core concept of the governing policies implies understanding the governing as the risk management.

Virtually, diminish of the risk leads to an increase of the citizen's security. It is very important that governance takes into consideration diminishing of the risk factors. The citizen's security is a concept that is not related only to the type of dangers that await him during the various dimensions of his existence. It equally refers

to the predictability of his existence. Incertitude, unexpectedness are risk factors that deteriorate the individual's dignity. A modern society established on stable norms, laws and regulations reduces its arbitrary, acquiring an increased degree of predictability, useful not only at the personal security level, but also at the level of the business security or national security.

Thus, *the citizen's security, as information holder*, is carried out by incorporating the following dimensions:

a. *Economic security*, a situation where no danger diminishes the access to resources, to markets and to capital. A state's economic situation is the basic condition of military and political security;

b. *Food safety* related to the evolution of the agricultural sector and the ensuring of minimum means of support for every family. Agriculture will be a capitalist-based one, meaning that property is separated from production and the connection between them will be founded on management and waged labor. Agriculture policy has to be centered on the support of the farmer and the development of the agricultural markets.

c. *Health safety*, meaning continuous medical care, epidemiological surveillance and supervision of adequate living conditions. Today, the risk of discontinuing

the medical care is a major one, being related to the lack of medicine, sanitary items and adequate conditions within the medical units.

d. *Individual's protection* means the protection of life, of its honor and dignity. The state has to make use of its authority to protect the citizens against any attempt of using force on him. The threats to the individual's security result from cultural-rooted violence, economic and social violence, authorities' accentuation of inequities and incapacity. The increase of the risks related to the individual's

protection is connected with the mounting level of poverty-based alcoholism, on the lack of solutions for the protection or integration of certain social categories, on the state institutions' non-involvement in the prevention of violence, on the insufficiency

of the civil society's resources in developing significant actions to prevent criminality. *The individuals holding information are protected by those who are interested in the security of the respective information.*

e. *Security of the property*, equivalent to property guaranteeing by the state.

f. *Investment safeness*, as an ample concept, is a result of diminishing an important number of risk factors. These risks are: institutional, legal, competitive, monetary, currency, financial and commercial risks

g. *Location security* considers the development of mechanisms able to facilitate access to a residence, according to the individual's financial power.

h. *Job security*, the job insecurity being one of the most severe expressions of the citizen's lack of security.

i. *The family security* is affected by the risks of diseases perpetuation, increase of the disability cases, a higher level of infant mortality, school abandonment, homeless children, juvenile delinquency, family breaking-up, alcoholism, increase of drug-dependency, physically, sexually and emotionally abused children, neglected children, increase of home violence.

j. *Access to education*, security of education;

k. *Political security* determined by the organizational stability of the governing system and of the ideology supporting it;

l. *Societal security* by which the individual evolves within the society, derives from the preservation and development of language, cultural, religion and customary characteristics, meaning the identity of a nation;

m. *Ecological security*, preservation of the planetary biosphere, provision of resources indispensable to the living environment and to the human community's survival;

n. *Military security* meaning no more to ensure territorial inviolability, but to protect the individual against possible military violence, protection of the life and living conditions.

### **Conclusions regarding the human security and the security culture**

Security is a fundamental right of the human being. It is a state where the dangers and conditions which could cause physical, psychical or material damage are controlled so as to allow for the individuals' and the human community's health and welfare preservation. Security is the resultant of a dynamic equilibrium between the different components of the living environment.

The security culture is all the values, norms, attitudes or actions that determine the understanding and the assimilation of the security concept and of the other



concepts deriving from it: national security, international security, collective security, and security policy as well as information security.

In short, the culture security envisages the manner of approaching the works and conceptions of the organization members, the attitudes, opinions, traditions, perceptions, ideals, ethical standards from the perspective of the security concept. More explicitly, if one refers to the attitude towards risk, to the rules and practices to minimize it, one speaks of the security culture or of the culture of the security.

*Individual security* means placing the individual and the populations in the centre of the international preoccupations and is the new orientation of the support policy for human development.

At present, the individual's welfare, besides the role played by the economic factor, start being associated to other factors such as: longevity, health, access to education or to an adequate living standard, increase of everyone's possibilities of selection,

an active involvement in the political and social life.

Worldwide human security is a constant preoccupation of the United Nations Organization (UNO) that, through its specialized bodies, acts for the instauration of this benefic state of the human being and international human community. In this context, the objective set by UNO, as regards the security, is a world free of fears.

At the same time, it has been admitted that, besides the military threats, there are other severe dangers that the human security is confronted with, such as:

- systematic violation of the human rights in some states of the world;
- interdiction of the humanitarian organizations to help the population living under hard conditions;
- frequent violation of the international human rights;
- increase of the international criminality;
- inequity of chances regarding all individuals' access to education, medical care, social protection;

One can say that global human security envisages not only a large spectrum of threats, but, all together, it strives to ensure individual welfare.

The individual security and the human security in a restricted sense are aimed at ensuring the individual's physical integrity against any form of violence resulting or not from a conflict. In an extended sense, it implies the existence of an individual's welfare from the economic, social, cultural point of view.

Considering all this, the citizens are trying to turn incertitude into opportunity in order to live a better life. For this reason, all possible means, whether private or state, to discuss about risks or to defend legitimate interests are used.

The citizens' actions now in place, together with the media, help people form an opinion. This influences the social priorities and, therefore, the political ones. Today, people have objectives, face problems, have common interests, all more

convincingly than in the past. They ask for their rights through the civil society's institutions that they themselves built up. Due to the people's easy access to information, the bureaucracy that used to suffocate the information begins to lose its strength. *Thus, the holder of information has a chance to be protected.*

The civil society, thus established nowadays, has an even greater access to information while the information is often used to generate social changes, depending on the interests. The power of the population's opinion regarding the politicians and the pressure exerted on them by the civil organizations are increasing.

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