# Building E Governments and the E Citizen Interface


Anne Flanagan
Centre for Commercial Law Studies



## What is E Government?

Transforming government service delivery through use of ICT for greater effectiveness and efficiency

Simple, basic definition of complex task/process!

Presents other issues:

– What is government?

– How do we transform it? Why?

–What service delivery does this encompass?

–How do we measure "effectiveness and efficiency"?

iccl@ccls.edu

## Why E Government?

- Unquestioned recognition of ICT value to economies

  See, e.g.," Seizing the Benefits of ICT in a Digital Economy" OECD, 2003

- National/regional/global efforts over last 15 years to:
  - create necessary legal/physical/social infrastructure
  - to foster take up/diffusion of information society services
    - Business and commerce focus

iccl@ccls.edu

## International

WTO

General Agreement on Trade in Services (GATS)

- Value of services: $1350 billion (1999)
  - OECD members alone in 2004
- Recognition of telecommunications as critical service and infrastructure input for other services

# WTO

- TRIPS
  - Harmonized standards for intellectual property, protection of digital content
- Other Bretton Woods organizations: IMF, World Bank
  - Loans and capacity building for IT infrastructure and take up by SMEs



# International II: United Nations

- UNCITRAL

Models for Legal Frameworks of e commerce:

– Model Law on Electronic Commerce (1996)

– Model Law on Electronic Signatures (2001)

Draft Convention on Electronic Contracting

- UNCTAD
  - Analysis and technical assistance to developing nations on technology and development
- UNDP

– Global Digital Opportunities Initiative

# OECD

- Research/analysis of ICT/economic trends in Member States
- Identification of policy requirements:
  - Guidelines on data protection (1981)
  - Cryptography Policy Guidelines (1997)
  - Clearer, fairer e-tax principles



# International

Council of Europe

- Convention for the Protection of Individuals with regard to the Automatic Processing of Data (1985)
- Convention on Cybercrime

# ICT and Governments



More recent recognized that benefits realized by businesses could be realized by governments

Potential impact on:

- Government operations: greater efficiency, cost savings, transparency
- Government interactions with:
  - Citizens
  - Businesses
  - Government employees
  - Other governments

Need for proper infrastructure of e government:

- Technological, legal, institutional, social

# Arab States



- Not surprising interest in potential of e government
  - Accelerated development of human capital in last 40 years
  - Governments as effective agents for change
  - Enhancement of social cohesion and welfare as cultural, religious tenet
  - Recognized potential of e government as catalyst for development of knowledge economies

# Infrastructure Issues



**Technological**

- Legacy systems
- Budgeting priorities and need for sustained capital investment
- Interfaces/Standards
  - Open Source
- Security/Data Protection
- User Access
- Status of market competition in ICT: cost, choice, bottlenecks

# Infrastructure Issues



**Social**

- Literacy
  - Basic, computer, mobile phone
- Advanced ICT skills
  - Service provision and certain usage
- Age
- Income
- Culturally appropriate interfaces
  - E.g., gender

# Legal Infrastructure



Legal Issues:

- Scope of authority to effect change process
  *Ultra vires* acts
- Standards for use and classification of information made available from e government
  E.g., Public v. private
  *R. v Wakefield*, [2002] W.L.R. 889(QBD)
- PPP and outsourced services
  – Transparency, ownership, control:
  E.g., duty under FOI, copyrighted, contract

# Legal Infrastructure



- Nature of communications
  Legal effect?
  Create public record?
  Satisfy legal duty?
- Infrastructure of trust
  – Permit and promote the use of digital signatures, digital certificates, electronic receipts, electronic payments,
  – Controls on access, use, security of data
- Human/civil rights implications
  – Privacy, proportionality, consent, equal protection

# Institutional Infrastructure



- How do you transform government?
  - Nature of governments
  - Not mere business but infrastructure for pursuing societies' essential goals
    - Complex, multi-layered system
      - National, state and local
  - Relationship with citizens
    - Not merely consumers
    - Nature of particular society may dictate but historical expectations/obligations

# Institutional Infrastructure



- Mega institutional inertia
  - Level of change required
- Expertise
  - Skills gap in public sector
  - Reliance on consultants
    - Capacity building
    - Ownership and control
  - Mentor states

## Institutional Infrastructure



- How to change?
  - Need vision, policy, and effective planning and implementation through successive governments and roll out of phases
  - Must be responsive to priorities and concerns of public: citizen centered
    - How to find these out?
    - How to measure success?

## What services?



Indices shows trends in services roll out:

- Citizen Access to government information
- Facilitating compliance
- Citizen access to personal benefits
- Government procurement
  - Bidding, purchasing, and payment
- Government-to-government information and service integration
- E participation

## Facilitating Compliance



Electronic access facilitating compliance with a set of rules or regulations: Tax registrations, permit applications, tax filing, license renewals, etc.

- Legal infrastructure:

Legislation either specifically authorizing or removing legal impediment

Legislation requiring security, privacy and data quality controls such as data protection/cybercrime acts)

## Facilitating Compliance II



- Technological infrastructure

Secure systems, standards: e.g., document formatting, document storage/retention, payment systems

- Social/Institutional

User competence and security, continued delivery of non-online services, cost of technology chosen (e.g. public kiosk, own computer, mobile) and ease of access

# Provision of Benefits



- Services to target citizen groups, organizations:
  - E.g., Pensioners, unemployed, recipients of worker's compensation, universities, arts organizations

  Online application; electronic delivery of benefit
  - www.firstgov.gov www.ukonline.gov.uk
- Infrastructure Issues
  - Security, data protection, authentication, access, systems for delivery, including redundancy of access/delivery
    - Suitable interactive document standards
  - Citizen as consumer

# Procurement



Using ICT for electronic commerce applications for purchasing services/goods and benefit as would private sector:

- Electronic vendor catalogues
- RPF distribution
- Bid Submission/Evaluation
- E payment
- E purchasing (G2B, G2G)

- Technology: Standards, Security
- Legal: Electronic contracting, agents, competition law controls, transparency and government purchase regulations
- Institutional: culture of gov't purchasing systems

## Government to Government

iccl@ccls.edu

Cross-agency delivery of integrated services: " horizontal government"

- Citizen and "life events"; single access point: Canada
  - Requires electronic integration and sharing of information
    - Privacy law compliance and controls: mission creep, reuse
    - Security
    - Trust

## Government to Government

iccl@ccls.edu

- Requires transformative Technology/Institutional change of gov't infraculture
- Social/Institutional: Training beyond early adopters, defined redundancies and services to remain 'analog' for continued access, multiple skills sets

iccl@ccls.edu

# E Participation

- Citizen Participation
  - – Access to elected officials/decision makers
  - – Meaningful ability to participate in policymaking process
    - "Town meetings" ?; E mail consultations, mobile phone consultation
  - – Voter Registration
  - – E Voting:
    - Candidates
    - Issues (Referendum)
- Digital Divide? Security and Integrity, Continuity of values, traditional processes

iccl@ccls.edu

# Measuring Effectiveness

One set of benchmarks:

1.Financial: Reduced costs of government operations/enhanced revenue collection

2. Economic development

3. Reduced redundancy: Consolidating and integrating government systems

4. Fostering democratic principles

5. Improved service to citizens and other constituencies.

Intergovernmental Advisory Board, U.S.

Issues: Source, use, perception, what your goals were in the first place

# U/M Government



"Ubiquitous and Universal"

– Accessible everywhere and by all

–Impact of mobile technology/convergence

- New services, new platforms, new infrastructure issues

  – Technology: Data Security? Gov't Hot Spots?

  – Legal: Universal Service Obligation ? Privacy with location technology? Data/Record retention

  – Social: 3G as the digital divide?

- Age, income, disabilities: tiny phones with costly service

  – Institutional: Culture of big brother? SMS consultations?

# The E Citizen Interface



'Government': complex, legal and social construct with historical values and expectations

– Putting something online will not improve it

– If it is good, re-engineering it may change it

"Focus on the 'G' and forget about the 'e'"

Miriam Lips, Professor of E Government, University of Victoria

## The Interface with the Individual



- Issues for e-government take up
  - Educational, generational, financial factors
    - Substantial barriers to citizen participation
      - May present civil/human rights concerns
        - E.g., de facto disintermediation via illiteracy, digital divide
  - Emotional/intellectual barriers
    - Cybercrime, data protection, 'Big Brother', mission creep, preference to deal with a 'person'
    - People have rational and irrational fears of change, unknown, the Internet, government, etc.
      - Deal with them

## Perceptions of the Internet



- Cybercrime is a key concern internationally
  - Canada ranks highest in e government benchmarks but:
    - Canadian study shows that 74% of Canadians believe that they are at risk for ID theft
      (Sun Microsystems, Fusepoint, Communiqué 'La majorité des entreprises canadiennes croit que les données confidentielles sont à risque' )
  - U.S.
    - Study shows 40% of U.S. Internet users refuse to engage in online financial transactions
      IBM, 'IBM Survey: Consumers Think Cybercrime Now Three Times More Likely Than Physical Crime' (25 January 2006)
- Not unfounded
  - Growth and professionalization of cybercrime

iccl@ccls.edu

# Consequences for E Government

- Plateaus in citizen use
  - Information seeking but not engage in active transactions
- Need tools for safety and control
- Tools for safety control
  - Education where they are
    - Risks, including of 'always on' broadband
    - Skills
  - ISP obligations?
    - Secure, warn, advise of how to improve?
  - Access to 'safe computers'
    - Public buildings, libraries, schools
  - Data protection liability for government authorities, monitoring and redress

iccl@ccls.edu

# Implementation

- Very Costly, Complex Process
  - Multi-phase, across functions and structures with many potential user groups and or controllers
    - Fraught with potential for failure :

      "recovered lost ground after an unsuccessful project five years ago"

      "These are part of a wide ranging report on the NHS which suggests that the £43 bn investment of the past five years has not produced all of the desired increases in benefits from the service."

  International benchmarks for performance

  'Mock' citizen metrics

  Caution about language of e government

  "Avoidable citizen contacts"
- Technologist led?

# Legal Infrastructure



Enabling legislation

- Define, enable, delimit, empower/protect
- Omnibus: E Government Act?

  (P. Gonzi, Malta)

  – Duration
  – Scope
  – Process for revision
  – Controls misuse, mission creep, contracting,

# Considerations



- Your time frame
  – Realistic, citizen-centred if 'front office'
- Be your own general contractor
  – Ownership, control, accountability
- Avoid consultant think and speak
  – This is your government and your people
- Define goals clearly and weigh impacts
- Build capacity and a government you can run yourselves
- CIO as lead?