

THE NECESSITY OF PUBLIC ADMINISTRATION INFORMATIZATION

Ileana ȘTEFAN*

ABSTRACT: *For the public administration informatization to have as result benefits for all its affected fields, there is the necessity to be defined a services development direction from this branch in accordance to the national and European environment.*

KEYWORDS: *information society, public administration, Government Strategy, Government decision*

JEL CLASSIFICATION: *K 00, K 23*

1. INTRODUCTION

With the development of the information society, the introduction of information and communication technology provides more possibilities for an activity which is more efficient and closer to the citizens and also the strengthening of the administrative capacity.

Public information and service administration and promotion by electronic means leads to a powerful debureaucratization of the administrative process, to a reduction of administrative costs and to an efficient use of public funds, to a significant decrease in corruption (with the elimination of the conditions that predispose to their occurrence), to the transformation of the public institutions' modus operandi by using information technology.

The use of information technology was an absolute requirement in the public administration and management development. Thus, one can say that modern government and public administration cannot be productive, efficient, and effective without the support of modern information technology.

* Assistant professor, PhD., "Petru Maior" University of Tîrgu Mureș, Faculty of Economics, Law and Administrative Sciences, ROMANIA.

The principles underlying the provision of public information and services in electronic format are:

- Transparency, respectively making public information and services available to the interested persons;
- Equal access, without discrimination, to public information and public including for disabled persons;
- Efficient use of public funds;
- Eliminate direct contact between the desk officer and the citizen or company;
- confidentiality, respectively ensuring the protection of personal data confidentiality;
- ensure information security.

Many governments found that they can provide better services to their customers, taking advantage of the revolution in the computer and communication systems. For example, a revenue integrated information system will improve the tax data available to the collection employees; and revenue officers will be capable of receiving cases faster and solving them earlier. A system using the architecture of distributed computing and the Internet in order to automatize and modernise tax collection will allow the Treasury to collect taxes more efficiently which is, of course, an advantage for all government agencies.

For this purpose, the following measures were adopted¹ in order to support this process:

Founding the Information Technology Promotion Group from Romania working group (GD no. 271 from February 22, 2001) which had as primary objective to create durable premises for the implementation of the information society in Romania².

The Information Technology Promotion Group from Romania, founded by GD no. 271 from February 22, 2001, approves electronic government projects, suggests the Government to allocate necessary funds through the public administration authorities' annual budgets and supervises the implementation of public services by the electronic procedure.

The elaboration and approval of the Government Strategy regarding public administration computerization;

Approval of the National Strategy for the promotion of the new economy and implementation of the information society (GD no. 1440 from December 12, 2002), document which highlights the fact that the transition to the Information Society is one of the Romanian Government's strategic objectives for the period 2001 – 2004 and one of the EU pre-accession conditions;

Setting up the National Electronic System (SEN/NES), in 2003 as a public utility information system in order to ensure access, and provision of public information and services to natural and legal persons (Title II of Law no. 161 from April 19, 2003 referring to transparency in public information and services administration by electronic means).

The same law establishes the e-government operators (Communications and Information Technology General Inspectorate – CITGI – was, when the law appeared, at

¹Portalul E-România Ministry of Communications and Information Society: E-ROMANIA portal

² <http://www.miteapl.ro/r1/studiu-8.pdf>

the Ministry of Communications and Information Technology, is currently subordinated to the Prime Minister), as well as for e-administration (the Ministry of Public Administration, currently found in the structure of the Ministry of Administration and Interior).

At the level of the public sector, investments have already been made over the years and different hardware platforms, operating systems, data bases, applications, report systems and management instruments exist. Despite all these, the expansion of the information systems at a general level represents a very vast enterprise because it requires the integration of all the systems present in state institutions, from town halls to the Government and it is a very expensive long-term process. The unification of the inherited systems requires solving the problems of each application and technology, but also those of data integrity which it administers. The most significant problem is often that of data integrity between two different systems, an aspect complicated by the numerous sources they come from. Multiple data bases usually present differences as far as the person identification method is concerned. Data redundancy – the duplicity of the same data bases and/or the creation of a new data base, although an existing one may be used – requires additional storage capacities which determines costs increase. Even in a well-administered system, data will appear multiple times – in a complex environment, the same data might appear dozens of times. Searching multiple data bases is difficult, key information may be lost and thus the report function is not optimised. The basic cost is higher than it should be, and maintaining and administering data storage systems will require more resources. Many of the problems specific to public sector IT projects are not different from those in the private sector; that is why analysing practices from this area is recommended in order to avoid unwanted situations.

2. LEGISLATIVE FRAMEWORK

The national legislative³ framework was harmonised with the European one, including the main recommendations and regulations in the public administration field, as well as in the information society field. The main regulations governing⁴ the area of interest are:

GOVERNMENT DECISION no. 58 from February 2, 1998 for the approval of the National Strategy for computerization and accelerated implementation of the information society

GOVERNMENT DECISION no. 802 from September 30, 1999 regarding the adoption of the Regulation for the organisation and functioning of the Electronic Archive for Secured Transactions, modified by GO no. 89/2000 and GD no. 350/2004.

GOVERNMENT ORDINANCE no. 130/2000 regarding consumer protection when closing and implementing distance contracts, approved with amendments by Law no. 51/2003

GOVERNMENT DECISION no. 271 from February 22, 2001 regarding the founding of the „Information Technology Promotion Group from Romania” work group.

LAW no. 455 from July 18, 2001 regarding the electronic signature.

³ eFOIA - Compediu legislativ

⁴ <http://www.miteapl.ro/r1/studiu-5.pdf>

GOVERNMENT DECISION no. 1007 from October 4, 2001 for the approval of the Government Strategy regarding public administration computerization.

LAW no. 544 from October 12, 2001 regarding free access to information of public interest

GOVERNMENT DECISION no. 1259 from December 13, 2001 regarding the approval of the Technical and Methodological Rules for the application of Law no. 455/2001 regarding the electronic signature, modified by GD 2303/2004.

LAW no. 677 from November 21, 2001 for person protection regarding processing of personal data and free circulation of this data, modified by Law no. 102/2005.

GOVERNMENT ORDINANCE no. 24 from January 30, 2002 regarding tax and local duties collection through electronic means, approved by Law no. 291/2002.

GOVERNMENT DECISION no. 123 from February 7, 2002 for the approval of the Methodological Rules for the application of Law no. 544/2001 regarding free access to information of public interest

GOVERNMENT DECISION no. 181 from February 28, 2002 for the approval of the local taxes and duties collection electronic system, modified by GD no. 2303/2004.

LAW no. 365 from June 7, 2002 regarding electronic trade, modified by Law 161/2003.

GOVERNMENT DECISION no. 1308/2002 for the approval of the Methodological rules regarding the application of Law no. 365/2002 that regulates electronic trade.

GOVERNMENT ORDINANCE no. 69 from 20.08.2002 regarding the legal status of the electronic identification card, approved with amendments by Law no. 285/2003, modified by GO no. 24/2004.

LAW no. 52 from January 21, 2003 regarding decisional transparency in public administration.

R.N.B. REGULATION no. 4 from June 13, 2002 regarding transactions made with electronic payment means and the relations among participants in these transactions.

GOVERNMENT ORDINANCE no. 20 from January 24 2002 regarding public procurements through electronic tenders, approved with amendments by Law no. 468/2002, modified by GO no. 23/2003 approved by Law no. 246/2003, GO no. 73/2003 approved by Law no. 535/2003.

GOVERNMENT DECISION no. 1440 from December 12, 2002 regarding the approval of the National Strategy for the promotion of the new economy and the implementation of the information society.

GOVERNMENT ORDINANCE no. 19 from January 30, 2003 regarding the compulsory use of the electronic system for collecting statistical data

P.F.M. ORDER no. 384 from March 26, 2003 for the electronic submission of the „Statement for state budget payment obligations” form

P.F.M. ORDER no. 529 from April 16, 2003 regarding the electronic submission of the taxes and duties statements

GOVERNMENT DECISION no. 542 from May 17, 2003 for the approval of the Rules on the use of the electronic statistical data collection and the approval of the statistical researches list included in the electronic system

P.A.M. ORDER no. 253 from June 2, 2003 for the approval of the Methodological Rules regarding the training and specialisation of the civil officers in the field of information technology.

GOVERNMENT DECISION no. 1085 from September 11, 2003 regarding some measures for ensuring transparency in exercising public dignitaries, public functions and in the business environment, preventing and sanctioning corruption, regarding the implementation of the National Electronic System, modified by GD no. 538/2004.

METHODOLOGICAL RULES from December 18, 2003 regarding the application of Government Ordinance no. 20/2002 provisions in what concern public procurements through electronic tenders

The DECLARATION regarding the Internet communication freedom, adopted in Strasbourg on May 28, 2003 by the European Council's Ministers Committee.

EMERGENCY GOVERNMENT ORDINANCE no. 193 from December 12, 2002 regarding the introduction of modern payment systems, approved by Law no. 250/2003, modified by GO no. 36/2003, Law no. 232/2003.

LAW no. 161 from 19/04/2003 regarding some measures to ensure transparency in exercising public dignitaries, public functions and in the business environment, preventing and sanctioning corruption (Title II "Transparency in public information and services administration through electronic means" and Title III "Prevention and combating cyber crimes") modified by EGO 40/2003, Law no. 23/2004. Law no. 171/2004. Law no. 280/2004, Law no. 359/2004, EGO no. 75/2004, EGO no. 92/2004, EGO no. 14/2005, Law no. 76/2005, Law no. 158/2005.

C.N.V.M. REGULATION no. 12 from 2004 regarding financial investment services, Title IV „Distance contracts and Internet transactions”.

LAW no. 589 from December 15, 2004 regarding the legal status of the Notary electronic activity

LAW no. 451/2004 regarding time stamp

C.I.T.M. ORDER no. 218 from June 14, 2004 regarding the approval procedure for remote-access payment instruments, such as Internet-banking, home-banking or mobile-banking.

P.F.M. ORDER no. 1430 from September 27, 2004 regarding the issue of several administrative acts through information technology means

GOVERNMENT DECISION no. 1982 from November 16, 2004 regarding the approval of the Methodological Rules for the application of Government Ordinance no. 69/2002 regarding the legal status of the electronic identification card, republished, as well as the form and content of the electronic identification card, modified by GD no. 1436/2005.

LAW no. 506 from November 17, 2004 regarding personal data processing and the protection of the private life in the electronic communications sector

C.I.T.M. ORDER no. 54 from February 14, 2005 regarding the procedure for granting, suspending and withdrawing the accreditation decision for certification services providers (electronic signature).

LAW no. 102 from May 3, 2005 regarding the founding, organisation and functioning of the National Authority for Supervising Personal Date Processing, modified by EGO no. 131/2005 and EGO no. 163/2005.

C.I.T.M. ORDER no. 221 from June 16, 2005 regarding the approval of the Technical and Methodological Rules for applying Law no. 589.2004 regarding the legal status of the Notary electronic activity.

LEGISLATIVE PROPOSAL no. BP52 from March 8, 2005 regarding archiving documents in electronic format.

LEGISLATIVE PROPOSAL no. BP404 from July 21, 2005 regarding the use of standardised encryption of character sets in electronic documents.

The main advantages following the computerization of public administration are:

- Reduce public expenses
- Fight bureaucracy and corruption at the level of public institutions
- Increase transparency in the means of use and administration of public funds
- Improve access to public information and services, in accordance to the legislation regarding personal data protection and free access to information of public interest
- Reduce and make the direct contact between the desk officer and the citizen or business operator more efficient
- Provide quality public information and services by electronic means
- Strengthen the public institutions' administrative capacity to fulfil the role and objectives and to ensure the provision, in a transparent manner, of public information and public
- Promote cooperation between public institutions for providing public services by electronic means
- Redefine the citizen – public administration relationship, respectively between the business environment and public administration, in the sense of facilitating their access to public services and information through information technology
- Promote the use of Internet and high technologies within public institutions

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