# Megatrends in eGovernment

participation

networked government

cloud computing

mGovernment

government 2.0

transparency

trust & privacy

transformational government

## Editorial

## Articles

# Editorial: Megatrends in eGovernment

**Eduard Aibar**

Spain

The first government websites were launched almost 15 years ago. E-government initiatives have since then proliferated at all levels of government. Early views assumed the move towards eGovernment as a single linear developmental path. This notion was soon captured by suppliers in a variety of stage models.

Those early views, clearly infused by technological determinism, tended to emphasise the technological dimensions of eGovernment and suggested a rather automatic set of outcomes and benefits. Experience, and even some high profile failures, showed us that eGovernment does not actually follow a single linear path, nor are its potential benefits so predictably accomplished. Project implementation is much more difficult than expected. Problems and barriers are not primarily technological, but also organisational, political, legal, or even cultural. Moreover, successful solutions and practices are usually highly dependent on local conditions.

If this complex historical background becomes fully appreciated, current and future eGovernment initiatives will likely be shaped by different basic orientations and goals. Is this currently the case? Will it be the case in the future? The aim of this issue is to identify and discuss some of the broad trends and paradigms that characterise the present landscape of eGovernment developments – some of which may be crucial for the future of governments.

**José Luis Blasco** and **Modesto Fabra** carry on a study of the evolution of eGovernment initiatives in Spain, paying attention particularly to the role of regulation and legal frameworks in stimulating and guaranteeing electronic relationships between citizens and public administrations. Despite all the advances that have taken place during the last decade, the three main trends they identify as guiding lines for present and future developments, are well known for eGovernment practitioners and analysts: simplification, transparency and administrative cooperation.

Simplification is also the subject of **Mirlinda Batalli**'s contribution to this issue. She highlights its importance for eGovernment administrative procedures. The paper analyses the positive consequences of simplification that go far beyond increasing efficiency and productivity in administrative bodies. In a more political arena, simplification may also lead to improved accountability, transparency and citizens' trust in government. The author discusses the pros and cons of past and present ICT-based strategies to address the challenges of simplification.

**Alexander Heichlinger**, **Cristina Borrell** and **Julia Bosse** analyse all the applications presented in 2009 at a European award contest for innovative projects in the public sector. Since many of the best practices acknowledged at two of the contest's themes (performance improvement in public service delivery and citizen involvement) make explicit use of ICT, they can be taken as a good proxy of present and future developments in eGovernment. The paper presents and analyses some of the best initiatives gathered at the contest and identifies the most common approaches: from the

improvement of back-office and the upgrading of organisational processes, to the involvement of users in the design and planning phase of the projects.

**Thomas Zefferer** and **Peter Teufl** deal with one of the most important emergent themes in eGovernment: the so-called mGovernment, a concept that refers to the use of mobile platforms and devices for public services. They focus particularly on the role Smartphones can play in providing new opportunities for improving existing services or create innovative ones. After identifying several risks – mainly concerning security – and discussing critical success factors for mGovernment initiatives, they conclude that Smartphones may be used to realise the potentials, while removing existing weaknesses, in mGovernment applications. They end up presenting an action plan that can assist in meeting the challenges of future secure and usable smartphone-based mGovernment services.

**Karunakaran Sabarish** analyses in great detail an mGovernment project in the state of Kerala, India. The paper examines the approach adopted to identify services and design solutions. Through some relevant case studies, the paper tries to capture the various challenges faced while trying to implement mGovernment, as well as the solutions devised to address them. Finally, the author tries to extract lessons from the Kerala experience that may be useful for future initiatives in India and abroad.

**Mayo Fuster** sheds light on a growing social phenomenon in the Internet that has attracted much scholarly attention in the last years, though it is still hardly addressed in the eGovernment literature. Online Creation Communities – also called Peer Production systems – were born more than two decades ago around the design of open source software but have been increasingly expanded to other domains of production. The paper focuses on the new governance style adopted by these communities; a style that fosters, on an unprecedented scale, participation and democratic decision-making in a digital environment. The author explores the way this new form of organisation may be used for improving government performance in an era of deep political legitimacy crisis.

**Marijn Plomp** and **Robbin te Velde** analyse another popular theme in the present Internet culture: web 2.0. Contrary to Peer Production, though, web 2.0 has indeed received much attention from eGovernment scholars and practitioners in the last years. Taking a critical approach to overcome the hype that usually surrounds this issue, they begin by providing an extensive and detailed description of the concept and an analysis of the critical preconditions and main outcomes for governmental organisations implementing web 2.0 initiatives, mainly in a G2G setting. Based on some case studies of local governments around the world, they end up calling for a more objective assessment of the actual value added by social media in the context of public administrations.

In conclusion, we are very pleased to bring together a collection of articles from various countries and diverse perspectives that closely analyse present big trends in eGovernment. Overall, we think the articles provide a nice balance between relatively new trends – web 2.0, mGovernment, peer production – and old and persistent strategic objectives in eGovernment – simplification and citizen's involvement and trust- that are still far from definitive accomplishment. We hope that the selected papers provide the reader with a valuable overview of the basic current trends that guide eGovernment design and implementation, both from a theoretical as well as a practical perspective.

# Current trends in the evolution of electronic relations between the administration and citizens in Spain*

For several years the evolution of eGovernment in Spain has been influenced by various factors, both internal and external. These include an adequate legal framework, plans and programmes for eGovernment promotion, awareness of its advantages and increasing social demand. Depending on their circumstances, each type of administration has taken a different approach, although always with the purpose of encouraging changes in their relations with citizens. The present economic crisis must be also taken into account, since it is influencing eGovernment promotion initiatives. Under these conditions, the implementation process evidences three main trends in the current development of relationships via electronic media, also reflected in Spanish legislation on eGovernment: simplification, transparency and administrative cooperation.

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## Keywords

eGovernment, simplification, transparency, cooperation

66 Simplification, transparency and administrative cooperation are the main trends in the electronic relationship between citizens and the administration in Spain. 99

# 1. Introduction

The implementation of eGovernment in Europe has flourished over the past few years. It has transformed the way public activity is undertaken, and especially the way national public administrations develop their relationships with citizens. This phenomenon is present in almost every country, although its relevance depends on the specific characteristics of each national context.[1] In the case of Spain, eGovernment evolution has been exponential, as evidenced by the UN (2010) report 'United Nations eGovernment Survey 2010', in which it was placed 9th worldwide. The report by the European Commission (2009) 'Smarter, Faster, Better eGovernment: 8th Benchmark Measurement' also shows that the specific services of Spanish eGovernment are above average levels in terms of both availability and sophistication.

The administrative structure in Spain has a plurality of levels, as a result of its territorial division and distribution of responsibilities. In addition to Central Government, with nationwide responsibilities, each of the seventeen Autonomous Communities has its own government, as do provinces and municipalities at a more local level. Each of these administrations has decision-making powers with regard to establishing or developing Information and Communication Technologies (ICT) in their relations with citizens and other administrations.

In light of the above, this paper aims to identify the main factors that have encouraged eGovernment development and to establish the extent of their influence today. The analysis is carried out from a legal perspective, determines the basic lines followed by this process and traces their origins. These trends constitute the basis for advances in eGovernment in the coming years. Hence, they will determine what public activity is needed to maximise effectiveness for citizens.

# 2. Factors in the development of eGovernment in Spain

Regulation of the use of electronic tools between the Spanish public administration and its citizens began at the end of 1992.[2] Over the ensuing years various administrations gradually began computerising their management systems and publishing information, usually of an institutional nature, on their websites. However, the degree of implementation varies according to the administrative level, with a greater presence evident at the national level and in some regional governments and, with some exceptions, more limited presence at the local level.

This situation has changed in recent years; now, although many municipalities are still in the first phase –with not even a minimal Internet presence[3] –, others are considered to be at the cutting edge in the use of electronic technologies in their relationships with citizens. Continual advances in the area of eGovernment are also being made at central and autonomous government levels. Table 1 shows several examples of services that are now provided.

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1   The status of eGovernment practices in European countries is available at http://www.epractice.eu/en/factsheets/.
2   Instigated under Law 30/1992, dated 26 November, 1992, on the legal framework governing Public Administration and administrative procedure.
3   Various studies provide evidence of this, for example, *Las Entidades locales ante la Ley 11/2007, de 22 de junio, de Acceso Electrónico de los Ciudadanos a los Servicios Públicos. Situación en la Comunidad Valenciana*, by the Grupo de Investigación sobre Nuevas Tecnologías Aplicadas a la Administración Local-Gintal (Research Group on New Technologies Applied to Local Administration), 2009 (http://gintal.uji.es/media/EstudioAE.pdf), the *Enquesta sobre l'adopció de les tecnologies de la informació y la comunicació a l'Administració Local de Catalunya 2009*, by the Fundació Observatori de la Societat de la Informació de Catalunya (Catalan Information Society Observatory Foundation) (http://www.localret.cat/serveis/coneixement/docs/informe-tic-ens-locals-2009.pdf), or the indicators published in the PAe, Portal de la Administración electrónica (Electronic Administration Portal) (http://administracionelectronica.gob.es/).

Table 1: Examples of eServices implemented in Spanish central, autonomous and local governments.

| Service | Description |
|---|---|
| Red 060 (http://www.060.es/) | Allows citizens to receive information and process administrative formalities through various channels |
| PAe, Portal de la Administración electrónica (http://administracionelectronica.gob.es/). | Sets out to be a reference point of entry to all information on the situation, development, analysis, innovations and initiatives arising on eGovernment and incorporating contents and services from a wide range of sources |
| Spain's virtual Tax Administration (http://www.epractice.eu/en/cases/aeat) | Platform to access electronic services and process administrative formalities. |
| Public procurement platform (http://contrataciondelestado.es) | The Single Point of Information for the state public procurement process. It is a central node for information exchange and contracts in which bidders can participate. |
| Enterprise creation network in Spain: (http://www.epractice.eu/en/cases/circe) | Electronic processing system housing all the documentation necessary for start-up businesses. |
| Virtual Procedures Office (http://www20.gencat.cat/portal/site/OVT/). | Provides access to the procedures of the Government of Catalonia, town councils in Catalonia and other administrations. |
| SIMAC Integrated Multi-Channel System for Citizen Assistance (http://www.gva.es). | Includes links to the procedures most frequently demanded by citizens, access to all the electronic services of the Generalitat Valenciana, and direct access to the web sites and services of most interest. |
| Electronic Public Procurement Model (http://www.contratacion.euskadi.net/w32-home/es). | Using a simple yet rigorous secure and accessible system it aims to extend the use of electronic tools in the public tendering process in order to improve competitiveness and efficiency in Basque companies and the Basque Government. |
| Multi-channel Integrated Service System in Barcelona (http:\\www.bcn.es). | Provides central management of most of Barcelona City Council's information and services. |
| Madrid Participa (http://www.madridparticipa.es/). | Designed to increase citizen participation in the decision-making process in the city of Madrid, offering a more dynamic and continuous dialogue between political representatives and citizens. |

In certain areas, the use of technology has gradually made considerable progress, such as in the automation of internal administrative processes initiated thirty years ago. In other areas, initiatives have been taken to implement either specific aspects of eGovernment, such as tax payments, or general relations with citizens through electronic media, such as electronic notification and registration. At the same time, administrative organisation has developed in parallel through the work of internal structures charged with promoting and planning eGovernment.

The process of generalising the use of eGovernment tools is influenced not only by the type of administration, but also by a range of factors that can act as both a stimulus and a hindrance to the implementation and development of eGovernment. Because the initial decision to embark on the process was conditioned by social, labour, economic and technological circumstances, in some cases the social, economic or administrative benefits citizens would gain from services were not considered sufficient to warrant the investment.

Each administration, therefore, starts from a different position, conditioned by its resources and environment, although the targets pursued are the same:

- To improve the services offered to citizens by simplifying procedures and making relationships less bureaucratic and easier to manage.

- To enable active citizen participation in managing questions that affect them.

- To provide citizens with access to administrative information.

All of these initiatives focus on establishing new relationships with citizens, and must go hand in hand with the will to transform these relationships. In this process, the citizen's relationship with the administration differs from previous experiences, and this framework introduces new rights and obligations for the administration. One example is the right to use open formats and standards in the relationship with government, as provided for in Spain and some other countries.[4]

The external and internal factors described below have a major influence on this process.

## 2.1 The public drive towards eGovernment

The first external factor is the establishment of strategies and support mechanisms to promote eGovernment. Both the European Union and national public administrations have put in place a series of programmes and initiatives designed to introduce a range of aspects of eGovernment.

Various publications on information society promotion define the European Commission's eGovernment policy (Table 2).

Table 2: Main EU documents on eGovernment.

| Plan | Title | Reference |
|---|---|---|
| eEurope 2005 | Communication of 26 September 2003 of the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: 'The Role of eGovernment for Europe's future'. | COM (2003) 567 final - Not published in the Official Journal. |
| i2010 eGovernment Action Plan | Communication from the Commission, of 25 April 2006, i2010 eGovernment Action Plan: 'Accelerating eGovernment in Europe for the Benefit of All' | COM (2006) 173 final - Not published in the Official Journal. |
| Action Plan 2011-2015[*] | Communication of 15 December 2010 of the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 'The European eGovernment Action Plan 2011-2015. Harnessing ICT to promote smart, sustainable & innovative Government' | COM(2010) 743 |
| (Footnote) | | |
| * The Action Plan identifies four political priorities based on the Ministerial Declaration on eGovernment, agreed on 18 November 2009 at the 5th Ministerial eGovernment Conference in Malmö, Sweden. | | |

This process was followed by various initiatives at a regional and local level in Spain, starting with the central government's Plan de choque para el impulso de la Administración electrónica in 2003, the

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4    One example is Sweden; see Lundell (2011).

Plan Conecta in 2004, the Plan Avanza (2006-2010) in 2006, for the development of the Information Society, the Plan de Actuación de la Ley de Acceso de los Ciudadanos a los Servicios Públicos in 2007, or the current Plan Avanza 2 (2011-2015) in 2009.[5]

The benefits of this drive are evidenced at the local level in particular, since due to their limited economic and technological resources, local governments have turned to other administrations for assistance.[6] These initiatives have therefore encouraged local politicians to initiate the implementation process and benefit from the advantages it offers, by enabling them to overcome economic and technical conditioning factors.

For this reason, effective inter-administrative cooperation initiatives are particularly important. In order for a true Information Society to exist, every area of the public administration system must be involved, so that no geographical areas are excluded, thereby depriving citizens of the advantages it offers.

## 2.2 The new legal framework

A second external factor concerns the emergence of new legislation governing electronic relations between the administration and citizens. In Spain, the most relevant legislation is Law 11/2007 of 22 June 2007, on citizens' electronic access to public services.[7] This regulation provided the stimulus and rationale to modernise the administration. It played a decisive dual role in advancing eGovernment, since it both spurred its development and determined appropriate procedures for implementation. Subsequent regulations approved by the regional governments have also contributed to its development.

Prior to 2007, although the introduction of information and communication technology (ICT) use in administrative activity and in transactions with citizens had been encouraged, there was no clear and comprehensive legal framework within which it could develop. The regulatory factor, therefore, has at times been an obstacle to eGovernment implementation, since a formal legal framework is crucial to guarantee that citizens are adequately protected in their relations with the administration, and to safeguard the security and certainty of all administrative activity. Law 11/2007 provided the legal guarantees for these relations, and therefore conclusively supported their implementation.

Law 11/2007 places the citizen at the heart of its regulation by establishing the electronic relations with the public administrations as a right and as a corresponding obligation for the administrations. Through this recognition it establishes the principles of eGovernment, takes into account citizens' rights in these relations and regulates its component elements and tools, such as signatures, communications, registers, documents etc. The public administrations, therefore, must facilitate the means for citizens to communicate with them through electronic media, and ensure the availability, access, integrity, authenticity, confidentiality and preservation of data, information and services that they manage when carrying out their competences.

This is a specific aspect of the Spanish law as compared to the laws of other countries, which do not establish a comprehensive set of citizens' rights. These rights offer a reference model for e-administration implementation processes within the European Union, and may be indispensable to future public services that transcend the national context.[8]

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5  Information about their lines of action or initiatives in collaboration with the Autonomous Communities and municipalities is available at http://www.planavanza.es/Paginas/Inicio.aspx.
6  An example of state support for local administrations can be found at: eGovernment platform for small and medium Municipalities, http://www.epractice.eu/en/cases/pistalocal.
7  A comprehensive study is provided by Martínez Gutiérrez (2009) and Piñar Mañas (2011).
8  See the *Ministerio de la Presidencia* of Spain report (2010): Legal frameworks and citizens charts of rights for

Other Spanish regulations, both previous and subsequent to Law 11/2007, complete the legal framework of eGovernment (see Table 3). In some cases they regulate complementary aspects such as the electronic signature, data protection, accessibility, interoperability or security, while others deal with specific areas of administration, such as public contracting or taxation. All of these regulations allow the administrations to take decisions on the question of eGovernment backed by the necessary legal guarantees. The Autonomous Communities have also brought in their own laws on eGovernment.

Table 3: Main eGovernment laws in Spain.

| Law | Objective |
| --- | --- |
| Law 15/1999, dated 13 December, 1999. | Regulates the protection of personal data. |
| Law 34/2002, dated 11 July, 2002. | Regulates information society and electronic commerce services, as well as access to the websites of public administrations. It was amended by Law 56/2007 of 28 December 2007, on Measures to Promote the Information Society. |
| Law 59/2003, dated 19 December, 2003. | Regulates the electronic signature. |
| Law 30/2007, dated 30 October, 2007. | Regulates public sector procurement. |
| Real Decreto 3/2010, dated 8 January, 2010. | Regulates the National Security Framework foreseen in eGovernment Law 11/2007. This Framework establishes the security policy in the use of electronic means, and comprises the basic principles and minimum requirements for adequate information protection. |
| Real Decreto 4/2010, dated 8 January, 2010. | Regulates the National Interoperability Framework foreseen in eGovernment Law 11/2007. Establishes the criteria and recommendations on security, maintenance and standardisation of information, formats and applications to be taken by public administrations to ensure interoperability when making technology-related decisions |

Other European countries have enacted similar legislation. For example, the eGovernment Act and the General Law on Administration Processes and the Electronic Signature Act set the main eGovernment framework in Austria. In Italy the adoption in 2005 of the eGovernment Code, a legal provision devoted entirely to eGovernment, provides the legal support necessary to develop eGovernment. In Finland, the Act on Electronic Services and Communication in the Public Sector has been in force since 2003. Other countries regulate specific aspects of eGovernment such as Freedom of Information Legislation, Data Protection, eCommunications Legislation, eSignature Legislation, and eProcurement Legislation.

eGovernment in the European Union. This report presents an initial diagnosis of the situation of the citizens' rights before the European and Member States' eGovernment.

## 2.3 Increasing social demand

The third external factor, also considered in Archmann & Castillo Iglesias (2011), is the growing citizen demand brought about by the advantages of eGovernment.[9] These include savings in time and expense, by removing the need to visit government offices and habitual waiting time. In any case, the extent to which electronic media are used will always be conditioned by the use citizens make of them, and often depend on the political and social benefits they generate. For this reason, campaigns aimed at ensuring Internet access for broad sections of the population are on the rise, in an attempt to mitigate what is known as the digital divide, and provide a legal guarantee of effective accessibility.

Social demand favours the adoption of these technologies[10] and at the same time their availability leads to a more aware and demanding citizenry. The use citizens make of electronic media and the consequent added value in the service offered must therefore be evaluated, since these factors play a central role in eGovernment implementation. From this perspective, both educating citizens in their use, and investment in the infrastructures required to ensure adequate citizen access should be taken into account.

This demand is seen particularly in economic and business sectors, which view eGovernment as a crucial developmental factor. Various studies carried out by business organisations have calculated the savings in time and expense that administrative simplification through eGovernment would mean for their members.[11]

## 2.4 Increasing social demand

The most outstanding internal factor is the increasing awareness on the part of politicians and public managers of the advantages offered by ICT. This awareness has led to a widespread ambition among public administrations to modernise their technologies. Evidence of this tendency can be seen, firstly, in the presence of entities at all levels of public administration working exclusively on modernising or incorporating new technologies and, secondly, in the numerous projects currently emerging.[12]

One of the demonstrated advantages of offering public services electronically is the saving of economic resources and time, both for the administration –which becomes more efficient– and for the user.[13] Indeed, one factor driving public administrations to adopt these technologies is their constitutional obligation to be efficient, participative and transparent; electronic tools offer an appropriate solution to meet these objectives. These initiatives are also closely linked to the degree

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9    In addition, an analysis of citizen demand for services offered by administration websites is presented in Foley (2008).

10   This has also been noted, for example, by Liikanen (2003).

11   The European Union has had an impact in this area through its *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - The Role of eGovernment for Europe's Future* COM/2003/0567 final (http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52003DC0567:EN:HTML)

12   A recent sample of projects can be found in Tecnimap 2010, the main European meeting on information technologies and telecommunications which brings together representatives from various different Public Administrations, as well as the sector's leading companies, and diverse experts related with this field. The Tecnimap Conference is designed to be a space for the sharing of ideas, experiences and projects related to information technologies and public services (http://www.tecnimap.es/en)

13   This aspect has been referred to, for example, by the OECD (2003) *The eGovernment Imperative*, by European Commission (2006), Communication, of 25 April 2006, i2010 eGovernment Action Plan - Accelerating eGovernment in Europe for the Benefit of All [COM (2006) 173 final - Not published in the Official Journal], and in Spain, by the *Replace Paper Certificates* initiative (http://administracionelectronica.gob.es/?_nfpb=true&_pageLabel=PAE_PG_CTT_General&langPae=es&iniciativa=212#descripcion).

of use the administrations make of these technologies, since it is this usage that generates further need.

The incorporation of ICT enables administrations to provide better services to the citizen since, as it is generally understood, the advantages pursued through their use in administrative activity include greater public disclosure and transparency. These allow for a wider dissemination of and accessibility to information, speed and efficiency, since they reduce time procedures and therefore citizens are informed about decisions more quickly. Moreover, the administration gains in efficiency and economy by making better use of its resources, which is evidenced not only in material savings, but also in the processes involved in document and administrative management.

However, it should be remembered that the desire to introduce electronic relations frequently goes beyond administrations' real possibilities, since they depend on certain initial conditions for the project to be effective. The first of these requirements is the change in the perspective implied in the relationship between the administration and the citizen. Consequently, other aspects that condition the practical achievement of eGovernment are political commitment, knowledge on the part of the users for whom it is designed, and the development of infrastructures to put it into practice.

## 3. Aspects of the transformation of relations between the public administration and citizens

The factors highlighted above have paved the way for a favourable context and an appropriate regulatory framework to advance the implementation and development of eGovernment, and to transform relations between public administration and citizens.[14] However, this process has recently been slowed down by the present economic crisis, which is also affecting public administrations. On one hand, the financial support available in previous years has decreased and, on the other hand, expenditure on the introduction and development of electronic services has also been minimised. In any event, each administration has its own individual characteristics, and follows its own implementation strategy, although all of them share the same basic assumptions and aims. This has led them to set significant objectives that represent a true challenge in the way administrative activity is undertaken and in how the citizen's relationship with the administration is understood.

As described above, attempts to meet these targets involve facilitating these relationships or administrative formalities by simplifying the bureaucratic burden that can affect citizens and by providing as much information as possible. These aspects, covered as primary aims of Law 11/2007, must be met if a more transparent, accessible and efficient administration is to be achieved.

Simplification and transparency are therefore the main trends marking the current evolution of relations between citizens and the administration in Spain in this area,[15] together with crucial administrative cooperation.

To put ICT into context, we must start from the idea that their use in the sphere of eGovernment has affected the traditional concept of the administrative document. Much is now heard about the dematerialisation of administrative procedures and, therefore, of the document –or more specifically, administrative proceedings– as the format changes. Dematerialisation is seen in the gradual physical disappearance of documents and administrative proceedings in their traditional paper format and

14  Torres (2004) describes this process in different countries.
15  Recently, Law 2/2011, dated March 4, 2011, on sustainable economy, has introduced new obligations on administrative simplification and transparency as part of a package of measures to tackle the economic and financial crisis.

their replacement by electronic procedures and documents. Therefore it refers to the use of ICT to deal with information contained in these procedures and documents, which greatly eases and simplifies the relations based on this information, whether two-way (administrative procedures), or one-way (access to information). The final objective is to achieve a paperless administration, which at the same time will simplify and rationalise its activity and its relations with citizens.

This dematerialisation is already at an advanced stage in some administrations that began to computerise their internal processes, such as financial management or taxations, some years ago. These administrations have gradually seen improvements brought about by systems that allow for the treatment and exchange of data. Particularly relevant today is the way dematerialisation is beginning to make progress externally through electronic interventions that meet all the stipulated technical and legal requirements and therefore have full legal validity.

## 3.1 Procedural simplification

### 3.1.1 Administrative debureaucratisation and rationalisation

The simplification of procedures and rules is a primary aspect of electronic administration. Numerous initiatives, often linked to the present economic crisis, are currently underway to simplify procedures as a way of boosting economic activity. Similarly, in line with European or OECD Better Regulation initiatives,[16] a Plan of Action for the Reduction of Administrative Burdens has been drawn up at national level to facilitate relations with the administration.[17]

The intensive use of ICT is essential to administrative simplification. This simplification is frequently linked to eGovernment projects, since they are designed to improve communication at the core of the administration and make the use of information more simple and efficient. In the OECD report 'Cutting Red Tape: National Strategies for Administrative Simplification', administrative simplification is considered to have benefited from the rapid development of ICT, which lends greater coherence and efficiency to interactions between the administration and citizens.

However, the use of electronic channels does not mean that procedures are still carried out in traditional ways; on the contrary, it implies an effort to rationalise and improve management. To this end, the above-mentioned Spanish Law 11/2007 expressly establishes the principle of administrative simplification, which binds administrations to substantially reduce the time required by procedures, in order to increase efficacy and efficiency in their activities. It also establishes principles for ICT-based administrative activity that are designed to simplify procedures and debureaucratise administrations. These aspects, together with compliance with specific trust and security requirements, should be taken into account in the design of any service that will be processed electronically; indeed, if they can not be guaranteed, the service cannot be considered feasible. These aspects include the principle of equality, the principle of legality –namely, upholding the integrity of citizens' legal guarantees–, the principle of cooperation in the use of electronic media, the principle of security in the introduction and use of electronic media, the principle of proportionality, under which only the guarantees and security measures tailored to the nature and circumstances of the processes and activities are required, the principle of technological neutrality, etc.

Law 11/2007 establishes how this process should be adopted, once an analysis has been made to redesign the function and simplify the procedure, process or service. This process should take into

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16   OECD (2009), Overcoming Barriers to Administrative Simplification Strategies, Paris: OECD.
17   http://www.mpt.es/areas/funcion_publica/iniciativas/normativa_es/plan_accion_reduccion_cargas_advas/document_es/documento.pdf

account of the following aspects:

- The elimination or reduction of documentation citizens are required to provide, through the replacement by data, data transfer or certification, or the regulation of their provision at the end of the process.

- The provision of means and tools for participation, transparency and information.

- The reduction of response periods and times.

- The rationalisation of workload distribution and internal communications.

In preparation for the introduction of this channel of relations, the administration must ensure that citizens can exercise their legally recognised rights to simplified procedures, such as not having to provide data or documents that the administration already holds, or being able to find out electronically what stage of the process their procedure has reached. Moreover, citizens using electronic channels in their relations with the administration must enjoy the same rights accorded by traditional channels, in addition to those pertaining specifically to the use of electronic media. This constitutes one of the keystones of the system, grounded on the two-way principles of equality and non-discrimination between the two forms of relationship.

### 3.1.2 Simplification and the Services Directive

At the same time, in the context of community legislation, numerous initiatives have been put in place to reduce costs generated by complying with legislation in a cross-border context and to simplify procedures for citizens and businesses. Essential to these initiatives are electronic services, the exchange of information among Member States and administrative cooperation.

One specific case revealing concern for administrative simplification is that of Directive 2006/123/EC, of the European Parliament and of the Council, dated 12 December 2006, on services in the internal market. It is one of the keystones of EU strategy to boost the economy and to consolidate the internal market following the Lisbon agenda. Regarding the issues dealt with in this paper, it aims to establish a true single market for services by eliminating the legal and administrative barriers that currently restrict its development among Member States. Two of its main objectives are to reduce administrative burdens and to guarantee greater legal certainty to those who wish to provide a service.

Among other aspects, these objectives should translate into the elimination of administrative authorisations that are not justified for reasons of general interest, or are unnecessary to attend to those aims (replacing them, where necessary, with responsible notifications or declarations) and the simplification of the formalities that service providers are required to carry out. In the latter case, all procedures and formalities that are finally retained must be revised to ensure they are clear and unambiguous, objective, transparent and proportionate to the public interest objective.

In contrast to other European countries, Spain has incorporated the Directive through a general law, without prejudice to other modifications related to laws directly affected by it.[18] The Spanish government has also approved tools that are now available to all administrations. One example is an online computer application known as the System of Identification and Screening of Affected Regulation (SIENA), accessible to all administrations, which allows consultation and assessment of all cases potentially affected by the Services Directive.

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18 At a national level, these laws are: Law 17/2009, dated November 23, 2009, on free access to service activities and their practice, and Law 25/2009, dated December 22, 2009, modifying various laws for adaptation to the Law on free access to service activities and their practice.

Together with the above, the Directive also establishes that the potential of ICT must be used to the full and, in particular, the provision of a point of single contact where citizens can obtain information and complete the formalities necessary to set up a service activity online, either within Spain or in any other European Union country. As with all eGovernment platforms, the point of single contact allows both access to information and processing of procedures and formalities.

This system must be accessible at a single point, through an electronic channel and remotely. However it must respect the distribution of competencies established in Spain. To this end, the national government has set up a project for a virtual point of single contact that will provide consumers and service providers with all the necessary information on procedures and formalities to access or operate a service activity in Spain, and the possibility to process these formalities online.[19]

Law 11/2007 has undoubtedly facilitated the transposition of this Directive and the incorporation of the point of single contact. Its application implies the existence of electronic services and procedures, the possibility to register documentation electronically, electronic communication and notification by the administration to interested parties, etc. In any case, the point of single contact must coordinate and integrate the information and electronic access to formalities and procedures, provided by each and every one of the administrations responsible for them.

## 3.2 Administrative cooperation

ICT are also creating a climate for growing administrative cooperation, which has led to significant simplification of citizens' relations with the administrations.

Similarly, administrative cooperation will help improve other areas of management and in particular, the supervision and control of citizens' and businesses' activities.

The Services Directive allows us to identify concrete examples of this trend, since it establishes a clear obligation to cooperate with the competent authorities in other Member States. The smooth working of the internal market for services has been hindered by lack of administrative cooperation, and the lack of confidence in the regulatory framework and in the supervisory and control tasks in other Member States has led to a proliferation of regulations and duplication of controls in transborder activities. Specifically, this Directive stipulates that Member States can make requests whenever they are deemed necessary for the supervision of an individual supplier, and requests must be duly motivated and reasons specified for each request. The Member State that receives a request is obliged to respond electronically as quickly as possible. In addition, the Commission, in cooperation with the Member States, is obliged to establish an electronic system for the exchange of information. The Services Directive also requires Member States to inform each other of potentially dangerous services through this electronic alert system.

Another area in which electronic media have enabled firm channels of administrative cooperation to be consolidated is taxation. A recent initiative includes the approval of Directive 2008/55/CE of the Council, dated 26 May 2008, on mutual assistance for recovery of claims relating to certain levies, taxes, duties and other measures (OJEU, series L, No. 150, dated 10 June 2008), which provide for the use of electronic media in mutual assistance, thus offering rapid mechanisms for operation. Another example is Council Regulation 904/2010 dated October 2010, on administrative cooperation and combating fraud in the field of value added tax (VAT). This regulates the exchange of information to facilitate the control of VAT and sets up the Eurofisc network.

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19   http://www.eugo.es

Cooperation is also essential to achieve administrative efficiency. In the Spanish administrative system it is one of the principles governing relations between public administrations. Indeed, Law 11/2007 refers several times to cooperation, to ensure both the interoperability of the systems adopted by each administration, and the joint provision of services to citizens. It specifically aims to ensure mutual recognition of electronic documents and identification and authentication systems.

Cooperation is also especially important for the development of local eGovernment services. One major obstacle to this development is the lack of telecommunications infrastructure and the insufficient resources to ensure the use of ICT. Cooperation can help to improve this situation and can be coordinated through Central Government and Autonomous Community initiatives, usually related to financial assistance and technology applications or platforms. Law 11/2007 also provides other ways of making these technologies more accessible to local authorities, recycling systems and applications (article 45) and transferring technology (article 46). In addition, provinces play an important role by providing economic and technical assistance to municipalities, especially in those cases in which local governments lack economic and management capacity.[20]

Finally, other forms of municipal cooperation such as consortia can help meet certain needs and jointly manage some specific local government services.[21]

## 3.3 Administrative transparency and electronic government

Electronic government is an essential factor in the Information Society. If anything can be said to characterise the Internet, it is precisely the enormous accessibility and immediacy of the information it provides. Public administration activity is based on information, and knowledge about this information is essential to modern democracies, since it makes transparent government a possibility. ICT allow information to be managed at previously unknown levels.[22]

### 3.3.1 Administrative transparency and the electronic office

One of the purposes of Spanish Law 11/2007 is to enable citizens to access administrative information and procedures through electronic media, and in particular to eliminate the barriers that restrict this access (Article 3). Law 11/2007 represents a major step forward in this direction. Administrative transparency can be achieved by various means, and with a proactive attitude on the part of the administration, information needs can be met, and even anticipated.

As a general principle, transparency has been adopted across all fields of government. Likewise, all citizens now enjoy the right to access information, in accordance with established legal conditions. Law 11/2007 has played an important role in the consolidation of this right, since it binds the administration to adopt the following principles in the use of these technologies:

- Access to information and services by electronic media through systems that make information available in a safe and comprehensible manner and, in particular, guarantee universal accessibility.

- The transparency and public nature of the process by which the use of electronic media must facilitate the maximum dissemination, publicity and transparency of government actions.

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20   Law 7/1985, dated April 2, 1985, regulating the rules of local government
21   One example is the Localret consortium (www.localret.cat), made up of local authorities in Catalonia to act in a coordinated and unified way by developing networks and telecommunications services, and applying ICT to enhance local governments actions to drive the knowledge society.
22   An analysis of transparency in information from the authorities of different countries is offered in Osimo (2008).

Under the Law, information provided electronically is subject to the same principles and guarantees as as those governing face-to-face or other situations; all information provided in this way must, for questions of security and trust, include the date of the last update. This regulation has updated various aspects of the government information framework, thus going one step further towards making it effective. As well as being a requirement in the use of ICT, these provisions must be present in the decisions referring to the development of eGovernment adopted in the corresponding administration.

Furthermore, the general obligation of public administration transparency, integral to this system, determines that all unclassified information must be made available to citizens. This should at least include all the information that is legally bound to be made public as well as that provided by other channels, although being made public in this way does not supplant the obligation to publish regulatory provisions and proceedings in the official media. Consequently, effective right to access must be guaranteed; the broadest manifestation of transparency is the possibility for open consultation of universally accessible information resources, as stated in the Law, with the guarantee that this can be done without having to present any type of prior identification.

This consultation can be made through the administration's electronic office and the guarantees it provides, such as the date of update and quality. The role of the electronic office is therefore essential, since it represents the effective presence of the corresponding administration on Internet. As the entity responsible for ownership, management and administration, the administration must monitor the veracity, integrity and updating of all accessible information and services.

In addition, administrative transparency has been stimulated by greater awareness about access to and the public nature of official documents in the European sphere, consolidated in the Council of Europe Convention on Access to Official Documents, adopted on 27 November 2008, and opened for signature and ratification on 18 June 2009.[23] This convention establishes certain minimums that must be respected by the Member States of the Council of Europe that adhere to it. Access to administrative information will not be limited exclusively to electronic media, although they will allow the obligations provided for in the convention to be complied with. Article 10 of the convention establishes the obligation on the part of public authorities, under their own initiative and at their own convenience, to take the necessary measures to make available all public documents in their powers in order to promote the transparency and efficiency of the administration and to encourage the informed participation of the public in issues of general interest.

### 3.3.2 Administrative transparency by sectors

Special legislation has gradually brought the specific obligation of transparency into force.[24]

Urban development and planning is particularly sensitive to the question of transparency. In Spain, public administrations with spatial and urban planning competences will publish online the updated content of spatial and urban planning instruments currently in force, of announcements that are to be made public and of any proceedings that may be relevant for their approval or modification.[25]

The particular requirements of information provided through electronic media have also been noted in the area of public administration contracting. There have been repeated demands for publicly

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23   Spain is one of the few states of the European Union that has no specific legislation on this matter, a gap that the Law on transparency and citizen access to public information is designed to fill, and for which a draft bill is currently in preparation.

24   A comprehensive study of administrative transparency in Spain, Germany, Italy, France and the United States can be found in García Macho (2010).

25   Article 70 third, of Law 7/1985, dated April 2, 1985, regulating the rules of local government.

available information in this field, now strengthened by the obligation to publish the contractor's profile on line. The purpose of this is to ensure transparency of and public access to information related to tendering and contracting activity. Means of accessing the contractor's profile must be specified on public sector institutions' websites, on the Platform for Government Contracts and in specifications and calls for tender.

On environmental matters, the Aarhus Convention[26] establishes the right of citizens to access relevant environmental information, their legitimacy as participants in the process of taking decisions on environmental issues, and recourse to justice when these rights are denied. In complying with the obligation to provide environmental information, electronic media again play a crucial role. Directive 2003/4/EC of the European Parliament and of the Council, dated 28 January 2003, on public access to environmental information, establishes that Member States will take the necessary measures to ensure that public authorities organise the environmental information which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology, where available. It also requires that environmental information be progressively made available in electronic databases that are easily accessible to the public through public telecommunications networks. The requirements of the Directive have been incorporated into Spanish legislation, [27]and the administrations involved are gradually adopting the means and initiatives to bring them into effect.

Finally, although not exclusively, particular requirements for administrative information have been advanced in taxation matters and in the use of electronic media to disseminate this information. It should be borne in mind that in Spain, as in many other legal systems, it is the taxpayer's duty to interpret the tax laws and to meet their obligations by presenting tax returns in which no tax payment is made until the amount payable has been assessed. It is therefore especially important that taxpayers are fully aware of the interpretive criteria used by the administration, so they can follow them in fulfilling their obligations. On this matter, the Spanish tax regulations[28] oblige the tax administration to inform taxpayers of these administrative criteria, particularly through electronic media, and to facilitate consultation of the computerised regulations in which these criteria are detailed. Publication of updated texts of current regulations in force must also be published for free consultation on Internet.

# 4. Conclusions

Several factors have advanced the evolution of eGovernment in Spain. In this paper we have identified three external factors and one internal factor that have provided a favourable context and an appropriate regulatory framework to advance its implementation and development. Depending on the presence of these factors, each administration level has started from a different point, but always with the common aim of bringing about change in the relationships they have with citizens.

The main internal factor is the widespread willingness of authorities to embrace technological modernisation, due to an increased awareness of its benefits. The first external factor is the set of strategies and aids developed to promote eGovernment, both by the EU and by the different Public Administrations, with the goal of advancing the implementation of various aspects of eAdministration.

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26  UNECE Convention on access to information, public participation in decision-making and access to justice in environmental matters, adopted in Aarhus on 25 June 1998.

27  Law 27/2006, dated July 18, 2006, regulating the right of access to information, public participation and legal recourse on environmental matters.

28  Law 58/2003, dated December 17, 2003, on General Taxation.

The second external factor is the advent of new regulations on electronic relationships between government and citizens, since it has provided a stimulus and a justification for administrative modernisation. The third external factor is the growing citizen demand for the potential benefits it can bring them.

The legal guarantee of the citizens' rights to interact electronically obliges government to offer electronic services and facilitate their access. Hence, it has been an important impulse for eGovernment and constitutes a very positive experience that could be generalised to other countries. However, it must be taken into consideration that legal regulation of guarantees is an insufficient stimulus if there is no political conviction regarding the potential of eGovernment to improve the efficiency of public services provided to citizens.

In this implementation process, we identify three major trends that mark the ongoing development of these relations through electronic means: simplification, transparency and administrative cooperation.

These main trends are included as principles for action in the Spanish legislation on eGovernment and also, several European directives have played an important role in their consolidation.

The simplification of procedures, usually linked to eGovernment projects, improves communication between the administration and citizens. One of the most recent European initiatives on this, in part applied with the use of electronic channels, is Directive 2006/123/EC of the European Parliament and the Council of 12 December 2006 on the services market.

With respect to administrative transparency, the use of electronic techniques allows greater and better access to information, removing barriers that limit the right to know. Several European legal instruments have influenced this trend, subsequently fleshed out by national legislation, both from a general perspective and in specific areas such as planning, environment, taxation or government procurement.

Finally, these technologies also enhance progress on administrative cooperation, which is translated into a significant simplification for citizens in their dealings with different types of authorities. In addition, technical and economic cooperation is also essential to enable administrations with limited resources to implement ICT tools.

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