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Electronic territorial self-government – the impact of new information and communication technologies on the development of the local civic dialogue

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STRESZCZENIE

Dynamiczny rozwój nowych technologii i technik komunikowania wpływa na funkcjonowanie jednostek samorządu terytorialnego a także zakres i formę prowadzonego przez nie lokalnego dialogu obywatelskiego. Jednostki samorządu terytorialnego wykorzystują różne narzędzia elektroniczne i technologie informacyjno-komunikacyjne do kontaktu z mieszkańcami. Do stosowania niektórych z nich zostały zobligowane w drodze ustawy, inne stosują z własnej inicjatywy. Lokalne samorządy nie zawsze jednak potrafią umiejętnie dobrać narzędzia komunikacyjne do prowadzenia dialogu z mieszkańcami, a umiejętnie wykorzystane nowe technologie mogą wzmacniać funkcjonowanie społeczeństwa obywatelskiego jednocześnie dając impuls do jego rozwoju.

SŁOWA KLUCZOWE: NOWE TECHNOLOGIE, SAMORZĄD TERYTORIALNY, DIALOG OBYWATELSKI, NARZĘDZIA ICT

ABSTRACT

The dynamic development of new technologies and communication techniques has an influence on the functioning of local government administration as well as the scope and form of the civic dialogue it conducts. Local government authorities use various electronic tools as well as different information and communication technologies to communicate with residents. In some cases, the authorities were obliged by law to apply some of these techniques, otherwise, they use them on their own initiative. However, local governments are not always able to choose the right communication tools to conduct the dialogue with residents and it should be noticed that skilfully used new technologies can strengthen the functioning of the civil society as well as provide an impulse to its development.

KEYWORDS: NEW TECHNOLOGIES, LOCAL GOVERNMENT, CIVIC DIALOGUE, ICT TOOLS

INTRODUCTION

Over the last few years, there has been a huge progress in the development of information technologies that enable communication between citizens and public administration institutions, including local government authorities (hereinafter: j.s.t.). A lot of different electronic communication tools have been created to enable the transfer and management of information. Therefore, a lot of different ways to provide administrative services and to communicate with citizens via electronic communication tools are now available.

The aim of this study is to show the impact of modern information technologies on the civic dialogue. Reflections in this area are of great importance at the present time, when new technologies are increasingly used in developing the civil society. The analysis will primarily cover the legal regulations that allow for the use of electronic tools in communication between citizens and public authorities.

New technologies, in particular, new information and communication technologies (Information and Communication Technologies – Commission Regulation (EU) No 821/2010 of 17 September 2010 implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society, Office. EU L 246, 18.09.2010) increasingly influence almost every sphere of the social life, from individuals to social groups and the entire society. Undoubtedly, they are carriers of social changes and a part of ongoing social, economic, political, and cultural processes. Information and communication technologies (hereinafter: ICT) strengthen the functioning of the civil society, at the same time providing the opportunity for its development and strengthening the dialogue between citizens and public authorities. The great advantage of telecommunications and information technologies is the lack of hierarchy and the equality of the dialogue participants, which can lead to the more open civic dialogue as well as strengthen the mechanisms of direct democracy and a sense of belonging within the local community.

Thanks to the digital revolution, more and more goods and services are provided in an electronic way, via electronic means of communication. Public administration is also increasingly using modern ICT , which is why it is referred to as e-government. The goal of e-administration is to improve the efficiency of public services as well as to modernize and optimize administrative processes. Public administration, which is obliged to perform

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public tasks, is a subject of constant changes concerning, in particular, the forms of its operation. Civilisation changes related to the development of new technologies should not, however, have any negative effects on the way public authorities function. On the contrary, the technologies should be used to improve the quality and efficiency of their operation. New information and communication technologies are also increasingly used by local governments to perform public tasks and to communicate and build the dialogue with the local community.

LOCAL CIVIC DIALOGUE AND NEW TECHNOLOGIES

Local participation is undoubtedly fostered by social participation, which should be defined as a participation of citizens in the public life. It is at the local level that the attitude of social participation or social apathy is created (Pietraszko-Furmanek, Kraków 2012, pp. 1 ff.). The importance of the social participation in the operations of public authorities does not raise any doubts. It helps to create a specific political culture and gives an opportunity to conduct the civic dialogue. What is important, social participation also helps to break the monopoly of power of public authorities, based on the belief that the legitimacy obtained from citizens in the elections is enough to govern and including citizens in the course of conducting public affairs (Kalisiak-Mędelska, Łódź 2015, p. 274). Thanks to the social participation, a self-government can be transformed into a community of conscious citizens who are responsible and involved in the local affairs (Mikołajewski, Bydgoszcz 2014, p. 240).

Currently, citizens in Poland are guaranteed a lot of different forms of involvement in the exercise of public authority, going beyond those regulated by the Constitution (Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. Nr 78, poz. 483 ze zm.) and acts such as a referendum, elections or social consultations (Kuriata, Wrocław 2013, pp. 33 ff.; Schimanek, Warszawa 2015, pp. 25 ff.). An extremely important role in the process of developing the local democracy and building the local civic dialogue is played by modern technologies. Nowadays, the operation of public administration, including territorial self-government, requires the use of new technologies and communication techniques (Chałubińska-Jentkiewicz, Karpiuk, Warszawa 2015, p. 418). Using traditional communication techniques no longer guarantees the effectiveness of public administration

and certainly begins to lose to the so-called new technologies. Public administration, as a holder of public information, is obliged to make it available in the widest possible way, including the use of new technologies, to the widest possible audience (Chałubińska-Jentkiewicz, Karpiuk, Warszawa 2015, p. 418). What is more, citizens want to have an access to information from various areas of public administration operation.

Informatisation is not only a dynamic but also a continuous and indispensable process. It is impossible to manage properly today without a properly developed IT infrastructure. This fact is important in the case of the private sector but also the public sector, which must adequately meet social needs. It is an irreversible and necessary process, allowing not only for faster public administration but also for more effective verification of the information obtained, reaching a wide range of potential recipients, and reducing costs (Chałubińska-Jentkiewicz, Karpiuk, Warszawa 2015, p. 425).

In order to develop the civic dialogue, local government authorities use online media, through which they can provide the citizens with the information about their current activities. Self-government media can be and very often already are a forum for a debate on the most important problems of the local social life, the needs and concerns of the local community. Self-government media may also be used as a tool for social consultations because they allow citizens to share their opinions and expectations regarding the functioning of the local government with the authorities. This is especially important in the case of large cities, where a large number of residents may result in the ineffectiveness of direct meetings with representatives of local authorities. On the other hand, in the case of large cities, it will be much easier for residents to express their opinions about the issues important to them by using the means of electronic communication than to participate in direct meetings with the authorities. Often, it is much easier to speak in an electronic forum than to go to a meeting which takes place, for example, in the city hall.

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ELECTRONIC COMMUNICATION TOOLS USED BY J.S.T. IN THE CIVIC DIALOGUE

Territorial self-governments use various electronic tools to create the local civic dialogue. The most common forms include two types of websites. The first one is the Public Information Bulletin (hereinafter: BIP). Local government authorities are obliged to prepare and publish BIPs by the Act of 6 September 2001 on the Access to Public Information (Ustawa z dnia 6 września 2001 o dostępie do informacji publicznej, tekst jedn.: Dz. U. z 2017, poz. 933, hereinafter: u.d.i.p.). The second type of websites used by all local governments is their official websites (each municipality or district have its own website).

The guidelines to prepare the BIP, including the type of content published therein and even the graphic design, are established in the regulation issued by the minister responsible for computerization (Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 18 stycznia 2007 r. w sprawie Biuletynu Informacji Publicznej, Dz.U. Nr 10, poz. 68). In order not to expose j.s.t. to additional costs in connection with the implementation of the BIP, the local authorities have been provided with the free software for creating BIP websites (Article 8 u.d.i.p.).

The second electronic communication tool the local authorities received is ePUAP – an electronic platform for public administration services. It is an IT system that allows for the free provision of administrative services via the Internet (Kościuk, Modrzejewski, Warszawa 2013, p. 187). The system introduces a unified way to present and describe services provided by the competent authorities, which allows for their effective verification, searching and filtering. The ePUAP platform enables public institutions to accept documents (applications, complaints etc.) in an electronic form and at the same time, to communicate with interested citizens by exchanging necessary data and information (Kościuk, Modrzejewski, Warszawa 2013, p. 187). The platform was launched in 2008, but it was only in 2011 that the so-called Trusted Profile, i.e. a simplified version of an electronic signature, was introduced, which significantly increased the interest of individual companies in this tool. According to the data provided by the Ministry of Administration and Digitization, in 2015, over 1 million people used the ePUAP service and 500,000 created a Trusted Profile (https://www.gov.pl/cyfryzacja/raporty-dane-badania, access: 25.06.2018). However, the majority of issues dealt with through ePUAP is individual and it cannot be considered in building the local civic dialogue.

Similar technological solutions have been introduced in the form of so-called digital offices, which are ICT systems that make it possible to deal with administrative matters via the Internet. The matters are established and conducted by individual public administration institutions. Digital offices differ in functionality from ePUAP mainly in terms of the number of administrative matters that can be dealt with online. Digital offices of individual companies allow for implementing a small number of usually the simplest administrative tasks. Their functionality focuses to a large extent on providing information about official procedures and their legal basis as well as offering templates of documents necessary to make an individual case or electronic application forms, along with instructions on how to fill them in.

The tool which enables the wide dissemination of the most important official data and public information is the BIP. The Bulletin is a system of unified websites connected in an ICT network (Article 8 u.d.i.p.). According to the regulation included in the Act on Access to Public Information, each public administration institution has the obligation to provide public information concerning its operations. On the other hand, each entity, regardless of the factual or legal interest, has the right, through the BIP, to inspect official documents and obtain public information (Article 3 u.d.i.p.). The term public information refers mainly to the content of official documents (administrative acts, control and supervisory proceedings), operating procedures, legal and organizational status, tasks of public authority and administration *sensu stricto*, internal and foreign policy, and public property, for example the treasury, public debt, public aid, public burdens (Kościuk, Modrzejewski, Warszawa 2013, p. 194). Thus, the amount and diversity of the available information are very broad. In addition, if public information is not available in the BIP, it should be made available on request. The amount of data which citizens have the right to access fully enables them to become acquainted with the activities undertaken by the public administration in order to implement public tasks.

In addition to the advanced technologies that support communication between citizens and the public administration, it is impossible not to mention the new ICT tools used by the local authorities , such as e-mail, electronic forms, online surveys, discussion forums, and instant messaging such as Skype or Gadu-Gadu (Kościuk, Modrzejewski, Warszawa 2013, p. 194). All these instruments have a significant impact on the communication between citizens and local authorities and allow to build the local civic dialogue as well as modify its current shape.

First of all, local government authorities use ICT tools to consult and create civic budgets. All major cities in Poland use ICT tools to create civic budgets to greater or lesser degrees. They provide information on their websites on how to submit projects to the civic budget, accept online projects proposals, and provide citizens with platforms allowing for electronic voting on accepted projects. On many participatory budgeting websites, training materials for citizens are also included to help them to make project proposals. Some j.s.t. use more and more advanced ICT tools to consult citizens and create a civic budget. The local authorities of Warsaw created a special subpage (http://twojbudzet.um.warszawa.pl/, access: 25.06.2018) to which the visitors are redirected from the official website of the city and where they can get acquainted with the concept of the civic budget, its legal basis, the way to submit projects, voting rules, and a list of budget proposals chosen during the public consultation. The situation is similar in Wrocław where on a specifically created website (https://www.wroc-law.pl/rozmawia/wroclawski-budzet-obywatelski, access: 25.06.2018), there are information on the procedure of submitting projects, lists of submitted projects, and the voting results. Citizens who are particularly interested in this topic can also check the status of implementation of the individual projects (https://www.wroclaw.pl/budzet-obywatelski-wroclaw/wbo2016/realizacja-projektow-zielone-wbo-2017, access: 25.06.2018). The city of Krakow also has a special website (https://budzet.krakow.pl/, access: 25.06.2018) devoted to the civic budget, where rules, deadlines, information on how to submit projects, voting instructions, and other useful information are presented.

Modern technologies are used not only as a part of the process of creating a civic budget and consulting the submitted projects but also in the procedure of voting on the projects. For example, in Wrocław, the preferred form of voting on projects was the online voting, which was chosen by almost 60% of citizens, while the rest of the residents used the traditional paper version of the form (*Wyniki głosowania Wrocławskiego Budżetu Obywatelskiego*, https://www.wroclaw.pl/budzet-obywatelski-wroclaw/wbo2016/wyniki-glosowania-wbo-2016, access: 10.09.2017; Urząd Statystyczny we Wrocławiu, *Statystyczne vademecum samorządowca: Miasto Wrocław*, http://stat.gov.pl/vademecum/vademecum_dolnoslaskie/portrety_miast/miasto_Wroclaw.pdf, access: 10.09.2017). The voting on the Civic Budget of Zielona Góra in 2017 took place from November 16 to December 16, 2016. 16,807 citizens took part in the vote and the vast majority of them, up to 10,360, used the online version of the form. The conditions

for taking part in the vote included the age over 13 years, entering the correct PESEL number, checking in Zielona Góra for permanent or temporary stay, and no previous vote (*Zielonogórski budżet obywatelski 2017*, http://www.zielona-gora.pl/system/obj/7113_BO2017_wyniki.pdf, access: 25.06.2018). On the other hand, in Krakow, voting took place only in the electronic form and almost 45,000 participants took part in it, with nearly 40,000 votes valid. To make the online voting possible, computers with the Internet access have been provided in more than 150 locations throughout the city.

In the civic budget procedure, local governments increasingly use the potential and possibilities of new technologies, which make this form of social participation more and more popular. The legislator, noting the significance of this form of participation, regulated it legally. In the amended Act on Municipal Self-government (Ustawa z dnia 11 stycznia 2018 r. o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych, Dz.U. poz. 130), a provision, according to which the civic budget is a special form of public consultation, was introduced (Article 5a ust. 3 ustawy z dnia 8 marca 1990 r. o samorządzie gminnym, tekst jedn.: Dz.U. z 2018 r., poz. 1000, hereinafter: u.s.g.). Cities with poviat rights are obliged to create a civic budget and its amount should amount to at least 0.5% of the commune's expenses included in the last report on the implementation of the budget (Article 5a ust. 5 u.s.g.). Other j.s.t. do not have any legal obligation to create a civic budget but this form of conducting the local civic dialogue is very popular and widely disseminated in the Polish local self-government.

DISCUSSION

Local government authorities are increasingly using ICT tools to communicate with residents. They are legally obliged to provide public information in a form of the BIP. They also use ePUAP as a more advanced information and service tool. Due to the increasing social needs related to information, consultation and collective decision-making, local authorities also create their official websites. What is more, in the case of large cities, authorities use additional websites to conduct the local civic dialogue, especially in the context of the civic budget (Kuć-Czajkowska, Wasil, Lublin 2014, pp. 121-122). However, it should be remembered that this

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is an additional financial burden for them, which is why not all local governments can afford such a solution.

The analysis of communication activities carried out online by Polish local governments shows that they do not fully use the potential of ICT tools to involve residents in the process of the local civic dialogue (Parnes, Lublin 2014, p. 126). Most activities consist in one-way communication, which includes presenting data, dealing with administrative matters by using electronic technologies, and informing about the tasks and stages of investment processes carried out. Few of the local governments use electronic communication tools to conduct electronic surveys that allow for quick and interactive communication between residents and local authorities. Few j.s.t. have fora or run chats (Parnes, Lublin 2014, p. 126) and in the case of these interactive communication tools, one can often notice excessive moderation of the forum or narrowing the group of entities entitled to submit comments and opinions (More on this subject, see analysis carried out by Kuć-Czajkowska, Wasil, Lublin 2014, pp. 111-123 and the conclusions put forward by Parnesa, Lublin 2014, pp. 126 ff.). Such a behavior can lead to discouraging residents from using these forms of communication and the potential of ICT tools can be wasted.

In Poland, new information and communication technologies are still insufficiently used to develop the local civic dialogue. There is a need to switch from the one-way communication model (oriented only towards informing citizens) to the two-sided model (active – active, in which citizens can participate in making decisions on further development or spending public funds). Most of the local government authorities implemented only a model of unilateral communication, to which they are obliged by the Act on Access to Public Information (BIP). Some of the local governments try to conduct a dialogue with residents through new media. Unfortunately, very often it can be observed that they are unable to choose a right communication tool or excessively narrow the scope of debates. The main factor limiting the effectiveness of using new technologies in local civic dialogue is the lack of the real (and not only declarative) readiness of local authorities to take into account the demands and opinions of citizens. This is due to the lack of statutory legal regulations that would oblige local government authorities to take into account the opinions expressed by the inhabitants of a given territorial community.

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