

TRANSPARENCY AND DIGITALIZATION IN THE PUBLIC ADMINISTRATION OF ROMANIA

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Abstract

Transparency in public administration implies ensuring a wide access of citizens to information being in the possession of the state authorities, but also the participation of citizens in the decision-making process through information, firstly, and through consultation, secondly. Therefore, ensuring transparency involves, especially in the current period, the creation and permanent updating of the website of the public authority, so that the citizen can easily access any public information needed. Nevertheless, in Romania there are still villages that do not display online public information. In order to be ensured compliance with the principle of transparency in the activity of public administration, it is required a Digitalization strategy applicable to both central and local levels, so that information of public interest be easily accessible to all persons concerned.

Keywords: transparency, public administration, digitalization

1. Brief Introduction on Transparency in public administration

The establishment of the transparency principle in the decision-making process from the public administration represents one of the most significant progresses made in the Romanian public activity. Ensuring transparency in the public administration activity in Romanian authorities is based on the **constitutional right to information**, as provided in **Article 31** of the Fundamental Law: "(1) The right of the person to have access to any information of public interest may not be limited ...".

Also in the Constitution, but in Article 102 para. (2) it is established a general principle of the Government's activity, that of *cooperation with the interested social bodies*, in fulfilling its responsibilities; it is thus highlighted the transparency principle of the Government's activity, since it is not a body superimposed to the civil society nor broken by it (Constantinescu M., Vasilescu F. Bucur, Iorgovan A., Muraru I., Deleanu I., Vida I., 1992). Only based on the communication, collaboration and consultation with the members of civil society can the Government remain in touch with the needs and demands of the citizens, then being able to make decisions anchored in reality.

The constitutional provisions on ensuring transparency in the activity of public authorities and the correct information of citizens in matters of public interest have been strengthened and implemented through a series of normative acts, such as: Law no. 52/2003 regarding the decisional transparency in the public administration¹ republished, Law no.

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¹ Of. G. no. 749 of December 3, 2013.

161/2003 concerning certain measures to ensure transparency in the exercise of public dignity, public office and in the business environment, the prevention and sanctioning of corruption ², G.D. no. 564/2006 on the framework for achieving public participation in the elaboration of certain plans and programs in relation to the environment ³ etc.

In large communities, predominantly urban ones, the best solution to communicate public information is the Internet, as the vast majority of people in the community have access to this facility.

Moreover, at the central level, the computerization of the activity of transmitting information of public interest should be at the highest level, so that the important data reach not only at the national level, but also at the international level (Slabu E., 2018; Muraru I., Tănăsescu E.S. (coord.), 2008).

In small communities, however, where the mobile phone signal does not reach or reaches on a small scale, the communication of information of public interest will continue to be insufficient and inefficient, through the notice board at the mayor's office. In these communities, the "digitalization" will only remain at the level of intention, unfortunately, for a long time to come.

The consultation with citizens and private entities, with a view to identifying ways to develop communities, is a necessity and should be used as efficiently as possible. And in the current situation, the best method to carry out the consultation is the digital version, used by many European countries, but less by Romania.

2. Transparency and Digitalization in National Programs and Strategies

The government program of Romania for the period 2020-2024⁴, in the section concerning the Ministry of Research, Innovation and Digitalization, stipulates that "at the time of triggering the Covid-19 pandemic, **Romania was ranked 26th out of 28 EU member states within the Index of Digital Economy and Society (DESI)**... The causes underlying the precarious development of electronic public services in Romania are: the lack of an efficient and effective IT architecture, the lack of information systems required for central public institutions to operationalize electronic public services, the inadequacy of e-government and human resources

² Of. G. no. 279 of April 21, 2003.

³ Of. G. no. 406 of May 10, 2006.

⁴ See page

https://gov.ro/fisiere/pagini_fisiere/Program_de_guvernare_2020_2024.pdf

specialists in the IT departments of public institutions and authorities and, consequently, the skills needed for developing and maintaining electronic public services and the lack of a unitary and effective legislative and procedural framework in order to support electronic public services. "

Also from the Government Program, we find out that in Romania there are currently key IT platforms that directly serve citizens and companies, along with others with a rather sectoral specificity, as follows:

The National Public Procurement System; The system of the National Agency for Cadaster and Real Estate Advertising for issuing land book extracts; Court portal; Online Trade Register (ONRC portal); The information system of the Ministry of Public Finance and the National Agency for Fiscal Administration. There are also relevant IT platforms, with the role of strengthening e-government: "The national electronic system, National electronic system for online payment of taxes and duties(Ghiseul.ro), Electronic single point of contact"(Program de Guvernare 2020-2024.pdf.)

The Government states that "**digitalization of public administration is one of the central goals of the Government**" and will be based on "ensuring the **four essential pillars**, with a strategic role, of the functional digital architecture of public administration...: **electronic identification, interoperability, unique platform of access to online public services, respectively cloud infrastructure**".

With regard to **electronic identification**, it will be proposed the **entering of an electronic identity system** that will allow full remote interaction with the public administration... using a unique identity and an SSO (single Sign On) type authentication mechanism, including registering on this online identification platform can be done remotely. It will result a system that allows zero interaction at the counter for the citizen from the time of registration, being obtained a reduction in the costs of implementing new platforms and a high level of security for all public services offered online".

It is also proposed to "**effectively operationalize an electronic single point of contact for citizens and companies** by recovering the Electronic Single Point of Contact (PCUe) and **integrating it with the national payment system, ghiseul.ro, in a single platform for citizens** ... In the medium and long term, it will start the **migration of public services in a government cloud**, which will increase the availability, but also the ergonomics of using digital public services..."

However, the achievement of the goals proposed by the Government depends on **ensuring the human resources required for the digital transformation process**, which involves: "*evaluating the need for IT specialists in public administration and making a national plan for their training and loyalty; setting up a body of specialists at central level, within the Romanian Authority for Digitalization, for piloting the digital transformation and rolling on an*

ample program for creating the digital skills needed for public sector employees who will operate the new digital instruments made available”.

Another important aspect for the government action is the **development of digital skills in all segments of population and the workforce**. According to the Index of Digital Society and Economy (DESI), published by the European Commission, **Romania ranks at the bottom of the European ranking in this field, with less than 30% of the population having basic digital skills**. The measures will be required for:

- “training the population for using the new digitized public services,
- national programs for training civil servants,
- the evaluation and modification of the school curriculum in order to include both Digitalization hours specific to age and school level, and a cross Digitalization approach to the teaching manner of all subjects,
- increasing the basic digital skills of teachers through regular training programs and the transfer of human resources specialized in IT towards deficient areas”.

As practical measures to achieve the goals of the Government Program are provided the following⁶:

- Development of financing solutions through the Regional Operational Programs of **smart-city projects** in the cities of each region, in partnership with the regional hubs
- Performing trainings for civil servants, for getting digital skills **at a minimum level required for any employee in the public system of Romania**.
- Creating and using any **common regional infrastructures**.
- Creating an **investment fund dedicated to innovative startups**, in partnership with private investors.

Another proposal intended for increasing collaboration and consultation between public administration and the private sector is to set up a government-funded solution platform for the private sector, named *Solutii.gov.ro*, a collaborative digital platform, in which the private sector can have a practical approach to solving the problems raised by the public administration, offering solutions to cope with these problems.

3. Concrete Actions for Digitalization and Transparency in Romania

By **G.D. no. 245/2015**, the Government of Romania approved the “**National Strategy on the Digital Agenda for Romania 2020**”. The document adapts to the situation of our country elements found in the Digital Agenda for Europe⁷, one of the seven pilot initiatives of the Europe 2020 Strategy⁸.

The National Strategy on the Digital Agenda⁹ defines four areas of action, as follows:

1. e-Government, Interoperability, Cyber Security, Cloud Computing and Social Media - an area through which it is targeted to enhance efficiency and lower costs in the Romanian public sector by modernizing the administration;

2. The Information and Communication Technology (ICT) in education, health, culture and e-Inclusion - an area through which it is aimed at supporting these technologies at the sectoral level;

3. e-Commerce, research and development and innovation in ICT - a field that targets the regional comparative advantages in Romania and supports economic growth in the private sector;

4. Broadband and digital infrastructure services - an area that aims to ensure the conditions of access to ICT and Internet equipment, in order to increase digital literacy and improve digital skills.

According to the Ministry of Communications and Information Society, the measures taken according to the strategy will lead to:

- ensuring the access of citizens and organizations to electronic public services (e-Government services);
- improving the Internet access by increasing the coverage degree of high-speed broadband electronic communications networks;
- increasing the degree of Internet use;

⁷ See page <https://op.europa.eu/en/publication-detail/-/publication/27a0545e-03bf-425f-8b09-7cef6f0870af> .

⁸ See page <https://ec.europa.eu/digital-single-market/en/content/european-digital-strategy>.

⁹ See page <https://www.comunicatii.gov.ro/agenda-digitala-pentru-romania-2020>

- promoting e-commerce;
- bringing up the number of cross-border electronic public services;
- enhancement of digital content and development of ICT infrastructures in the fields of education, health and culture;
- supporting the growth of the added value generated by the ICT sector by supporting research and development and innovation in the field.

The Authority for the Digitalization of Romania, a structure with legal personality within the Ministry of Research, Innovation and Digitalization, established by **H.G. no. 89/2020**, has as goals *the digital transformation of the Romanian economy and society and the achievement of e-government at the level of public administration in Romania*.

This authority has completed the analysis concerning the “Barriers to the Digitalization of the Public and Private Environment in Romania”¹⁰, an essential document that will underlie the substantiation and prioritization of projects carried out through European funds for the programming period

2021-2027. For the **public sector**, the analysis was based on the public policy document *concerning e-government and the experiences of public administration institutions in the implementation of digitalization projects*.

According to this analysis, the capitalization of the potential of electronic identity card and the electronic signature contributes to the maintenance of difficult to access and obsolete public services. However,

starting with April 7, since the entry into force of the **Emergency Ordinance no. 38/2020 concerning the use of documents in electronic form at the level of public authorities and institutions**, the documents issued in electronic format by public authorities and institutions are signed with a qualified electronic signature and have the legal force of authentic documents.

In addition, it is considered that the national e-government instruments **Electronic Single Point of Contact (P.C.U.e) and Ghiseul.ro** are not used to their maximum potential, which affects the ratio between the costs of operation and maintenance of related IT systems and the actual benefits that could be acquired from their larger use by citizens or private organizations. The development of e-government in Romania is closely linked to the use of these instruments by public institutions and authorities and by citizens and the business environment. Nevertheless, currently, approximately 460 institutions are registered in the National Electronic System, out of the over 3,000 that have the obligation to register.¹¹.

¹⁰ See page <https://www.adr.gov.ro/wp->

content/uploads/2021/04/ADR-Barrierele-Digitalizarii-mediului-public-si-privat-din-Romania.pdf

The Authority for the Digitalization of Romania came to the help of the public authorities and made available to the beneficiaries the IT instrument **aici.gov.ro**. The platform **aici.gov.ro** serves as an intermediary for the registration of documents addressed to public authorities that do not have their own online registration system. Gradually, all public institutions in Romania will be able to register in this computer system in order to answer to the requests of citizens in electronic format, in the shortest possible time.

4. Conclusions

The digital transformation component is a new vision in the public sector. The benefits of digital transformation, such as *efficiency, transparency and simplicity*, lead to a much higher productivity of the processes carried out by the public administration, in particular.

Knowingness of the need for new technologies by leaders of public institutions, continuous adaptation to the requirements of citizens, quality, reliable and fast online public services are just a few of the **elements** that the Authority for the Digitalization of Romania recommends for improving transparency and efficiency of public administration in Romania.

On July 21, 2020, the Steering Committee for E-Government approved the **public policy document in the field of e-government**, drafted within the project "Establishing the Framework for the Development of E-government Instruments (EGOV)¹²", SIPOCA 20, implemented by the Authority for the Digitalization of Romania (ADR) in partnership with the General Secretariat of the Government (SGG). The objective of public policy is to augment the capacity of public institutions and authorities in Romania to develop and implement e-government solutions.

¹¹ See the *Report for the Digital Transformation of Romania February - April 2020*, on page https://www.adr.gov.ro/wp-content/uploads/2020/07/Raport-trimestrial_Transformarea-Digital%C4%83-a-Rom%C3%A2niei_1.pdf

¹² See page <https://www.comunicatii.gov.ro/proiecte-in-implimentare/proiect-egov/> .

Moreover, in July 2020 it was approved the National Plan for Investments and Economic Recovery (Planul Național de Investiții și Redresare Economică, 2020), where we find some of the previously mentioned public policy objectives, such as:

- in section "Measures of Digitalization and de-bureaucratization in administration and economics", pages 32-35;
- in section "Communications", page 118;
- in section "Infrastructure for education", pages 124-128;
- in section "Investments in local development", page 133.

But as the transformation of policies and plans into practical actions is a long process, we will follow up closely what will happen over the next period, being convinced that transparency in public administration will go up by digitalizing its activity.

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