

The Internet Rights Forum



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RECOMMENDATIONS

**THE DEVELOPMENT OF ELECTRONIC
ADMINISTRATION**

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INTRODUCTION

Following the example of other European countries, France has decided that by 2005 its citizens will be able to carry out all their tasks relating to the administration on-line. There is a strong demand for this service; half of French people state they have already undertaken administrative transactions, or are prepared to do so, by Internet (poll Taylor Nelson SOFRES for the Internet Rights Forum- September 2002), the proportion rising to 81% for Internet users.

To encourage the development of electronic administration, which today appears to be one of the major uses of the Internet, the Internet Rights Forum had for over a year wanted to begin to reflect on the legal framework of on-line administration, both in relation to the general public and professional public and private players.

This work was firstly centred around a working group (cf appendix), bringing together experts from the public and private sector, and which published an interim report on 9 April 2002. This led to the publication of practical guides for professionals and private individuals, which are available from the Forum website. They then drew on the conclusions of the survey "*the expectations of the French people in relation to electronic administration*" commissioned by the Internet Rights Forum (cf. above). In addition, the Government asked the Internet Rights Forum to follow up on the thinking of the Truche mission and organise a public debate on the main points identified in the White Paper "*electronic administration and protection of personal data*". This public debate was firstly held on-line on the Forum website between March and May 2002, then in the form of a "travelling" debate in the form of six public meetings in the provinces. The summary of this debate was given to the authorities on 16 December 2002 (www.foruminternet.org).

The present recommendation of the Internet Rights Forum is the fruit of all these contributions and is witness to the completeness of the consultation process.

Fitting within a context of strong political will in favour of e-administration, illustrated in particular by a report by Pierre de la Coste entitled "*The Hyper-Republic. Building a network administration around the citizen*" or "*L'hyper-République. Bâtir l'administration en réseau du citoyen*". The purpose of the recommendation is to accompany the work of the authorities by giving their thinking **an action plan for the development of administration on Internet** from the viewpoint of service provision for citizens.

This action plan is in the form of recommendations that aim to strengthen the legal framework of on-line administration (I) and underline the new requirements that will have to be satisfied in terms of the development of on-line services (II). It also focuses on the legal and technical conditions for setting up a personalised administration portal (III).

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On-line administration is already here: it has come about less rapidly than announcements in the media would have lead us to believe but it has been a continuous process over several years. 4,500 reference publics sites offer citizens a variety of information on public services, more than 1,200 forms that can be downloaded, some on-line transactions such as on-line tax payments, offer a complete on-line administrative service. It is still insufficient but it is far from negligible as this development illustrates a fundamental change in how the administration works, moving from a position of sovereignty to one of service to the citizen. Such a change takes time, it is a **silent evolution** within the public sphere, very delicate in countries such as France where the traditional rights of the state are so strong.

It is therefore necessary to analyse the development of electronic administration with a certain distance. Given the current stage of development of electronic administration the proposals made in this report give priority to pragmatism and operational implementation.

> *Reactions*

The Internet Rights Forum invites you to post your comments and suggestions on this document to the following address:

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I – STRENGTHENING THE LEGAL FRAMEWORK OF ELECTRONIC ADMINISTRATION

The legal questions posed by the development of electronic administration make up the first part of the present recommendation from the Internet Rights Forum. The main proposals have been outlined in the framework of a report on preventing and resolving disputes published in April 2002.

These new legal questions should not be over estimated: the use of the Internet to provide administrative services is not, in itself, a radical novelty that would be likely to confront lawyers with a particular gap in the law. However, the law has too often appeared to be an obstacle to developing on-line services, which makes a precise analysis of the legal issues of electronic administration important.

In actual fact, creating and operating on-line services does not generally pose any real fundamental legal difficulty. The principles that classically apply in terms of the equality of treatment of citizens, the responsibility of the administration or indeed the tasks shared between the public and private sector seem to transpose to the on-line world without any major difficulties.

However, quite frequently the creation of an on-line service requires the texts governing the operation of the relevant administration to be adapted. Thus, texts that were drawn up exclusively for paper procedures should be adapted, for example when they stipulate the production or conservation of documentary proofs that are shed in the framework of "virtual" transactions. As far as the declarations of enterprises are concerned, the "Madelin" law of 11 February 1994 has provided for the administration having to allow the possibility of registering them electronically, under contractually defined conditions. More generally, all electronic administration will benefit from developing an experimental approach, in order to identify in this digital world a means of satisfying the demands to which the paper procedures have previously responded.

Beyond the issues of adapting the texts, which are different for each on-line service, the recommendations that follow provide responses to general legal questions posed by electronic administration. They are aimed at practitioners, offering concrete solutions that will facilitate the development of electronic administration, at all stages of its implementation, within an approach aimed at providing services to citizens.

1.1. Benefiting from electronic administration in order to employ an approach dedicated to providing a real service to users

The deployment of electronic administration does not only consist of making it possible to undertake administrative transactions on-line that we traditionally do at the counter. The Internet medium is not completely neutral and because of the expectations it creates in users it also requires the administration to change. Consequently, electronic administration establishes a new type of relationship with the public, less characterised by authoritarian relationships, a cumbersome bureaucracy and the isolation of the administrations and more characterised by sensitivity to users' expectations, speed of reaction and working as part of a network.

In order to successfully implement these changes, the Internet Rights Forum recommends that the Government and public authorities establishing on-line services set themselves the following objectives:

- **Setting up Internet administrative services should be part of a complete overhaul of the administration's interface with its users.** Far from being a substitute for other ways of accessing the administration, on-line services should be accompanied by an overhaul of counter reception and improvements in the telephone service by setting up proper administrative call centres.
- **The methods of operating on-line services should be very precisely coordinated with counter services.** Thus if a user fulfils the necessary obligations on-line, it is essential that this information should be immediately available to the local administration responsible for the user. The on-line services point of entry more often than not does not aim to deal with declarations or applications directly; on the contrary these should be decentralised. Information systems have to be adapted to allow information to circulate.
- **The involvement of users in defining the service, too often neglected, is an absolute prerequisite to setting up on-line services and an essential condition for their proper operation.** This user involvement should focus both on defining the on-line service and on methods of implementation. It is thus a question of prioritising user expectations and anticipating the modes of functioning of the service. After implementation of the on-line service, user consultation should continue to ensure that the service is functioning correctly and is fulfilling expectations. The tools for this consultation are beginning to be put to use in the most advanced administrations: public surveys, user testing panels, consultative user committees... These tools should be systematised when creating any on-line service.
- **The administration should offer training to users so that they are able to take on using administrative services via Internet.** This guidance in using e-administration could be provided by the network of digitised public spaces.
- **Increasing the services provided is a necessity in the electronic world,** where, even more so than in the classic environment of counter services, we cannot keep administration based on authority and control. Setting up web sites has responded to the need for information that was hitherto unsatisfied. However, in order to respond more effectively to citizens' expectations, the administrations must go further and offer new services on-line that should focus on providing a more personalised approach to the relationship with the user: simulated calculations for service provision and contributions, storage and access to administrative data on-line, making appointments and booking places in public facilities...
- **Electronic administration should be a factor in the reduction of constraints imposed in principle on users, in particular written proof that have to be produced.** Thus, replacing the obligation of written proof by a mechanism of sworn statements combined with subsequent checks, as was done in 2002 for charitable donations and union contributions that have traditionally been attached to tax returns, represents a real gamble of trust. This trust based approach should be extended to all users, whether or not Internet users and should be extended to include other things. In a general way it is important that this type of approach, which could, from the point of view of the administrations, be considered as a policy of managing risk, is authorised and defined at the competent level each time by modifying the applicable texts (laws, regulations, decrees).
- **The interactivity of on-line transactions should be as great as possible and should not merely put paper forms on-line.** Among those French people prepared to undertake administrative transactions on-line, 89% would prefer services that allowed them to fill in their forms on their computers and send them on-line rather than simply downloading forms that have to be sent by post (Taylor Nelson SOFRES survey for the Internet Rights Forum). Furthermore, it is necessary to make the most of the possibilities of Internet in terms of personalising the service, which for example involves simplifying the forms offered on-line by adapting them according to the

responses to questions answered earlier. It is necessary to remedy the absence of human contact in Internet services with maximum of interactivity, anticipating responses to questions that the user would ask to the official at the counter. The ways of organising this interactivity are several: dynamic forms that change according to previous answers, warning messages if answers are inconsistent, contextual help, or even co-ordinating the on-line service with a telephone help line...

➤ **It is necessary to add to the range of public information on-line by moving towards a requirement to publish administrative announcements on-line** each time that such a requirement to publish exists in paper form. The report of the Council of State of 27 September 2001 on advertising and the implementation of certain administrative acts should be implemented rapidly. In particular it proposes: to enshrine in law a requirement to publish the Official Journal in electronic form on the same day as on paper; to make acts published that are not by their nature individual acts obligatory; to define by decree the categories of administrative acts for which, given their nature, significance and number of people concerned, publication in electronic form would be sufficient. The reasoning behind this report, which gives legal status to on-line publication, could be extended to include other acts, such as those published in the official ministry bulletins and in compendia of prefectural administrative acts. As far as local authorities are concerned, which are governed by the principle of freedom of administration, they should be encouraged to organise on-line services, which often offers a more appropriate method of publicity than posters.

1.2. Spreading best practice to ensure user confidence

Well known in the field of electronic commerce, the need for confidence is a recurring problem in exchanges via Internet, where there is no physical personal contact and where the fear is that messages will get lost. This need is perhaps even more pressing in the field of electronic administration. From the viewpoint of those responsible for public services, it is a question of being sure that all the rules and guarantees surrounding the accomplishment of their functions find their equivalent in a non-paper process. The issue of confidence is also decisive for users, as exchanges realised on-line are for them substitute transactions that have significant legal and financial consequences, whether it be a question of requesting a service, fulfilling an obligation, or paying taxes. The choices made when setting up electronic administration should endeavour to fulfil this need for confidence.

➤ **Clear validation and confirmation rules** for transactions undertaken on-line should be laid down. Electronic administration transactions should endeavour to be precise about the point in the on-line transaction at which the Internet user is bound by their on-line statements. The information given by the Internet user should be recapitulated so that it can be verified before validation.

Similarly, it is important that on-line transactions give rise to receipts from the administration that will reassure citizens that the on-line transaction has indeed been taken into account.

In this respect, it is best to identify two types of receipts. The first is an electronic receipt merely recording the fact that the request has indeed been received by the administration.

The second type, provided for in article 19 of the law of 12 April 2000, should indicate that the administration has all the necessary elements for dealing with the request and the date on which it is considered to have been accepted or rejected as well as the name, address and telephone number of the department responsible for the dossier. In some cases the administration will be able to send a single receipt. In other cases, two separate receipts will be successively sent to the user. These receipts will often be generated by the server from a summary of the data supplied. Sometimes the second receipt can only be sent after verification by an official in the administration. Whatever

the methods chosen, these receipts represent an important requirement for electronic administration users.

- **The right of access to information entered on-line as well as the right to modify it should be recognised**, particularly in the case of declarations subject to deadlines. It is a question of preventing users' use of on-line transactions backfiring, since, when using counter services, it is possible to modify declarations or requests made to the administration; it is important that the same opportunity is offered on-line. This implies, for example in on-line registration procedures for the administration's competitive examinations, that options may be changed up to the registration deadline.
- **The ergonomics of the on-line service should make filling in an electronic form as flexible as filling in a paper form.** For example, users should be able to stop filling in their form at any time. The administration server should therefore be able to store forms that are in the process of being completed so that users can stop at any time and pick it up again easily without having to start again from the beginning. Decrees and regulatory texts relating to public internet sites and on-line transactions should, if necessary, be adapted to allow this ease of use.
- **Public administrations should establish and clearly display a benevolence policy in relation to technical incidents** due to the unavailability of a server or the use, in making an application, of obsolete forms that continue to be on a public site by mistake. In such cases, classic legal principles do not recognise of the responsibility of the administration except in limited cases. Faced with these types of incident, which are in fact fairly rare, the administration is generally fairly understanding, agreeing to take account of technical incidents beyond what the strict principles of administrative responsibility would involve. It is important that this policy is specified and clearly displayed in order to increase confidence in on-line administration.
- **The use of free software could be a way of increasing confidence in electronic administration.** Access to source codes can only reassure internet users about the information processing that will be undertaken from data provided to the administration. It not only makes the administration's activities more transparent but also encourages the continuity of information by facilitating the recovery of administrative data in the event of technological development.

1.3. Learning to manage electronic mail received from administration users.

Although administrations primarily equipped themselves with e-mail for internal use, they are beginning to employ it in their contacts with users. However, a certain lack of clarity persists on the legal status of electronic mail sent to public authorities. Very often an electronic message is not regarded as a valid way of making an application to the administration, with all the consequences that may have, for example in terms of implicit acceptance or rejection.

In fact there is no good reason for refusing to regard electronic mail as proper correspondence, all the more so as the appearance of an electronic signatures and electronic registered letter formulas are able to give the necessary guarantees as to the validity of any electronic messages sent to the administration. There is a need therefore to clarify the situation with respect to electronic mail exchanges with the administrations.

- **The administrations have to systematise their electronic addresses.** Electronic mail is not a gadget and French people can legitimately demand that administrations read messages sent to them electronically and reply using the same route. That is why the electronic mail addresses of services dealing with applications and dossiers should be communicated. To achieve this, the administration internet sites should give the e-mail addresses of the main administrative services and not merely be content to give the webmaster's address.

- **The administrations should define and display their policy for dealing with the administrative electronic mail sent to them.** The important thing is that an application addressed to an administration is not left without a reply merely because it arrived by electronic mail. There should be a practice of inclusion which would prohibit discriminatory treatment of mail based on the method it was sent, but recognising some particularities of paper mail in the commonly used techniques (hand written signature, registered letters).
- **Managing electronic letter boxes on public sites** is an important issue in putting electronic mail into administrative use. It is important that these letter boxes are not limited to simply indicating the address of the webmaster, but are structured in such a way as to invite the user to specify the purpose of the e-mail as well as to provide information, for example a home address, that will allow the relevant service to be found for dealing with the request. This kind of attempt to structure requests made to the administrations is necessary to allow e-mails received through internet sites to be efficiently managed.
- **Electronic mail sent by administrations should mention the name of an official,** even though they may be sent from the address of a particular service and not the address of a particular person. As required by the law of 12 April 2000 on citizen's rights in their relations with the administration, they should in fact allow the official responsible for dealing with the dossier to be identified.
- **Administrations should be in a position to receive the electronic "registered letters" that are beginning to appear,** whether via the service set up by the French national postal service, which in 2003 will make it possible to send registered electronic mail, or via the offers from private operators that act as a third party archivist. The public authorities should prepare themselves to receive such mail, the advantages of which in terms of time saving for citizens are obvious. Public authorities may also in many cases profitably anticipate using these services when writing to citizens that themselves have used electronic mail. These services play a useful role in validating date and time and in storage, even though, in the absence of legal precedents, it is not certain that their use can be regarded as a true registered letter when legislation or regulations require such a formality. It would therefore be advisable to examine the usefulness of modifying the applicable texts with the purpose of allowing users to employ electronic procedures offering sufficient guarantees in terms of verifying identity and certifying the date of receipt.

1.4. Gradually introducing electronic signatures without making it a prerequisite to the deployment of on-line services

Long awaited as a preliminary condition for strengthening legal relations on-line, electronic signatures finally exist under French law and service providers have started to distribute their offers based on the principle of asymmetric cryptography, i.e. based on a pairing of a public and a private code. In the field of administration, just as in business, the possibility of using electronic signatures is of a nature to increase legal security of on-line exchanges. However, in a market that is far from mature, administrations are frequently urged to create a demand by subjecting on-line transactions to the requirement of electronic signature certificates which users would have to procure from private service providers. It is important not to reduce the choices involved in electronic administration to this single aspect of industrial policy. The particular requirements of public services should be borne in mind. They have a duty to be very widely open to citizens, without overestimating the constraints of security, and furthermore administrations should not delude themselves about the willingness of users to invest in a certificate before being able to use on-line transactions or pay taxes on-line. Electronic signature operators could however find an economic model that would be just as relevant in supplying certificates on behalf of the administrations as for selling certificates to the public. Given these elements and the obviously very real interest provided by electronic

signatures in electronic administration, the Internet Rights Forum recommends a gradual and well thought out introduction of the requirement of electronic signatures.

➤ **The use of an electronic signature should not systematically be made a prior condition of deploying on-line services.** There are numerous services, such as tax forecasts, for which use should remain anonymous. Even when it is necessary to identify or validate users, it can very often function on the basis of simple identifiers and passwords. As far as the need for a signature properly speaking is concerned, it should not be overestimated: because paper forms have a box for signature of the applicant there is no reason their electronic equivalent should require an electronic signature, as very often the signature on a paper form does not have any real legal import. The principle to take on board is that on-line transactions function on a declarative basis, without being subject to the use of electronic signature technologies.

➤ **The administrations should give careful consideration to the possible consequences of requiring the use of an electronic signature.** In a general way, given the current state of the technology, using electronic signatures would not appear to be really essential except for two considerations. The first relates to the legal commitment of the signatory when the application has the effect of engendering rights; it is important to be sure that the on-line declaration cannot be repudiated by the user, for example to prove dishonesty in the case of a fraudulent declaration. The second relates to the confidentiality of data to which the service gives access, for example in medical or financial terms, particularly when confidentiality is required by law. However, it would be excessive to extend the requirement of a signature to all services that give access to named data, current practice accepting that for much named data dealt with by various on-line services it is sufficient to use identification techniques and passwords. It is therefore important in this area to adopt a pragmatic approach, examining the usefulness of an electronic signature case by case with the purpose of not hindering the development of electronic administration.

➤ **Tidying up regulatory texts and decrees may be necessary** when, having been written for paper procedures, their literal application to the digital world would lead to the requirement of an electronic signature, which may appear excessive.

Identification techniques and passwords should be used where there is no fundamental reason for requiring an electronic signature, either to avoid the declaration being repudiated by the applicant or for protecting the confidentiality of information to which he or she may have access.

➤ **The administrations should not in principle refrain from supplying users with electronic signature tools themselves** when this appears necessary, given the nature of the on-line service in question. The pragmatism shown by the French Ministry of the Economy, Finance and Industry has thus led it to distribute nearly 150,000 electronic signatures to tax payers during the on-line declaration campaign for 2002 income tax returns. Similar practices of distributing certificates at no charge have also been chosen in other countries. For reasons of simplicity, cost, the immaturity of the electronic signature market, free distribution would appear necessary when the administration intends to subject the general public's access to a on-line service to the requirement of an electronic signature.

➤ **The choices made about electronic signature will also depend on the Government's future decisions on the personalised gateway project www.monservicepublic.fr and on an electronic identity card** (cf. No. III of the present recommendations). Among the main benefits expected from a personalised portal is the implementation of a shared service for identifying users that could be based on electronic signature procedures and which would be a saving for public funds and would simplify life for users. Similarly, an electronic identity card could provide the medium for one or more signature certificates.

1.5. Allowing incidents and administrative appeals and disputes to be managed on-line

Methods for resolving disputes with the administration, whether administrative appeals, (out of court settlements or disciplinary complaints), submissions for legal settlement disputes or even alternative ways of resolving disputes (The Republic's mediator, mediators set up by various ministries), have all been designed with a "paper" administration in mind. With the planned generalisation of personalised on-line public services, these traditional methods of resolving disputes are subject to new expectations: the prospect of on-line appeals would seem natural. However beyond this expectation, fundamental consideration should be given to resolving incidents and disputes in the world of electronic administration.

➤ **The administrations should allow complaints and administrative appeals to be made on-line.** To this end they should provide letter boxes allowing the applicant to specify the purpose of the e-mail and be directed to the competent service. To establish that an administrative appeal has been made within the time allowed for appeal, it may be useful either for the user to be able to use the on-line confirmation of receipt formulas, or better still, for the administration to confirm receipt of any complaints received by electronic mail.

➤ **Independent administrative authorities should allow cases to be submitted on-line.** This is already the case for some of them, who have put case submission formulas on-line (the Consumer Safety Commission from the Internet site of the Minister of the Economy, Finance and Industry www.minefi.gouv.fr). The movement should be generalised, particularly for those administrative authorities that contribute to the transparency of the administration such as the Commission for Access to Administrative Documents. Exceptions to submissions by electronic mail may be justified by a strong consideration relating to the method of the submission, for example the obligatory filter of a member of parliament in the case of the Republic's Mediator.

➤ **Appeals on line should be made possible by equipping the courts' Clerk's Offices with electronic mail and with a service to record the time and date of messages received.** It has been recognised in case law since the decision of the Council of State on 28 December 2001, which gives appeals made by electronic mail the same legal status as an appeal made by fax, that is that they stop the deadline for appeal, but do not satisfy the requirement for an application to be signed, requiring a paper copy to be sent subsequently. The use of electronic mail to make appeals cannot be properly developed unless the administrative courts equip their Clerk's Offices with electronic addresses.

➤ **The possibilities of on-line mediation in the event of incidents or disputes should be encouraged.** In particular submissions to mediators on-line should be emphasised, such as those recently created by various ministries. These on-line mediations could be particularly useful in cases where there are incidents related to the technical operation of on-line transactions.

II – SATISFYING NEW NEEDS IN TERMS OF ON-LINE PUBLIC SERVICES

Moving beyond the strict legal framework, the recommendations that follow aim to outline the priority service requirements in developing electronic administration. These proposals follow on from an analysis of the existing services in France as well as of the gaps that can be found in the range of on-line services. These emerged during hearings and consultations with people involved in the framework of the Truche mission.

In fact, it appears that if we want to move up a rung and properly provide on-line administration to the general public, a change of approach will be necessary: although until now the administrations have confined themselves to putting paper forms on-line, sometimes in an interactive form, it is important to move on to providing citizens with real added value.

From this point of view, some on-line services could be exemplary: they would mean citizens would not have to make identical applications and declarations to several services, would allow them to deal with the most standard needs, even the least innocent, such as paying fines, or quite simply enable them to pay their contributions by banker's card; it could eventually lead to new means of accessing the legal system or the police being invented.

2.1. Reducing the formalities related to certain life events: for French style "bouquets of services"

In addition to time saving and the removal of the need to make a personal visit to the user, that is offered by electronic administration, it could also reduce the number of formalities. In this respect, limiting the duplication or triplication of declarations to administrative services as a result of certain life events (change of address, change of situation regarding employment, marriage, birth of a child) would be especially indicated in order to simplify the day to day life of citizens: it is what the Quebecois called "bouquets of services", when they decided to organise both information about administrative services and the provision of these services from the basis of these life events. Other countries have adopted the same approach. It is the case for example in Italy which from the portal www.italia.gov.it offers access to administrative services based on the main life events ("*eventi della vita*"). It is also the system that the Irish would like to apply, in which the "*Public Services Broker*" model offers a range of services that are organised by theme and presented in the form of a citizen's life events (see appendix).

To make the most of electronic administration, France too must make an effort to start from users' demands and organise therefore the circulation of information between administrations to spare citizens having to duplicate or triplicate declarations or applications that deal with the same subject.

Within this bouquet of services approach, the Internet Rights Forum recommends the following priorities:

- **Change of address** is probably the most common of these life events which requires repetitive steps to be taken with different administrations. The Government has announced specific action to help the French people manage changes of address. The tools and methods that it will present on this subject could be used for other "bouquets of services".
- **Changes in family situation** (birth, marriage, death) are also an area in which the circulation of information between the administrations could be organised. The administrations concerned are here, in addition to the public records, the taxation administration and social administration (health insurance and, depending on the case, family allowance and old age pension).

- **Change in employment situation** (loss of employment, new employment...) also interests several administrations. In addition to the public employment service (Agence nationale pour l'emploi and ASSEDIC), it also concerns health insurance at the very least.
- **Setting up bouquets of services will be facilitated by setting up a personalised administrative portal www.monservice-public.fr.** Even if the two areas of work are distinct, a concrete advance in the field of personalised on-line services will stimulate reflections on the subject of the circulation of information by the administrations.

2.2. Allowing standard needs to be dealt with

Dealing with standard needs is one of the essential contributions of electronic administration. In fact to more effectively manage this type of need, which is often repetitive, citizens would really find it worthwhile familiarising themselves with the on-line service and using their computers to enter any information that they would like to transmit to the administration. The on-line social declaration service www.net-entreprises.fr is a good example of responding to such needs: it is useful for everyone, the administration as well as enterprises, to automate entering and processing social declarations that have to be repeated at regular intervals. On the other hand, for exceptional items, for example a request for planning permission, there is less benefit to the user in being able to make the application on-line (even if it may be worthwhile being able to follow its progress on-line).

That is why priority should be given to developing on-line services that respond to standard needs. That is what has been achieved for example in taxation by establishing the possibility of making income tax returns on-line.

The Internet Rights Forum recommends systematically exploring this type of user need, whether it relates to a transaction everyone is involved in or things that interest more especially certain sections of the population. Four areas would appear particularly interesting:

- **The possibility of following on-line the progress of an application addressed to the administration is frequently demanded by users.** This possibility already exists in some pilot services. However, this functionality should be extended to all administrations to allow the progress of a dossier to be consulted on-line.
- **On-line requests for extracts from public records is also an area in which expectations are high.** This area should be a priority for electronic administration.
- **Declaring the loss or theft of identity papers** should also be a priority area. It should thus be possible to declare a loss or theft on-line.
- More specifically, **it would be also opportune to establish the possibility of paying parking fines on-line.** Such a service would offer an obvious and considerable time saving for users in relation to the current requirement to purchase a tax stamp and send off a reply card. Payment of fines could also be envisaged via mobile phones.

2.3. Put in place banker's card payments

Although the use of a banker's card is obviously the simplest method of paying through Internet, its use on public web sites remains very underdeveloped. Public web sites generally confine payment, particularly taxes, to formulas requiring prior registration followed by standing order payment which results in significant amount of red tape for the user. Users are deprived of a functionality that they could legitimately

expect from on-line public services. Operators of on-line transactions, particularly local authorities and public establishments, are also hampered in the projects they may have for developing on-line services.

The urgency of making payment to the administrations by banker's card has been identified for some considerable time. On 26 February 1998, going beyond the simple case of Internet sites, an inter-ministerial committee on state reform decided that the use of banker's cards should be generalised. Another inter-ministerial committee on 12 October 2000 restated this objective in deciding to develop banker's card payments on public Internet sites.

As the objective has been outlined for some time, it is time to offer public service users the possibility of making payments by banker's card.

2.4. Developing legal services on-line

Nowadays in France, the legal system is probably the area of public intervention furthest behind in offering on-line services. The legal sphere has not committed itself in the same way as taxation, or even social administrations, to a fundamental policy to, in the medium term, offer Internet users access to all its services. Apart from two notable exceptions, which are on-line application for a copy of criminal records and the procedure for signalling paedophile web sites, no on-line services are offered to the public nationally. This inertia contrasts with the determination of some courts, such as the Clerk's Office of the Commercial Court (Tribunal de Commerce) in Paris, whose work is proof of all the possibilities offered by on-line services.

It is true that there are fundamental reasons that explain the situation: the stakes particular to the legal system are obviously high, the need for a certain number of procedures to adapt the applicable texts that describe the paper procedures in detail, successive and ambitious reforms in other areas...

However, cultural resistance in this sector has to be overcome so that it can get the measure of the contribution of e-administration. The legal system is, actually, no doubt about it, one of the major areas in which citizens expect the state to be more accessible. Making the most of new technologies to offer new simpler and faster means of accessing the legal system is one of the promises offered by electronic administration.

To translate it concretely into an on-line legal system, **the Internet Rights Forum recommends both creating on-line services and adapting the applicable texts:**

- **On-line services could be created as a priority for direct relations with those involved in court proceedings**, particularly when dealing with financial disputes. In civil cases, it should be possible to make declarations to the Clerk's office for submission to the magistrates courts on-line (articles 847-1 to 847-3 of the new civil proceedings code) or even for an order to pay (article 1405 to 1425 of the same code). These services exist abroad. In February 2002, Britain set up a "*money claims on-line*" service which allows on-line application to the courts relating to financial claims when these do not exceed an amount of 100,000 pounds sterling (www.courtservice.gov.uk/mcol).
- **The courts are also responsible for quasi-administrative services that should be offered on-line**, that is those court missions that do not relate either to suppressing crime nor to resolving disputes between individuals. For example those Clerk's Offices' missions in relation to public records, nationality or the electoral role.
- **In the longer term, the move to virtual procedures could also affect transactions involving representatives of the law.** Although it would be relatively

cumbersome in terms of adapting the texts, such a move should begin without delay. The professions concerned have already begun preparations, in particular in terms of electronic signatures. In civil matters, the legislators have also prepared the ground for this development by providing that the electronic signature would also apply in relation to notarial deeds under conditions to be defined by Council of State decree. In Austria the Ministry of Justice has put in place with the Association of Austrian Lawyers an electronic application called GERVA (Gesicherter Elektronischer Rechtsverkehr mit Attributen, also called "Secure Electronic Legal Communication with Attributes" or the ELC system). The ELC system allows courts to send documents via Internet to the parties concerned that have the same legal value as a paper (www.datakom.at/ery). Initially limited to a certain category (lawyers, solicitors, banks, insurance companies...), this virtual procedure has been enlarged since 2000.

Aside from these proposals, it would not appear to be an appropriate time to propose setting up a proper on-line complaint lodging service as the risks attached to such a service cannot be clearly understood or controlled: risk of abuse, difficulties in relation to verification of identity and the veracity of facts.

III – DEFINING THE CONDITIONS FOR PUTTING A PERSONALISED ADMINISTRATIVE PORTAL IN PLACE

3.1. The context: the project [monservicepublic.fr](http://www.monservicepublic.fr), the Truche mission White Paper and the public debate organised by the Internet Rights Forum

The personalised administrative portal project, presented to the inter-ministerial committee for the reform of the state on 15 November 2001 under the name of www.monservicepublic.fr, aimed on a single web page, to offer users access to all the information on any of their current transactions with the administration. The best illustration of this project is a model of a web page where information is displayed at the same time on medical reimbursements due, the deadline for the next payment of taxes, the process of applying for planning permission or even the date for passport renewal.

This project is based on a both optimistic and ambitious analysis of the development of on-line services:

- An optimistic analysis as it postulates that on-line administrative services for individuals are in a phase where they are just taking off and they will soon explode, making it worthwhile to create a single interface for electronic administration users;
- An ambitious analysis as it tries to make the most of new technologies in order to offer a multipurpose administrative gateway that does not currently exist in the real world and which could offer the user real added value.

The questions raised by such a project in terms of personal data protection encouraged the Government of the time to entrust Mssrs. Pierre Truche, Jean-Paul Faugère and Patrice Flichy with drawing up a White Paper.

On 26 February 2002, the White Paper, handed to the Minister for Public Affairs and Reform of the State, expresses the conviction that putting a personalised portal www.monservicepublic.fr in place could be done without fundamentally calling the rules of personal data protection into question.

The report concluded that it was not necessary to issue French people with a single identifier covering all their relations with the administration nor to organise generalised circulation of administrative information in order to be able to make the most of the benefits of electronic administration. Nonetheless, the White Paper also indicated that numerous questions remained before such a service could be put in place, particularly questions relating to finding solutions for identifying users, the limited possibilities of exchanging information between administrations, or indeed separating what should be shared and managed by the portal from that which would continue to be the responsibility of each administration.

A public debate was organised by the Internet Rights Forum at the request of the Government and on 16 December 2002 a summary was given to the Minister of Public Affairs, Reform of the State and Development and to the junior minister responsible for the Reform of the State (see appendix).

This debate showed that the personalised administrative portal project aroused genuine interest in principle but that it is still poorly understood by the public. Approval of an on-line multi-purpose administrative gateway is quite strong, 76% of French people surveyed on the subject (SOFRES – Internet Rights Forum survey September 2002) seem positive towards simplifying access to the administration. Among the minority of those who were reticent was a not negligible number of opponents who fear information will be passed between administrations.

Beside this difference of opinion, the public meetings that were organised showed that the issues relating to personal data protection arouse a great deal of confusion, which can be explained by widespread lack of knowledge of the current legislative framework and by the complexity of the technical problems posed by on-line identification and signatures. It was also emphasised that a multipurpose public services gateway should not be exclusively focused on the state, which is far from being the only public service provider, and that the gateway could perhaps be built around the town halls when these have a real policy of developing on-line services.

In his speech on 12 November 2002, the Prime Minister renewed the Government's interest in the personalised administrative portal www.monservice-public.fr, which he placed electronic administration among his priority projects.

Drawing on lessons learned during the several months of work it spent on the subject, the Internet Rights Forum would like to offer, through the recommendations that follow, its vision of the www.monservice-public.fr service, analysing the needs to which it should respond and the philosophy of personal data protection, in which it includes the technical choices involved.

3.2. What needs should a personalised administrative portal respond to?

The recommendations for creating a personalised administrative portal should be based on an analysis of need. These needs are those of the user in their expectations of electronic administration. They are also the needs, which may be expressed by the administrations, relating to accelerating the development of on-line services.

➤ **The first need that www.monservice-public.fr would have to respond to is that of offering a multipurpose point of entry to the public administrative services.** The portal should be a multipurpose gateway, without the user having to worry whether the service is the responsibility of the state, the commune or another regional authority, a social insurance organisation or a public administrative establishment. The portal would only be able to facilitate access to the administrations if it offered users the means of finding their way through an administrative world in which the divisions of authority are often unclear to them. It does not mean that the portal would replace the various administrations in dealing with any transactions, but it should be able to direct the user towards them.

If this first need had been the only one that came to light, www.monservice-public.fr could have been a simple portal for redirecting requests and would not present any problems in terms of personal data processing as there would be none to process. However, a second need is essential in defining the service.

➤ **The second need to which the portal would have to respond is that of allowing citizens to directly access information concerning them which is held by the various administrations.**

Once users have identified themselves to the portal, they would be able to access all the administrations without having to identify themselves again with an identifier and an access code or an electronic signature certificate to every administrations with which they may be in contact. From the portal, users could navigate the different administrations without having to identify themselves again. The portal would be the point of access responsible for identifying and validating the user. It would supply the administrations with the assurance that the Internet user is indeed who he or she claims to be, that they may offer their on-line services and allow access to information held on him or her. It also allows the role of identifying users to be shared.

Examples from abroad confirm the interest in setting up a users' services portal and shows that the most highly prized functionality is shared identification of users:

- The service portal approach is at the centre of the thinking, for example in the United Kingdom, which has set up the Government Gateway (www.gateway.gov.uk).
- In some countries mutualising solutions for identification and signature is presented as a priority objective. This is the case in Ireland with the Reach service (www.reachservices.ie), which has the role of storing certain personal identification data for the purposes of ensuring the citizen's identification to the on-line administrative services and pre-completing interactive forms to which the citizen has access through the service.

Thus analysed, the personalised administrative portal www.monservice-public.fr is presented as a service offering a basic interface between the user and the administration. It does not aim to hold personal data on users beyond that necessary for identifying them. In no way does it constitute a huge database of administrative information on users. In particular, it has no knowledge, nor moreover does it hold any trace, of any information exchanged between the administration and the user, for example relating to an income tax return or an application for a social service.

Following the "guidelines" set out by the White Paper resulting from the "Truche mission" (the idea of an electronic "vault" which refers to a large number of mechanisms and structures and which results in building secure data storage zones; these "zones" go from direct control of the data through a single attribution key for each user, to an "electronic key ring", holding numerous keys...), the service proposed is characterised by the simplicity of implementation, given the complexity of the existing information systems within the administration.

Such a position excludes any possibility of interconnections and would make www.monservice-public.fr a flexible interface which would be both a gateway to access on-line services and an identification gateway, providing clearly identified added value to users and administrations.

3.3. How can we ensure that the essential principles of personal administrative data protection are adhered to?

The underlying principles of data protection should be reaffirmed and made clear within the new universe of electronic administration. These principles become crucial when all administrative information is circulated on information networks. Given the existing legislation we have to avoid two opposing pitfalls:

- It is not possible to brush off electronic administration as just a fad and rely purely and simply on the existing legislation. This is based on the universe in which it was drawn up a quarter of a century ago, that of huge public files, and did not for one moment envisage that private individuals would be able to interact directly with these files in any form other than by using the right of access, which in practice has been largely theoretical.
- Nor must we give into the fascination of novelty and believe that today everything has to be reinvented, whereas in fact the principles established by the law of 1978 continue to be basically valid and the CNIL has for more than two decades been able place them within a precise and consistent doctrine.

The choices proposed by the Internet Rights Forum for creating a personalised administrative portal are made within the framework of a exacting philosophy of personal data protection.

➤ In order to avoid any risk of generalised interconnection between administrative files, **the personalised portal formula should be designed as a simple gateway between users and the administrations.** In fact, mutualising the role of identification goes hand in hand with maintaining compartmentalisation between users and the different administrations with which they may have dealings. The personalised administrative portal is in spirit completely opposite to any idea of centralising administrative files, as it constitutes a simple way for users to access the services with which they would retain a variety of relations. The personalised administrative portal would not be a single file containing all the data relating to the user. Therefore, from the portal, it would not be possible to consult different administrative data bases in order to create a profile of the individual. The personalised portal would not constitute an administrative central point assembling all the data on an individual, but a gateway to different administrative services.

➤ **The operation of the personalised administrative portal should be based on the principle of voluntary participation and reversibility.** Users should be free to subscribe or not to the personalised administrative portal. Similarly, they should be able to retain complete freedom in the choice of services they want to obtain through the portal. Finally, they should be able at any time to choose to stop using the personalised administrative portal.

Respecting the major principles of personal data protection, given the principles established in the 1978 law, the personalised portal however presents some specific features that would justify it being subject to legislation. This inclusion in the law should only take place after a period of experimentation to prove the usefulness of www.monservice-public.fr.

Legislation would in fact be justified as there would be an exchange of information between the portal and the different on-line public services. There would not be any connection between administrative files as the portal would not centralise any data concerning the user contained in different files. However, the portal would control user identification and would transmit this information to the various on-line services. The principle of limited exchange of information between the portal and the on-line services, which would continue to be compartmentalised, could be provided for by law.

If complementary functions are to be entrusted to the portal service, making it more than an identification operator, legislation may also be useful. It would be the case if it were decided that the portal could undertake virtual storage of written proof (proof of schooling, income tax certificate...) or if the portal service were involved in managing "bouquets of services", taking responsibility for passing on a declaration or application to several administrations. In this respect, the portal could at a more advanced stage include certain information relating to the user, such as their address or family situation, which would be communicated to the different administrations. However, making use of this potential should be the user's decision.

Furthermore, **in the context of developing electronic administration, the legislative principles of personal data protection should be fulfilled** in order to ensure more effective recognition of administration users' rights. In this respect, the Forum considers that **account should be taken of the growing demand within society for individuals to have greater control over the uses made of their personal data.**

Today, this aspiration is given little consideration in the law of 6 January 1978. It was essentially designed with a view to a priori regulation and control by an administrative authority, giving the practicalities of citizens' rights (right of access, communication, rectification and opposition) a more secondary role. We are seeing the development of an increasing aspiration to control the use made of personal data, whether it be to prohibit use or on the contrary to allow communication between two entities.

The Forum considers that this desire for control should not result in recognising an individual's right of ownership of public data concerning them. Although this demand is appearing increasingly explicitly in some speeches, it cannot be considered legitimate. In fact, individuals cannot always choose whether to be registered in a public file (for example, it is impossible to refuse to be included for tax purposes). Similarly, they cannot modify at will the data concerning them which is often established by law. We also know that the principle of consent of the individual, a determinant principle in data processing, is excluded both by article 26 of the law of 6 January 1978 and by the Community Directive of 24 October 1995, which provides for processing being permitted if it is necessary *"in respect of a legal obligation to which those responsible for the processing are subject"* or even for *"the execution of a public interest mission or one relating to the exercise of public authority"*.

However, at the risk of reducing the protection of the individual, it would seem dangerous to bring personal data into the field of property law. In this respect, the debate is not so far removed from that concerning the commercialisation of the human body.

How can we start taking more account of this aspiration to control personal data?

First and foremost, instead of being content with merely respecting the regulatory instructions relating to different public files, the administrations could draw up and publish personal data processing charters which would make their practices more transparent. The reform of the law of 6th January 1978 could be used to include in law the possibility of such charters, specifying that any charter would have to conform to the regulatory provisions particular to the files concerned.

More importantly, the Forum considers this aspiration to control personal data should be taken in two complementary directions.

- **The rights of access and rectification provided for by the law of 6 January 1978 could be added to in such a way as to provide for the possibility of exercising these rights on-line.** The condition requiring "proof of identity" before exercising these rights could be fulfilled in the framework of the implementation of www.monservice-public.fr. The possibility of exercising these rights on-line would make the rights recognised by the law more effective, as today they are more theoretical given that they were designed with the simple objective of monitoring files. As it would be direct and permanent, it could even provide an additional dimension to these rights by giving citizens more control of their administrative situation. Thus on-line, citizens would be able to find out about their administrative situation, follow the progress of an application, or even obtain proofs held on-line (in relation to taxation, schooling...). It could also provide an opportunity to **increase the transparency of the administration and to serve the citizen better.** However, given the major adaptation of the information systems that exercising these rights on-line would imply, the law could only provide for the possibility and could not place an obligation on the administrations.
- **The reform underway of the 1978 law could also be used to create a legal mechanism making dialogues between administrative files possible at the request of the user.** Such exchanges of information undertaken with the authorisation of the user should be distinguished from interconnections of files made on the initiative of the administration. With this type of mechanism, users could, instead of attaching a proof from administration A to a demand made to administration B, make a sworn statement and authorise administration B to check the validity by a dialogue

with administration A. This reduction in the constraints imposed on users would also **increase confidence** in their relations with the administration.

3.4. What are the practical methods by which a personalised administrative portal would function?

It is only once needs have been analysed in terms of services and personal data protection philosophy that choices about technical methods of operation should be made.

These choices also relate to operational methods such as identification techniques and to methods for putting a portal in place. The Internet Rights Forum makes the following recommendations about these choices:

➤ **The first of these choices is consistent with the philosophy of personal data protection outlined above: no administrative point centralising all the data concerning users but a gateway allowing them access to the different services of the administration.** An administrative central point, realised with the aid of a single administrative identifier, which could for example be the social security number, would be both unrealistic, because of the implied overhaul of all public administrative services users' files, and not very desirable from the point of view of data protection, as the very multiplicity of relations with administrative services guarantees the compartmentalisation of the files. The personal administrative portal would function on a system of links to different administrative services, allowing the user to consult the data concerning him or her held by these services.

➤ **The identification technique chosen for use by the portal should allow an appropriate level of security for users.** In this respect, different systems could be envisaged.

- It would be possible to **issue users with a smart card for this purpose.** Several of our partners have chosen the smart card formula for identifying users to the electronic administration (Finland, Belgium, Italy, the town of Bremen...). This smart card could be the everyday life card that the Government is envisaging developing to improve citizens' access to the administration. It could also be an electronic version of an identity card, to be developed in the framework of the considerations being undertaken by the Ministry of the Interior on this subject. The survey organised in September 2002 by the Internet Rights Forum with Taylor Nelson SOFRES showed that three quarters of French people favoured an electronic identity card that would allow them to carry out administrative tasks via Internet. However, the need to equip the general public with smart card readers obviously remains a major inconvenience.

- We could however also consider **other identification supports, such as software certificates.** The software certificate identification formula has been chosen by Great Britain in its *Government Gateway*, leaving users free to procure a certificate on the open market. In France, it would be particularly interesting to make use of the "fleet" of 150,000 certificates supplied free of charge by the State to tax payers. With a view to interoperability, careful management of public funds would suggest ensuring that these certificates will be recognised by www.monservice-public.fr.

➤ **Local authorities should find a place on the www.monservice-public.fr portal.** The portal should allow access to not only state services, but also to local authority and other public administrative service providers. That is why the approach to implementation should not only be inter-ministerial but also inter-public services. Naturally this would militate for an interface service that would be both light and have well defined added value.

However, it would obviously necessitate political management of the project. In particular, when registering with www.monservice-public.fr, it would involve the user indicating the commune in which they reside in order to be able to access the services

offered on their commune's site. Similarly, joint signalling would be a possibility for giving access to the personalised administrative portal from local sites.

➤ **The following screens show the practical operation of the administrative portal www.monservice-public.fr.** Users should first register with the portal, choosing a password (diagram1). Users are then given an identifying number. From the portal, they can directly access the different services available on-line. They should initialise their registration with each administrative service when first connecting. In the example chosen in diagram 2, they would therefore supply the tax administration with the data for positive identification (diagram 2). This operation would thus result in making the initial identifier and a sectorial identifier correspond, that relating to finances. When subsequently connecting, after having identified themselves at the portal, with a simple hypertext link users would have direct access to the data concerning them in the service with which they are registered (diagram 3). Initialisation could be repeated as many times as there are administrative services to which a citizen wants direct access via the portal.

Diagram 1: Registration with the portal

The screenshot shows a web browser window titled "Monservice-public.fr - Microsoft Internet Explorer". The browser's address bar shows "Monservice-public.fr". The page header includes the French Republic logo and the "Service-Public.fr" logo, with a "[Aide]" link. Below the header, there is a breadcrumb trail: "Accueil > Monservice-public.fr".

The main heading is "M'INSCRIRE A MONSERVICE-PUBLIC.FR" with a magnifying glass icon. Below this, a text prompt reads: "Pour vous inscrire à monservice-public.fr, indiquez les coordonnées suivantes :".

The registration form is divided into two sections:

- Coordonnées obligatoires :** This section contains the following fields:
 - Nom: MARTIN
 - Prénoms: Pascal, Jean
 - Nationalité: Française
 - Adresse: 8, Place de la Mairie
 - Code Postal: 97256
 - Ville: Maisons-sur-Marne
 - Date de naissance: 18/10/1949
 - Lieu de naissance: Paris
 - Adresse mél: pascal@monemail.com
 - Votre Mot de passe: [masked]
- Données facultatives :** This section contains the following fields:
 - Situation familiale: [empty]
 - Numéro de téléphone: [empty]
 - Nombre d'enfants: [empty]
 - Nombre d'enfants mineurs: [empty]

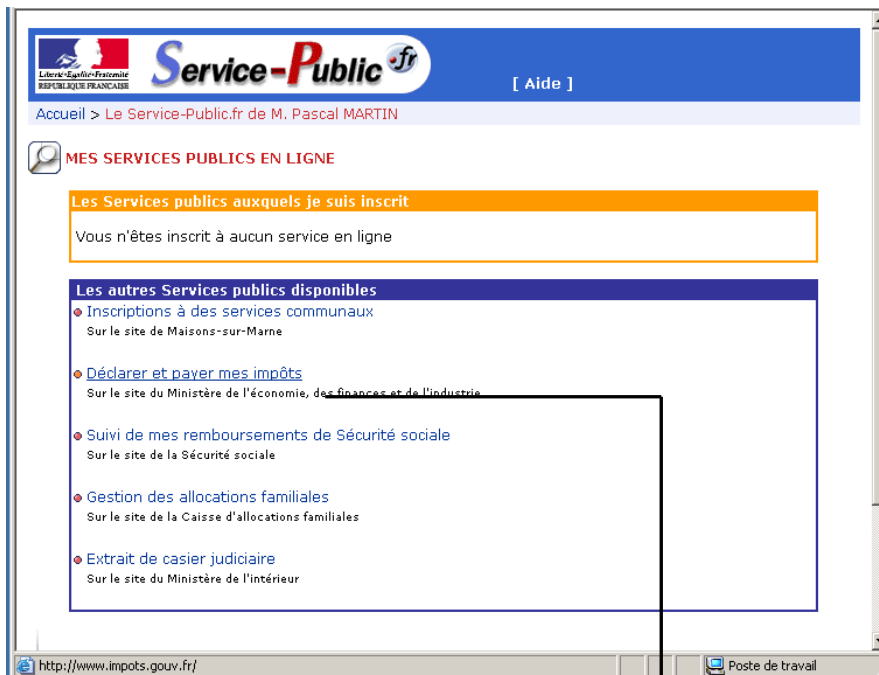
The browser's taskbar at the bottom shows a "Poste de travail" icon.

Diagram 2: Registration with each administrative service during the first connection

 ACCEDER A MES SERVICES PUBLICS EN LIGNE

Saisir votre nom, votre identifiant et votre mot de passe :

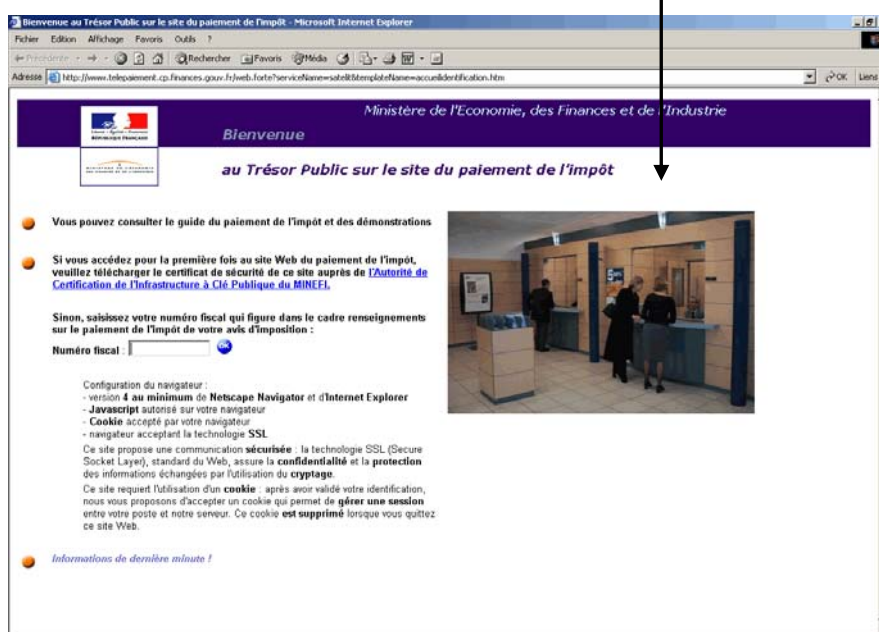
Votre nom :
Votre mot de passe :
Votre numéro identifiant :



The screenshot shows the Service-Public.fr interface. At the top, there is a navigation bar with the logo and the text "Service-Public.fr [Aide]". Below this, the user's name "M. Pascal MARTIN" is displayed. A section titled "MES SERVICES PUBLICS EN LIGNE" contains a sub-section "Les Services publics auxquels je suis inscrit" which states "Vous n'êtes inscrit à aucun service en ligne". Another sub-section "Les autres Services publics disponibles" lists several services with links and descriptions:

- Inscriptions à des services communaux: Sur le site de Maisons-sur-Marne
- Déclarer et payer mes impôts: Sur le site du Ministère de l'économie, des finances et de l'industrie
- Suivi de mes remboursements de Sécurité sociale: Sur le site de la Sécurité sociale
- Gestion des allocations familiales: Sur le site de la Caisse d'allocations familiales
- Extrait de casier judiciaire: Sur le site du Ministère de l'intérieur

The browser's address bar shows "http://www.impots.gouv.fr/".



The second screenshot shows the "Bienvenue au Trésor Public" page. The header includes the logo and the text "Ministère de l'Economie, des Finances et de l'Industrie". The main heading is "Bienvenue au Trésor Public sur le site du paiement de l'impôt". The page contains several sections:

- A link to "le guide du paiement de l'impôt et des démonstrations".
- A warning: "Si vous accédez pour la première fois au site Web du paiement de l'impôt, veuillez télécharger le certificat de sécurité de ce site auprès de l'Autorité de Certification de l'Infrastructure à Clé Publique du MINEFI".
- A form for "Numéro fiscal" with a search icon.
- Technical information about browser configuration: "Configuration du navigateur: - version 4 au minimum de Netscape Navigator et d'Internet Explorer - Javascript autorisé sur votre navigateur - Cookie accepté par votre navigateur - navigateur acceptant la technologie SSL".
- A note about secure communication: "Ce site propose une communication sécurisée: la technologie SSL (Secure Socket Layer), standard du Web, assure la confidentialité et la protection des informations échangées par utilisation du cryptage".
- A note about cookies: "Ce site requiert l'utilisation d'un cookie: après avoir validé votre identification, nous vous proposons d'accepter un cookie qui permet de gérer une session entre votre poste et notre serveur. Ce cookie est supprimé lorsque vous quittez ce site Web".
- A link to "Informations de dernière minute!".

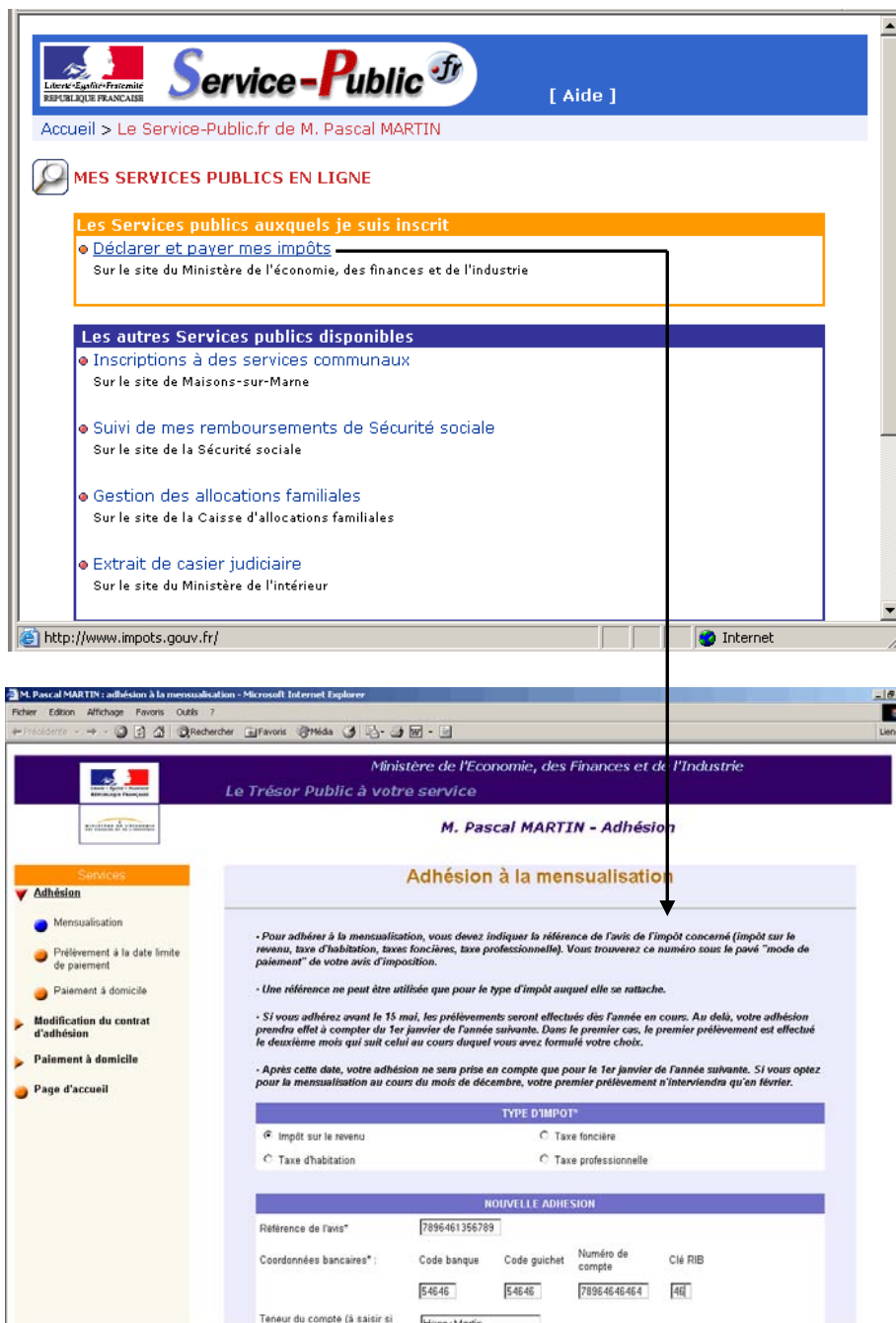
The browser's address bar shows "http://www.impots.gouv.fr/web/forte/service/accueil/accueil.html".

Diagram 3: After the first registration, users have direct access, through a simple hypertext link, to the data concerning them with the service with which they are registered

 ACCEDER A MES SERVICES PUBLICS EN LIGNE

Saisir votre nom, votre identifiant et votre mot de passe :

Votre nom : MARTIN
Votre mot de passe :
Votre numéro identifiant : MARPAS194975886569



The screenshot shows the Service-Public.fr website interface. At the top, the user is logged in as M. Pascal MARTIN. A navigation bar contains the text 'MES SERVICES PUBLICS EN LIGNE'. Below this, a section titled 'Les Services publics auxquels je suis inscrit' lists 'Déclarer et payer mes impôts' as the selected service. Other available services include 'Inscriptions à des services communaux', 'Suivi de mes remboursements de Sécurité sociale', 'Gestion des allocations familiales', and 'Extrait de casier judiciaire'. A second screenshot shows the 'Adhésion à la mensualisation' page for M. Pascal MARTIN. The page includes a sidebar with 'Services' and 'Adhésion' options. The main content area contains instructions for monthly payment, a 'TYPE D'IMPOT*' section with radio buttons for 'Impôt sur le revenu', 'Taxe foncière', 'Taxe d'habitation', and 'Taxe professionnelle', and a 'NOUVELLE ADHESION' section with input fields for 'Référence de l'avis*', 'Code banque', 'Code guichet', 'Numéro de compte', 'Clé RIB', and 'Teneur du compte (à saisir si...)'.

CONCLUSION

Launching a personalised administrative portal represents a decisive step in electronic administration. Personalisation and the multi-purpose gateway represent a considerable improvement in the service offered to citizens for which surveys (Sofres, BVA) show they are ready. Furthermore, such a service illustrates a growing need of users: that of being able to control their personal situation. In this respect, **new technologies offer the possibility of giving citizens back their capacity to manage or even control their relations with the public sphere.**

Nevertheless, the issues described show that putting this type of service in place is delicate, both in terms of structure and use. Furthermore, co-ordination between a national portal and local portals should be carefully examined.

That being the case, **putting a personalised administrative portal in place demands an experimental phase which would provide an opportunity to test the system and hone its operation. This objective could be a prioritative area of work for the recently announced Electronic Administration Agency.** As the report entrusted to Pierre de la Coste suggests, it is likely that motivated volunteers, such as those that took part in the electronic administration forum would be the first to experiment with this type of service.

Furthermore, and in order to take account of the local dimension, it could be possible to have a highly motivated local authority surrounded on a portal site with state services and public establishments that offer the most important on-line services. Several experiments with various authorities (towns, inter-communal structures, even departments or regions) could test the different identification solutions possible in parallel: everyday life smart cards, or the shared use of an electronic signature certificate issued by the state for income tax returns.

Electronic administration should not be seen as simply a matter of state services, but should also be seen as a way of improving citizens' access to the different public administrative services.

SUMMARY OF THE FORUM'S RECOMMENDATIONS

I. CONSOLIDATING THE LEGAL FRAMEWORK OF ELECTRONIC ADMINISTRATION

Electronic administration should provide the opportunity to inaugurate a genuine service to user approach, for which the Forum recommends that :

- Setting up administrative services via the Internet should be incorporated into a complete overhaul of the administration's interface with its users.
- The operational methods of on-line services should be very closely co-ordinated with counter services.
- The involvement of users in defining the service should be an absolute prerequisite to the implementation of on-line services and is an indispensable condition to their proper operation.
- Electronic administration should be a real factor for reducing the a priori constraints imposed on users, notably by replacing the obligation to produce documentary proof by a mechanism of sworn statements.
- There should be maximum interactivity in on-line transactions; paper forms should not merely be made available on-line.
- The range of on-line public information should be added to with an obligation to publish administrative decrees on-line.

It is, in particular, by generalising best practices that the confidence of users will be ensured, for which the Forum recommends that:

- Clear rules of validation and confirmation of transactions carried out on-line should be laid down, particularly by generalising the use of receipts sent by the administration.
- On-line rights of access and modification to information entered should be recognised.
- The ease of use of the service offered on-line should make filling in an electronic form as flexible as filling in a paper one (for example, users should be able to interrupt completing the form at any time).
- Public administrations should define and clearly display a benevolence policy in the event of technical hitches.

It would be advisable to introduce proper electronic mail management for administration users, to which end the Forum recommends that:

- Administrations should be systematically provided with electronic mail addresses.
- Administrations should define and display policies relating to dealing with administrative mail sent to them.
- Electronic mail sent by an administration should include mention of the name of an official.
- Administrations should prepare to be able to receive electronic "registered letters" that are beginning to appear.

It would be advisable to introduce the requirement of an electronic signature gradually and in a well thought out way, for which the Forum recommends that:

- The use of electronic signatures should not be a systematic preliminary to the deployment of on-line services.
- The administrations should give careful consideration to the reasons for requiring an electronic signature.
- Administrations could possibly provide electronic signature tools to users.

It should be possible to deal with incidents and administrative appeals and disputes on-line, for which the Forum recommends that:

- Administrations permit complaints and administrative appeals to be made on-line.
- It should be possible to apply to independent administrative authorities on-line.
- On-line submissions for a legal settlement should be made possible by providing the Clerk's Offices with electronic mail addresses and time and date registration services for messages received.
- The possibilities of on-line mediation in the event of incidents or disputes should be encouraged.

II. SATISFYING NEW NEEDS IN TERMS OF ON-LINE PUBLIC SERVICES

The circulation of information between administrations should be organised in order to reduce formalities for users when a life event necessitates informing different administrations. With this bouquet of services approach, the Forum recommends this circulation of information between administrations be put in place for the following events:

- Change of address
- Change in family situation (birth, marriage, death)
- Change in situation with regard to employment (loss of employment, new employment)

On-line services corresponding to the most commonplace needs of users should be developed. Four areas appear priority to the Forum:

- Following progress on-line by the user of a request addressed to the administration
- Requests for extracts from on-line public records
- Declaration of loss or theft of identity papers
- Setting up the possibility of on-line payment of parking fines

The Forum recommends that the possibility of on-line payment by banker's card be offered to users of public services.

The Forum recommends developing legal system services on-line that respond to the need for proximity and speed expressed by users. The Forum recommends that:

- On-line services be created as a priority for direct relations between those involved in court proceedings and the courts, in particular for resolving financial disputes.
- Quasi-administrative services provided by the courts be offered on-line registration on electoral roll...).
- Court procedures involving representatives of the law be possible via virtual means.

The Forum does not wish to see the development of an on-line complaint lodging service as such, as the risks linked to it cannot be clearly understood and controlled: risk of abuse, difficulties in terms of validating identity and veracity of facts.

III. DEFINING THE CONDITIONS FOR IMPLEMENTING A PERSONALISED ADMINISTRATIVE PORTAL

The Forum recommends setting up a personalised administrative portal, www.monservice-public.fr, in order to allow citizens to directly access information relating to them and held by the different administrations.

The Forum would like the essential principles in terms of personal data protection be reaffirmed and clarified for the personalised administrative portal. In this respect, the Forum recommends that:

- The formula of a personalised administrative portal should be designed as a simple gateway allowing the user, with the assistance of hypertext links, to access different administration services. It should not be an administrative collection point, centralising all the administrative data on the user.
- The operation of a personalised administrative portal should be based on the principle of voluntary participation and reversibility.
- The personalised portal should be provided for in law
- The rights of access and rectification provided for in the law of 6 January 1978 should be added to in such a way as to provide for these rights to be exercised on-line.
- The reform underway of the 1978 law should also be used to create a legal mechanism that would make dialogues between the administrative files possible at the request of the user.
- The aspiration of individuals for more control of their personal data should not result in recognising a right of ownership of personal data.

For practical operational methods of the personalised administrative portal, the Forum recommends that:

- Technical identification solutions used by the portal should provide an appropriate level of security for the user. In this respect, the use of a smart card issued to users would be possible, as well as other identification support such as software certificates.
- Local authorities have a place on the portal www.monservice-public.fr. To this effect, joint signalling allowing access to the personalised administrative portal from local sites would be possible.

APPENDICES

COMPOSITION OF THE WORKING GROUP

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Electronic administration and personal data protection

SUMMARY OF THE PUBLIC DEBATE ORGANISED BY THE INTERNET RIGHTS FORUM

June 2002 – November 2002

Following the submission on 26 February 2002 by Mssrs Pierre Truche, Jean-Paul Faugère and Patrice Flichy to the Minister of Public Affairs and Reform of the State of the White Paper "*Electronic Administration and personal data protection*", the Internet Rights Forum was charged by the Government (see appendices) with organising a public debate on the main points identified in the White Paper. It fulfilled this mission on one hand by holding an on-line debate on its site between February and May (see appendices) and on the other hand by organising six public meetings in the provinces in which numerous local people took part (see appendices). Although the on-line contributions were rather specialised and fairly technical, the "travelling" public debate represented a unique and original experiment of directly consulting with citizens, enterprises, politicians, representatives of administrations and associations. The continuity with the Truche mission was ensured through the presence of Patrice Flichy who took part in the debates in the provinces. The French data protection watchdog (CNIL) was also associated with the debates in the form of one of its commissioners, Marcel Pinet.

The purpose of the present document is to summarise the contributions to this public debate.

It aims to enlighten the Government on the main questions that came to light in relation to the development of electronic administration and in particular the project for a personalised administrative service, a sort of "personalised portal" allowing all citizens to deal with all their dealings with their on-line administration. The six stages of the public debate provide a better understanding of the expectations and needs of the French people in this area and offer the means of identifying a balance between often contradictory aspirations. These lessons complement and enrich the perceptions that we received from the conclusions of the survey commissioned by the Internet Rights Forum last September by SOFRES.

At the beginning of 2003, this present summary will be followed by the publication of the Internet Rights Forum recommendations on "the legal framework of electronic administration" a section of which deals with the processing of personal data.

□ Reminder of the conclusions of the White Paper

Without making a full presentation of the White Paper, a summary of which is attached, it is useful to restate the points of agreement and the questions contained in it.

The following points were agreed:

- Electronic administration should first and foremost respond to users need for simplification
- Electronic administration should not result in an increase in the level of control over individuals
- It would be advisable to establish a new confidence pact between the administration and users in such a way as the increasing "virtualisation" of administrative dossiers is balanced by greater control by the user of their personal data
- Electronic administration should not be the only means of accessing the services of the administration
- When on-line administrative services are put in place, the demand for identification made to individuals should not be increased

The question raised were as follows:

- Can technical solutions help in effectively protecting privacy?
- How should on-line services be segmented according to a pattern that satisfies citizens?
- How can individuals authenticate themselves?
- Should a review of rights and duties of citizens in terms of privacy be envisaged?

- The main lessons coming out of the public debate

In response to these major questions, the public debate organised by the Internet Rights Forum provided the following seven lessons:

1- The putting in place of an electronic administration is favourably received although the "personalised portal" project is still poorly understood by citizens.

2- The inequalities of access to and use of Internet, as well as the need for Internet education, are at the centre of concerns.

3- A genuine confidence pact should be established between the administration and citizens so effective use of a personalised administrative service is made. This pact could prompt a number of reforms within the administration.

4 -Citizens expect on-line administration and particularly a personalised portal to offer them services of a comparative quality to those of major enterprises.

5- Local authorities should have a place in implementing a personalised administration access portal.

6- The prospect of an on-line personalised portal encourages a rethink of the classic principles underpinning personal data protection.

7- The possible technical identification and security solutions remain unclear in the eyes of the public, with the exception of the smart card with which they are more familiar.

1- Putting in place electronic administration is favourably received although the "personalised portal" project is still poorly understood by citizens.

1.1. The prospect of undertaking administrative transactions on line was well received by citizens as something that would both save time and simplify relations with the administrations.

- This confirms the results of a survey commissioned from SOFRES by the Internet Rights Forum in September 2002 ("*The expectations of the French people in terms of administrative transactions on Internet*" - www.foruminternet.org). It emerged that 48% of French people are in favour of on-line administrative transactions. For them the Internet is synonymous with saving time and removing the necessity for personal visits, speed in dealing with a dossier and with additional services. The Internet should simplify life. Furthermore, they would like truly interactive services, rather than simply downloading forms. They are even open to more advanced on-line services such as the electronic identity card (73% of French people) or the personalised administrative account (79%) which would allow all their transactions to be undertaken on Internet and progress of their administrative dossier to be followed.
- Other surveys show that the acceptability of information and communication technologies is growing. The Cap Gemini Ernst & Young / SOFRES survey in June 2002 establishes that on-line administration already makes up part of the universe of Internet users (74% of them have already consulted an administrative Internet site) and it is thought of as a tool that will simplify transactions and increase proximity between the administration and users. Similarly, a recent Taylor Nelson Sofres survey (November 2002) which established the prospect of world "e-government", shows that French Internet users visit public service Internet sites increasingly frequently, to the point that they are outstripping their opposite numbers in Spain, Germany, Italy and Great Britain.

1.2. However, although electronic administration receives a favourable response in principle, the public debate also showed that, for many people, putting in place a personalised portal on Internet continues to be difficult to understand.

- Many participants considered that a personalised portal was a far off and somewhat obscure project. Given that part of the population already has difficulty in managing their administrative transactions in the traditional form, that the large majority do not use Internet or do not even have access to it (less than 10 million French people have access to an individual Internet access account) and that there are few people, if any, who are aware of the administrative transactions already offered on-line, the general opinion is that such a debate remains the responsibility of specialists.
- In any event, many people were in favour of a portal accessible on a **voluntary** basis, leaving individuals the possibility of registering information from different services and of withdrawing at any time. This desire for voluntary participation and for **reversibility** goes hand in hand with that of remembering that this new form of access to the administration should not remove other traditional access channels (counter service, telephone...).

1.3. Generally, it was clearly demonstrated that there are diverse expectations of a personalised portal and that these relate to a basic debate about the needs of citizens in society.

- Some people would like to manage their personal data themselves. In this respect they consider that putting a single portal in place would only be conceivable if it were accompanied by absolute individual control over personal data. These people often prefer to keep their individual identities separate and do not want to take advantage of computerisation to unify them. This group of people is prepared to invest time, or even money, in order to be able to exercise control themselves. Ultimately this attitude could be brought in line with that of the American "*cyber libertarians*" who want to build a world in which everything is secret and encoded.

- On the other hand, in principle many users trust the state to manage their personal data and prefer to benefit from the service provided, subject, of course to the state not using it set itself up as a "Big Brother" organisation. Generally speaking they do not want to take on the whole task of controlling their data and, to make life easy, put themselves in the hands of a third party, in this case the state.

2- The inequalities of access to and use of Internet, as well as the need for Internet education, are at the centre of concerns.

One of the frequently expressed concerns mentioned by participants in the debate was that this new electronic administration should not only benefit some "trendy, educated" people. For many people, a decisive factor in the success of the personalised portal is ensuring that all citizens actually have access. **Access should be ensured as regards both infrastructures and understanding how to use the Internet.**

The Internet Rights Forum / SOFRES survey in September 2002, confirms this concern as it appears that the French people who use Internet are most frequently in the 18-34 age group and for the most part are executives or middle class and salaried. The survey also shows that the main obstacles relate to overall contact with Internet – a general lack of access to Internet (40%), or a lack of understanding of how it functions (28%) – more than a particular reluctance about on-line administrative services.

2.1. In terms of equipment, if all users who wanted to could be connected to the Internet, there remains nonetheless the inequality of access to broad band connections (cable, ADSL). 100% of towns with a population of more than 100,000 and nearly 80% of those with a population of over 30,000 have this type of access ¹.

2.2. The Internet is a new space in society that has rules and uses that have to be understood. Appropriating an "Internet culture" comes by **raising awareness of the issues and uses** of this tool and thus via an effort to educate not only users but also public decision makers, particularly locally. During the debates it appeared that the latter are often under educated and even more or less unaware of the problems of Internet, making it difficult for them to respond to the users' expectations².

2.3. The role of digital public spaces or public access points in educating and raising awareness of citizens was also emphasised. For many people, these places play a key role in citizens' appropriation of the Internet as they are often the only places where the user has access to this medium. Some people wanted the public access points, currently under threat because of the problems with job creation schemes for young people should be continued and extended to include all districts.

Generally, many people stated they were in favour of increasing the number of places and jobs providing "guidance in the use of on-line transactions", which could be the responsibility of public authorities, associations, or even individuals based on the model of "public letter writers".

¹ Study carried out in 2001 by Dexia-Crédit Local on local authorities' level of information and communication technologies equipment.

² The Internet Rights Forum, one of the missions of which is to inform the public on the legal and societal issues relating to the Internet, has published a guide for public decision makers responsible for putting on-line procedures in place. This practical guide has the aim of enlightening them about the legal and operational issues related to putting on-line procedures in place by supplying them with a "legal kit" (guide available from the site www.foruminternet.org).

3- A genuine confidence pact should be established between the administration and citizens so effective use of a personalised administrative service is made. The pact could prompt a number of reforms in the administration.

3.1. It seems that citizens' lack of confidence in Internet is one of the obstacles to the harmonious development of electronic administration.

This observation emerges not only from the travelling public debates but also from the survey that the Internet Rights Forum commissioned from SOFRES in September 2002. Although it appears from the survey that 48% of French people are in favour of on-line administration, it appears that 11% of users have no confidence in its security.

3.2. As a result of the public debate, it can be confirmed that these doubts could be removed and that we could move from an **attitude of distrust to one of confidence** if electronic administration were to encourage changes in the relationship between users and the administration:

- First and foremost, the services offered should actually represent a real benefit for the user, a genuine simplification in their relations with the administration as well as improved efficacy in dealing with dossiers (time savings, personal visits, following up of progress...)³. This improvement in the "quality of service" should also be displayed in the more traditional channels between the administration and users (counter services, telephone).
- The services proposed should be completely secure and allow for the possibility of malfunctions. **The administration should be ready to deal quickly and benevolently with individual complaints about technical hitches** caused by the lack of availability of the server or the use of obsolete forms left by error on line on a public site.
- **New services should be offered to citizens in order to increase transparency** in the way the administration functions:
 - a service that follows the progress of applications to the administration
 - permanent access for users to their administrative dossier
 - possibility of controlling personal data (cf. 6.4).

³ This confirms the results of the survey commissioned by the Internet Rights Forum from SOFRES in September 2002: for French people, the interest of on-line administration lies in the time savings and personal visits (76%) and in being able to follow the progress of a dossier (33%) and indeed in the speed with which a dossier is dealt with (29%).

Generally, the idea was expressed that the administration should now start explaining exactly what it does, and when and how it does it.

- Lastly, for many people, the confidence pact should go hand in hand with a reduction in the constraints imposed on users. In this respect, one of the suggestions made was to reduce the demands for supplying documentary proofs. Confidence could come through **generalising sworn statements**. Following the example of what has already been accepted for documentary proofs for income tax reductions ⁴, citizens would thus be freed from systematically having to supply proof, but would still be required to retain them for any subsequent controls.

⁴ The 2002 finance law freed Internet users making their income tax return on-line from the requirement to produce documentary proof of charitable donations or union contributions. It should be noted that the Constitutional Council (DC no. 2001-456 on 27 December 2001), pronouncing on the finance law, considered that in the framework of making an income tax return electronically, the fact of not having to attach proofs for tax reduction would not devalue the procedure as it has "*the simple objective of encouraging income tax returns by electronic means*" and is not contrary to the principle of equality as it "*does not do away with the requirement to produce this proof during any later tax control.*"

4- Citizens expect on-line administration and particularly a personalised portal to offer them services of a comparative quality to those of major enterprises.

A personalised portal should, according to the majority of those who expressed an opinion during the public debates, respond to the needs of users and not those of the administration.

4.1. In fact, with the Internet, the majority of citizens aspire to receiving better services from the administrations and local authorities. They are aware of different criteria (time, simplification, following the progress of dossiers, knowing who to contact, personalising, transparency ...) and have particular demands (simplified and completely secure payment...).

- When all is said and done, they have a pragmatic approach and expect the administration to provide real service. This being the case, **they consider themselves to be "user-customers"**, and put forward demands for service and a level of satisfaction that the administration or local authorities are unused to and are not always in a position to deal with. Furthermore it is interesting to note that some administrations have already taken the plunge and, as in Ireland with the *Public Services Broker*, use the term "customer" rather than "citizen" to describe the new relationship between the administration and users.

One of the consequences of this change of approach is that users seem to want on-line services to be organised by theme (employment, birth, moving house etc) rather than by administrative sector (tax, social security, family allowances...) as is broadly the situation today. We are moving therefore from an approach based on offers to one based on demand. Many participants consider that these two approaches should co-exist. Therefore, there should be sectorial sites for each administration and a general portal organised according to the nature of the need should be co-ordinated.

4.2. Some people expressed the fear that the administration would not be able to develop a competitive offer as quickly as the plan to generalise on-line service by 2005 anticipates and that the deadlines for deployment would not encourage the distribution of private sector services. Some major computerisation companies and services companies in fact already offer solutions that allow the individual to manage their personal data on-line for all their purchases. **It is therefore urgent for the public sphere to establish its strategy and its priorities in terms of electronic administration** at the risk of seeing entire sections of this sector being controlled by the private sector.

4.3. Generally, sharing tasks between the public and private sector in building on-line administration has raised many questions: many people are concerned about "rampant" privatisation and about the resulting questioning of the demands of public service. However, it has been noted that, even if it is possible for the administration to use private service providers, given the regulations of administration law it does not in the least signify that public service provision itself would be delegated, unlike the Irish model⁵. This situation seems to suit citizens as it was constantly affirmed during the debates that on-line administration should actually continue to be the province of the public authorities.

⁵ It is interesting to note that in a country such as Ireland the services of the *Public Services Broker* employs the term "customer" rather than "citizen" to describe the new relationship between administration and users that they would like to put in place. Their view is that the user has the needs of a customer and therefore the services offered put the customer at the centre of the provision, "customer-centric". It is advisable to ensure a maximum level of confidence both in relation to the security of transactions and in relation to personal data protection (to do this the "customer" holds a private key).

5- Local authorities should have a place in implementing a personalised administration access portal.

The question concerns the co-ordination of national and local on-line services in a general way and, more specifically, the mechanism that should be put in place for the personalised portal.

5.1. Firstly, it was noted that on-line administrative services are mainly offered by the largest services/ departments with national coverage and that the local authorities are still poorly represented on-line: only 5% of communes have an Internet site, which in most cases is a static shop window and only 1% make use of Internet in an interactive way⁶.

Against this background, the local authorities have a fairly inaccurate and rather negative view of what a personalised portal could be: like some citizens, they imagine databases centralised at a single point, which frightens them.

5.2. During the debates it was recognised that a national portal would not be a substitute for local portals and therefore it was necessary to provide for co-ordination between them, for at least three reasons:

- Firstly, in order to offer all services (national and local services – the second connected to the first by hypertext links) and thus ensure a **continuum of services** throughout the public sphere
- Next, in order to respond to the **need for proximity** to the people, local contacts being considered a special place for dialogue and intervention, are known and inspire confidence: in many small communes, the municipalities are real public service centres; for a large section of the population, they represent the point of access to all the administrations.
- Lastly, for some people, this **offer of proximity is politically justified**: a single and exclusive gateway to electronic administration would not maintain the different levers and levels of democracy.

5.3. Those responsible locally have put forward **a number of suggestions to encourage local portals**:

First and foremost, this sort of portal would only be acceptable if other parallel forms of access with citizens continued (personal contact, postal correspondence...)

- Next, real effort to educate, both local elected representatives and officials should be undertaken in order to teach them about this new tool and to ensure that the actual nature of their responsibilities develops...
- Using pilot schemes in selected local authorities, there should be some **experimentation** on how to insert local on-line services into on-line administration. Good practices that emerge should be shared between local authorities.
- Lastly, a change of culture within local authorities was suggested: insofar as they have not voluntarily invested in new information and communication technologies by deciding to give priority to computerisation in relation to other investments, setting up a local portal would pose the problem of funding. In this respect it was suggested that local authorities should benefit from **state aid or from an equalisation between local authorities**.

⁶ This data comes from an audit undertaken in 2001 on all the municipal Internet sites by the company Troover.

6- The prospect of an on-line personalised portal encourages a rethink of the classic principles underpinning personal data protection.

6.1. Much of the travelling public debates showed the co-existence of contradictory aspirations within the public: the desire for simplification of the administration on the one hand, which would encourage putting integrated services in place for dealing with on-line transactions, and the demand for protection of privacy on the other hand, which fits in well with fragmented administrative information systems, even at the cost of dissipating services and increasing the number of administrative identifiers.

6.2. Generally, and even if there are benefits anticipated in a personalised on-line service, it was noted that **worries about the protection of privacy in electronic administration should be placed in the context of overall personal data protection on Internet**. Electronic administration such as it is does not arouse more worries than a company, the fears expressed illustrate more of a general reluctance about using Internet rather than fears of a modernised, sprawling administration.

6.3. It was noted that **putting a personalised portal in place should not provide an opportunity to introduce a single identifier**.

The single identifier continues to be "taboo" in the eyes of the citizens, many of them seeing it as an opportunity for a sort of "Big Brother" to appear. At the moment a personalised portal could only be conceived as a gateway to information systems that would remain compartmentalised. With this type of approach each user would retain multitude of relations with the administrations and therefore administrative identifiers (cf. the seventh lesson in this summary which deals with identification at the portal).

6.4. However, and even in view of the major principles of the law on information and freedom, it was noted that **these principles should be looked at again in relation to this new dawning and thus take account of ideas about dialogue between administrations and controlling personal data**.

- For the data protection watchdog (Commission Nationale de l'Informatique et des Libertés - CNIL), the choices in this area should be based on the principle of purpose, which states that personal data on an individual cannot be collected by an administration except for a precise purpose. This principle strictly limits the circulation of information between administrative files ensuring that there are no illegal or unjustified connections between files. This principle can only be departed from under exceptional circumstances. Thus an administration can only give information to another if the transfer is provided for and controlled by the law and within the framework of a limited definition of objectives. These dispensations are subject to the control of the CNIL.
- Most participants noted, however, that changes are beginning to take place in relation to the context of the 1970s, which was marked by reciprocal mistrust between the state and the citizen: the threat to privacy no longer seems to come from the major public files, strictly controlled by the 1978 law, but from the multiplicity of private files, control of which is uneven. Furthermore, a number of rights have been recognised for the citizen in their relations with the administration (rights of patients...) which re-balances the relationship. Given these circumstances, **they would like the traditional principles underpinning privacy to move towards more flexibility and personalisation**.
- **The principle of dialogue between administrations**
Some participants advocated a radical change in CNIL policy following the example of the Belgian and Irish authorities who want to authorise connections in

order to offer the user a better service by avoiding, notably, users having to approach many different contacts.

However, this represented a minority position.

To respond to this preoccupation, during the debates some people were in favour of a **"dialogue" between the administrations**, wanting them to be able to communicate between themselves to occasionally and in a controlled way find information on an individual and that this practice would not constitute an interconnection between files.

➤ **Recognising a real right of ownership of personal data.**

For some people, **it is necessary to reaffirm, in respect of digital rights, the existence of a right of ownership of personal data**. This approach is very controversial as it conflicts with the reality that an individual cannot, for example, oppose their registration in a public file that concerns them.

➤ **Controlling personal data.**

Generally speaking, the public debate showed an increasing aspiration to control the use made of their data, whether to prohibit its use or on the contrary to allow communication between two entities. Rather than talking about data protection, individuals demand the possibility of controlling their data as the right to have their dignity respected. It was suggested that this new aspiration should be properly incorporated into on-line administration through, for example, better consideration being given to the rights of access and rectification (simplification, speed, commitments to respond within deadlines...). Some people even demand the signature of a **"privacy contract"** with the state, establishing reciprocal rights and duties.

7- The possible technical identification and security solutions are still unclear in the eyes of the public, with the exception of the smart card with which they are more familiar.

7.1. It was frequently noted that the use of an electronic card (using the smart card technology) as a means of identification would be what best suited users, already familiar with this type of tool, (most payment cards, health cards...). Some European countries have chosen the secure electronic card as a means of identification with the administration (Belgium, Finland, Italy...).

This smart card could be the everyday life card that the Government is envisaging adopting to improve citizens' access to the administration or could be an electronic version of the identity card (Ministry of the Interior project). The Internet Rights Forum / SOFRES survey showed that 73% of French people were in favour of the state issuing them with an electronic card that would allow them to carry out administrative transactions via Internet (identification, signature, on-line payment).

7.2. With this in mind, it was also suggested that identifying users could, with the electronic card, be a two step process.

Firstly, they would have a single number to access the portal and identify themselves and then a different password for each administrative sphere.

It was also suggested, because for electronic administration to be successful it has to show maximum reliability, that users could sign electronically. These cards could therefore be electronic signature cards.

7.3. In relation to distributing the card, it was suggested that local authorities have an important role to play. For some people, they were the only players that have both the professional guarantees and the proximity to the population required for distributing electronic cards.

It was however emphasised:

- That, in relation to real life, electronic administration should under no circumstances lead to an increase in the need for verification of identity. Most of the time the use of secure procedures (electronic identity card, electronic signature) is not necessary. When the administration communicates with previously identified users, it would be simpler to use a mechanism of agreement of proofs to give a legal value to exchanges, rather than by the provision of an electronic signature using PKI technology (asymmetric cryptography). It is the choice used in setting up on-line registration of patents with the French Patent Office (Institut National de la Propriété Industrielle, INPI).
- That introducing an electronic identity card would involve the authority in expense as well as having problems of user access and equipment (card readers) to which may be added the complexity of managing a new card. In this regard, alternative identification solutions should be provided in the event of loss or theft of the card.
- That the speed of technological change should be taken into account in the decisions to be taken. Some people remarked that if solutions using smart card technology are chosen, we could find France isolated from those using magnetic tape.

At the same time, it may be that there could be a risk for the public authorities in allowing technological solutions to be imposed upon them by the market.

Finally, it was noted that a smart card for accessing public services should not be reserved just for French citizens; such a card could not exclusively be an electronic identity card but should be more an access card to administrative services.

Appendices

- * Press release from the Minister of Public Affairs and the Reform of the State launching the public debate (26 February 2002)
- * Summary of the White Paper: "Electronic Administration and personal data protection"
- * Report on the on-line forum organised from 26 February 2002 to 29 May 2002
- * Report on the debate organised in Strasbourg on 12 June 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=21)
- * Report on the debate organised in Gluiras on 25 June 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=24)
- * Report on the debate organised in Hourtin on 30 August 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=28)
- * Report on the debate organised in Grenoble on 23 October 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=33)
- * Report on the debate organised in Lille on 8 November 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=32)
- * Report on the debate organised in Issy-les-Moulineaux on 29 November 2002
(http://www.foruminternet.org/activites_evenements/lire.phtml?id=35)

INTERNATIONAL COMPARISON OF PERSONALISED ADMINISTRATIVE SERVICES ON-LINE: IRELAND, UNITED KINGDOM, CANADA

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I) IRELAND

1) Range of public services on-line

The Irish government entrusted Reach (<http://www.reach.ie>) (inter-ministerial agency working under the auspices of the Minister of Social Community and Family Affairs) with the job of developing a framework for setting up electronic administration and supplying public services. To achieve this, Reach put an entry point in place for on-line governmental services (*reachservices* - www.reachservices.ie) and is responsible for implementing the electronic broker or "Public Services Broker"⁷, which on behalf of the customer optimises the offer of public services (reducing delays, increasing transparency, simplifying transactions).

Through Reach, the Irish government would like to reform the way in which public services function. Users will be able to access several on-line services from a unique access point, the services being organised by theme (presented in the form of life "events") and based on users' needs. This represents a change from an offer approach to one of demand.

From this viewpoint, the problem of personal data arises: in order to make user-customers' lives easier, meaning they do not have to repeatedly prove their identity, management of this information is entrusted to a "broker" who passes on all demands to the administrations. Similarly, to give user-customers an overview of the position of their relations with the administration, all these relations will be conducted from one place. Users entrust their personal data to the Public Services Broker (see footnote) but retain control of it. All information communicated to the broker remains under the control and ownership of the customer.

Currently *reachservices* is an entry point for all administrative services and offers to complete on-line forms or even transactions.

The immediate objective of *reachservices* is to improve the service provided to users by avoiding the need to provide an administration with information already given to another: by registering with *reachservices* users only communicate their personal data once (name, address, social security number...), these being automatically transmitted to other services available on-line. For each new approach to an administration, *reachservices* presents the information that has already been provided.

In addition, the user can see a history of all their transactions to date with *reachservices*, can change information concerning them or withdraw it definitively from the database

Reach also offers links with the administrative information services (OASIS, (www.oasis.gov.ie) an information site for public services which also includes information based on "life events" and BASIS (www.basis.ie), an information site for public services available to enterprises).

⁷ The Public Service Broker will help the user by grouping services around predefined life or business events. It will supply the means for users to prove their identity for transactions: users can store their personal data in a "vault" which the broker may use during users' relations with an administration.

The common functionalities provided by the "Public Services Broker" are:

- an authentication service and access control
- a secure storage area ("vault") with the possibility of reusing personal data.

2) Procedures for identifying users

To register with reachservices users identify themselves by communicating certain personal data (registration is optional: users can see the information and download forms without registering but do not benefit from the services proposed by the site). This takes place only once during registration. Subsequently, users only have to enter their password and their Account Activation Code.

The information provided is:

- Name, first name date and place of birth, mother's maiden name;
- Password chosen by the user;
- The "Personal Public Service Number" (PPSN). Defined as such since 1998 by the Social Welfare Act, the PPSN is a single identification reference number for all contacts with public services.

The information is then verified and certified by the Client Identity Services (CIS) of the Ministry of Social and Family Affairs which compares the information supplied with that contained in the databases of the administrations concerned. Reachservices then assigns the user a 4 figure Account Activation Code, which is sent by post.

3) How the administration ensures the offer of services

Reachservices merely passes on the registered user's form to the administration. These forms will be pre-completed with the information given at the time of registration: this information will be kept for the duration of registration.

During the registration process the data is compared against the corresponding administrative databases. The Client Identity Service in the Ministry of Social and Family Affairs, responsible for verifying the registered personal data, thus has permanent access to the administrations' data.

To ensure that verification does not go against the privacy principle enshrined in the 1988 Data Protection Act, a data controller ⁸, registered with the Data Protection Commission was introduced with Reach.

Furthermore, registered users will have direct access to all the registered data concerning them, will have the right to know to whom this information is revealed and will have the right to modify it.

⁸ The term data controller is defined in the 1988 Data Protection Act.

A "Data Controller" is a person that, either alone or with others, controls the content and use of personal data.

II) THE UNITED KINGDOM

From a single entry point (the Government Gateway site), the British Government offers enterprises and private individuals a number of on-line services⁹. To benefit from these, users have to register with www.gateway.gov.uk.

1) Range of public services on-line

Registering with Government Gateway means benefiting from all the administrative service available via Internet. Once registered as a user of the administration portal (see 2), users can:

- Complete forms on-line and send them to administration for the services for which the user is registered.
- Give responsibility to an intermediary (such as an accountant, a financial consultant, a staff representative...) to act on their behalf for the services for which they are registered.
- A legal entity can also add other people from the organisation as users of the Government Gateway. They can use the services for which the legal entity is registered and can also register for new services.

2) The procedures for identifying users

Users have two means of identifying themselves with the portal: either they use their user identification number (ID number) and a password, or a digital certificate.

A – The ID number

When registering with a service, a certain amount of facts known only to the user have to be entered and concerning only one particular service. This combination of information is used only for identifying the user as an individual or an enterprise. For example, to register for a tax assessment, the information required will be the tax reference and the (Social Insurance Number).

Once identity has been verified (cf. 3), the Government Gateway sends the user a personal service access code: the user identification number (ID number).

Users are then able to benefit from those services offered by Government Gateway, which do not require the level of security provided by certificates, by identifying themselves with the ID number and their chosen password at each entry.

B- Digital certificate.

Users can also choose to be identified using a digital certificate. In certain "sensitive" transactions, this identification may even be the only one accepted (for example for the reimbursement of VAT) as it allows the use of PKI - Public Key Infrastructure technology and thus means the transaction can be signed digitally.

The certificate contains some personal data (name, email address, the date the certificate was issued and the name of the certification body that issued it). The certificate also contains the public key. The private key is stored on the hard disk of the user's computer.

⁹ It should be pointed out that the government has also set up a site www.ukon-line.gov.uk/. This portal, designed to be informative and easy to use, is an access point that refers back to the administrative services available on-line, gives general information on e-administration, reports any publications etc.

This certificate has to be listed among the certificates recognised as being trustworthy by Government Gateway.

Certificates are purchased from a certificate service provider. Only certificates issued by these bodies are accepted for transactions between users and the Government Gateway.

3) How the administration ensures the offer of services

When users register with the portal, they enter their name and electronic address only. At this stage practically no personal information is given.

This information is stored in the registration database. It is not sent to other government services nor to third parties. The e-mail address may be used by the Government Gateway to communicate with the user and pass on messages from the administrative services. If an administration needs to communicate with a user, it can get in touch by e-mail via the portal.

Nominative information passed between the Government Gateway and other administrative services are "known facts" which have been provided by the user.

To verify identity during registration the Government Gateway has access to a database of information extracted from the nominative information of other governmental services that provide on-line services. This database contains "known facts" on all individuals or organisations that have the right to benefit from this service.

If the information matches, the portal asks the administration concerned to supply the postal address of the individual identified.

The portal uses this postal address to send the user a personal service access code. The address is then deleted from the portal.

The content of the Gateway database is not passed on to other government services. However, information provided is transferred for verification purposes with the administrative services concerned.

It is possible to consult the information held by the portal and modify it (except when a certificate has been issued). It is also possible to cancel registration with the portal. The registration information supplied is however retained but registered as "inactive".

III) CANADA

1) On-line public services

The federal government of Canada offers a number of on-line services both for private individuals and for enterprises (<http://www.canada.gc.ca>).

The services offered range from change of address to university applications or taxation (sending income tax returns, monitoring tax, calculating tax bills...).

→ The Quebec portal usually refers back to the federal portal but also presents a range of services based on life events: it is the notion of "bouquets of services" (<http://www.gouv.qc.ca/>). The aim of presenting information and transactions in the form of groups of services is to simplify the approach to administrative services by avoiding users having to make a number of different approaches. One example of this is the procedure for changing address.

At the moment, citizens may of course notify their change of address by Internet but also either have to inform each administration individually or expressly authorise communication of the new information.

Eventually the aim is that when citizens signal a change of address to the administration, there is a single integrated service which then is responsible for passing on the information to other services.

The government of Quebec plans to develop these groups of services for the citizens' life stages (birth - marriage - employment - change of address - death) or those of enterprises (start-up, merger, acquisition, bankruptcy, change of address...). Similar bouquets of services will also be set up for each operation requiring the involvement of several ministries.

2) User identification procedures

The identification procedures vary according to the purpose of the service offered.

→ Users have to supply certain personal identifiers to access "sensitive" services. It is for example the case for income tax declarations (the *Impôtnet* service) where users are asked to supply three personal identifiers (social insurance number, date of birth and access code printed on the income tax return). These three personal identifiers constitute a "digital signature" (which is considered as just as valid as a hand-written signature).

Once the return has been received, the administration undertakes a preliminary examination. If it is satisfactory, users receive a number by e-mail confirming that the return has been accepted for processing.

It should be noted that no documentary proof is asked for, but that the user has to conserve documents for eventual verification.

→ The change of address service uses the same identifiers as the *Impôtnet* service but also requires an "e-pass" to be obtained through the Government.

To register, in addition to communicating their social insurance number, date of birth and access code indicated on the income tax return users have to create a user name and a password.

Currently users can only use an "e-pass" for verifying or changing their address on-line with the Canadian Customs and Revenue Agency. However, it is planned that the "e-pass Canada" will eventually give access to all governmental services and will be used as proof of electronic identity. This electronic proof of identity will allow on-line access to governmental services that require higher levels of security.

In addition, users will have a choice: either to use a single "e-pass" for access to a number of services or to use an "e-pass" for each service.

3) How the administration ensures the offer of services

Personal data communicated to the administration is only passed on to another administration when the request is directed to that administration. It is for example the case for changes of address: unless other administrations are explicitly concerned, the administration that is informed of the change cannot transmit this information to other services: it is up to the user to contact each administration.

All personal information divulged is protected under the terms of the Canadian data protection act ([Loi sur la protection des renseignements personnels du Canada](#)). Consequently, at the point at which personal data is collected, the user is advised of the reasons for which their data has been collected and their right to consult this information.

The government also wanted to continue a multi-channel approach: a variety of means for accessing the administration (counter services, telephone, Internet) and consistent information about all these channels will be provided.