

## SELECTION OF E-GOVERNMENT INSTRUMENTS IN POLAND

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### ABSTRACT

E-Government consists in the transmission of information and provision of services via the Internet or via other means of electronic communication by the national or local government. This offer is addressed to citizens, entrepreneurs and other institutions, both public and private ones, and its main purpose is to improve the quality, efficiency, accuracy and speed of services provided by the State. Whereas, e-Governance guides managers how to use ICT and the Internet to perform their managerial, organisational, planning, coordination functions. The article describes a selection of exemplified instruments when the use of ICT influences (or at least could influence) the development of public governance. They reveal not only the essence of challenges and problems posed by the conceptual framework of e-Government and e-Governance to those exercising power and those who are governed in Poland but also the essence of opportunities. The following issues are elaborated upon in this paper: electronic platforms of public administration (Electronic Platform of Public Administration Services (abbrev. EPUAP), Points of Single Contact, Electronic Services Platform of Social Insurance Institution (abbrev. PUE ZUS) and access to environmental information via the Internet.

**Keywords:** e-government, e-governance, public administration, electronic platforms, access to environmental information

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## INTRODUCTION

The development of information technologies has resulted in new theories analysing social transformation. There are opinions that the world is entering a new era called "the age of information". The new paradigm is replacing the vanishing "industrial age". These changes are not limited to the introduction of new technologies but they fundamentally change the society. The changes refer not only to the relations at the level of individual members of society and the economic system but also to the governmental policies<sup>3</sup>.

This means a transition from the conceptual framework of government into governance, which requires replacing the instruments for informing the society about public decisions with the instruments allowing to make those decisions jointly with society using participatory approach. One of the common sets of instruments designed to overcome the division into government and governance are advanced IT technologies, the application of which in many areas of socio-economic life allows to change the quality of governing processes. This applies both to operations with contractors and service receivers in the web as well as to social and political life with reference even to acquisition of information via electronic means or formulation of ideas within the framework of public consultation, as both supporters and opponents of particular political arrangements use the Internet as the platform for political dialogue<sup>4</sup>.

This means that one can use the conceptual framework of e-government as a tool for the implementation of a new paradigm associated with the transition from government into governance. The selection of legal arrangements presented in this paper focuses on instruments that are designed not only to streamline the procedures with the use of ICT, but most of all, they help to fulfil the criteria of efficiency, openness, responsiveness and transparency of public administration, serving at the same

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<sup>3</sup> Jaxa-Dębicka A., *Sprawne państwo*, Warszawa 2008, p. 240

<sup>4</sup> Ibidem, p. 240.

time the purpose of implementation of the conceptual framework of public governance.

## CONCEPTUAL FRAMEWORK OF E-GOVERNMENT AND E- GOVERNANCE

There is no unanimously agreed definition of e-Government. E-Government describes Governmental Policy of Information and Communication Technologies to the extent of provision of public services to the stakeholders. The quality of the service that has been provided and stakeholders' satisfaction with such service depend on the maturity of the e-government systems<sup>5</sup>. E-government is a process involving the use of special programmes for the implementation of specific public administration tasks. As a result, execution of those tasks is faster and more efficient. E-Government has often been discussed from the technological perspective and often with no clear connections to the public sector core values and objectives<sup>6</sup>.

The doctrine encompasses various definitions describing the project, namely „*E-Government is the transformation of public sector's internal and external relationships through net-enabled operations, information and communication technologies, in order to optimize public service provision, constituency participation and governance. It can be broadly defined as a governmental ICT policy, particularly Web-based Internet applications, to enhance the access to and transmission of information and provision of service to stakeholders such as citizens, business partners, public sector employees, and others governments, agencies and entities*”<sup>7</sup>. This will allow to change the relationship between public administration and its service receivers from

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<sup>5</sup> Khalil O.E.M., *e-Government readiness: Does national culture matter?*, Government Information Quarterly, 28/2011, p. 388

<sup>6</sup> Janssen M., Estevez E., *Lean government and platform-based governance – doing more with less*, Government Information Quarterly, 30/2013, p. 52

<sup>7</sup> Shan S., Wang L., Wang J., Hao Y., Hua F., *Research on e-Government evaluation model based on the principal komponent analysis*, Inf. Technol. Manag. 12, 2011, p. 173

a command-and-control relation to a partnership relation based on interactive cooperation regarding the implementation of public tasks.

The aforementioned definitions present a fairly wide scope. The European Commission defines e-Government in a similar vein, where e-Government means a detailed reconstruction of administration, implemented on the basis of information and communication technologies, which is intended to make public sector open and transparent – open mainly for citizens and oriented towards the cooperation with them<sup>8</sup>. It should also be citizen-friendly, i.e. it should serve the purpose of common welfare. Everybody should be equal in terms of the access to e-government instruments, no one can be excluded in any way. The public sector should also be productive and efficient, i.e. it should mainly focus on the provision of services to citizens, organisations and businesses - as effectively and efficiently as possible, which would result in a cheaper and faster provision of services to a customer of public administration.

In contrast, e-Governance is understood more broadly than e-Government, namely, it encompasses the entire spectrum of relationships and networks within the government in terms of the use of information and communication technologies in numerous aspects of the State's operations. E-Governance means also a procedural approach to relationships within the administration framework, sharing information, knowledge as well as co-operation in legislation matters. It also involves constituting a basis for the development of electronic administration services, i.e. e-Government. These activities are intended to improve the quality of public services provided to citizens, including those related to Democracy<sup>9</sup>.

UNESCO<sup>10</sup> defines e-Governance as follows: *“E-governance is the public sector's use of information and communication technologies with the aim of improving information and service delivery, encouraging citizen participation in the decision-making process and making government more*

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<sup>8</sup> Ganczar M., *entries: , ePUAR, e-Governance, e-Government*, [in:] *Encyklopedia prawa administracyjnego*, M. Domagała, A. Haładyj, S. Wrzosek (eds), Wyd. C.H. Beck, Warszawa 2010, p. 167.

<sup>9</sup> *Ibidem*, p. 166

<sup>10</sup> [www.unesco.org](http://www.unesco.org).

*accountable, transparent and effective. E-governance involves new styles of leadership, new ways of debating and deciding policy and investment, new ways of accessing education, new ways of listening to citizens and new ways of organizing and delivering information and services. E-governance is generally considered as a wider concept than e-government, since it can bring about a change in the way citizens relate to governments and to each other. E-governance can bring forth new concepts of citizenship, both in terms of citizen needs and responsibilities. Its objective is to engage, enable and empower the citizen.”*

The conceptual framework of electronic governance chosen by the Council of Europe covers the use of electronic technologies in three areas of public action; relations between the public authorities and civil society; operations of the public authorities at all stages of the democratic process (electronic democracy); the provision of public services (electronic public services)<sup>11</sup>.

The purpose of e-Governance is to define the impact of information and communication technologies on numerous areas of social life, on public authority, interdependence and relationships between the public sector and external entities, such as citizens, public interest organizations, entrepreneurs. E-Governance sets out general objectives and directions, towards which specific activities should be oriented, provides electronic consultations, coordinates activities in this field, presents current results and achievements<sup>12</sup>.

#### USE OF E-GOVERNMENT INSTRUMENTS IN ORDER TO CHANGE PARADIGM OF GOVERNING

From the perspective of the World Bank, *governance* is presented as processes and institutions for decision-making and the exercise of power in a country or an international organisation. The literature presents the evolution of the World Bank's approach to the components of the *good*

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<sup>11</sup> <http://www.coe.int/T/E/Com/Files/Themes/e-voting/definition.asp> .

<sup>12</sup> W. Sheridan, TB Riley, *Comparing e-Government vs. e-Governance*, 21 June 2006 [www.electronicgov.net](http://www.electronicgov.net) .

*governance* concept<sup>13</sup>. In practice, this means referring to three elements involving, above all, the process of selection, monitoring and replacement of government as well as administrative capacity to formulate and implement public policies and to ensure a good quality of public services, finally complemented by the participation of citizens in the work of administrative institutions that manage social and economic policies<sup>14</sup>. Another feature of *governance* is the use of a variety of instruments for preparation and implementation of social policy, particularly in the form of indirect instruments instead of imperative acts<sup>15</sup>. There is only one step from here to indicate that the conceptual framework of *governance* is understood as a condition for participatory democracy, i.e. a democracy that is based as far as possible on the participation of citizens in the decision-making system. In other words, governance is how one undertakes to act, through what types of interactions and the extent, to which actors adhere to collective decisions, at the same time indicating the instruments typical of this conceptual framework, such as: deliberation, negotiation, self-regulation or authoritative choice<sup>16</sup>. These instruments can be implemented with the use of the instruments typical of e-government, i.e. information and communication technologies.

This allows to strengthen the argument that since there are significant links between "e-government" and "public governance", including the network of connections related not only to the instruments of action but also to axiological legitimacy deriving from the conceptual framework of "public governance", it is possible to talk about development of e-governance, i.e. the method of governance, taking into account the instruments typical of ICT.

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<sup>13</sup> V.P. Nanda, "*Good Governance*" *Concept Revisited*, *Annales of the American Academy of Political and Social Science*, Vol. 603, Law, Society, and Democracy: Comparative Perspectives (Jan., 2006), pp. 272 -276

<sup>14</sup> *Koncepcja good governance - refleksje do dyskusji*, Ministerstwo Rozwoju Regionalnego, Warszawa 2008, [http://www.mrr.gov.pl/aktualnosci/fundusze\\_europejskie\\_2007\\_2013/Documents/koncepcja\\_good\\_governance.pdf](http://www.mrr.gov.pl/aktualnosci/fundusze_europejskie_2007_2013/Documents/koncepcja_good_governance.pdf);

<sup>15</sup> Supernat J., *Administracja publiczna, governance i nowe publiczne zarządzanie*, *Administracja* 1/2008, p.10

<sup>16</sup> Kemp R., Parto S., Gibson R.B., *Governance for sustainable development: moving from theory to practice*, *Int. J. Sustainable Development*, Vol. 8, Nos. 1/2, p. 17

Some authors contend that e-government constitutes only a subset (though a major one) of e-governance. According to these authors, e-governance is a broader concept and includes the use of ICT by government and civil society to promote greater participation of citizens in the governance of political institutions, e.g., use of the Internet by politicians and political parties to elicit views from their constituencies in an efficient manner, or to publicise views by civil society organizations which are in conflict with the ruling powers<sup>17</sup>. It is clear that considerable confusion exists in explaining e-government and e-governance. Basically, e-government's focus is on constituencies and stakeholders outside the organization, whether it is the government or public sector at the city, county, state, national, or international levels. On the other hand, e-governance focuses on administration and management within an organization, whether it is public or private, large or small<sup>18</sup>.

Bearing the aforementioned in mind, it is worth to ponder over which e-government instruments could serve the implementation of the conceptual framework of public governance. The instruments selected for analysis probably do not constitute the only examples where the use of ICT influences (or at least could influence) the shape of public governance, but in our opinion, these are the most explicit examples revealing not only the essence of challenges and problems posed by the conceptual framework of public governance to those who are exercising power and those who are being governed but also the essence of opportunities. These are: electronic platforms of public administration (Electronic Platform of Public Administration Services (EPUAP), Single Contact Point, Electronic Services Platform of Social Insurance Institution (ZUS PUE)) and access to environmental information via Internet.

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<sup>17</sup> Sheridan W., Riley T.B., *Comparing e-Government vs. e-Governance*, 21 June 2006 [www.electronicgov.net](http://www.electronicgov.net).

<sup>18</sup> Palvia S.C.J., Sharma S.S., *E-Government and E-Governance: Definitions/Domain Framework and Status around the World*, <http://www.iceg.net/2007/books/1/1-369.pdf>.

## ELECTRONIC PLATFORMS OF PUBLIC ADMINISTRATION EXEMPLIFIED BY SYSTEMIC SOLUTIONS IN PUBLIC ADMINISTRATION

In the literature, it is emphasized that e-Government provides a platform for multi-channel interaction and multi-services provision options. It can have an influence on cultural and social adaptation issues, crossborder data flow issues, and it can raise the potential for the development of the policy to reduce the global digital divide. Therefore, the construction and management of e-Government systems are becoming an essential element of modern public administration<sup>19</sup>.

An example of an electronic platform that satisfies the conditions of e-Government is a single contact point. The name was introduced by the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376/36). A single contact point offers service providers the ability to complete procedures and formalities required to undertake service activities, in particular, all declarations, notifications or requests indispensable to obtain a permit from the competent authorities, including requests for an entry to a register, database or request for registration in professional associations. Points of single contact are portals of electronic administration established by the authorities of individual Member States. These websites should contain information on the procedures that you need to follow in order to benefit from specific service, as well as regulations that apply to such a service. Moreover, entrepreneurs may complete all administrative formalities via these portals, i.e. they may electronically submit relevant application forms along with the required documents and attachments. The idea is to avoid the necessity to contact particular offices following separate procedures in various Member States of the EU. Within the entire EU, application forms are currently examined on-line by single contact points. All points of single contact are part of the European EUGO network ([http://ec.europa.eu/internal\\_market/eu-go/index\\_pl.htm](http://ec.europa.eu/internal_market/eu-go/index_pl.htm)).

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<sup>19</sup> Shan S., Wang L., Wang J., Hao Y., Hua F., *Research on e-Government evaluation model based on the principal komponent analysis*, Inf. Technol. Manag. 12, 2011, p. 174



Above all, a service provider may submit any application form for permit indispensable to benefit from any service through a point of single contact. The European Union requires Member States to organise and administer at least one point of single contact, nevertheless, it may be of a physical or electronic form (provided that it fulfils its obligations that are set out in the Directive). In Poland, it was decided that this would be an electronic point of contact available on the following website <http://www.eu-go.gov.pl>.

Implementation of the provisions of Directive 2006/123/EC was due to the adoption of the Act of 4 March 2010 on the provision of services within the territory of the Republic of Poland (Journal of Laws 2010, No 47, item 278), pursuant to which the provisions of the Act of 2 July 2004 on the freedom of economic activity (Journal of Laws of 2010, No 220, item 1447, with subsequent amendments) were complemented with Section 2a that contains the provisions governing the operations of a point of single contact. The minister for economic affairs is responsible for operations of such a point of single contact, pursuant to art. 22a of the Act on the freedom of economic activity.

The purpose of the single contact point is to allow for the completion of procedures related to undertaking, executing and terminating business activity within the territory of the Republic of Poland and provide, in a comprehensible and exhaustive manner, information concerning:

- 1) procedures and formalities required for undertaking, executing and terminating business activity within the territory of the Republic of Poland;
- 2) general principles for the provision of services in the countries enumerated in the Act on the freedom of economic activity, particularly in the field of consumer protection;
- 3) contact details of competent authorities, along with the indication of the extent of their competences and responsibilities;
- 4) policy and conditions governing the access to public records and public databases concerning business activity and entrepreneurs;
- 5) legal measures in the event of a dispute between a competent authority and an entrepreneur or consumer, between an entrepreneur and a consumer and among entrepreneurs;

- 6) clarifications related to undertaking, executing and terminating business activity, issued or developed by competent authorities;
- 7) contact details of associations and organisations that can provide practical assistance to entrepreneurs or consumers; these details are published at the request of an association or organisation;
- 8) rights and obligations of employees and employers.

In order to gain information on the provisions that govern provision of services outside the territory of the Republic of Poland, a single contact point gives information about the addresses of the websites of the points of contact in other countries. In addition, a point of single contact allows to electronically submit to the competent authorities any application forms, requests, declarations or notifications required to undertake, exercise or terminate business activity and to acknowledge professional qualifications. The single contact point does not provide counselling in individual cases.

Transmission of data between a point of contact and the competent authorities takes place via an electronic platform of public administration services or electronic mailboxes of the competent authorities or other ICT systems allowing to access court records. The regulation of the Minister of Economy on the creation of a point of contact for administration and a point of contact for providers and service receivers of 17 August 2010 (Journal of Laws No 171, item 1152) indicates the tasks to be fulfilled by a point of contact point separately for administration and for providers and service receivers. The tasks of the point of single contact for the administration include creating an electronic mailbox and publishing the information on the website regarding the activities undertaken by the point of contact; conducting and coordinating the preparation of information at the request of Member States and the European Commission; collecting and transmitting information to Member States with regard to any significant administrative and court decisions concerning the disputes relating to services provided via electronic means as well as practices, usages and customs relating to electronic commerce; cooperation and exchange of information with the competent public administration authorities and point of contact for service providers and service receivers in terms of the provision of services via electronic means.

The tasks of the point of contact for providers and service receivers include: creating an electronic mailbox and answering queries submitted by service providers and service receivers in Polish or English; collecting, updating and sharing general information on:

- a) rights and obligations of providers and service receivers,
- b) procedures for complaint and redress in the case of disputes, including information on the practical aspects related to the observance of these procedures.

In addition, these tasks include the collecting, updating and sharing detailed information regarding the bodies, associations or organisations that may provide detailed information or practical assistance, co-operation and exchange of the aforementioned information with the competent public administration authorities and the point of contact for the administration<sup>20</sup>.

The Electronic Platform of Public Administration Services (EPUAP) is the basic instrument of e-Government for public administration purposes, which supports implements of basic functions in that respect. This is a coherent and systematic action programme aiming to achieve full operational efficiency of electronic public administration in Poland. According to the definition contained in the Act of 17 February 2005 on computerisation of activities of entities executing public tasks (Journal of Laws of 2005, No 64, item 656, with subsequent amendments), EPUAP is the ICT system in which public authorities provide services through a single access point in the Internet. The main objective of designing and implementing EPUAP is to create a uniform, safe - and fully compliant with all applicable laws - electronic channel of making public services available by public administration to citizens, entrepreneurs and public administration. Another EPUAP's task is to significantly shorten the time and reduce the costs of sharing information resources of public administration, as well as to achieve an interoperable use of ICT systems designed and currently operating in public administration, so that the systems are useful in the process of providing public services for all

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<sup>20</sup> Ganczar M., *Świadczenie usług elektronicznej administracji dla przedsiębiorców*, [in:] *Administracja publiczna wobec procesu globalizacji*, M. Jabłoński, M. Rudnicki (eds), Warszawa 2011, pp. 133-134

administrative units. The platform makes the technology infrastructure for providing services to citizens, i.e. service receivers, available for public entities, i.e. service providers. From an organizational and technical perspective, it is a joint infrastructure of making public services available by any public administration units through electronic channels of their contacts with citizens, entrepreneurs and other public administration units<sup>21</sup>.

The provisions of the Polish law<sup>22</sup> guide how to create an account on this platform, how to maintain a service directory, as well as stipulates the conditions of exchanging information between EPUAP and other ICT systems. In order to provide services via electronic means, public entities may particularly use the following functions of EPUAP:

- 1) creation and maintenance of electronic documents by individuals and entities;
- 2) transmission of electronic documents;
- 3) exchange of data between EPUAP and other ICT systems;
- 4) identification of users and maintaining the record of their actions;
- 5) verification of electronic signatures;
- 6) authentication of public administration clients using services on EPUAP;
- 7) creation of services of a public entity or a number of public entities cooperating with each other, developed on the basis of two or more services;
- 8) electronic payment service - a service from outside the administration but necessary for electronic execution of public tasks.

Not all public entities are interested in the use of EPUAP. In order to provide their public services, they create their own electronic platforms, which infringes the principle of interoperability. Such actions show that the conceptual framework of e-Governance is not always a guideline under

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<sup>21</sup> Ganczar M., *entries: ePUAP, e-Governance, e-Government*, [in:] *Encyklopedia prawa administracyjnego*, M. Domagała, A. Haładaj, S. Wrzosek (eds), Wyd. C.H. Beck, Warszawa 2010, p. 168

<sup>22</sup> Regulation of the Minister of Internal Affairs and Administration of 27 April 2010 on the terms and conditions of the use of electronic platform of public administration services, *Journal of Laws of 2010, No. 93, item. 546*.

which the innovative solutions regarding the management of a particular sphere of social life in a country are implemented. An example of such a platform is the Electronic Services Platform of Social Insurance Institution (PUE ZUS). If a citizen of Poland wants to use the electronic services offered by the Social Insurance Institution, he or she may do so only via PUE ZUS ([pue.zus.pl](http://pue.zus.pl)).

The Social Insurance Institution could fully benefit from the offer of ePUAP, which would allow a holder of an account on this platform to deal with his or her matters in relation to the Social Insurance Institution. Unfortunately, despite having an account on ePUAP, it is necessary to create another one, this time on PUE ZUS, even though services on both platforms are the same. By means of PUE ZUS we can obtain information on insurances, benefits and payments related to social insurance or check all our data contained in the ZUS (Social Security Institution) account and also submit and receive all the necessary documents and settle social insurance contributions (*ePłatnik [e-Payer]*). Moreover, it is possible to track the status of our matters and receive e-mail or SMS notifications as well as book appointment with ZUS.

Both in the case of EPUAP and PUE ZUS, in order to use the services offered by both platforms, it is necessary to register on the portal and confirm one's identity at a relevant office. The main difference creating a difficulty when using PUE ZUS is the necessity to obtain an electronic signature. Fulfilling this condition is prerequisite in order to submit to the Social Security Institution and to receive from the Social Security requests, letters and other documents.

In conclusion, the Polish authorities responsible for governing and administering the country try to modernise the manner of executing public tasks, streamline contact with citizens, entrepreneurs and other entities. The authorities often refer to the conceptual framework of both e-Government and e-Governance, unfortunately, the aforementioned example displays how the implementation of electronic services provided by the public administration is carried out disregarding fundamental principles of these two conceptual frameworks.

The issues discussed above concern the achievements (and failures) of the national public authorities in the implementation of ICT in terms of a systemic approach - as a tool for bringing those who are exercising power and those who are governed closer. Nevertheless, in terms of a subject approach, it is possible to determine a sphere, where the influence of the conceptual framework of Governance (promoting transparency of actions, accountability of authorities as well as public participation) via the ICT instruments is particularly significant. Such a sphere is the environmental protection, and in particular the access to environmental information. Understanding the right to environmental information through the prism of information and communication technologies is currently a standard to follow when executing this right.

The promotion of ICTs in the field of making environmental information available to the public is primarily governed by art. 5 par. 3 of the Aarhus Convention and art. 7 par. 1 of the Directive 2003/4 (the Directive on public access to environmental information and repealing the Council Directive 90/313/EEC, OJ 2003, L 41, p. 26), according to which the Member States are obliged to progressively make environmental information available via public telecommunication networks, through electronic databases accessible to the public. All the EU Member States are obliged to implement these provisions and terms of the Aarhus Convention, the obligation is being imposed on all states signatories of the Convention. Hence, the question arises what the application of these provisions is in legislation and in implementing the law in Poland.

What is symptomatic, is not only the fact that the specific provision governing the access to environmental information, was created in Poland earlier (2000) than the provision governing public information (2001) but also the fact that the right to environmental information is considered not only as the means to obtain data on the environment and environmental protection but also as the factor increasing the transparency of public authorities and actions undertaken by public authorities, the instrument for democratisation of social and economic life and development of civil society. This trend is apparent in all the countries of Central and Eastern

Europe undergoing significant economic and social changes since 1989<sup>23</sup>. While the legal standards have guaranteed access to environmental information for the public since 2000, the procedures of sharing information have been totally separated from ICT for a long time. Connecting the procedures for collecting, processing, and sharing environmental information with the use of ICT did not take place until 2006. The amendment imposed the obligation to provide information on the environment and its protection in electronic form by means of using information technologies or via Public Information Bulletin. Since then, Public Information Bulletin has become the tool by means of which it is possible to obtain environmental information. The doctrine has optimistically adopted this solution: „There is no doubt that this way of sharing information fully implements the idea of environmental information universality”<sup>24</sup>. Nevertheless, the analysis of provisions indicates that the Public Information Bulletin is used here only as a tool, and the types of information to be made available, the way of grouping/sorting them as well as the content of individual Public Information Bulletin pages significantly vary depending on the type of information and the practices of public servants. The analysis of provisions allows to state that the provisions of the Act on sharing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235 with amendments) distinguish the number of three groups of information to be made available in electronic version in various ways. The most common form is to publicly the so called “publish data register containing information about the environment and its protection” in the Public Information Bulletin. The register is available on-line. This register does not contain information on the environment but provides details of documents (i.e. data regarding their existence and place of storage) put in the data sheets. As an official publica-

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<sup>23</sup> Stec S., Tóth Nagy M., *Udział społeczeństwa w ochronie środowiska w krajach Europy Środkowej i Wschodniej*, [in:] *Udział społeczeństwa w ochronie środowiska. Teraźniejszość i przyszłość*, J. Jendrośka, E. Kaleta-Jagiello (eds), Wrocław 1994, pp. 71-92 but also the overall conclusions included in the Handbook on Access to Justice under the Aarhus Convention, 2003.

<sup>24</sup> Lewicki, M., *Prawa i obowiązki przedsiębiorców w ochronie środowiska*. [in:] *Zarys encyklopedyczny*, P. Korzeniowski (ed.), Warszawa 20110, p. 79.

tions journal, the Public Information Bulletin is used here as a data sheets locator, therefore, it will not bring us directly to the content of environmental information. At the same time, however, although the publication of data sheets is the responsibility of public administration authorities, it depends on the technical possibilities of individual administrative bodies<sup>25</sup>, and according to jurisprudence, the lack of data sheets or maintaining them randomly is not subject to the proceedings of administrative court (decision of the Supreme Administrative Court of 21 December 2005, I OSK 1210/05). Therefore, such policy needs to be regarded critically – information and communication technologies are used exclusively as an electronic tool, while at the end, obtaining information involves submitting a written application form or visiting a public administration office, thus it cannot be considered to meet the requirements of the e-governance conceptual framework.

The second category of environmental information published in electronic version covers full texts of documents such as national environmental policy, environmental protection programmes, waste management plans, etc. They are published in the Public Information Bulletin in full text version and can be downloaded from a website. This is of practical importance, as it allows to get acquainted with the essential documents that constitute the environmental protection policy pursued by the organs of public administration which, by its nature, involves cooperation of numerous actors<sup>26</sup>. This facilitates the process of informing about the objectives of this policy, its priorities and tools. In this way, the legislature has partially addressed the issue of a greater availability of documents regarding the environmental protection policy, for instance, to entrepreneurs.

The third group covers information categories to be made available "via information and communication systems, in particular, the use of electronic databases." Above all, these are the release data that should

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<sup>25</sup> Gruszecki K., *Ustawa o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko. Komentarz*, Wrocław 2009, second edition, p. 82.

<sup>26</sup> Haładyj A., entry: „*polityka ekologiczna a polityka ochrony środowiska*” [in:] *Encyklopedia prawa administracyjnego*, M. Domagała, A. Haładyj, S. Wrzosek (eds), Wyd. C.H. Beck, Warszawa 2010, p. 269.



be transferred to the European Pollutant Release and Transfer Register (E-PRTR) established under the Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 (OJ EU L 33 of 4 February 2006, p. 1) via the National Pollutant Release and Transfer Register. Notwithstanding the information available at the European level that indicates that the successful implementation has not been still executed in Poland (<http://prtr.ec.europa.eu/pgLinksNationalRegisters.aspx>). Concluding the issue of making environmental information available by means of information and communication technologies, it should be considered that the use of these tools is of purely informational nature indicating that the information exists and that it is possible to obtain it. This does not result in the possibility to get it directly but in the necessity to submit an application form for making the information available. What is more, taking into account technological possibilities in the field of IT in the scope of publishing environmental information, the provisions completely ignore the possibility of submitting an application form for sharing information via electronic means (email) without a electronic signature.

Given the legal background in Poland, it should be emphasised that although the Polish law and its regulations apparently respond more comprehensively to the demands declared after 2001 with regard to closer links between the mode of access to environmental information and technology of the 21<sup>st</sup> Century, the very maintenance of environmental information registers available publicly in electronic form still does not address all the problems related to the access (which still need to be preceded with a written application form). Moreover, despite the fact that five years have passed since the resolution entered into force, the E-PRTR Poland has failed to effectively standardise the system of transmitting the release data to the European register.

Finally, it must be recognised that the key element of the system's efficiency is not only the existence of legal norms that create the system but most of all good practice in the mentality of officials and their approach to the role that is played by a rapid, complete, reliable and multi-channel provision of complete information in the implementation of the ideas of civil society. Why? Since the openness of the admin-

istration authorities to stakeholders is indicated as an axiological basis of public governance.

## CONCLUSION

While definitions of e-Government by various sources may vary widely, there is a common topical issue. E-Government involves application of information technology, and especially the Internet, to improve the provision of public services to citizens, businesses, and other governmental agencies. E-Government enables citizens to interact and benefit from services from the federal, state or local governments twenty four hours a day, seven days a week.

E-Government also aims at improving the efficiency of public administration and the quality of services, simplifying administrative formalities and successfully providing sufficient information about such matters. E-Government will allow to gather the competence of various public administration units and make their procedures available in the Internet. E-Government, as well as other processes intended to reform the existing systems, cannot be implemented solely by means of developing rules or issuing instructions by the project leaders. For it requires radical changes, both in the actions of civil servant and in their way of thinking, as well as transformation of task performance processes. Moreover, it analyses the means of transferring information between respective governments (G2G), businesses (G2B) and citizens (G2C).

As the analysed examples show, the computerisation itself is not enough and it is advisable to use the instrument offered by e-Government and ICT to conduct extensive modernisation process of social and political life. We need to consider another issue, namely, the rapid and constant development of ICT that makes us the witnesses of a rapid evolution of basic concepts used in the context of digital reality. Consequently, we should consider whether it would be beneficial if the public sector were governed by a public manager who keeps up with the changes in the world of technology, who is responsive as well as driven by the idea of e-Governance. There is no doubt that the Polish administration

needs comprehensive and well-thought-out changes involving both technologies as well as the mentality of the public authorities creating and applying the law. In other words, not only should we have e-Governance, but also apply it.

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