USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES IN THE ROMANIAN PUBLIC ADMINISTRATION

Ciprian TRIPON
Nicolae URS

Ciprian TRIPON
Assistant Professor, Public Administration Department, Faculty of Political, Administrative and Communication Sciences, Babeş-Bolyai University, Cluj-Napoca, Romania
Tel.: 0040-264-431361
Email: tripon@apubb.ro

Nicolae URS
IT specialist, Faculty of Political, Administrative and Communication Sciences, Babeş-Bolyai University, Cluj-Napoca, Romania Tel.: 0040-264-431361
Email: nicuurs@apubb.ro

Abstract

The article analyzes the problem of ICT within the larger topic of free access to public information. The first part consists of a presentation of the relevant ideas related to this topic and a short history of the evolution of the legal framework regulating access to public information. The second part links this topic with the issue of organizational performance and discusses its relevance at the level of local public administration. The paper is concluded by a brief analysis that attempts to demonstrate, based on empirical data, that in the Romanian public institutions ICT is used primarily as an information-offering tool, a channel to inform the citizenry and not as an interactive interface between communities and public institutions, an interface that can enable citizens to monitor and control (to a certain degree) their interaction with the public sector.

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Introduction

Public administration in developed countries is going through a shift of paradigm, from the traditional bureaucratic one, which emphasizes standardization, departmentalization, and operational cost-efficiency, to one in favor of building coordinated networks, external collaboration and customer services (Tat-Kei Ho, 2002, pp. 434-444). Such a shift is prompted by a number of major changes: in the field of management (New Public Management), in the field of client relations (client-oriented institutions, emphasis placed upon accountability, openness, transparency) and, last but not least, in the field of information (access to, use of and dissemination). The latter is considered to have happened in two waves.

The first one is the change of heart of the governments regarding free access to information. An ever growing number of states have passed laws that guarantee the freedom of information and drastically limit the areas where information can be considered classified or secret.

The second revolution is also related to information, specifically to its dissemination. The rapid development of new telecommunication and computerized technologies over the last decades and the rise of the Internet have had an enormous impact on how we are living and working. New information and communication technologies (ICT) are changing our society completely. The production, management and consumption of information and knowledge are seen as essential to the development of a modern society. New concepts such as *the information society* and *the knowledge economy* were coined in an attempt to explain a world in which the problem is not the lack of information, but rather its over-abundance. In the same way, public administration is also transformed by modern ICT. An increasing number of software applications are used in the public servant – citizen interaction. These ICT applications can be termed *e-government*, which in turn can be viewed as the process of creating public value with the use of modern ICT.

The present paper is a preliminary analysis of the impact and use of ICT in the Romanian public administration. It commences with a general presentation of the main concept (freedom of information) at a national level, followed by a brief historical presentation of the legal evolution in this field. The next level of analysis discusses the citizens' access to information both at a general, governmental level and at local, public administration level.

The theoretical presentation is followed by an empirical analysis that aims to test two hypotheses. It must be stressed that this article is only the first of a series that intends to make a thorough examination of the problem of access to information within Romanian public services.

Benefits of Freedom of Information

The open and convenient access to government information, both at the local and the national level, is fundamental to democracy. The involvement of citizens in public debate depends on the information offered to them by the government and on the information that the citizens themselves can request from the authorities. This fact was

confirmed by democratic governments, and laws or constitutional guarantees are in place in many countries.

In a democracy, it is crucial for citizens to know what their public officials are doing. That kind of information helps citizens and public officials alike. The former can formulate opinions on public policy issues, can be actively involved in the decision making process and proactive in resolving their own problems (thus helping, indirectly, the public servants).

Freedom of information can also support governments, by curtailing the arbitrary use of government power (Edes, 2000). Also, as Bart Édes notes, „when the public is allowed to understand the development of a policy, it is then easier for government to build support for implementing it and achieving the underlying objectives" (Edes, 2000). Freedom of information laws and regulations improve how government bodies work. Decisions that are known to be eventually made public are more likely to be based on objective and justifiable reasons. Also, the improved transparency and accountability is a key tool in anti-corruption measures as reasons for awarding contracts and other financial transactions must be documented and justified (Banisar, 2006).

We see that authors agree that freedom of information laws seem to help everybody, as they are written or practiced to increase governmental transparency and to advance accountability. Informing them of the decision-making process allows citizens, donors, investors, interest groups, governments, and others, to know the rules of the game (Florini, 2007). We have, in that case, to wonder why governments are sometimes reluctant to pass such legislation or why they are constantly trying to limit the applicability of such laws. On the 20th anniversary of the signing of The Freedom of Information Act (the main law that governs freedom of access to public information in USA), John E. Moss Member, U.S. House of Representatives, 1953-1978 Former Chairman, House Special Subcommittee on Government Information said that "the security of this nation, the strength of this nation, derives from Freedom - the Freedom envisioned by those who drafted the first ten amendments to our Constitution. My experience teaches me that, far too often, the classification stamp is used to avoid embarrassment- protect the security of foolish officials-and cover up policies which would not find wide approval if known" (Feinberg and Relyea, 1986, pp. 608-614).

The freedom of information on government matters is by no means a right gained for ever. In the wake of 9/11 attacks and with the specter of a global war against terrorism, governments are trying to curtail this right by defining ever more categories of documents or actions as secrets. The "mosaic theory", which appeared in the 1980s, during Ronald Reagan's administration in USA, describes a basic precept of intelligence gathering: "disparate items of information, though individually of limited or no utility to their possessor, can take on added significance when combined with other items of information. Combining the items illuminates their interrelationships and breeds analytic synergies, so that the resulting mosaic of information is worth more than the sum of its parts" (Pozen, 2005). This theory has made a comeback after the 9/11 terrorist attacks, with decisions based on it from different courts of law. It is clear that the right of citizens to be aware of the actions of their representatives and the government, at all levels, needs constant vigilance.

History

The first such piece of legislation is thought to be Sweden Freedom of the Press Act, promoted in 1766 (Gothe, 2003). For the first time, and a quarter of a century before the proclamation of the freedom of the press by the French revolutionaries, freedom of any printing materials was guaranteed. The new "Freedom of Printing Act", as it was called, literally translated, since any printed matter was included in the legal protection, had the status of a constitution: amendments could be made only with two identical decisions in parliament with elections in-between.

These type of laws (freedom of information laws), are sometimes completed by the open record laws, also called sometimes, especially in the United States, sunshine laws or acts (Baird, 1977), which stipulate that government meetings, at all levels, must be open to public (with some exceptions, usually very thoroughly stipulated in the law).

Many countries have enacted in recent years new legislation giving their citizens access to government information. Even though Sweden adopted the first access-to-information legislation over 200 years ago, more than half the countries adopting the law have done so in the last decade (Relly and Sabharwal, 2009). Thomas Blanton argues (Blanton, 2002) that this wave of openness is determined, at least in part, by the transformation of the philosophy sustaining these initiatives regarding freedom of information. He argues that "the concept of freedom of information is evolving from a moral indictment of secrecy to a tool for market regulation, more efficient government, and economical and technological growth" (Blanton, 2002). On their part, Jeannine E. Relly and Meghna Sabharwal think that "a host of external and internal factors has precipitated the adoption of access-to-information laws in nations around the world. A number of legislatures have adopted the laws during transitions to democracy or after drafting new constitutions. Others have adopted the laws following efforts to modernize information dissemination. Some laws were instituted to deal with scandals or corruption, while others enacted to expose health and environmental concerns. In some places laws were written to deal with international pressure from supranational financial institutions and intergovernmental organizations to create accountability for nations' financial systems" (Relly and Sabharwal, 2009).

We will now look upon the laws that guarantee these rights in the United States and draw a comparison with Romania.

In the United States the first building block of this edifice is the famous First Amendment, which expressly prohibits the Congress from making laws "respecting an establishment of religion, prohibiting the free exercise of religion, infringing the freedom of speech, infringing the freedom of the press, limiting the right to peaceably assemble, or limiting the right to petition the government for a redress of grievances" (United States Constitution, Bill of Rights, First Amendment).

The Freedom of Information Act (FOIA) represents the implementation of freedom of information legislation in the United States. It was signed into law by President Lyndon B. Johnson on September 6, 1966, (amended in 1996, 2002 and 2007) and went into effect the following year. This act allows for the full or partial disclosure of previously

unreleased information and documents controlled by the United States Government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute. Each of the states and the District of Columbia has enacted its own open-records law. As can be imagined, these laws vary in a number of ways. Generally, however, they follow the basic format of the Freedom of Information Act, 5 U.S.C. Section 552, which determines access to federal records.

The part that is of most interest to us in this paper is the 1996 Amendment, The Electronic Freedom of Information Act Amendments (E-FOIA). This Amendment stated that all agencies are required by statute to make certain types of records, created by the agency on or after November 1, 1996, available electronically. Agencies must also provide electronic reading rooms for citizens to use to have access to records. The modifications brought to the FOIA are extremely important because they state the obligation of federal agencies to make all their documents that enter under the incidence of the FOIA law available "by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means". In plain English, that phrase can only mean one thing: the Internet.

In Romania, the law that governs the freedom of information is 544/2001. This piece of legislation, updated in 2009, regulates the access of citizens to public interest information. The law stipulates clearly, in Chapter II, article 5, the list of information and documents that have to be provided *ex officio* by all the state institutions. This list contains the laws or acts that regulate the operation of that institution, the organizational structure of the institution, the work schedules of the different departments, the names and positions of the top leaders in that institution, contact information, the institution's budget, financial sources and account balance, the institution's programs and projects, a list of the documents created within that institution, the ways of contesting decisions made by that institution.

Additional to this information, provided *ex officio*, the institutions are required to provide to citizens, organizations or the media any public interest information on request.

The law also states which pieces of information are exempt from publication – mainly secret or classified material – and which data could negatively affect the "rights of others".

E-government

The Organization for Economic Co-Operation and Development (OECD) defines E-Government as: "The use of information and communication technologies, and particularly the internet, as a tool to achieve better government" (Verdegem and Verleye, 2009). Policy makers everywhere cannot ignore the society transformation that the large scale implementation of modern ICT is leading to. Today's citizens are used to interact with complex software applications on a daily basis and are getting used to solving their day to day problems (paying the bills or buying a new television set, for example) using a computer and the internet. From this fact naturally derives the idea that the same tools can be used in solving problems that citizens are having with different branches of the government, especially at the local level.

The key objectives of e-government, as outlined by Pieter Verdegem and Gino Verleye (Verdegem and Verleye, 2009) are:

1. Making the government and its policies more effective by providing citizens with quicker and better access to public information and with the ability to use services in a more personal and cost-effective manner;
2. Pushing the reform agenda (the modernization of the administrations) and simultaneously promoting economic policy objectives;
3. An improved relationship between government and citizens or businesses; and
4. Consolidating democracy and reducing the distance between citizens and government.

Signs of promoting e-government in Romania are appearing, but these efforts are hampered by its precarious infrastructure, lack of political support and, in this times of crisis, of financial resources. A report issued by the Economist Intelligence Unit in 2004 (The Economist Intelligence Unit, 2004) places Romania 10th out of 11 countries discussed in the paper.

E-government is a very complex process. It entails and includes activities such as offering relevant information to the public, facilitating the citizens' access to public information, streamlining and enhancing the effectiveness of the information flow within public administration institutions, improving the communication between public institutions thus improving the co-ordination within the public sector, etc. The present paper focuses mainly upon the information-services offered by the public institutions and their (real or perceived) uses.

So far, we have tried to give a detailed account of how free access to information came to be and of where it is now. However, we are left with one unanswered question: why was it deemed necessary to create (sometimes with a significant amount of effort) this body of legislation? There are many reasons, the majority of them streaming from the democratic concern for citizens' right and for creating accountable governments. However, these reasons represent the philosophical bedrock upon which the whole process resides. When these principles were put into practice another important factor was uncovered: facilitating the citizens' access to information implies the design and build-up of an entire system (technological support, procedures, public policies and organizational protocols) that, ultimately, enhances the performance level of all public institutions. Thus, a debate and a legislative initiative that aimed primarily at improving/enhancing the democratic process also improved the effectiveness of public institutions throughout the public sector.

In other words, one can consider the whole free access to information issue to be a political theme at a national, general level, and an organizational effectiveness-related issue at the level of public institutions. Citizens have a right to access public information that concerns them but this comes to pass in real, practical terms through the ease with which they can access the websites of any public institution, through the number of applications they can submit on line, through the quality and quantity of information offered and through the degree of interactivity allowed by public institutions.

Following the previous analysis, the present paper focuses on two hypotheses:

- Hypothesis 1. The Romanian public institutions have the necessary technological base but do not use it at full capacity. In other words, ICT is perceived as just another information bureau and used accordingly, without exploring its interactive capacities.
- Hypothesis 2. Neither the Romanian public servants nor their clients (The Romanian citizenry) place much trust in ICT. In other words, electronic access to information and its uses are not perceived as an efficient and trustworthy substitute for the old fashioned paper-based documents and go-and-talk-with-a-real-person approach.

Methodology

The following analysis is based on empirical data gathered in a research (part of the Post-graduate Program in Public Administration Management) that targeted local public institutions from Romania's North West Region's six counties.

The sample consisted of 169 public institutions, mainly from urban areas. From the rural area only the main town halls were selected (see table 1). The sampling method employed was randomized multistadial.

Table 1: Type and number of participant public institutions

	Name of the institution	Number of institutions
Public administration institutions	County Councils	6
	Prefecture Office	6
	County Towns	6
	City Halls	6
	Town Halls	133
Deconcentrated Public Services	Territorial General Directorate of Public Finance	6
	Territorial General Directorate of Labor	6
	Total	169

Data analysis

As stated before, this paper represents only a preliminary study of ICT and its uses in Romanian public administration. As such, its main purpose is to outline the topic and initiate a few inquires. One such question is if the necessary technological data for the efficient use of ICT is present within Romanian public sector.

Figure 1 clearly states that 76.02% of the public servants from the sample have constant access to the internet, a fact that indicated the presence of the technological infrastructure needed for effectively using ICT.

This statement is supported also by figure 2 that indicated that the previously mentioned technological infrastructure is put to work and 92.74% of the public institutions from the sample have their own web-page.

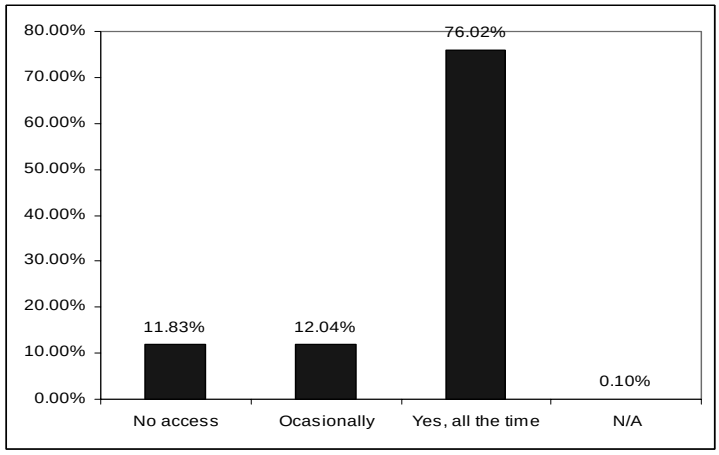

Figure 1: Degree of access to the internet for the public servants

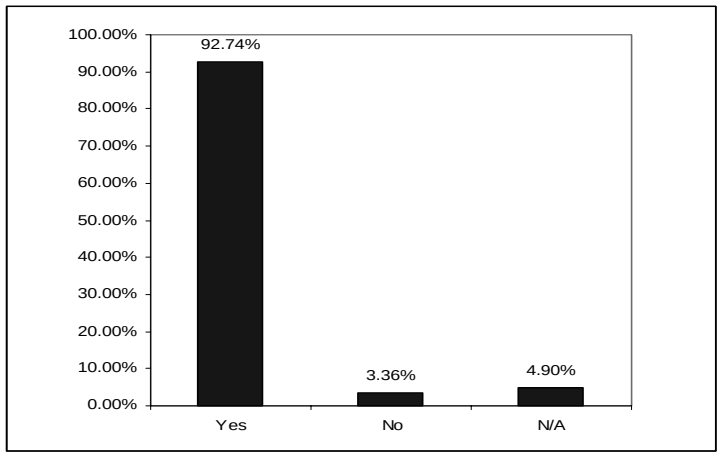

Figure 2: The percentage of institutions that currently have a web-page

Unfortunately we were unable to obtain more detailed data concerning the functioning of the web-pages, such as the existence of a monitoring system, the number of hits/ month, the degree of interactivity the web-page allows, etc. For instance, when asked about the number of hits/last month a staggering 92.04% of the public servants said that they do not know or cannot approximate the level of access for their institutions' web-page for the last month. In and by itself this fact is significant: even if the public servants have access to the internet (and probably are using it) they do not perceive ICT (their institution's web-page, for instance) as an important enough characteristic of their own organization, nor do they regard the level of access (measured here by the number of hits/month) as one important performance indicator.

Figure 3 also supports this line of arguments: 53% of the public servants say that citizens can perform various operations via internet in a small measure (if at all)

compared to only 34.87% that maintain that citizens are capable of performing various operations via internet[1].

When we corroborate all the data presented above and its interpretation it is clear that hypothesis 1 is confirmed. Indeed, ICT (web-pages, the type and level of citizens' access to them and the knowledge of the public servants about them) is perceived only as another information-offering channel, without exploring and exploiting its full capabilities, especially those which would enable citizens to perform operations via internet, thus transforming the system from a passive (only offering information) into an active, interactive one.

Figure 4 suggests that 56.16% of the public servants say that the different forms needed and required by their institution are in a e-format on the webpage (only 29.33% disagree with this statement), thus again re-enforcing the information-offering role of ICT, as perceived by the Romanian public servants. The same is done by the figure 5 – 58.10% of the public servants feel that the necessary legal texts are presented on the web-page.

The data presented in figure 6 supports the previous findings, especially those offered by figure 3: the citizens cannot perform many operations via internet neither can they monitor the progress of their business (requests, petitions, etc.) within public institutions' paper circuit. Actually, the data is so consistent that one becomes curious to why, if the technological infrastructure is in place, ICT is only used as an alternative conduit of offering data to the citizenry.

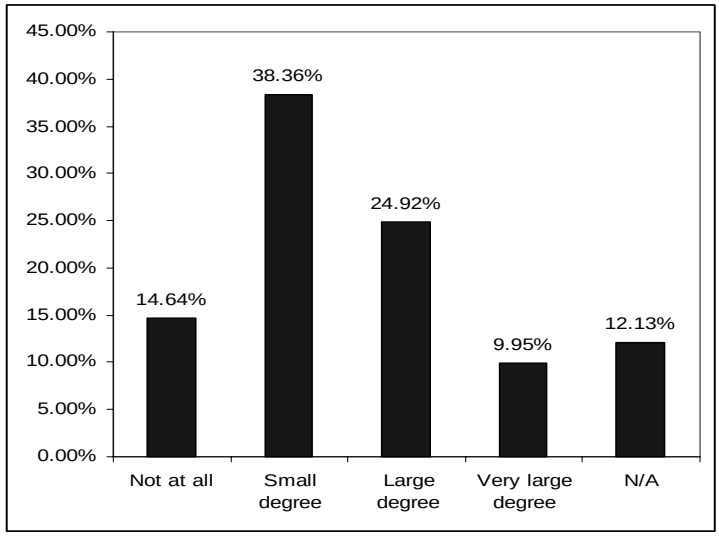

Figure 3: The degree in which certain operations can be performed by the citizens via internet

[1] A large percentage of this number can be explained by the fact that tax return forms can be filled via internet.

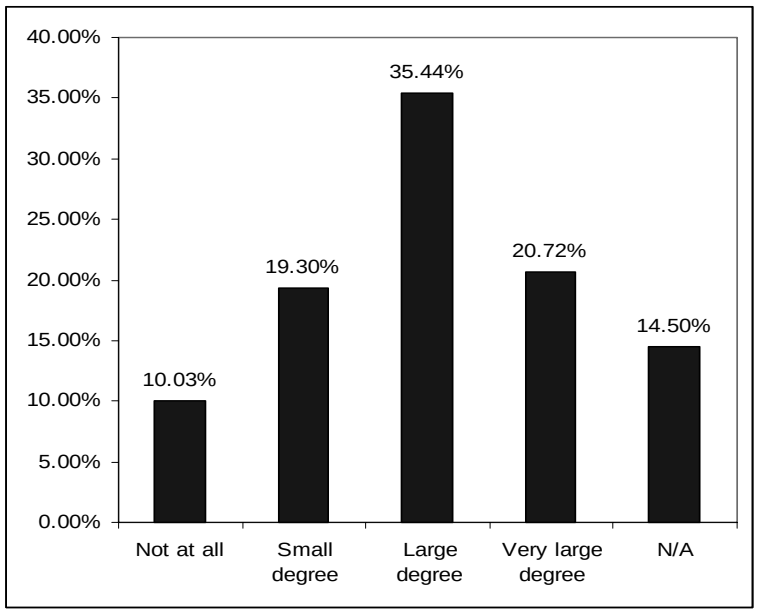

Figure 4: The presence of different forms on the web-page that are available for download for the citizens

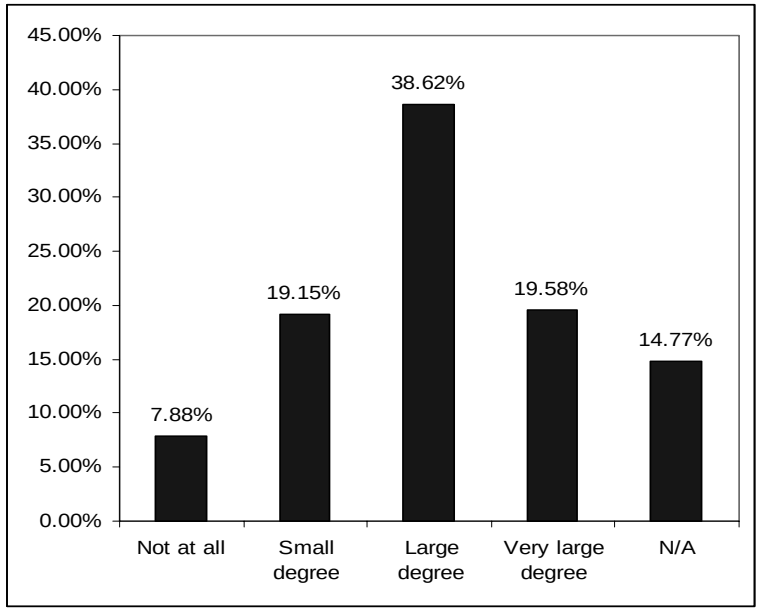

Figure 5: The degree in which the relevant legal texts are presented on the web-page

The answer may be offered by a lack of trust in ICT, as stated in hypothesis nr. 2. We do not have data that can really and fully support this statement but the presented data certainly does not contradict the hypothesis. More than that, its internal consistency suggests a possible line of arguments: we observed that the structure of the web-pages of different public institutions (in terms of what the user can do) makes them passive information tools. The necessary forms are there and so are the relevant legal texts – a significant amount of information. But these web-pages do not allow the citizens to perform many operations nor do they allow them to monitor the progress of their papers within the public institutions. This could be an indicator of a significant lack of trust, of the fact that ICT is perceived only as a tool to pass information from the public institution toward the citizens and nothing more.

This is consistent with the traditional way in which public servants perceive their clients: they are supplicants who come to the public institution with a problem, individuals that have to be closely watched and guided through the bureaucracy. Any degree of initiative from their part can cause problems, disrupt the flow of papers within the institution. Thus, allowing the citizens to do things on their own, unsupervised, to become pro-active and have a degree of control over the bureaucracy is not considered a good thing. Yes, it could cut into the workload but the costs of losing control could be too great.

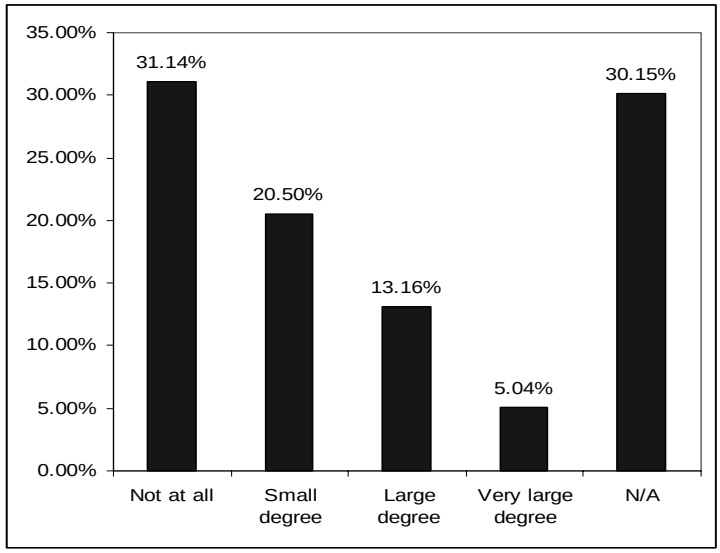

Figure 6: The degree in which the citizens can follow, via internet, the evolution of their papers through the public institution

On another hand, the citizens still feel that it is better to talk to a real person, flesh and blood, than to take the problem into your own hands, fill a form electronically, via the Internet, and insert it into the bureaucratic maze of a public institution. Indeed, most people still prefer to conduct their business with the public sector either through

direct contact (physically going to the institution) or through telephone. This attitude changes but slowly.

Therefore, we can say that the second hypothesis, although not directly supported by empirical data, can be construed as a definite possibility and requires more data to be correctly accepted or rejected.

In conclusion, a case can be made that, although ICT exists in Romania from a technological point of view, its uses are severely limited by the way in which it is perceived by the public servants, thus undermining its role as an organizational performance enhancer.

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THE PRIVATE PERCEPTIONS REGARDING THE NATIONAL BANK OF ROMANIA'S INDEPENDENCE

Valentin TOADER
Rozalia Veronica RUS
Călin Flaviu RUS

Valentin TOADER
Lecturer, Ph.D., Business Department, Faculty of Business
Babeş-Bolyai University, Cluj-Napoca, Romania
Tel.: 0040-264-599170
Email: valentin.toader@tbs.ubbcluj.ro

Rozalia Veronica RUS
Teaching assistant, Business Department Faculty of Business, Babeş-Bolyai University, Cluj-Napoca, Romania Tel.: 0040-264-599170
Email: veronica.rus@tbs.ubbcluj.ro

Călin Flaviu RUS
Associate professor, Communication and PR Department, Faculty of Political, Administrative and Communication Sciences, Babeş-Bolyai University, Cluj-Napoca, Romania
Tel: 0040-264-431361
Email: calinrusro@yahoo.com

Abstract

The independence represents an essential condition for the central banks that conduct an inflation targeting monetary policy. According to the international economic literature, the central banks' political and economical independence influence the formation of the private inflation expectations. Even if the aspect of central bank independence is new in our economic literature, we have some valuable papers about this subject. These papers study the role of NBR independence or analyze the evolution of the NBR independence. Our approach is different. The law 312/2004 stipulates that NBR is an independent public institution, but we want to see if the society has the same perception. In consequence, we decided to study the private perceptions regarding the National Bank of Romania's independence. To achieve this goal, we evaluated the civil society perceptions regarding the influence of presidency, government, parliament and political parties in the NBR's activity. Our research is based on the data gathered during the time span March 2007 – February 2008.

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