The Regulatory Framework of Information Society and E-Government

Conference:
ICT for a Better Life:
The Role of Local Government
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The Regulatory Component within the Project Context

Project Components

A: Regulatory Dialogue
B: Improved Government Services
C: E-Government Training
D: Administrative Capacity Building

A: 法律法规对话
B: 改善政府服务
C: 电子政务培训
D: 行政能力建设
<table>
<thead>
<tr>
<th>Country</th>
<th>GDP share of ICT-producing sector</th>
<th>Labour productivity growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ireland</td>
<td>12.3%</td>
<td>5.3%</td>
</tr>
<tr>
<td>Finland</td>
<td>10.6%</td>
<td>2.5%</td>
</tr>
<tr>
<td>US</td>
<td>7.3%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Sweden</td>
<td>7.3%</td>
<td>2.1%</td>
</tr>
<tr>
<td>UK</td>
<td>7.1%</td>
<td>1.8%</td>
</tr>
<tr>
<td>EU</td>
<td>5.9%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5.8%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Germany</td>
<td>5.6%</td>
<td>1.3%</td>
</tr>
<tr>
<td>France</td>
<td>5.5%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Italy</td>
<td>4.7%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Denmark</td>
<td>4.7%</td>
<td>1.9%</td>
</tr>
</tbody>
</table>
Many Policy and Regulatory Issues become relevant
许多政策和法规问题都有相关性

Size / Growth
规模 / 增长

Quality / Sustainability
质量 / 可持续

Benefits / Radius
收益 / 辐射

E-Government
电子政务

Digital Signatures
数字签名

Copyright Law
版权法

Encryption
加密

Content development
内容开发

Property Rights
物权

Media regulation
媒体管制

Electronic Contracts
电子合同

Access to Information
政府信息公开

E-Learning
远程教育

E-Commerce
电子商务

Telecommunications Policy
电信政策

Media Literacy
媒体普及

Antitrust
反垄断
**Regulation and E-Government: Key Topics**

### Primary topics to be covered

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to Gov. Information</td>
<td>Current legislative processes that are part of the project</td>
</tr>
<tr>
<td>Personal Data Protection</td>
<td></td>
</tr>
<tr>
<td>Telecoms Policy</td>
<td></td>
</tr>
<tr>
<td>Online Copyright</td>
<td></td>
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<tr>
<td>Information Security</td>
<td></td>
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<tr>
<td>Online Arbitration</td>
<td></td>
</tr>
<tr>
<td>Electronic Signature</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Electronic Contract</td>
<td></td>
</tr>
</tbody>
</table>

### Comparative Study on overall regulatory framework & local regulations

### Secondary regulatory topics to be considered – can be integrated where appropriate

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-Commerce</td>
<td></td>
</tr>
<tr>
<td>Competition Policy</td>
<td></td>
</tr>
<tr>
<td>Antitrust</td>
<td></td>
</tr>
<tr>
<td>Self-regulation / Codes of Conduct</td>
<td></td>
</tr>
<tr>
<td>E-Government</td>
<td></td>
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<tr>
<td>E-Public Procurement</td>
<td></td>
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<tr>
<td>Internet Governance</td>
<td></td>
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<tr>
<td>Alternative Dispute Resolution</td>
<td></td>
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<tr>
<td>Administrative Licensing</td>
<td></td>
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<tr>
<td>E-Finance Security</td>
<td></td>
</tr>
<tr>
<td>Media / E-Content</td>
<td></td>
</tr>
<tr>
<td>Standardization Processes</td>
<td></td>
</tr>
</tbody>
</table>
### Regulation and E-Government: Key Topics

**Regulation and E-Government: Key Topics**

#### Key Topics

<table>
<thead>
<tr>
<th>Government Information</th>
<th>Internet Copyright</th>
<th>Information Security</th>
</tr>
</thead>
<tbody>
<tr>
<td>个人信息保护</td>
<td>网上仲裁</td>
<td>电子签名</td>
</tr>
<tr>
<td>电信政策</td>
<td>其他法律法规</td>
<td>电子合同</td>
</tr>
</tbody>
</table>

#### Additional Considerations

<table>
<thead>
<tr>
<th>电子商务</th>
<th>竞争政策</th>
<th>反垄断</th>
<th>自我约束 / 行为规范</th>
</tr>
</thead>
<tbody>
<tr>
<td>电子政务</td>
<td>网上公共采购</td>
<td>因特网管理</td>
<td>其他争议解决方法</td>
</tr>
<tr>
<td>行政审批许可</td>
<td>电子金融安全</td>
<td>媒体 / 电子内容</td>
<td>标准化步骤</td>
</tr>
</tbody>
</table>

#### Regulatory Framework and Local Laws

- Regulatory framework
- Local laws comparison study
Necessary Legal Foundations for electronic government

- Signature under electronic documents
- Reception of electronic documents (= confirmation of incoming mail)
- Administration of documents (= registry)
- Processing of documents (= Vorgangsbearbeitung)
- Sending of documents (= Postversand)
- Archiving of documents
- Researching documents
- Selection of documents

Related to an administrative process
电子政务的必要法律基础

- 签名 在电子文档上
- 接受 电子文档（＝确认接收到邮件）
- 管理 文档（＝登记）
- 处理 文档（＝Vorgangsbearbeitung）
- 发送 文档（＝Postversand）
- 存储 文档
- 研究 文档
- 挑选 文档

⇒ 与行政过程有关
Where do E-Government and Regulation Touch?

- Information Security
  信息安全
- Personal Data Protection
  个人信息保护
- future transferability and sustainability of data
  将来的借鉴和数据的可持续
- Integrated Data Systems
  一体化的数据系统
  (distributed servers or one server?)
  (是分布式的服务器还是一个服务器?)
- Digital signatures
  数字签名
- electronic contracts
  电子合同
- alternative telecommunications networks
  reaching remote clients
  联接边远客户的备份电信网络
- Digital Divide / Universal Service
  数字鸿沟 / 通用服务
For Example: Legal Foundations in Europe

- Administrative Procedures Law („Verwaltungsverfahrensgesetz“)
- Digital Signature Law („Gesetz über die Rahmenbedingungen für elektronische Signaturen (Signaturgesetz)“) and ordinance on electronic signature („Signaturverordnung“)
- Encryption
- Teleservice Law and Media Service State Treaty („Teledienstegesetz und Mediendienste-Staatsvertrag“)
- Civil Procedures Act („Zivilprozessordnung“)
- Judiciary Communication Law („Justizkommunikationsgesetz“)
- Non-Discriminatory Law for Disabled („Behindertengleichstellungsgesetz“)
- Data Protection Law („Datenschutzrecht“)
- Freedom of Information / Access to Government Records Law
举例：欧洲的法律基础

- 行政程序法（"Verwaltungsverfahrensgesetz"）
- 数字签名法（"Gesetz über die Rahmenbedingungen für elektronische Signaturen (Signaturgesetz)"）和电子签名法（"Signaturverordnung"）
- 加密
- 电信服务法和媒体服务国家条约（"Teledienstegesetz und Mediendienste-Staatsvertrag"）
- 内政程序法案（"Zivilprozessordnung"）
- 司法沟通法（"Justizkommunikationsgesetz"）
- 残疾人非歧视法（"Behindertengleichstellungsgesetz"）
- 数据保护法（"Datenschutzrecht"）
- 政府信息公开法（"Bundespersonalvertretungsgesetz"）
An effort for an Information Society Framework
努力创建一个信息社会的框架

Policy
政策

R&D and Innovation
研发与创新

Good Practice And Implementation
良好的实践与实施
The elements of EU “Informatisation”
欧盟“信息化”的重要元素

- Audiovisual policy: “TV without frontiers” directive
  视听原则：“电视无国界”指令
- Communications policy: e-Communications regulatory framework
  通讯原则：电子通讯法规框架
- i2010 Strategy
  I2010战略
1. Modernising the ‘TV without frontiers’ Directive

推进“电视无国界”指令

- Has just been updated 刚刚更新
- Rules for audiovisual services to be based on content, rather than mode of delivery 视听服务的规则基于内容，而非播放模式
- Distinguish between linear (‘push’) services and non-linear (‘pull’) services 区分线性（“推”）和非线性（“拉”）服务
- Non-linear services to be subject only to a basic set of minimum principles 非线性服务仅遵循一套最基本的原则
  - e.g. to protect minors and prevent incitement to racial hatred 比如，保护未成年人以及避免可能会激发种族仇恨的内容
- Simplify and liberalise rules on inserting advertising in TV programmes 对于电视节目中插播的广告要简化并放宽限制
2. The Communications Regulatory framework

通讯法规框架

- Aims to promote competition, internal market, citizens’ interests 目的是促进竞争、扩大内部市场、保障公民利益
- Based on principle of technological neutrality
  基于技术中性的原则
- Regulation linked to competition: regulation removed when competition becomes effective
  与竞争相关的法规：当竞争变得更加有效时，取消法规限制
3. i2010: Three priorities

i2010: 三个优先

- A Single European Information Space
  唯一的欧洲信息空间
- Innovation and investment in research
  研究方面的创新和投资
- Inclusion, better public services and quality of life
  囊括更好的公共服务及生活质量
I2010 strategy

eGovernment Action Plan

- No citizen left behind
- Effective and efficient government
- High-impact key services
- Key enablers
- Participation

Objectives

- E-service more accessible for all citizens
- Higher user satisfaction
- Reduce administrative burden
- Gains in efficiency
- Increase transparency and accountability
- 100% of procurement electronically available
- 50% usage
- Secure means of electronic identification recognized across the EU
- Tools for effective public debate and participation
电子政务行动计划

• 不将任何一个公民落在后面

• 有效的、高效的政府

• 影响大的关键服务

• 关键促成因素

• 参与

目标

• 电子服务更能让所有公众获得

• 更高的用户满意度
• 减轻行政负担
• 提高效率
• 增加透明度和责任划分

• 100%的采购实现电子化
• 50%的使用率

• 在整个欧盟得到承认的安全的电子识别手段

• 用于有效公共辩论和参与的工具
Indicators

eGovernment Action Plan

- No citizen left behind
- Effective and efficient government
- High-impact key services
- Key enablers
- Participation

Indicators

- Usage of eGov services by socially disadvantaged groups
- Public websites degree of compliance with international accessibility standards
- Users’ satisfaction with eGovernment services
- Amount of information requested from citizens and businesses
- Number of transactions fully completed online
- % of public procurement above the EU threshold available electronically
- % of public procurement above the EU threshold carried out electronically
- Number of transactional public services with legally binding and mutually recognised eID
- Number of functioning pan-European online services
- Bench-learning
电子政务行动计划

- 不将任何一个公民拉在后面
- 有效的、高效的政府
- 影响大的关键服务
- 关键促成因素
- 参与

目标

- 社会弱势群体对电子政务服务的使用率
- 公共网站符合国际可访问性标准的程度
- 用户对电子政务服务满意度
- 公众和企业要求提供的信息量
- 完全在网上完成的交易的数量
- 超过欧盟标准的在网上提供的公共采购服务所占百分比
- 超过欧盟标准的以电子方式完成的公共采购服务所占百分比
- 用合法的、相互认可的电子身份证完成的交易型公共服务的数量
- 可正常使用的整个欧洲范围的网上服务的数量
- 基准学习
Regulation and E-Government: Key Questions of the Project
管制和电子政务：关键问题

- Does actual legislation / regulation affect e-government projects directly / indirectly?
  实际的立法/管制是否直接或间接地影响了电子政务项目？

- Are the plans for future regulation / legislation known to e-government decision-makers and integrated in the project plans / master plans?
  电子政务项目决策人是否知道未来的管制/立法，并把它融入到了项目计划或主体计划之中了？

- Do government officials who are in charge of e-government projects receive regular trainings / updates on regulatory developments?
  负责电子政务项目的政府官员是否接受关于管制发展的定期培训或通报？
Local and Province-level Implementation
例子：地方和省级的实施和培训

Regulatory provisions for e-government projects:
Overview
电子政务项目的管制条款：回顾

What are important regulatory provisions to be considered when setting up an e-government project?
建设电子政务项目时需要考虑的重要法律法规是什么？

Critical factors in Information Society
信息社会的重要因素

What are the factors for success and failure when setting up e-government projects?
Where are further regulations required?
导致电子政务项目建设成功或失败的因素是什么？还需要哪些法规？

e-signatures:
Applications and Implementation
电子签名：应用和实施

How to make the most out of electronic signature for e-government services? How to integrate them adequately?
电子政务服务如何最有效地利用电子签名？如何能充分地集成电子政务服务？
Local and Province-level Implementation
例子：地方和省级的实施和培训

Tackling Digital Divide
解决数字鸿沟

What good examples are there for e-government projects approaching the digital divide issue?
解决数字鸿沟问题的电子政务项目有无好的范例？

Electronic Record management
( for Access to Inform. )
电子记录管理
（获取信息）

How can electronic systems facilitate ease the Implementation of Access to Government Information Laws? What systems are available?
电子系统如何帮助人们获取政府信息法律？有哪些系统？

Handling Information Security Issues
处理信息安全问题

How can information security issues be adequately approached in the establishment of e-government projects? How can education, technology and regulations come together?
建设电子政务项目时如何有效地解决信息安全问题？教育、技术和法规如何协同一致？
Local and Province-level Implementation
例子：地方和省级的实施和培训

New Copyright Approaches
新的版权方法

What measures can be taken at local level to educate citizens about online copyright issues? What are the current regulatory provisions? 地方上可以采取哪些方法教育公民网络版权的问题？现有的法规有哪些？

Application of FOI regulations in practice
实践中应用的信息自由法

How to handle the new Freedom of Information law in practice? How to train staff in handling the requests? 如何处理实践中的信息自由法？如何培训处理此类请求的人员？

practical Issues of Telco Regulation
电信法I的现实问题

How does the new telecommunications law affect the local and provincial level? 新的电信法在地方和省级有什么影响？
local implementation of online arbitration and e-contract
地方实施网络仲裁和电子合同

Engaging industry (public-private partnership)
与产业界合作（政府与民间合作）

How are disputes relating to online transactions being handled. What new regulations are coming Up? What action is required?
现在是如何处理有关网上交易的争议的？有什么新的法规？要有什么样的行动？

How to establish links between private and public sector on e-government projects?
Which business models are possible, which Are not?
在电子政务项目上政府和私营部门如何建立起合作？什么样的业务模式是可行的，什么样的业务模式是不可行的？
For more information, contact:
如需更多信息，请联系：

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