

REALaw Forum 2024

Call for Papers Digitalisation of Public Administration in Europe



PÁZMÁNY

Pázmány Péter Katolikus Egyetem
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Digitalisation of public administration has been on the agenda of the European Member States for over a decade now, with the aim of rendering public administration services more efficient and interoperable. Digitalisation may yield numerous benefits in the realm of administration: it can speed up administrative procedures while cutting personnel and storage costs at a time where governments are scrambling to spare public resources. It also lays the context for the interoperability of administrative registers holding personal and other data, which is of utmost importance for one-stop-shop administration. The ensuing e-administration provides accessibility for residents living in remote areas, while providing the necessary context for remote working for administrative staff, ensuring the sound functioning of the public administration also in times of crisis or emergency, such as war or a pandemic.[1]

However, digitalisation of public administration also carries serious challenges: data-driven algorithmic decision-making may raise issues of legitimacy or bias.[2] An example would be the A-level algorithm scandal of the UK in 2020, where the grades of pupils of the most disadvantaged backgrounds were excessively downgraded.[3] Depending on its scope, automated decision-making carries the risk of unfair decisions, for example by eliminating discretion in decision-making on eligibility for certain healthcare services.[4] Unchecked, algorithms may even turn out to deliver discriminatory decisions: the child care benefit fraud scandal in the Netherlands is a case in point. Authorities penalised, and often ruined families – typically belonging to ethnic minorities – suspected of fraud on the sole basis of a self-learning algorithm's 'risk profiles', which in turn, were

[1] Renata Gabryelczyk, 'Has COVID-19 Accelerated Digital Transformation? Initial Lessons Learned for Public Administrations', *Information Systems Management*, Volume 37, Issue 4 (2020), pp. 303-309.

[2] Madalina Busuioc, 'AI algorithmic oversight: new frontiers in regulation. In M. Maggetti, F. Di Mascio, & A. Natalini (Eds.), *Handbook of Regulatory Authorities* (pp. 470-486). Edward Elgar Publishers. Advance online publication (2022), <https://doi.org/10.4337/9781839108990.00043>.

[3] Colclough, Christina J., 'Reshaping the Digitization of Public Services', *New England Journal of Public Policy*: Volume 34, Issue 1, (2022), p. 3.

[4] Stephan Grimmelikhuijsen, Albert Meijer, 'Legitimacy of Algorithmic Decision-Making: Six Threats and the Need for a Calibrated Institutional Response', *Perspectives on Public Management and Governance*, Volume 5, Issue 3 (2022) pp. 232-242.

fed with biased data.[5]

By regulating the conditions for data sharing, the EU's Data Governance Act is meant to boost data-driven innovation for the benefit of union citizens and the economy, while bridging the digital divide.[6] However, exchange of data or interoperability of digital registers – including those managed or held by different administrative bodies – may be hampered by semantic[7] and technical challenges, but also legal requirements, such as data security and data protection within and between Member States.[8] Full interoperability may violate rights and interests, e.g. where data related to health and sexual preference become accessible across public administrations or even corporations as in the *Grindr scandal*.[9]

The uneven development of digitalisation, lack of access or monitoring can also be problematic. 'Digital citizenship', to be introduced in Hungary shortly, contains all licenses and identity cards of the citizen, allows for electronic signatures, communication with public authorities and even payments. However, since the technical pace of digitalisation of features pertaining to digital citizenship vary, citizens will be unable to access the full array of digital citizenship functions. As far as accessibility is concerned, citizens lacking digital literacy, equipment, or connectivity such as the older or poorer members of the population, or minority language speakers may encounter difficulties in exercising their right to administrative services in a transformed, digital administrative environment. This may lead to disenfranchisement by having to rely on others to manage their affairs digitally, or even discrimination, for example where digitally illiterate parents cannot communicate through digital school systems, with the result that typically children with a minority background must repeat their grade.[10] Finally, remote work of administrative personnel may be monitored, possibly causing a violation of a reasonable expectation of privacy (*cf. Copland v. UK, ECHR decision of 3 April 2007, No. 62617/00*).

[5] For another algorithm-related scandal in the Netherlands, see: Sarah de Heer: A Scandal on AI in Administration, Again. Fortifying Fundamental Rights in the Age of AI. *Verfassungsblog* (25 July 2023) <https://verfassungsblog.de/a-scandal-on-ai-in-administration-again/>.

[6] Recitals (2)-(3), Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724, OJ L 152, 3.6.2022, p. 1-44.

[7] Petra Lea Láncoš, 'Linguistic challenges of interoperable registers in the context of e-government services', forthcoming in: Láncoš-Gerencsér-Balogh (eds.), *Law and Language in the Human Machine Era*, Pázmány Press (2024).

[8] see eg. Hartmut Aden, 'Interoperability Between EU Policing and Migration Databases: Risks for Privacy', *European Public Law*, Volume 26, Issue 1 (2020) pp. 93-108.

[9] Aynne Kokas, 'Grindr and the Data Corpus: Theorizing Consent in Data Localization', *Proceedings of the 55th Hawaii International Conference on System Sciences* (2022), pp. 2801-2803.

[10] Agnieszka Agata Tomaszewicz, 'The impact of digital literacy on e-government development', *Online Journal of Applied Knowledge Management A Publication of the International Institute for Applied Knowledge Management* Volume 3, Issue 2 (2015) pp. 45-53.

Call for papers

The Review of European Administrative Law invites papers for the upcoming 2024 Young Researcher's Forum to be held in Budapest, Hungary on 5-6 September 2024 at *Pázmány Péter Catholic University* on topics including, but not restricted to:

- the EU and national requirements of, or European and comparative insight into the digitalisation of administration;
- the application of general administrative law principles (e.g. duty of care, effective remedies, proportionality etc.) in the context of digitalisation;
- EU data protection aspects of e-administration;
- liability for failures in e-administrative services;
- rights of access and the digital divide in e-administration;
- emerging challenges of digitalisation of public administration including the threat of bias or discrimination.

How to submit

We invite young scholars (i.e., PhD researchers, and scholars until 5 years after having obtained their PhDs) to submit abstracts of maximum 500 words in a topic related to the broad theme of the Forum.

Please submit your abstract via email at digitalization@jak.ppke.hu by **15 January 2024**.

Selection process

The Scientific Committee, comprised of Petra Láncoš, Robert Böttner, Balázs Gerencsér, Lilla Berkes and György Sántha, will select abstracts eligible for presentation at the 2024 Young Researchers' Forum by 30 January. Authors selected will submit their draft papers by 20 August. Selected papers will be presented at the Young Researchers' Forum on 5-6 September.

Upon the conclusion of the Forum, selected contributions will be considered for a Special Issue on Digitalization of Public Administration in Europe for publication in the Review of European Administrative Law (REALaw) in 2025.

Please send abstracts and queries to: digitalization@jak.ppke.hu