

## **The impact of public information on business and private citizens**

A reflexion starting from the examples of French web sites “Service-public” and “Legifrance”

### **Introduction**

The topic of our workshop, today, is really so large, that only 20 minutes, to develop it, seem too short.

What is exactly the impact introduced by the using of on-line information modes? Probably a new deal between users, private citizens, businesses on one hand and State on the other hand, a new deal, which founds a new partnership.

In France, the traditional relationship between the State and the citizens has been for the last century a relationship between Users (les usagers) in French and the Public Power (la puissance publique)

This ideology, because it was an ideology, lets the users in the centre of the system. They were the goal of the State, even it is justifications. Users weren't subjects anymore. But really, I think this notion was empty.

Legally Users was an empty notion. The public power is a power and user, a subject.

Often, users couldn't understand the procedure, and the language used in the procedure

The on-line procedures are changing this relationship. With on line procedures, users are becoming the real characters

Why? Because the justification of an on line procedure is to be more simple than the forms procedure.

### **The development of the on line procedures in particular, of the public web sites on general involves the notion of simplification**

With the word of “simplification” in French, we can understand:

- *Information*
- *An easy access to the procedure included a language more comprehensive*
- *And a procedure that is saving time for businesses and private citizens.*
- *better data processing for civil services.*

To simplify the administrative procedures starts with better information of citizens and companies on their rights.

It is from this point of view that I would present initially the web site “Legifrance” the web site devoted to the diffusion of the right on line.

### **Legifrance: the access of the right on line**

France and the other Member States of the European Union are perfectly aware of the necessity to share common rules, first for the benefit of the European citizen, but also for the economic activity of the Union.

For this reason, it seems important to quickly analyse the French frameworks for the best use of public sector information.

#### **1) the French framework:**

Last year, the French Parliament has adopted the “**Bill on the Information Society**”. The access policy to the public documents is as follows:

- the public sector has to deliver to anyone who asks for them the electronic documents in its possession;
- the public services have to give the citizen access to the essential documents and information which concern them, through websites that are easy to use and free of charge.

The basic idea is that the legal principles valued by French democracy should be fully applicable to the Internet: freedom of expression, protection of minors, preservation of the right to personal privacy and privacy of communication, quality of access to knowledge, protection of copyright and industrial property rights, cultural diversity, consumer protection and so on; but, although specific legislation for the Internet is unnecessary, a certain number of adjustments to our legal system are essential in order to clarify the legal environment in which the information society operates.

A particular effort is made to ensure adequate protection for personal data.

#### **2) the specificity of the public legal documents:**

In Europe, both the institutions of the Union and the fifteen Members states have now their own portals to the public administration services, free of charge.

In most of the cases, there is an electronic guide that includes all the essential information that citizens need in different situations in life, as well as useful information for companies.

It was more difficult for these bodies to build a **legal information system** for professional users, such as prosecutors, judges, lawyers or law librarians, and the general public, with high performance for the professional users and user friendly for those who are not familiar with the law.

“No one can claim ignorance of the law” as we say in France; it is the reason why the citizen must have a free access to it, without any payment.

Free access to the law, but only to the law:

So as not to harm the competitive sector, the public administration in charge of the legal information gateway “Legifrance”, confines itself to publish law and regulations, which it regards as part of its public service obligations, without any commercial objective; it refrains from making any comments or analysis on the content of such texts, which is the role of legal editors in the private sector.

There are only links between the acts available on “Legifrance” and the information needed by the citizens on the portal to the public services: for example, information about “how to get a driving licence?” are linked to the bill about security on the roads.

The respect of privacy, the protection of personal data, is the main restraint in the publishing of law on the internet: it is for this reason that documents divulging nationality, ethnic origin, or religion of the citizens are not accessible.

For the same reason, in case law, the name and addresses of the parties and the testimonies are deleted from the judgements and decisions of the French Courts, which must stay anonymous, as far as physical persons are concerned.

### **3) “Legifrance” the French Legal information On-line**

<http://www.LEGIFRANCE.gouv.fr>

This public service gives a free access to the following acts:

- The law on force:
  - . The Treaties and international agreements ;
  - . The French Constitution;
  - . The collective professional agreements;
  - . The European regulations.
- The official publications :
  - . The Official Journal of the European Community ;
  - . The Official Journal of the French Republic ;
  - . The official bulletins of the ministries.
- The Case law :
  - . the decisions of the Constitutional Council, of the Council of State and of the Court of Conflicts ;
  - . the decisions of the Appeal Court etc.
  - .

The gateway : links to other legal websites :

The external legal websites listed by Legifrance are mainly :

- EUR-Lex for the acts published in the Official Journal of the European Community and for the decisions of the European Court of Justice and the European Commission for the Human Rights.

- the site of the Foreign Affairs giving access to the treaties and international agreements .
- The portal <http://www.impots.gouv.fr>, for all the questions of taxes.

Legifrance has the mission to make the access to the law by citizens easier, by :

- gathering legal data on the platform ;
- giving the choice to access to the acts by the more appropriate way:
  - simple access for the citizens;
  - advanced research for the professionals.
  - access by an index or through the guide "your rights and procedures" of service-public.fr <http://www.service-public.fr>

### **Service Public: the access of administrative information**

The web site “service public” is the official gateway for all civil services. This web site uses always the same principles:

*To give Information*

*To give a Simple access to the on-line services*

This site has guides classified by theme, a civil service directory and public web site directory. It is also able to use the links to access the texts of law, public reports and job offers in the civil service. The search engine will help find information in all the gateway topics and on the public web sites.

#### **This web site contains:**

##### A search engine

With the search engine of “service public”, it is possible to search for terms in the pages of service-public.fr and all the public sites simultaneously. Service-public.fr advice sheets are displayed first, followed by entries in the civil service and public web sites directories. The engine also searches other public web sites with these results being displayed at the end. Using the advanced search you can limit your search to specific fields, such as the title, keywords, description and Internet address (URL) and restrict the search to a single heading.

##### A civil service directory

This directory is an index of 11,000 services and 13,000 managers. It is able to do a simple search by organization name, acronym, the area of activity, region, department or manager.

There are also organization chart of the civil service, list of relevant ministries and their departments, free search in the ministries or all organizations at a national level.

For local services, there are the contact details of government representations and ministries

by region and department (for local authorities, for example, town halls; see heading "useful addresses" on the home page.

### A public web site directory

The sites are grouped together in five categories according to their level: national, local, European, international and foreign web sites.

. Under the heading "national sites", it is found public organizations covering all of France.

It is also possible to gain access by subject or organization name from an alphabetical list.

The heading "local sites" also provides geographical access using a sensitive map and drop-down menus allowing choose a region or department.

"European sites": This heading provides links to European cooperation sites and to European Union member states.

"International sites": provides links to United Nations sites and their particular organizations as well as other international organizations.

Foreign sites": brings people to country institution sites other than France. Access is by country, alphabetical lists by country or continent.

### Laws and official reports

There is a link to Legifrance, the French legal reference site on. Free access to all the essential terms: all laws currently in force, selected regulations, official Journal backdated to 1990, international treaties and agreements, jurisprudence, legal developments.

This access in English, German, Spanish and Italian is available for the codes.

Public reports library: Reports and studies on political, social and economic subjects can be downloaded free of charge or ordered in printed form.

### Rights and procedures

The guide "your rights and procedures" informs the user about his rights and obligations and directs him to relevant organizations. It comprises 2,400 sheets grouped by subject and 1,500 answers to frequently asked questions. The files contain essential information on a specific subject and it is able to use them to identify the relevant person in the civil service. Links to other public web sites help people to find more detailed information with cross-references to reference texts and relevant forms completing the range of services.

### On line forms

It's able to download forms of your choice from a subject list. You will need Acrobat Reader software to be able to read these documents and to download this free of charge. Print out the form, fill it in and send it back to the relevant civil service. The logo "CERFA" and the number marked at the bottom confirm the authenticity of the form. The civil service is obliged

to accept these forms under Decree no. 99-68 of 2<sup>nd</sup> February 1999 relating to making administrative forms available on-line, Art. 4. Some forms can be filled out on-line.

It aims to give citizens and businesses access to all administrative information on-line. Its objective is above all practical: to answer questions posed by citizens to make their contact with the civil service more user-friendly.

In fact, Service public is a web site involving two gateways, the first for citizens and the second for businesses. Soon

The entire civil service is involved in the production of service-public.fr. The ministries are represented at the steering committee (chaired by the interministerial delegate for State Reform) and local services also participate in the development and enhancement of the service.

The Service-public.fr gateway has been developed as part of the government's action plan known as "preparing France for entry into the information society".

This action plan founds the development of all on line services for citizens and businesses. The principle has been the confident given to the users.

This principle is very important because it opens on-line services really easier without too much control, relevant papers which let this kind of procedures impossible or too difficult.

The following of this draft will show two specific on line procedures, the first for citizens "record of punishment affidavit" the second for businesses "on-line payment of VAT".

### **Citizen services on line**

An example: "the record of punishment affidavit"

In this example, we will recognize the principles which chair any on line procedures and which we already described.

Initially the procedure must be simpler than that done starting from a form. By "simpler" we must understand more intuitive and explanatory.

In order to answer this requirement legal information and instructions of the procedure are given on the left-hand column. Information is legal and based on the databases of Legifrance.

An intuitive presentation of the procedure must then make it possible to carry out its request. The true question of a on line citizen procedure is that of the safety and personal data protection on one hand, while limiting the request for supporting documents on the other hand.

The question of safety is very important for on line procedures, even too important. In this field it is requested sometimes more from on-line procedures than with the form.

If safety is necessary, it should not become an insuperable limit for the development of on line procedures.

From this point of view, France decided to make the bet of confidence. Some quite protected documents or some information strictly necessary must make it possible to make the procedure

In the case of the record of punishment request only the personal data concerning with the marital status are necessary.

This information being already public, the procedure is not weighed down by an additional request for supporting documents.

The same bet of confidence is made for businesses on line procedures.

### **Businesses on-line services**

As for the others on line procedures, the goal of e-administration for the enterprise is to present e-procedures simpler than with former forms.

With the new system of information COPERNIC, the French financial ministry has built for ten years a total services for 500 000 enterprises

The services have included on line declaration for taxes and on line payment for VAT.

The on line procedures are obligatory since 2001 for all 15 millions€ and more turn over enterprises

*As usual, the principle of this kind of line procedures is*

Firstly, information about right and law,  
Secondly, the presentation of the on-line procedure,

About security, the VAT procedure as the others taxes procedures didn't chose the "e-signature" but a dedicated e-certification.

The simplification and the originality of this on line procedure is a pre form filled. The company having subscribed to this service receives on its e-desk on line forms. The company then does not have anymore but to confirm or correct then to returns towards the administration.

The first interest of this type of procedure is of procedure is initially to make save time with the company.

The second interest is to make it possible the administration to seize directly the data which it must treat.

Thus the administration, like the company, gains better productivity.

## **The next step “Mon service public”**

The next step for the French administration is setting up a personalised administrative portal, [www.mon-service-public.fr](http://www.mon-service-public.fr), in order to allow citizens to directly access information relating to them and held by the different administrations.

The formula of a personalised administrative portal should be designed as a simple gateway allowing the user, with the assistance of hypertext links, to access different administration services. It should not be an administrative collection point, centralising all the administrative data on the user.

The operation of a personalised administrative portal should be based on the principle of voluntary participation and reversibility.

The personalised portal should be provided for in law

The rights of access and rectification provided for in the law of 6 January 1978 should be added to in such a way as to provide for these rights to be exercised on-line.

The reform underway of the 1978 law should also be used to create a legal mechanism that would make dialogues between the administrative files possible at the request of the user.

Technical identification solutions used by the portal should provide an appropriate level of security for the user. In this respect, the use of a smart card issued to users would be possible, as well as other identification support such as software certificate

All these principles will found the installation of this new stage through the new portal “mon service public”.

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