

THE IMPORTANCE OF NEW TECHNOLOGIES IN PUBLIC ADMINISTRATION

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Abstract: At global level, society is going through an important moment in its historical development, namely the step-by-step abandonment of the old way of interacting with public authorities, by physically going to the institutions' office and accepting remote means of communication. This means that people are open to change, they know how to use a device to help them and this is usually a mobile phone or a computer connected to the internet. Traditionally, the doctrine of administrative law operates with concepts such as: public interest, public service, public power regime etc. Nowadays, however, in the context of digitalisation, new terms have entered the collective mind that do not necessarily belong to the field of administrative law but intersect with it: digital identity, digital identification, electronic means. The global trend is that in the near future administrative procedures will be online. Therefore, in this light, the paper aims to analyse the regulatory framework applicable to new technologies in administration, in an interdisciplinary analysis, starting from administrative law.

Key words: public administration; artificial intelligence; digitalisation; AI ACT; administrative procedure.

Introduction

Nowadays technology has invaded our lives. From this perspective, public administration authorities, in their interaction with citizens, are

invited to include modern means of communication in the administrative procedure, always taking care to safeguard the public interest.

Moreover, the notions of public administration (Popescu, 2017, pp. 528-532.) and public authority (Cliza, 2012, pp. 94-97) have often been analysed in the doctrine.

Nowadays, particular importance is paid to the digitalisation of public administration and the imminent implementation of artificial intelligence on a global scale. These trends need to be clothed in secure regulatory clothes that protect the citizen's interaction with the administration in the online environment, an environment that can be vulnerable as it operates with personal data. Furthermore, "protecting fundamental human rights is a direction that more and more states are pursuing when allowing the development and use of AI technologies on their territory" (Stoica, 2025, p.35).

It is interesting to know which values the new regulatory framework is guided by, bearing in mind that "the legal norm requires acceptance of and compliance with prescribed conduct" (Hegheş, 2022, p.153). The values on which the European Union is founded are set out in Article 2 of the Treaty on European Union - T.E.U.: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (...)".

A legal interpretation of the Union regulation shows that the first fundamental value is human dignity. Furthermore, the rules of legal interpretation have been developed by specialists (Popa et al 2017, pp. 197-202; Bădescu, 2018, pp. 167-187, Boghirnea, 2018, pp. 50-57).

The present paper aims to analyse the importance of the legislation necessary for the integration of new technologies in administration, starting from the European regulatory framework and reaching the national level, the research being interdisciplinary.

On integrating new technologies in administration

Our country is bound to implement the European legislation and currently, the regulatory framework necessary for digitalisation is being created slowly, requiring state investment in infrastructure and professionalization of all civil servants in the administration. Specialists point out that "the regulation of the digital domain (...) implies the formation of new paradigms in the legal space" (Conea, 2019, p. 10).

The most relevant legal acts adopted at European level that shape the legislation applicable to the subject (regulations) are listed below. Note that "Regulations have general applicability" (Fuerea, 2010, 141).

First of all, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (published in OJ L119, 04.05.2016). This act, known as the GDPR, is now in force and has put into operation the need for mandatory compliance with rules on individuals' personal data.

Subsequently, we note the adoption of Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) no. 910/2014 as regards establishing the European Digital Identity Framework, published in OJEU, L 30.4.2024.

This normative act operates with specific terms such as: electronic identification, electronic means of identification, personal identification data, electronic identification system, authentication, etc. At the same time, *the European Digital Identity Wallet* is introduced and Member States shall ensure the collection of statistics in relation to the functioning of European Digital Identity Wallets and the qualified trust services provided on their territory [art.48a para. (1)]. Analysing the European Regulation, we appreciate that it may lead to public perception concerns about the technical measures taken by authorities for data security. Moreover, the doctrine has pointed out that "the new international triangle can be brought together in a single idea, recognizing the interdependencies and reciprocal influences between human rights,

digitalisation and security in the digital world, especially in economic development" (Popa Tache, 2024, p.4).

Finally, we note one last recent piece of legislation, popularly known as the AI ACT, namely Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (published in OJEU L 2024/1689, 12.7.2024). The normative act is centred on an AI system, which needs a virtual environment, involving the internet, in order to function. The researchers state that "thanks to this new and unprecedented regulation, Europe is the first continent to have adopted a legal and technical corpus that creates an environment favourable to its development in conditions of security for man and society" (Duțu, 2024).

According to the European AI Strategy of April 2018 (COM (2018) 237) the concept of *artificial intelligence (IA)* refers to "systems that display intelligent behaviour by analysing their environment and taking actions – with some degree of autonomy – to achieve specific goals".

According to AI ACT art. 69, para. (2): "Member States shall make publicly available information on how competent authorities and single points of contact can be contacted, through electronic communication means by 2 August 2025".

At national level, the Administrative Code has been adopted and the Code of Administrative Procedure is to be adopted. We note that "at the European Union level, the Research Network on European Administrative Law (RENEUAL) has developed (...) the Law of Administrative Procedure of the EU" (Săraru, 2017, p.234).

The future national Code of Administrative Procedure, which is currently being drafted, stipulates that during the stages of the

administrative procedure, in the interaction with the authority, remote means of communication may be used¹ art. 34.

Furthermore, civil servants have been provided with a Cyber Security Guide, through which they have received instructions on data security to protect them from various threats and vulnerabilities in the administrative procedure².

Another important normative act, in the light of the analysed topic, is Government Resolution no. 832/2024 on the approval of the National Strategy in the field of artificial intelligence 2024-2027 (published in Official Journal no. 730 of 25 July 2024). In fact, it has been rightly observed that "Artificial intelligence, in many situations, cannot function without the internet, and as such, the two information mechanisms have determined a new regulatory revolution in the field" (Boghirnea, Niemesch & Ton, 2024, p.700).

Conclusions

Scientific research has highlighted the importance of having EU legislation applicable to the digitalisation of public administration. This regulatory framework comes with new concepts such as digital identification, digital identity, authentication, European digital identity wallet, etc.

The documentation carried out shows that "digitalisation brings with it new issues of responsibility, legal liability, limits and respect for citizens' rights and freedoms" (Stefan, 2024, p. 565).

At the European level, legislation on modernising administration is well established. For example, the AI ACT brings a new concept, an AI system that needs a modern phone or computer in order to be able to work.

¹ <https://sgglegis.gov.ro/legislativ/docs/2024/02/hx8q51ts03479d2wvkyz.pdf>,

² <https://dnsc.ro/vezi/document/ghid-protectie-functionari-publici>, page 5

In terms of administrative procedure, the Code of Administrative Procedure has not yet been adopted, but the draft law provides for participation in the administrative procedure by electronic means.

Furthermore, Romania has adopted the National Strategy for Artificial Intelligence 2024-2027, which addresses the issue of artificial intelligence in the fore front.

In practice, IT systems can have vulnerabilities that can lead to damage. One of these is the lack of internet, which makes it impossible for the systems to operate and therefore leads to a lack of communication between citizens and the administration.

In conclusion, the lack of internet, coupled with a weak infrastructure in the administration, can make it difficult to carry out administrative procedures electronically.

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