

Civil Servants' Responsibility in Context of Implementation, Use and Abuse of Information and Communication Technologies in Public Administration

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Public administration and government in the twenty-first century face two inevitable imperatives. The first is the demand for reform and modernization. Public administration has been forced not only to increase its efficiency, simplify procedures and continue de-bureaucratization but also to supervise and be critical of its performance. In other words, governance means that governments must be capable of evaluating their own administration, and to this end, developing an administrative culture open to evaluation and to accountability. The second imperative, which is closely tied to the first, is that public administration needs to adapt to the profound organizational changes produced by new information and communication technologies. Technology is an instrument that in and of itself has no negative effects, but rather has a great potential for fulfilling the goals of government if it is properly introduced and adapted to each particular context. The proper thing to do is to reconstruct it for the benefit of societies and the legitimacy of governments. In the public sector, especially in government, the use of new information technologies has been a key factor in innovating and renovating public administration. Among other things, they are a faster way to obtain more concise information and they multiply the ways in which that information can be used. They also improve the efficiency of administrative practices, simplify procedures and help guarantee better performance.

The transition from an administration of procedures to an administration of results presupposes a "customer-centred" orientation of the public services. New Public Management as a model and discourse of administrative reform requires not only an optimization of the terms of citizen's information and communication, but also a more horizontal, less vertical, organization, one in which both citizens and mid- and lower-level officials are empowered. New technologies lead to a different type of governance, a direct so-called electronic government, whose goal is to improve internal administrative processes and the rendering of public services on the one hand and to reduce the distance between government and society on the other.

A significant effort must be made to reconcile current legislation so that it can adapt not only to the "technical" requirements of the new systems, but to the simplification and corresponding de-bureaucratization of processes. It is self evident that the law is not capable to adjust to the incredible speed in which information technologies develop. It is self evident

that the law will always be behind technological development. Secondly it is increasingly difficult to translate sophisticated mathematical and technological concepts into the legal language. It is therefore important that those who in the name of the public, collect, aggregate and distribute through electronic means information about citizens on the one hand and on the other hand establish systems of control over private entities operating in this area, use their own judgment congruent with public policy and individual rights. Individual public servants and agencies have to use ethical tools in order to establish proper criteria and make individual decisions. There is a tension between open government and access to information on the one hand and our right to privacy and ownership of the information about us. The state can not have unlimited access to information and the usage of such information has to be carefully designed in order not to encroach on human rights of the citizens. This problem has both national and international dimension since even in the area of finances it is practically impossible to contain the information within the boundaries of national states. Communication highway knows no borders or state monopoly. At the same time the vast amount of information can and is used for obtaining incredible profits by international corporations. In every country there are attempts to design both substantive and procedural means of dealing with these problems. The gap in the capacity of coping between the highly developed and rich countries and poor members of international community is ever increasing. The same can be said about individuals. Some estimates state that on the African continent only about one half of one percent of the population has the access to the telephone! On the other hand in the Scandinavian counties access to communication highway is practically available to all citizens. In Poland we have over one million of people who are illiterate. For them communication highway is a total abstraction without any meaning or possibility of access and use. We have to develop ethical standards and good practices in this area if don't want some of the prophecies of science fiction literature to become reality.

The new role and position of public servants in context of implementing e-government strategies. Models of administrative responsibility for inappropriate actions of public officials.

The organization of public administration is most significantly affected by the recruitment of its members. Whether they have been appointed for political reasons or selected by objective criteria, the staff who comprise the public administration bring their own values, beliefs and prejudices to their duties. The culture of these public administrators greatly affects how they

set out to their jobs and reflects in the quality of their performance. One of the common concerns of e-Government is also how public servants should be "reconverted" to be able to face the challenge. The new generation of civil servants will not simply be replacing the precedent. They will have to be different: more innovative, more open towards the world, more global in their approaches and more attached to an identity founded on a system of common values rather than organizational territories or jurisdictions. The key condition for a successful transfer from the present government to e-Government is respect for the human factor. The e-Government will be managed and administered by real, on-the-spot officials; the implementation of e-Government will not be done successfully without their affirmative attitudes towards the use of IT in everyday jobs and their acceptance of changes brought about by the use of IT in procedures involved in government work. If government officials have positive attitudes towards employing IT in government work, they will be able to improve efficiency and effectiveness in program based on IT.

Public servants operate in a changing environment. They are presently subject to greater public scrutiny and increased demands from citizens; they also face stricter limits on resources. They have to assume new functions and responsibilities as a result of: devolution and greater managerial discretion; increased commercialization of the public sector; a changing public/private sector interface and changing accountability arrangements. Frederick Mosher once observed, "Responsibility may well be the most important word in all the vocabulary of administration, public and private".¹ Two major aspects of that concept are: subjective and objective responsibility. Objective responsibility has to do with expectations imposed from outside ourselves, arisen from legal, organizational and societal demands. Subjective responsibility concerns those things for which we feel a responsibility.

The specific forms of objective responsibility include two dimensions: accountability and imposed obligation. In terms of relative importance, obligation is the more fundamental; accountability is the means for ensuring the fulfillment of obligation in a hierarchical structure. All objective responsibility involves responsibility to someone, or some collective body, and responsibility for certain tasks, subordinate personnel, and goal achievement.

First, public administrators are most immediately responsible to their organizational superiors for carrying out their directives or mutually agreed-upon goals, and for the conduct of their subordinates. They must be able to explain their conduct and allocation of time and other resources as consistent with the work plan and objectives of the organization, whether these

¹ Mosher Friedrich, "Democracy and Public Service". New York Oxford University Press, 1968.

result from orders originated in a strict hierarchical fashion or from some collaborative decision-making process. The exercise of objective responsibility to the organizational hierarchy should not involve a simple flow of directives from top to the bottom; it should be far more complex and dynamic. The apparently fixed subordinate-superior relationships should be more fluid because of the need for consultation and sharing information up and down the hierarchy. Superiors in any bureaucratic organization are highly dependant on the specialized knowledge and experience of subordinates. Subordinates, in turn need to consult regularly with those above them about legal requirements, clarification of agency regulation and political considerations.²

Second, public administrators are responsible to elected officials for carrying out their wishes as embodied in public policies and through compliance with the law. Such policies are collectively determined for legislative acts, singly determined for executive orders. In addition to law, there are numerous other objective sources of responsibility for public administrators: organizational rules and policies, official job descriptions, and professional standards. Nevertheless responsibility to the law is a constant reminder that public organizations and their administrators exist on behalf of public. Legal mandates for public agencies are a manifestation of primary obligation to serve the public's interest and not those of the people employed in the agencies. This relationship of legal accountability is less proximate than the first because it involves relatively infrequent reporting, but it is a more fundamental obligation – it includes both preparing policy proposals and implementing legislation and executive orders.

Finally, public administrators are responsible to the citizenry for discerning, understanding, and weighing their preferences, demands, and other interests. They may respond by changing programs within existing laws or by recommending new legislation to elected officials. It is the most fundamental relationship of obligation, because the citizenry are sovereign and public administrators are their fiduciaries.

Subjective responsibility in carrying out administrative role reflects the kind of professional ethics developed through personal experience: they are manifestation of values, attitudes and beliefs we acquire from family, public schools, religious affiliations, friends, professional training and organizational involvement. Public servants should be guided not only by the criteria of effectiveness and bureaucratic rules but also by complex ethical criteria of choice. Ethical behavior and decisions maintain citizens' trust, ensure effective and efficient use of

² Friedrich Carl "Some Observations on Weber's Analysis of Bureaucracy." In R. Merton (ed.), *Reader in Bureaucracy*, New York: Free Press 1952

resources, and allow government to preserve individual rights while assisting those who will benefit the most. When ethical wrongdoing and scandals occur in government, they pose a threat to the democratic principles of the rule of law, equity, and individual rights.³

Generally, we should assume that an administrator will be expected to explain actions from a practical perspective in terms such as cost-effectiveness, efficiency, economy, feasibility, and productivity, and from an ethical perspective according to values and principles, such as equity, equality, freedom, truthfulness, beneficence, human dignity, privacy, and democracy. In this aspect system of public servants accountability includes:

- *managerial accountability* to senior public managers,
- *legal accountability* to the judiciary,
- *professional accountability* to peer group members,
- *public accountability* to citizens and clients,
- *financial accountability* to finance providers, such as central government or aid donors,
- *political accountability* to politicians and legislature.

All these accountabilities may be of internal or external nature. Within public sector organization, accountability is often that of the individual for decision made. Where accountability runs outside the organization to other recipients, accountability is often aggregated to the level of whole organization.⁴

Citizens' access to the information and protection of citizens' personal data as a key challenge for e-government officials.

Public service is a public trust. Citizens expect public servants to serve the public interest with fairness and to manage public resources properly on a daily basis. Fair and reliable public services inspire public trust and create a favorable environment for businesses, thus contributing to well-functioning markets and economic growth. Information and Communication Technology provides not only tools for good government, but first of all results in a new, closer relationship between public administration and the citizenry. The restatement of these relations on a new basis, the orientation of public services to the expectations of citizens, means that these services operate in an open, transparent system in which the citizen is not treated exclusively as a legal subject, but as a customer.

³ Dmochowski, M. & Jurczuk, A. & Szczepankowski, R. Ethics in Public Administration. in Public Administration. Trends and studies. 1 (1) Bialystok 2003.

⁴ Lawton, A. & Rose, A. Organization and Management in Public Sector. Pitman, London 1991.

Representative democracy implies that no individual or group should be excluded from the exercise of public power; each individual must have an equal chance to participate in public decisions. To do this, every citizen without discrimination must have access to complete information with regard to his/her rights and duties in relation to government priorities, services provided, and measures taken by the State. If institutions don't provide information about what they are doing, openness and more input from citizens can't be received.

Civil servants implementing ICT solutions to the daily practice of public administration have a significant obligation to make democracy, government and the political process more open for every one to provide everyone chance to participate. They are particularly obliged to share with members of local communities/societies real information that helps citizens better understand the legitimacy of government agency and power. They should also provide citizens with real information on how to best influence the policy course of the agency, because most of the citizens simply want better and more effective access to service transactions and information products. Concerning the use of IT, it is very important to distinguish between availability of information and its accessibility. Public officials should not only concentrate on new ITs as a means of information transfer in the line State – citizen. They have to regard that some groups of citizens are not able to access new information sources (e.g. low literacy level in the citizenry, weak development of telecommunication infrastructure etc.). Designing new information systems, public servants must also consider the familiarization of the citizenry with particular information technologies and implement most accessible and simply in use solutions. If public servants provide citizens with too many form of e-government combined (online chat, meetings, voting, debates, petitions etc.) potential users very probably may have problems with identifying the required service and they become discouraged and disappointed with them. It must be also considered that the emergence of different modes of accessing government services doesn't mean that citizen desire e-government to replace existing forms of interaction, or to be limited to just one form of interaction. If public servants delimit the citizenry in any way constitutionally guaranteed access to information they act not only against the law and are subject to the legal and administrative responsibility, but first of all they break a basic rule of modern democratic state of law.

A benefit of increasing online participation for democratic purpose is that it will generate a new spirit of openness about government. Just as offering more services online should instill more public confidence in government, creating a more transparent, open process – the sense

that governments aren't trying to hide anything from citizen – should boost public trust in democratic institutions.

New information and communications technologies that promote the collection, manipulation and exchange of information have done more than offer increased efficiencies and new channels of service delivery. At a fundamental level, they have altered our social relationship to data, especially in electronic form. More than just facilitating rapid access and enhanced portability of information, ICTs allow users to assemble scattered and diverse pieces of data into meaningful groupings and identify a wide variety of previously unrealized linkages. Within the context of public administration, these information management tools can assist governments to identify incidents of fraud, deliver services more cost-effectively, and respond more quickly to citizen expectations. At the same time, new ICTs, and their ability to facilitate the flow and manipulation of electronic data have a potentially devastating role to play in the erosion of personal privacy.

Privacy is a cornerstone value in every democratic society. It is a foundational right that plays a crucial role in the exercise of other democratic rights. Privacy and data protection are interchangeable terms. Just as people who use e-commerce strategies want to make sure no one else knows what they are buy or learns their credit card number, citizens are very concerned that e-government services and e-democratic communication be private and secure. In order to fully meet citizen expectations regarding trust, therefore, e-government must place a high priority on privacy and security. But it must also go further. To the maximum degree possible, it must also place the ultimate control over the collection and use of sensitive personal information, such as medical information, into the hands of the citizen rather than government or third parties. There is a significant public menace that data collected for the public services delivery can be misused for commercial purpose. In a commercial setting, they allows businesses to learn a great deal about prospective consumers and their personal preferences, build comprehensive customer profiles, micro-target marketing campaigns and deliver enhanced customer service. It is also very probable that personal data information can be used for any personal gain of public servants or other interested parties. Therefore e-governmental systems must place particular emphasis on building privacy into the architecture of the technology itself. This requires forethought and planning, both technical and political. Without control over the nature, quantity and destination of personal information that is transmitted into public and commercial spaces, individuals will be constrained in the exercise of political rights such as free expression and assembly, and in the pursuit of social and personal goals. It is a reality that underlines the special role that privacy

plays in democratic intercourse, serving as a foundational human right that makes possible the exercise of other defining political and social rights.

IT security assurance is the degree of confidence one has that the managerial, technical and operational security measures work as intended to protect the system and the information it processes. Adequate security of information and the systems that process it is a fundamental management responsibility. Agencies must plan for security, ensure that the appropriate officials are assigned security responsibility, and authorize system processing prior to operations and periodically thereafter. These management responsibilities presume that responsible agency officials understand the risks and other factors that could negatively impact their mission goals. Moreover, these officials must understand the current status of security programs and controls in order to make informed judgments and investments that appropriately mitigate risks to an acceptable level.

Information technology and public servants accountability

There is a core issue whether the new Information and Communication Technologies as well as the implementation of e-government strategies into the daily practice of public administration will make public servants more accountable for their decisions and actions. According to the different technical and organizational circumstances, which appear already in the phase of design and implementation of ICTs, there are different accountability impacts. On the one hand the new information systems can provide an essential support for accountability of public officials. If systems are designed with regard to the assumption, that information about making decision, its performance and outcomes flows to that whom decision maker is accountable, they become to a crucial component of the whole accountability system. As well enabling new accountabilities, new technologies can also improve existing one through provision of more timely, consistent and formal information about performance. If the system is equipped only with monitoring mechanism it merely supports reporting – recipient gets information on decisions and outcomes but is not able to judge them. Similar evaluations results – but with an extra impact on openness support, give systems where apart from monitoring possibilities the comparison as a vital component is foreseen. Only those information systems that provide monitoring, comparison and control mechanism can be perceived as truly supporting the accountability: allowing recipients to take actions that affect the source decision maker. The practice shows, that ICTs has tended to be used mainly to help create reporting or to a lesser extent, openness information systems.

The next possible accountability impact is an alteration balance of accountabilities. New information systems can expand the scope of accountability by delivering accountability information to new recipients such as central government or financial donors, who strive for greater control or formalized accountability relationship. In effect there is often a shift in balance of information flows and accountability from citizens to these new recipients. Public managers increasingly intend to new systems and, given their limited attention capacity, start to ignore their other accountabilities, especially public accountability. The introduction of new information systems may lead to a shift in accountabilities: between external groups, from internal management to particular external groups, and from external groups to internal management. In all above presented cases the position of public – both citizen and client is undermined. Only a significant investment in electronic public accountability system will rectify (redress) this growing imbalance.

The introduction of new information and communication technologies may also lead to the undermining of accountability. Where public manager don't have a clear record strategy, computerization has often been associated with diminution or even loss of paper records-keeping. It is also considerable that computer records are much poorer basis for accountability than paper records, because of their intangibility and malleability. One of the reasons for introducing the modern ICTs into public administration proceedings was the greater credibility and objectivity of computerized information. Recipients can be led to believe in the validity of invalid accountability information, ignoring other information channels, thus undermining the process of accountability. The introduction of the ICTs may also have some impact on new corruption practices in government agencies. They are very probable particularly in these public offices, where computer trained employees have unlimited possibility to misuse their knowledge and position for some illegal action, taking advantage of the ignorance and lack of control on the side of their IT-illiterate superiors. Finally, we have to face the fact that public sector computing will very soon exceed its original automations application role and it will increasingly make an input to managerial decision making. At the present stage of computer involvement in administration proceedings if there are some mistakes we blame the frequently and conveniently on computer errors or soft ware bugs. But if such systems automate human and reduce human input to decision making process, sometimes to removing them altogether, there is no clear answer to the question: "Who is to be held accountable when computerized information systems in the public sector are involved in decisions and subsequent actions that are judged to be sub standard?" According to the current legal regulation as well in civil as in criminal law there is lack of any binding system

solution. There are several possible accountability scenarios, which at the moment are the case studies for lawyers worldwide. For example: if the software has a bug that causes the damaging decision, who is held to be accountable: programmer, who put in the bug, the tester who failed to spot it; the system designer who chose the particular programming language and complex soft ware design; the project manager who overseeing the whole process or maybe finally public service officer who commissioned the system? These questions are still open but according to the growing importance of e-government in modern public service delivery systems must be answers possibly soon.

According to the presented theories introduction of modern ICTs into the daily practice of public administration may support, alter or undermine accountabilities. These various impacts are determined by different factors such as information technology in general, system design issues and finally factors of organizational and environmental nature.

Information technology can not create complete accountability – it provides a reporting of information in the line decision maker – recipient, in best case also openness which results in possible comparison of information on decision maker's action with norms of conduct, indicating whether there are some irregularities. The accountability of public servants can be achieved only if there is a significant support of wider organizational systems components, including people, management and processes. They must affect both the accountability source and recipients of information. Analyzing the impact of the human component on the source factor it must be emphasized that public servant should be motivated to act accountably through system of rewards, inevitability of punishment and promotion of accountable actions within organization. The aspect of management may be considered in the terms of clear managerial responsibility system, indicating the responsibilities of particular actors and identifying those who are responsible. Finally the process must exist to collect information on accountability and deliver it to the relevant recipients. On the other hand people - as the most significant recipient factor, must have ability to access the information system and interpret result, but what is more important they must be determined to make public servants accountable. Recipients must be also equipped with the substantial authority to demand explanation from civil servants and affect them with adequate and successive actions. Similarly as in the case of source factors, process are necessary also for the recipients to interpret the accountability information, communicate with the decision makers and finally to introduce the appropriate control actions.

The important factor determining accountability is also the method of system design. System designers should be made accountable for their performance, if possible to the future systems

users. This will force them to include in their project design both expectations of the accountability information recipients and requirements of decision makers. It is also indisputable that a huge impact on the accountability outcomes is exerted by structure, strategies/policies and culture of the organization, as well as political, economic, institutional, social, cultural and technical environment.

Nobody calls into question the impact of modern Information and Communication Technologies on public servants' accountability. As it was presented above, ICTs may influence the accountability system positively, but also we are not able to exclude a possibility that from a particular stakeholder perspective some of the goals will be unattained or even undesirable goals will be achieved. If even ICTs as technological solutions don't play the most crucial role for the accountability of public servants, there is no doubt that their use in design and implementation of modern information systems as a means of improving the flow of information between different actors of public life may be of the greatest importance.

There are different factors of technological, managerial, organizational and environmental nature which determine the accountability outcomes fundamentally. The general conclusion is that successful enforcement of public servants' accountability with the support of modern information systems requires wider linked changes in organizational, political and bureaucratic structures, strategies and culture. It is very likely that some groups of interest – as politicians or management staff, but also some technological implications will make these changes difficult or even impossible. As it has been already emphasized, the key condition for a successful transfer from the present government to e-Government is respect for the human factor. If government officials have positive attitudes towards employing ICTs in government work, they will be able to improve efficiency and effectiveness in programs based on ICTs. If they are concerned with fears of loss of jobs, that staff wouldn't have the necessary skills to operate new ICT applications, they will be also a factor slowing the new systems implementations or even sabotaging their efficiency and effectiveness.

According to these facts, the successful accountability initiatives will require a wide agreement among the key stakeholders - as well within as outside the organization, about the desirability of accountability. Without the compromise any initiative focused on accountability information system issues will very likely be defeated. All key stakeholders must accept the need for accountability reform. The organization responsible for system design must work out in consultation with all stakeholders an agenda for the reform, identify the new or reengineered information systems requirements of this accountability agenda and finally define the role that technology has to play in meeting these requirements.