

# Legal Barriers to eGovernment

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# Legal Barriers to eGovernment

## Issues:

- Liability
- Intellectual Property Rights
- Electronic Signatures
- Electronic Commerce

## Purpose:

- Inventory of existing and potential legal barriers and real cases

## eGovernment processes:

- Information delivery;
- Communication between public bodies and citizens or businesses/organisations;
- Transactions between the above partners;
- Interaction and participation.

# Liability issues

- Liability for the infrastructure
- Liability for information
- Excluding liability:
  - > Far reaching exonerations in contracts
  - > Use of disclaimers or terms and conditions
- Tension between economical risks and trustworthiness
- Is harmonisation of EU liability law – especially government liability – necessary? For the Member States and for EU institutions?
- Linkage to other barriers: violation of any law
- More issues or examples???

# Intellectual property rights

IPR = Rights given to people over the creations of their minds

- Dissemination of information to the public
- Request for information from the public
- Commercialisation of government information
- Other issues: neighbouring rights, patents, trade marks, biotechnological inventions, designs, trade secrets

# Examples of IPR issues

- Pilot NL: Electronic application for building-permits
- Commercialisation, database protection
- Open source software?
- Linkage to other barriers: liability, public-private partnerships
- More issues or examples???

# Electronic signatures

- To ensure: authenticity of parties, integrity of information, non-repudiation
- Electronic signature vs digital signature, example of DigiD / Tax office
- Costs vs benefits: drawback?
- Re-interpretation and clarification of the legal framework – Directive 1999/93.
- Interoperability
- Central issue: technology neutral
- Linkage to other barriers: liability, data protection
- More issues or examples???

# Electronic commerce

Why e-commerce?:

- Potential solutions
- Main reason to advance eGov in EU. However:
  - > eGov stimulates entrepreneurship
  - > Competition from the private sector?
  - > Competition from other member states?
  - > Integration of e-commerce and eGov?
- No trust, no customers
- Linkage to other barriers: e-signatures, commercialisation of government information, public-private partnership



# Inventory

Your examples of real cases on:

- Liability
- Intellectual Property Rights
- Electronic Signatures
- Electronic Commerce