Breaking Barriers to eGovernment

Overcoming obstacles to improving European public services
Modinis study
Contract no. 29172

Solutions for eGovernment
Sixth workshop report
Deliverable WP3 W.6
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1. Introduction

The project, Breaking Barriers to eGovernment: overcoming obstacles to improving European public services, held its sixth workshop on the 31st October 2007 at the Law Faculty at the European University Institute (EUI), Florence Italy. The workshop was held in collaboration with the EUI and co-branded with ePractice.eu.

The workshop provided the opportunity for the project team to gain from the expertise of a number of external academics and practitioners, and to discuss the proposals for solutions for eGovernment they had developed. The sessions following each presentation were most helpful in developing the final set of solutions that will be submitted to the Commission in December 2007. In total, 48 people attended the event from academia, industry and government from Austria, Belgium, France, Greece, Italy, the Netherlands, Spain and the UK. The sessions were as follows:

- Welcome and Introductions
  Professor Bill Dutton, OII, University of Oxford, UK

- eGovernment – The State of Play
  Dr Trond-Arne Undheim, eGovernment Unit, European Commission

- Breaking Barriers to eGovernment: Overcoming Obstacles to European Public Services
  Dr Rebecca Eynon, OII, University of Oxford, UK

- Innovation in eGovernment Solutions: The Use of Web 2.0
  Professor Helen Margetts, OII, University of Oxford, UK

- Solutions for eGovernment Working Groups
  Overcoming Barriers in the field of Privacy and Data Protection. Dr Cristina Dos Santos, CRID, University of Namur, Belgium
  Overcoming Barriers in the field of Relationships between Public Administrations, Citizens, and other ICT actors, Dr Julián Valero, University of Murcia, Spain

- Solutions for eGovernment Working Groups
  Overcoming Barriers in the field of Re-use of PSI and Public Administration Transparency. Professor Cécile de Terwangne CRID, University of Namur, Belgium
  Overcoming Barriers in the field of Authentication and Identification. Dr Sjaak Nouwt TILT, University of Tilburg, Netherlands
  Overcoming Barriers in the field of Liability. Dr. Maurice Schellekens TILT, University of Tilburg, Netherlands

- Overcoming Barriers in the field of Legal Information
  Professor Giovanni Sartor, Law Department, European University Institute, Italy
• Privacy Seals: A way forward for building trust. The EuroPriSe project
Emilio Aced-Félez, Head of the Inspection Unit, Data Protection Agency of
Madrid, Spain

• European eGovernment Awards 2007: Legal issues/barriers for
eParticipation projects
Dr Christine Leitner, Danube University Krems, Austria

• Cutting through barriers: Practical steps for implementation
Elizabeth Muller, Gov3, London, UK

• Close of Workshop
Professor Bill Dutton, OII, University of Oxford, UK

Further details about each presentation are provided in the section below. PPT
slides of all sessions can be accessed via the project website
http://www.egovbarriers.org or via ePractice
2. Presentations

Session 1  Welcome and Introductions
In this session Professor Bill Dutton welcomed everyone to the event. He thanked Professors Ernst-Ulrich Petersmann and Giovanni Sartor from the Law Faculty at the European University Institute (EUI) for collaborating with the project team on this workshop and thanked ePractice.eu for co-branding the event.

Once all the workshop members had briefly introduced themselves Professor Ernst-Ulrich Petersmann gave an overview of the history and the mission of the EUI. He concluded by saying that the tradition of the EUI to link with policy and practice linked well with the mission of the Solutions for eGovernment workshop and wished everyone a productive day.

Session 2  eGovernment – The State of Play
Trond-Arne Undheim from the European Commission gave a brief background to the Breaking Barriers project and how it fitted within the broader eGovernment objectives of the European Commission1. He discussed how the Breaking Barriers project cuts across the 5 priorities of the i2010 eGovernment action plan: inclusive eGovernment, efficiency and effectiveness, high impact services, key enablers, and eParticipation. Trond went on to discuss the progress on each of these 5 objectives. In terms of eID (key enablers) and eProcurement (high impact services) there is a clear agenda and cross-border interoperability pilots will be launched at the beginning of 2008. The efficiency and effectiveness strand is also progressing well with an efficiency and effectiveness measurement culture now in place; eGovernment measurement has shifted from a focus of just looking at availability online to a wider focus encompassing uptake and user satisfaction of eGovernment; also eGovernment expenditure is now considered as part of government expenditure. A key element under this strand is exchanging good practice and awarding excellence. Realisation of the final two objectives i.e. inclusive eGovernment and eParticipation are still emerging and developing.

Trond then summarised some of the key issues discussed at the Ministerial Conference in Lisbon, Portugal in September 2007. At the conference a number of issues were discussed including progress of eGovernment at the national level 2 and the Ministerial Declaration 20073 that builds and confirms the eGovernment action plan. Within this declaration the cross border aspect was underlined and pilot cross-border services are being launched. The EU Services Directive (whose article 8 calls for the use of electronic means and generally requires broad cross-border interoperable ICT solutions for interoperable and mutually authenticated electronic identities) was highlighted for the delivery of electronic one-stop-shop for services and is at the heart of eGovernment. Thirdly, reduction of administrative burdens was seen as crucial with and a third priority area was accelerated good practice exchange in inclusive eGovernment.

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1 http://ec.europa.eu/egovernment
2 http://www.epactice.eu/document/3927
3 http://www.epactice.eu/document/3928
Trond went on to introduce ePractice.eu for those members of the workshop who had not yet joined the community. ePractice.eu is a portal created by the European Commission which offers a new service for eGovernment, eInclusion and eHealth practitioners. It is an interactive initiative that empowers its users to discuss and influence open government, policy-making and the way in which public administrations operate and deliver services. There are over 11000 members. The ePractice initiative offers a number of features including 376 learning cases⁴ (+ 310 more from the Awards), a daily news service and monthly workshops (of which Solutions for eGovernment is one). As part of this initiative the European Journal of ePractice has just been launched which includes all things “e” and contributions are accepted from policy makers, academics and practitioners. Trond concluded by discussing the European eGovernment Awards 2007 and outlined the winners of the awards in 2007 (please see http://www.epractice.eu/document/3917).

Session 3  Breaking Barriers to eGovernment: Overcoming Obstacles to European Public Services

Rebecca Eynon provided an overview of the Breaking Barriers Project. The Barriers project in a 3 year study funded by the EC under the 2005 Modinis programme. The research is led by the Oxford Internet Institute (OII) and has 4 project partners: Gov3 and legal experts at the universities of Murcia, Namur and Tilburg. The aim of the barriers project is to explore and identify barriers to eGovernment in Europe and then to propose legal and organisational solutions to these barriers.

To achieve these goals the project team have reviewed and synthesised previous work, conducted an online survey into barriers to eGovernment, carried out 5 in depth case studies and engaged with the expert community in numerous ways (including bi-annual workshops and the formation on an expert group). To date this work has resulted in the identification and categorisation of barriers, a study of key legal aspects and a proposal of a number of organisational and legal solutions.

Rebecca discussed the seven barrier categories (leadership failures, financial inhibitors, digital divides and choices, poor co-ordination, workplace and organizational inflexibility, lack of trust and poor technical design); and the eight legal foundations (administrative law, authentication and identification, IPR, liability, privacy and data protection rights, public administration transparency, relationships between public administrations citizens and other ICT actors and re-use of public sector information) and explained the relationships between the two. She concluded by summarizing some of the solutions proposed by the project team including building a network of eGovernment Champions, addressing the potentially high costs of access to IPR protected material, and removing disparities between Member States in charges for re-using PSI. Rebecca explained that all the solutions proposed by the project team were summarized in a project leaflet Solutions for eGovernment⁵ and many of these suggestions would be discussed throughout the day.

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⁴ http://www.epractice.eu/cases/epractice
⁵ http://www.egovbarriers.org/downloads/deliverables/A5_Booklet_WEB.pdf
Session 4  Innovation in eGovernment Solutions: Digital-era governance and the use of Web 2.0

The key focus of Professor Helen Margett’s presentation was the importance of governments understanding the need to employ web 2.0 where appropriate as such applications have a great deal of potential for overcoming barriers to eGovernment.

In the first part of the presentation Helen reviewed the current status of government IT and services transformation. She argued that New Public Management (NPM) that dominated the reform agenda between 1981-2001 was now dead and that a new movement termed “digital-era governance” is now predominant. Helen discussed three important aspects of NPM (disaggregation, competition and incentivisation) that were dying on their feet and highlighted three key themes of digital-era governance (reintegration, holism and digitalisation) that were now flourishing.

Helen went on to review some of the reasons often put forward by governments to justify continuing to use only web 1.0 applications. These included: governments not wanting to be “cool”, believing that their website wasn’t aimed at young people, dislike of part-authenticated information and reluctance for government to integrate into society’s networks. Yet Helen argued that relying on web 1.0 applications could have serious costs. For example, internet change is led by young people (older people do tomorrow what young people are doing today), planning for text-only communication can lead to disastrous under-investment in capacity for storage, bandwidth, training, IT support, etc and there is competition for public attention. That is, on the Internet people will go where their interests and business take them. For users government is either there (looking good, looking similar) or it’s nowhere in sight.

Helen then went on to review what Web 2.0 meant for government in terms of technical capabilities: rich information and content, mash-up/mix information, lots of automated, objective information that links to ‘zero touch’ technology and the importance of internal and external search is king. She then went on to discuss the likely social implications of Web 2.0. These included, playing back information to users about what they do and how they feel, creating some part-finished products, use of part-authenticated information, using strong customer segmentation and involving a wide range of organizations, 3rd sector and private firms in eGovernment.

Helen then provided some current examples of the use of web 2.0 applications – although examples in government were rare. The first example was the use of an online information network for social care where there is a network of friends/carers (state/non-state) around a vulnerable individual all of whom can provide on-line information at different levels of authentication. State actors can then respond to information triggers. Other examples discussed included user testimonials (www.patientopinion.org) and online job search (one of the case studies for the barriers project).

Helen concluded her presentation with two warnings. First, we don’t know much about how citizens behave in a Web 2.0 environment and it is important for governments to learn from the private sector and available research on the topic.
However, Helen argued that the risks of not innovating are probably greater. Governments face more competition in the Web 2.0 world and governments that do not innovate will risk losing out to the private sector.

Discussion

The discussion part of the session focused on whether instead of meeting current goals of reintegration web 2.0 would actually fragment and distribute government? Helen argued that while there were trends to re-integrate information often these were conceived of in a web 1.0 kind of way (e.g. ID databases are seen as a kind of “gold standard” of information) yet using web 2.0 applications, putting a front end on previous separate operations to bring the data together enables government to re-integrate various information sources in numerous ways that are valuable. Discussions also focused on the success or failure of Public Private Partnerships. Using examples from the army and the HM revenue and customs in the UK Helen agreed that the idea of PPP is not dead – far from it – but the private finance initiative (PFI) model as a way of injecting competition in the public sector is dead, because these partnerships do not work well and do not achieve its objectives.

Session 5  Legal Solutions for eGovernment

In session 5 participants had the opportunity to discuss in detail some of the legal solutions proposed by the project team. Workshop attendees could either participate in the working group on overcoming barriers in the field of privacy and data protection or in the group discussing barriers in the field of relationships between public administrations, citizens, and other ICT actors. Each of the discussions is summarised in the sections below

Overcoming Barriers in the field of Privacy and Data Protection

Dr Cristina dos Santos began by providing an overview of the barriers identified in the field of privacy and data protection. She reminded the participants of the 7 barrier categories already identified in deliverable 1b, in progressive order of importance from significant to very significant:

Leadership failures: the existence of too many actors at different levels without a common “data protection culture” or shared guidelines could be a factor of “bad governance”, because of the different interpretations that could be made by Article 29 WP, the EDPS, the NSAs, etc, about the same problems. It could lead also to legal uncertainty.

Financial inhibitors: the respect of data protection rules could lead to higher costs for the implementation of good security systems, such as: good identification and authentication systems for public officers and users; costs associated to data subjects’ rights for access, rectification, etc; and the need to collect data more than one time because of the ‘purpose principle’.

Digital divides and choices: there is no harmonised legal framework about personal identifiers (such as PINs) or other technical choices. Some countries have
chosen a unique identifier or a multi-standard number, others a context-specific PIN in several areas of public administration.

**Poor coordination**: there are problems of sharing data between public bodies and cross-border transfers as some Member States have opted for a unique entry point to online administrative services oriented towards “life events” (e.g. Austria) or business-episodes (Belgium). Here, more than ever, there is the need to follow the transparency principle by all public bodies in all steps of the data processing to guarantee the legal requirements of the Data Protection Directive.

**Workplace and organisational (in)flexibility**: it is important to raise the awareness of public bodies about privacy’s risks in the new ‘network model’ of public governance, because some public administrations haven’t a good perception of the risks linked to data flows. The compulsory character of the data collection by public bodies needs to be balanced with other values.

**Lack of trust**: this is the main barrier on the demand side. There is the need to increase the users/citizens confidence about security and privacy safeguards and controls provided by public bodies, as there is a lack of confidence by users in supplying personal information online. There is still a fear of an intrusive ‘Big Brother’ State, as the information flows could lead to increase the State’s powers against its citizens and there is also the fear of inappropriate “secondary use” of personal data contained in public databases.

Cristina then went on to present solutions to overcome these barriers to eGovernment. She proposed actions at the European level, at the Member States’ level and at all levels.

**The European Commission**: has the power to undertake actions against Member States for non-compliance with Directive 95/46/EC, to enhance its effective application. If necessary, the EC may refer the case to the Court of Justice of the European Communities (see Article 226 and following of the EC Treaty) and can appeal to the Article 29 Data Protection Working Party for the harmonization of practices and processes by means of NSAs, because national legislations have been already adopted and are in force. Recently, in the ECs Communication about the follow-up of the Work Programme for a better implementation of the Data Protection Directive (07/03/2007) the report states that it doesn’t intend to amend the Directive as it is “substantially appropriate and technologically neutral”. The last version of the new EU Treaty has created a specific and self-standing legal basis for the EU to legislate on this matter and Christina commented that it will be interesting to follow the EC future roadmap on this issue.

**Actions by Article 29 Data Protection Working Party**: could update its Working Papers and clarify important issues about data protection and privacy (related to the use of PINs, RFID, etc) within the specific framework of eGovernment, instead of its general position previously adopted (WP 73, 2003). Cristina suggested the working party could develop specific harmonized European “common guidelines” or “interpretative communications” that should be agreed by all representatives of the NSAs.
Actions by National Supervisory Authorities (NSAs): could provide greater assistance to national governments in the implementation of national plans, e.g. by means of specific “working papers”/“opinions” taking up the work done within Art. 29 WP, and should adapt their “domestic practice to the common line” decided by Art. 29 WP. NSAs could also encourage and provide “data protection training days” with all relevant stakeholders at different levels (national, regional, local, addressed to target groups, etc), as the decisions taken at a “top level” need more publicity at all levels in order to ensure awareness of all stakeholders about relevant legal provisions and about risks assessments carried out by experts.

Actions by governments, local authorities: all national laws on data protection could give effective independence and powers to NSAs to monitor national data protection practices within Member States (e.g. by providing more financial support). Governments could harmonize national data protection legislations to be more compliant with Directive 95/46/EC and with Art. 29 WP “common lines” (with the assistance of NSAs). To promote an effective leadership, all public authorities could provide clear guidance to public officials about data protection duties and liabilities (by the creation of Data Protection Officers – DPOs – within all relevant authorities), in order to increase awareness of data protection issues and to establish clear interlocutors. Both could facilitate the use of Privacy Enhancing Technologies (PETs), as provided by the recent Communication of the EC (such as promoting automatic anonymisation of data after a certain lapse of time, encryption tools, cookie-cutter, platforms for privacy preference (P3P), privacy seals, etc). Governments should assess the value and risks linked with the use of PINs, because the power of public administrations can be increased when they are used in conjunction with automatic data processing systems (such as profiling or/tracking citizens).

Actions by all concerned stakeholders: all public stakeholders could increase the awareness of data protection issues by all concerned actors by implementing awareness-raising policies (by traditional and digital means) within civil society, public administrations, etc. All stakeholders dealing with personal data processing operations should also provide clear information to data subjects/citizens about their rights (information, access, rectification,…), in order to overcome the lack of trust. In addition, key stakeholders need to increase and respect the principle of transparency about data flows at all levels (national, cross-border, …) in order to guarantee the effectiveness of data protection and to improve trust in public services. Finally, a better balance between interoperability advantages versus data protection requirements is also desirable, respecting the proportionality principle (necessity to balance the different interests at stake).

Discussion

A number of interesting points were raised during the discussion:

- First some participants suggested that the lack of trust barrier category should be reconsidered, as it should be considered different when providing information concerns either with the private sector (as in the online social networks) or the public sector (as it is the Italian’s case). In Spain there is more confidence in the public sector than in the private-sector.
Secondly, it is desirable that more authorities (related to specific topics, as eGovernment) inside particular authorities (such as NSAs or even big public administrations), really independent from public administration.

Third, the lack of trust will be overcome by the quality and the incentives given by such public services (as it is the case in the eCommerce field).

Fourth, one should see the data protection requirements as an important safeguard to the fundamental right of citizens regarding the protection of their privacy, and not as a barrier to eGovernment.

Overcoming Barriers in the field of Relationships between Public Administrations, Citizens, and other ICT actors

In his presentation on overcoming barriers in the field of relationships between public administrations, citizens, and other ICT actors Dr Julián Valero Torrijos began by setting out his general perspective on this topic. Firstly, that one of the main conditions for the success of any initiative related to eGovernment is the guarantee of effective communication between all the parties concerned; and secondly, from the perspective of citizens, it is essential to be able to gain appropriate access to a range of electronic public services. From this perspective, 2 initial conclusions follow: 1) that this demand has created growing pressure for policies and actions that go more deeply into a citizen-focused approach to eGovernment developments; and 2) making a user-centred philosophy a more widespread eGovernment reality may require legal and institutional changes.

Julián went on to identify and discuss two key obstacles in this area: 1) that there is no general right for citizens to use electronic means to access eGovernment services, especially high impact pan-European public services; and 2) a multi-channel approach is necessary to assure the access to public services by all citizens. He then proposed some solutions to address these obstacles.

In terms of citizens rights Julián suggested a new Directive on administrative services linked to the free movement of persons and right of establishment (not only services), following the model of Directive 123/2006, simplification of procedures, right to information, accessibility of procedures by e-means and harmonization of administrative documents. In terms of ensuring inclusive eGovernment Julián discussed the challenges of multi channel delivery and suggested that while general and direct solutions at a European level cannot always be adopted since the practical conditions for the accessibility of ICT-enabled services are different in each Member State and for each group of users; stricter respect in ePublic Services of the provisions in Directives 2004/17/EC and 2004/18/EC referring to the inclusion of persons with disabilities and older people and the use of alternative systems based on the collaboration of certain intermediaries who have a close relation with those social groups affected by digital divides may be possible ways forward.

Discussion

The discussion raised a number of interesting points. First the inconveniences related to a wide recognition of the right to contact with public bodies/authorities through electronic means, particularly through e-mail was explored. Such contact between government and citizens via electronic means may oblige governments to
give an answer to all the communications they receive which would reduce the amount of time and resources available to fulfill their main obligations. Nevertheless, sometimes this way of e-communication and the obligation of an answer are indirectly recognized by law: right to petition, suggestions or complaints.

Second, the issue of whether access to electronic public services is too vague a concept was raised, since it may mean many different things, e.g., access to information, to complete application forms and / or to fulfill obligations? Therefore, the extent of the right to e-access to public bodies may be quite different regarding each Public Administration and, as a last resort; it depends on its legal configuration.

Finally, it was discussed that sometimes the recognition of a right is not the best way to assure the use of electronic means. For example, if citizens have the right not to submit again those electronic documents/information that are already in the hands of any Public Administration (articles 6.2.b and 9 Spanish Act 11/2007) it may occur that, due to a lack of confidence, they decide not to exercise their right and submit them in paper format. Therefore, a better solution is to forbid that public bodies demand that data/information from citizens and oblige them to share them through electronic means (with a full respect to the requirements of data protection, of course).

Session 6  Legal Solutions for eGovernment

In session 6 participants had the opportunity to discuss some of the legal solutions proposed by the project team. Participants could attend one of three working groups: overcoming barriers in the field of re-use of PSI and public administration transparency, overcoming barriers in the field of authentication and identification or overcoming barriers in the field of liability. Each of the discussions is summarised in the sections below.

Overcoming Barriers in the field of Re-use of PSI and Public Administration Transparency

Professor Cécile de Terwangne presented the barriers remaining in the field of Public Administration Transparency:

Leadership failures: there is a lack of ability or a lack of will to manage the publication and the dissemination of the public sector information (PSI) and to motivate and support sustained commitment to transparency within public administrations and the use of information services by citizens, media and businesses.

Financial inhibitors: in fact, new information services imply new costs, mainly in personnel, associated with the time necessary to elaborate the new information services and to ‘feed’ them.

Digital divides and choices: there is a general lack of awareness of all concerned stakeholders of the existence of FOI (Freedom of Information) Acts. There is no uniform knowledge among users to enable general access to electronic networks as there is no uniform ability to find the location of the (public) information among the
mass of available online information (lack of meta-guides). It is also important to consider the language barrier in the cross-border flows of information. Finally, there still exist too high fees charged for access, discouraging the requests for information.

**Poor coordination:** there is a lack of coordination at the European level with regard to general access to PSI. The main divergences concern the ‘active transparency’ obligations and the restrictions to access.

**Workplace and organizational (in)flexibility:** the public bodies of some Member States still need a change of mentality to achieve administration transparency and spontaneous dissemination of PSI. This inflexibility is partly due to untrained or unmotivated civil servants, having to pass from paper publication to digital dissemination.

**Poor technical design:** there still are recurrent problems of access to online published information for disabled people. Generally, there are great difficulties to find one’s way to the right information (lack of standards at the European level).

**Lack of trust:** the lack of openness by public administration is still an obstacle to building trust.

Cécile proposed a number of solutions to overcome such barriers at the European level and at the Member States’ level.

**Actions by the European Commission:** the EC could launch a detailed study at the European level to know the state-of-the-art of the ‘FOI culture’ of the different Member States. It could also organize workshops with Member States delegates to share views, information and experience, to inspire each other and to develop more common conceptions (as it is currently done in the field of re-use of PSI by the ePSIplus network, for instance). It could issue guidelines towards a “common view” on FOI (notably to lessen the disparities in costs between the Member States, to address the access to electronic formats, the lack of meta-data guides, and the active dissemination of PSI); and it may propose constraining rules towards Member States to make publicly available all the information necessary to exercise the freedoms guaranteed by the UE Treaty (notably the freedom of establishment), for instance taking into account the obligations (of information) provided by Article 7 of Directive 2006/123/EC.

**Actions by Member States (and EU institutions):** governments could ensure public awareness of their FOI rights through public actions promoting these rights and should ensure civil servants’ sufficient knowledge of the fundamental transparency rules and the confidentiality exceptions through training programs. They should review national FOI Acts where necessary to adapt them to the electronic reality, and review them where necessary to consider the current trend of developing active transparency (i.e. the obligation for the public bodies to spontaneously render series of information publicly available).
Discussion

A number of interesting points were raised in the discussion:

- One participant mentioned an example in India to help to overcome the language barrier (see the Indian Constitution).
- It should be developed proper description of information (e.g. by semantic research).
- Meta-data guides require good strong design: public administrations should create a business structure here (e.g. to update content, etc).
- There is a relative awareness of the media associations to access to public sector information, but not from other actors.
- In Norway, for instance, the tax information is public: such openness has created a lot of public debate, but not really a lot of extra work for the State.
- A recent EC project about the interoperability framework has designed the structure of meta-data (will be published in February 2008): the eGov barriers project team has to be more specific on its recommendations about that, to have a possible influence on its future report.
- What about the new Treaty of Lisbon: are there any provisions on that?
- What about no access to new technologies of target groups: how to access to information in this case?
- See the example of Ireland: it has a recent way of providing information. How does the rest of Europe will deal with this “new” option?

In the second half of the session Cécile presented the barriers remaining in the field of Re-use of Public Sector Information and suggested a number of solutions to help overcome the remaining obstacles.

The first barrier is the failure in the implementation of the PSI directive – there still remain problems of transparency of the conditions of re-use of PSI and there is a lack of available meta-data. Possible solutions proposed were:

**Actions by the European Commission:** The EC could appeal to the PSI Expert Group for the harmonization of practices and processes and to provide clear guidance to Member States as to the application of PSI Directive. They could undertake actions against Member States for non-compliance with Directive 2003/98/EC, refer the case to the Court of Justice of the European Communities and provide assessment studies in specific sectors (as it is already done by the EC).

**Actions by Member States together with the European Commission:** take part in discussion groups at the European level (as it is already done by the ePSIplus network). Create independent national PSI authorities (such as in the field of Data Protection.

The second barrier discussed was the lack of PSI re-use culture. Recommended solutions were:

**Actions by the European Commission:** the EC could pursue its policy favouring co-funding projects to demonstrate the potential of PSI re-use at local, national and
European levels and organize discussions at European level to adopt standard formats for storing documents.

**Actions by Member States:** member states could tackle the leadership failure and foster re-use culture inside public sector by: designating persons endorsed with decision making powers, designating officials to consider applications, constitute expert groups to exchange good practices and increase awareness of re-use opportunities among all stakeholders.

The third barrier discussed was the disparities not solved by the PSI Directive.

**Recommendations for the European Commission** to overcome these problems were to organize pan-European discussions with all stakeholders in order to: clarify the means and conditions of establishing whatever costs are to be charged; define what is meant by ‘reasonable return of investments’; take account of the differences of costs between commercial and non-commercial re-use; propose establishing re-use as an obligatory principle; impose the creation of independent national authorities in each Member States whose actions could be coordinated at a pan-European level by the PSI Expert Group and organize discussions about the categories of data exempted from the PSI Directive scope.

**Overcoming Barriers in the field of Authentication and Identification**

In his presentation Dr Sjaak Nouwt defined authentication and identification and discussed the importance of these issues for eGovernment progression. He gave a brief overview of the Breaking Barriers to eGovernment project, summarising how the field of Identification and Authentication related to each of the seven barrier categories. Sjaak went on to discuss the remaining key barriers in the field: the unavailability of a secure authentication process, governments’ uncertainty about identity management systems, identity theft and citizens’ uncertainty about identity management systems and the solutions proposed by the Breaking Barriers project to overcoming poor co-ordination and a lack of trust. The solutions proposed were:

**Poor coordination:**

- Keep additional requirements (see Article 3.7 of Directive 1999/93) by the public sector for receiving eSignatures to a minimum.
- Promote interoperability and the cross border use of eSignatures by obliging Member States to notify the European Committee for Standardization (CEN) about national standardization initiatives with regard to eSignatures.
- Prescribe by legislation that eSignatures that are used in the public sector should comply with a certain standard. This can be a national standard, with the CEN controlling the adequate level of standardization of Member States’ national standardization initiatives. The CEN could also take the initiative to develop a European standard for eSignatures in the public sector, based on the national initiatives. The EU could also require Member States to cooperate in this respect.
- Require Member States to mutually recognize the eSignature standards developed in other Member States, when these are approved by the CEN.
This legislative change could be achieved by amending the eSignatures Directive 1999/93/EC.

- Ensure other EU legislative initiatives, such as the Procurement Directives and the Invoice Directive, increase the cross border use of eSignatures.

Build better trust:
- Manage more effectively the ‘trust tension’ between the citizen’s concern about privacy, security and identity and their obligation to provide personal information to receive eGovernment services;
- Establish agreements, guidelines and frameworks to enhance trust;
- Enable citizens to gain experience with the use of Internet and, thereby, learn to trust it;
- Use Privacy Enhancing Technologies (PETs) to boost trust;
- Design, build, run and evolve sustainable ICT systems;
- Oblige government agencies to conduct Privacy Impact Assessments (PIAs) for new electronic information systems and information collections that involve the use of personally identifiable information.
- Ensure appropriate privacy practices are implemented and the public informed of their nature (e.g. through the posting on a Website of a ‘Privacy Notice’ describing the practices in operation).

Sjaak then went on to discuss three models that the EC could develop and learn from: 1) the US eGovernment Act 2002, 2) the OECD 2007 guidance on electronic authentication and 3) the Austrian Identification system. Sjaak also highlighted some of the key inputs from two of the Breaking Barriers expert group who were not available to attend the workshop. Sjaak then welcomed comments from the group.

Discussion

One key issue that was raised in the discussion was the possibility of standardizing identification and authentication across Europe. The question of whether a European ID number could be a solution was discussed given the diversity in countries perceptions of what is acceptable in terms of eID systems – yet the possibility of a central European number was considered a solution by some participants.

A key question explored was whether standardization should be taking place at the technical, legal and/ or organizational levels and what should be standardized. Given the ongoing debates about web 2.0 and the trends within privacy and data protection for individuals to have more control of their data, there seems to be a trend away from standardization, so perhaps a solution would be for government agencies to standardize their systems so they can talk to each other. A further consideration is that from a EU perspective even if interoperability was achieved within the EU there are then similar problems with connecting eGovernment initiatives with countries outside Europe. This led some to suggest that it may be better to standardize sectors rather than across everything. Passports are one example of where this has worked and is perhaps a much more achievable strategy.

It was also suggested that learning from the federal government in the USA may be a particularly helpful case to help inform the barriers project proposals as they are
likely to be encountering similar challenges. Though whether standardization had been achieved to a great extent in the US was questioned.

**Overcoming Barriers in the field of Liability**

Dr. Maurice Schellekens began his presentation with a general introduction to the field of liability in an eGovernment context. The main barriers for eGovernment in the context of liability are lack of trust and defensive behaviour. On the one hand, if a public body succeeds in limiting its own liability too far; this reduces the trust of other actors in eGovernment. If on the other hand, public bodies perceive liability as a heavy burden, this will result in defensive behaviour prohibiting eGovernment to reach its full potential. Both of these effects are detrimental. The general goal is therefore to strive for a level of liability that is concomitant with an actor’s responsibility in eGovernment.

Maurice presented four concrete measures to reach this goal.

- A public body takes precautionary measures to prevent damage from occurring as much as is economically justifiable. For damages that cannot economically be prevented insurance or financial reservation should be considered.
- Disclaimers should be used judiciously and not for barring each and every liability. A disclaimer of liability is, for example, justified for damages that cannot be covered by insurance or other financial arrangements. A disclaimer should preferably not be unilaterally imposed, but based on discussion on standards of liability between the most involved actors.
- Where concrete risks for damages can be discerned, users of eGovernment services should be adequately warned against such risks. In addition, by providing (background) information about a service, the users better understand what to expect from a service. This form of expectation management goes a considerable way in preventing damages from occurring.
- Where damages occur the victims should not be left to their devices. By provision of complaint handling and opportunities for out-of-court settlement of possible disputes the damages should be dealt with swiftly and efficiently.

A possible fifth measure is the introduction of a statutory exemption of liability for public bodies. This measure is not recommended since it reduces trust in eGovernment, is generally too coarse to provide legal certainty in concrete cases and may therefore be counterproductive.

**Discussion**

Four key issues were raised in the discussion

**An IPR exemption for open source?**

One participant raised the following issue. Open Source Software (hereinafter: OSS) is becoming ever more important for eGovernment. OSS is however vulnerable to claims of IPR infringement (the idea being that the availability of the source code makes it easier to find infringing lines of code). Could the (possible) tension between OSS’s relevance for eGovernment and its vulnerability to claims of infringement be
resolved by creating a copyright and patent exemption for OSS? The general reaction within the meeting was that OSS developers must stay clear from protected materials, just like proprietary developers of software. That infringements can be more easily discovered in OSS is something that is being said often, but has hitherto never been proven. The general feeling within the workgroup was that an IPR exemption for OSS is not needed.

**Liability is completely governed by contract?**

One participant indicated that the division of liabilities between the actors involved is completely governed by the contracts that the actors (e.g. hosting-provider, content-provider, public body, transport provider etc.) conclude amongst each other. The working group acknowledged that contracting can take away much uncertainty with respect to liability. Agreements on liability are actually presented as a solution in the Breaking Barriers Solutions report (deliverable 3). However, contracts cannot be a complete solution, because inter alia:

- Not all actors are party to contracts. It is questionable whether their interests are well catered for in the contracts between other parties.
- Emphasis on the division of liabilities between parties may lead a victim to get caught in a web of actors that accuse each other in stead of assuming responsibility.

**Dutch e-citizen charter relevant?**

According to the e-citizen charter, government guaranties one-stop-shop service delivery and acts as one seamless entity with no wrong doors. This starting point is also relevant for liability where many technical partners are involved in the service that eventually led to damages. Government should cover damages that citizens suffer even if it is not the party that is liable. Government may recoup the damages from the actor that is ultimately liable, but it should not be the citizen who must find out which particular actor’s behaviour led to the damages suffered by him.

**Liability for information created by citizens?**

A participant raised the issue of government liability for information created by citizens, e.g. in a forum or blog hosted by a public body. The working group felt that this is a problem that concerns the public body too. Especially if the public body created the context or discussion within which the unlawful information occurred. The public body may not be able to benefit from the exemption of liability that the e-commerce directive creates for Internet service providers. The public body may have to apply the usual measures to channel liability, such as precautionary measures, e.g. in the form of moderation or an adequate notice-and-take-down procedure.

**Session 7 Legislation in the Semantic Web**

Professor Giovanni Sartor’s presentation focused on how we can improve the usability of legislation in order to help to remove some of the barriers to the development of eGovernment. Giovanni discussed the importance of preserving the role of legislation in the information age and discussed how Information and Communication Technologies (ICTs) could contribute to this. For example, when aligning legislation to its purposes ICT can provide information on the legal and social effects of legislative acts. Secondly when promoting critical analysis ICT can support communication and reasoned debate within the legislative process. Thirdly,
ICT can support the coordination of legislation with other legal sources (national, foreign, international) enhancing information sharing, communication and cooperation.

Giovanni went on to discuss the tasks for a parliamentary information system (besides administration). These included the use of ICTs for preparing documents (drafting tools, linguistic tools, amendments management, etc.), accessing information, simulation of legal and social impacts; workflow management, supporting citizens’ access to the law via multiple channels, supporting political (e.g. e-petition, e-consultation) and institutional dialogue (e.g. interaction with courts, administration, other parliaments). He made the point that ICT enables openness to all – not just MPs.

Giovanni noted that currently there is a huge amount of legislation on the web but it is not easy for people to use. This is because even when using search engines people find a lot of irrelevant information, they retrieve single pages with no integration of the data contained in different pages, and the data within pages is not automatically processable. He argued it would be valuable to automatically obtain relevant textual information, opportunely selected and integrated and to be able to automatically process the information embedded in texts. He suggested there are two strategies of improving the usability of information: 1) automatically understand and process natural language texts or 2) insert in the web (within natural language texts or elsewhere) information that is machine understandable and can be processed with the available advanced techniques. This later strategy is the approach employed by the W3C which seems the most productive at this time.

As part of the emergence of the semantic web (information partly machine understandable, which can be automatically processed according to its meaning) the legal semantic web is developing. Giovanni discussed the content of the legal semantic web and the law in the semantic web. He argued that there is a need to build a legal semantic web in order to provide accessible legal information that is tailored to individual needs, to provide a space for democracy, a forum for political and legal debate and to support communication between legal agents. He stressed that the legal semantic web must be accessible to everybody and empowers everybody as a producer of legal information. He added that legislation is a fundamental part of that information, and parliaments can have a leading role in creating it.

Giovanni then provided a detailed overview about the importance of standards for legal information, outlining why they were important, the kinds of standards required, the elements of the standards and standard based tools. He discussed a de-centralized standards based infrastructure from a project managed by Caterina Lupo; and concluded by summarizing the prospects for standard based legal documents.

Maria Angela Biasiotti then continued the discussion with her presentation on access to legal information. Maria argued that we need to move from text to semantic information. Semantic information would help search by citizens and give citizens the right tools to access information even if they do not know about the law. The legal semantic web consists of automatically processable information (meanings)
concerning: legal documents; the law itself; the law contained in the document (which speaks the; law, stating norms and defining concepts); legal norms (without a precise textual reference) and legal facts (the facts to which legal norms apply). She went on to discuss three semantic resource typologies: traditional lexical resources, semantic nets and formal ontologies, and concluded by highlighting some of the current issues: multi-lingual nature of the legal text, harmonization between EU and national legislation and semantic interoperability. While some of the technical resources are available standardization was still a key issue.

Discussion

One issue that was raised within the discussion was the degree to which uncertainty of law is actually a barrier to eGovernment? In the barriers project a significant finding is the difficulties that arise due to the differences in interpretation of the law in different countries. To what extent could this issue be thought of as a semantic problem? It was argued that some aspects could be dealt with easily using legal standards for legal information, such as having a structure of text and references. Yet dealing with the issues according to different implementations of the same directive is a more difficult thing to address. A second issue that arose was the extent to which the EC as an actor should go in and regulate and / or speed up aspects of the semantic web? There was some discussion about the role of the market, the role of the EC in funding research on this issue - some research projects have been funded by the EC and a couple funded within the e-TEN deployment strategy. The issues of standards and interoperability were also raised.

Session 8  Privacy Seals: A way Forward for Building Trust. The EuroPriSe Project

Emilio Aced Félez discussed the EuroPriSe project that aims to establish a scheme of privacy seals around Europe as a way to establish greater trust amongst users. Currently, while European Data Protection is largely considered a success story legislation on its own is unable to ensure the privacy of eGovernment initiatives as the technology is constantly evolving and it is difficult to keep legislation up to date. What is required then, alongside legislation is a voluntary scheme to ensure privacy and data protection is maintained. Indeed, Emilio suggested a number of benefits of a European scheme for the certification and delivery of Privacy Seals. These include, making data protection good practices visible, ensuring that consumers can easily identify a certain product as ensuring or enhancing privacy and the seal acting as an incentive for companies to engage in good practice due to the visibility of the scheme.

The European Privacy Seal project is based on successful experience of the Gütesiegel (Schleswig-Holstein) ICPP Privacy Seal. The European Privacy Seal certifies that an IT product or IT based service facilitates the use of that product or service in a way compliant with European regulations on privacy and data protection, taking into account the legislation in the specific country. As part of the process of granting a privacy seal there are 4 main considerations. They are: overview on fundamental issues, legitimacy of data processing, technical – organisational measures and data subject rights. Currently the system is being piloted in 6 countries.
There are a number of actors involved in the process including: consumers, manufacturers, standard and certification bodies and public authorities. Clearly an important aspect of the project is to engage experts. Clear guidelines have been developed in order to admit experts into the programme (e.g. experts are required to provide proof of qualifications and undergo training), publishing the experts in a public register and accrediting certification bodies. All of the work is supervised by the EuroPrise Board.

Emilio concluded by summarizing the benefits of the privacy seal. They include: contributing to the effective application of and compliance with European privacy and data protection legislation, increasing understanding and awareness of privacy and data protection, reducing the workload of supervising authorities and increasing user trust in products and services.

Discussion

Points raised in the discussion included: the extent to which privacy seals could act as a solution to the threats to privacy that are emerging now and are on the horizon; whether such a scheme was feasible for every initiative in Europe; and the extent to which such a seal could act as a restraining factor on the emergence of eGovernment initiatives initiated by citizens. Responding to these points, Emilio stressed that the EuroPrise project was just one way of promoting privacy. It was a voluntary scheme and was intended to be good for businesses and for fostering public trust. All new initiatives (whether developed by citizens, businesses or governments) were required to comply with the existing regulation and thus such a scheme would not act as a restraining factor for any eGovernment initiative.

Session 9   European eGovernment Awards 2007 – Challenges and Barriers for eParticipation

Dr Christine Leitner began her presentation by giving some background to the European eGovernment Awards 2007. The purpose of the awards is to stimulate communities of practice in eGovernment. This year there were 5 categories for the awards: 1) better public services for growth and jobs, 2) participation and transparency, 3) social impact and cohesion, 4) effective and efficient administration and 5) the most inspiring good practice (public prize). These 5 categories are in line with the i2010 eGovernment action plan.

The focus of the presentation was on category 2 - participation and transparency. The themes focus as defined by the i2010 eGovernment action plan is “Interactive initiatives that empower citizens and business to influence open government, policy-making and the way public administrations operate and deliver services”. There were 12 finalists in this category and the winner of the section was Mypage – a self-service citizen portal from Norway.

The focus and objectives of the 12 cases could be grouped into four main areas: enhancing transparency (DOPS, PortalU, MEPaeApps, Gencat 2.0, MyPage); supporting political activity and improving consultation in decision-making and service delivery (iVote, ePetition, e@SY, Madrid-p, Vicky), enhancing deliberative
spaces and facilitating community development (VirtuoCity) and other aspects (e.g. monitoring tools; eCC). Christine summarised the progress and impacts of achievements in this area from 2005 and 2007 highlighting progress in some of the organizational aspects (e.g. greater transparency in service delivery), governance and institutional aspects (e.g. sharing democracy with multiple stakeholders), technology aspects (where there are similar challenges as for eGovernment service delivery – particularly in the area of identification and authentication) and policy aspects (e.g. an increasing focus on issues people care about) that had arisen through a study of the cases. She also discussed 4 cases where legal issues had been raised: PortalU (DE); iVote (EE); eCC (NL) and Mypage (NO).

From analysing the cases put forward for the award there were a number of challenges and barriers that could be identified. However, often these were not discussed as barriers within the cases but often identified as key issues that needed to be considered to ensure the success of the project. Christine mapped these obstacles to the 7 barrier categories developed by the Breaking Barriers project team. The two key barrier categories that emerged from this analysis were leadership failures and poor coordination.

Christine went on to discuss the three key challenges and barriers that had emerged from analyzing the 12 cases that need to be addressed in order to maximize the benefits of using ICTs for participation and transparency: 1) institutional and political challenges (e.g. the roles of institutions/actors and the control of decision processes); 2) benefits and risk assessment of citizens involvement (e.g., does ICT encourage populist participation rather than mature engagement and well informed debate, issues around eInclusion); and 3) process design and discourse rules (e.g. does the design of processes take into account user needs and democratic objectives).

She concluded the presentation by suggesting potential solutions to each of these challenge areas. For example, to help address institutional and political challenges there could be a greater focus on relating eParticipation activities to broader eGovernment initiatives in Member States. Such action would enable greater, more structured exchange of experiences. To address the challenges associated with the benefits and risk assessment of citizens’ involvement in eParticipation such initiatives should be more closely related to activities that are happening off line to determine where online activities would be most appropriate. Thirdly, to overcome challenges of process design and discourse rules a “European charter” stipulating basic principles of eParticipation to assist decision makers with planning and implementing eParticipation projects could be developed.

Discussion

There was some discussion after the presentation regarding the proposals for solutions. In particular, the value of relating online and offline developments in eParticipation was explored. One issue raised was that online and off-line initiatives are quite difficult to compare as online activities in Participation should not necessarily simply substitute what has happened before. Instead, they should be changed in order to make use of the potential benefits of the use of ICTs. It was also suggested that perhaps it is more the terminology used to discuss the solutions that
was the problem not the solutions themselves. That is, comparison is not the right term.

**Session 10  Cutting through barriers: Practical steps for implementation**

Elizabeth Muller began her presentation by stressing that while barriers to successful eGovernment are real and can be overcome, people should be wary of those individuals who use barriers as an excuse to do nothing. She believes that anyone can achieve eGovernment if they want to. Elizabeth reviewed the 7 barrier categories identified by the Breaking Barriers Project and the associated solutions created by the project; and then grouped the solutions into two areas: 1) governance and 2) citizen centricity.

First, Elizabeth discussed Governance. She noted that while governance structures vary considerably from one country to the next, they face many of the same hurdles. She noted that a key issue was the need for horizontal systems for eGovernment yet traditional governance mechanisms (budgets, accountability systems, management structures) are all vertical. She discussed the concept of multi-dimensional governance that incorporates governance structures, governance processes, and governance levers. She went on to highlight the rise in popularity of “earned governance” - the focus on the centre supporting and empowering individual agencies as opposed to simply mandating what people have to do within a particular initiative. Elizabeth then went on to discuss the four solutions that fell into this category:

- **The creation of eGovernment champions** to build momentum for eGovernment initiatives. While the method of formulating the champions depended on the context in general it should involve a mix of bottom up understanding and top down central leadership. It is also important to institutionalize champions so that the governance will remain strong over the long term.
- **Working with chaotic coordination** can apply on the business side. Elizabeth gave an example of a case which involved setting up an eGovernment cross cutting portal in a matter of months. In this case a large number of people were nominated to work on the project at the beginning but only 25% of those individuals were valuable. However, over a couple of months with the development of tangible results those people who were not contributing left and recruited new people in their place who helped complete the job successfully.
- **Financial barriers** are commonplace in eGovernment. Calculating the benefits, and developing a business case is an essential component to ensuring eGovernment initiatives receive appropriate funding. It can be beneficial to build momentum on a particular initiative by starting small in order for people to see the benefits and then scale the project up. Finally, it is important to invest the money wisely, focusing on strategy and business before technology (that can be high cost).
- **Encouraging an e-literate workforce.** The development of skills are key here and people need to see the benefits in order to be incentivized to use them.
Secondly Elizabeth discussed Customer Centric Delivery. She noted that a key issue was that traditional “eGovernment” was not citizen centric but structured around the needs of government, with agencies competing to provide similar services which confused customers. In addition, traditional eGovernment was created with the aim of replicating what happened offline as opposed to exploiting the benefits of technology to create new value for citizens. Such initiatives were also not branded or marketed appropriately and people did not know enough about citizens to meet their needs. Elizabeth presented 3 potential solutions within this category:

- **Segmentation.** Segmentation of eGovernment users via a thorough understanding of user needs gained from customer research is important for eGovernment success. Research in different countries has shown that customers want joined-up information based around customer segmented clusters as opposed to life events.

- **Using low-trust solutions.** The greatest benefit to users frequently comes from relatively inexpensive low trust solutions. Customer research around the world has shown that citizens consistently value content designed for them as more important than transactions. Around 80% of the value for users is in the information. Further, many of the most successful citizen solutions do not have secure sign-on, or only use it for a few select services.

- **Putting the citizen in charge of their own data** is also important. In such cases citizens can see all key data held about them by government, are able to update their details (for all government services) in one place and enables citizens to nominate intermediaries on their behalf.

Elizabeth concluded the presentation by discussing stages of maturity in identity management where most governments were at stages 1 to 2 of a 5 stage process.

**Discussion**

A number of questions were raised in the discussion. The first involved a question regarding the difficulties of scaling up from pilot projects (e.g. iris scanning in airports). Elizabeth stressed the importance of doing research into user needs for citizen centric government. She agreed that scaling up from a pilot was very difficult and there were many challenges to address – yet she thought a pilot is very useful in demonstrating the potential benefits of a new initiative. A second question involved the process of finding the right people to work on a particular eGovernment initiative and the extent to which getting the right people happened voluntarily or was engineered? Elizabeth replied that it was a mixture. In the particular case discussed IT experts came first, but then realised there was more of a focus on the content for the portal so then they suggested other people. She noted that a bigger problem was when the right person in the right role never did anything – and this was then that it had to be engineered. She noted that ministerial level access to help with this process is a very powerful tool. A third debate was around the value of a 5 stage model of identity management as not all projects require such a high level and sophisticated model of ID management to work well. The fourth aspect of the discussion was a clarification of the term “traditional eGovernment” which was intended to be focused on governments who were not organised around the needs
of the citizen and was not intended to include those countries who have been more advanced in this area since 2001 / 2002.

Session 11  Close of Workshop
Bill Dutton thanked everyone for coming to the event and for the valuable input into the solutions proposed by the project team. He invited everyone to continue a post workshop discussion on ePractice.eu and informed everyone that the workshop and slides would also be made publicly available in 2 weeks time.
3. Value to the project

The workshop was a valuable event for the project, advertising the project more widely and stimulating interesting debate throughout the event. The workshop has also informed thinking about the final stages of the research. A number of interesting themes arose throughout the day including, the value of having a set of categories of barriers to eGovernment, the importance of organisational and legal solutions to barriers to eGovernment, the need to design eGovernment that capitalises on the benefits of technologies as opposed to replicating initiatives in the offline world, the current trends of disaggregation and aggregation and issues around standardization (when do we standardize and what do we mean by the term) and highlighting the lack of a “silver bullet solution” to barriers to eGovernment.

The next and final step in the project is to incorporate the suggestions raised at the event into the final version of the solutions report (deliverable 3) and the final report for the Breaking Barriers Project that will be submitted to the Commission in December 2007.
4. Workshop Participants

The project team would like to thank everyone who participated in the workshop. The attendee list is below.

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<tr>
<th>Name</th>
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