GLOBAL INFORMATION SOCIETY WATCH 2009

Focus on access to online information and knowledge
– advancing human rights and democracy

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Introduction

European Union (EU) membership since 1 January 2007 has shaped Romanian regulatory practices concerning access to online information. A process of aligning to EU legislation (2000-2007) catalysed country efforts to create a more transparent policy environment for information and communications technologies (ICTs). The four pillars of ICT development have strengthened unevenly during this process: while access to appropriate infrastructure and affordable internet connectivity showed positive trends, the ability to use ICTs and *the availability of useful content* maintained a digital divide[1] among individuals and communities across Romania.

Romania ranked 58th out of 134 countries for networked readiness, according to the latest World Economic Forum report,[2] scoring slightly better in the ICT use (52nd) and ICT readiness (55th) components, but significantly worse in the ICT environment[3] component (66th). Unsettled policy-making practices and poor education expenditure, which were part of the ICT environment indicators, placed Romania in the lower half of the list. The broadband penetration rate at 31 December 2008 was only 11.65 connections per 100 inhabitants,[4] while public discourse highlighted the "six million Romanian internet users" as a success story.

This analysis focuses on national programmes aimed at facilitating access to online information: e-government, a knowledge economy project, an e-learning system and innovative ICT initiatives developed to fight corruption. The report was compiled through desk research and empirical analysis.[5]

Policy environment

A Romanian think tank reported a "post-accession political hangover"[6] related to dysfunctions of democracy in the region. In Central and Eastern European countries, populist electoral gains, political radicalisation, weak parliamentary majorities, factional behaviour and misconduct of political elites were the symptoms of a backlash in policy-making processes after EU accession. Power shifts in 2008[7] also brought about institutional changes concerning ICT policy in Romania: the communications ministry was renamed (from the Ministry of Communications and Information Technology to the Ministry of Communications and Information Society, suggesting perhaps a change of vision), and the national authority for regulating communications was re-established and renamed,[8] due to leadership issues and a lack of clarity concerning its mission and attributions.

ICT policy has attracted little public attention[9] in Romania: the complex regulatory framework imposed by EU accession requirements from 2000 to 2007 was considered a matter for ICT specialists and institutional actors directly involved, rather than a broader topic for debate for legal experts, economists and citizens. The avalanche of laws and regulations adopted was aimed at creating a proper market environment for business players and affordable access for end-users, both individuals and organisations.

Strategic goals formulated by the communications ministry[10] were aimed at developing a knowledge-based society through:

- Increased economic competitiveness through the use of the newest ICTs
- ICT industry development
- Increased institutional performance of public administration and easy access for citizens.

Tangible results promised by 2008 in the same policy document were: quality telecommunications at affordable prices; access to broadband services; investments in the "new economy" through better-paid jobs; and a more efficient, responsive public administration. The policy also promised extended information services that allow citizens better interaction and social integration.

The ICT policy environment in Romania has both strengths and weaknesses.[11] Strengths include the fast alignment to EU regulations from 2000 to 2007, simplified regulations concerning market entry, and the "unusual transparency" of the telecommunications market regulatory authority. Weaknesses of the policy-making framework are

1   Baltac, V. (2008) Universities and the Information Society, in Péron, F. (ed.), *L'Europe dans la société de l'information*, Larcier, Brussels, p. 208.

2   World Economic Forum (2009) *The Global Information Technology Report 2008-2009*. www.insead.edu/v1/gitr/wef/main/fullreport/index.html

3   Broadly conceptualised to include a range of social, economic and political factors.

4   ANCOM (2008) *Raport date statistice comunicatii electronice*, National Authority for Management and Regulation in Communications, Bucharest, p. 63.

5   Valuable information was collected at the free and open source software (FOSS) conference eLiberatica. www.eliberatica.ro/2009/index

6   Romanian Academic Society (2008) *SAR Annual Report 2008*, p. 4. www.sar.org.ro/files/Policy%20memo29-en.pdf

7   A centre-right coalition (2004-2008) was displaced by a centre-left coalition in December 2008.

8   The National Authority for Regulating Communications, created in 2002, was later turned into the National Authority for Regulating Communications and Information Technology, then renamed and restructured as the National Authority for Communications in September 2008, and since March 2009, as the National Authority for Management and Regulation in Communications.

9   Manolea, B. (2008) Réglementation des communications en Roumanie, in Péron, F. (ed.), *L'Europe dans la société de l'information*, Larcier, Brussels, p. 37.

10 Ministerul Comunicatiilor si Tehnologiei Informatiei (2005) *Politica Guvernului Romaniei în domeniul tehnologiei informatiei si comunicatiilor*. www.mcti.ro/index.php?id=55&L=0

11 Manolea, B. (2008) op. cit., p. 42-51.

related to the general lack of institutional capacity, an unsettled legislative environment and the poor planning practices of regulators.

Civil society is poorly represented and the policy-making process has a strong top-down orientation. Open source software solutions and gender mainstreaming are also completely absent from official public ICT discourse.

Legislative environment

Romanian ICT-related laws and regulations were adopted under EU pressure to follow its general legislative framework. Advocacy by ICT businesses also helped shape a dynamic business environment, as presented in the Romania country report for GISWatch 2007.[12] Between 2001 and 2005 an avalanche of legislative measures were adopted to comply with EU legislation. These included legislation and regulations dealing with e-signatures (in 2001); general communications, audiovisuals and e-commerce (in 2002); universal access to electronic services, e-data collection, e-procurement and e-payment systems (in 2003); and e-data security and e-time stamps (in 2004). The privatisation of the incumbent RomTelecom, which started in 2003, was also finalised in 2005. These laws enabled a more competitive and transparent playing field for individuals, organisations and communities as ICT stakeholders. They also created the regulatory and infrastructural premises for developing the content side of the information society.

Access to online information has several legal aspects concerning transparency, privacy and accessibility. There are few laws and regulations related directly and explicitly to online content in Romania:

- Law 506/2004 concerning personal data processing in electronic communications prescribes several rights for internet and telephone users. These include the right to confidentiality of their personal data, the right to be informed of risks concerning the processing of their personal data, and the right to refuse to provide personal data to electronic communication service providers.

- Law 102/2005 establishes the Authority for Supervising Personal Data Processing and prescribes the competencies of this independent public entity to ensure the individual's right to privacy.

- Law 298/2008, concerning data retention, prescribes the obligation to store data generated or processed by electronic communication service providers and make it available to enable governmental entities to combat crime. This law has encountered strong criticism and concern from human rights activists and its implementation was still pending in June 2009 due to the lack of preparation of stakeholders to implement it properly.

- In April 2008 the communications ministry launched guidelines concerning web page standards for public authorities[13] for comment. In June 2009, however, we could not retrieve the text of the guide on the ministry's website, nor information concerning the status of the proposal. Instead we consulted the guide (and the rest of the ICT-related legal framework) on a website developed by a dedicated group of ICT policy experts.[14] The guidelines refer to internationally accepted standards for web usability, accessibility and design. If implemented on a national scale, the quality of online content posted on public authorities' websites will increase significantly.

Access to online information: Mainstream and innovative initiatives

The government is the key player in facilitating and developing access to online information, serving multiple roles: *as a regulator*, it creates the normative framework of rights and responsibilities for electronic service providers and users, as presented in the policy/legislative section above; *as a funder*, the Romanian communications ministry channels World Bank loans and EU funds for e-government, e-learning and e-community building; and it also acts *as an implementer* of these programmes.

E-government

The Romanian e-government programme is a complex and long-term initiative aimed at developing transparent and easily accessible online access to public services, following the regulatory framework set by European Commission Service Directive 2006/123/CE. Key components of the Romanian programme are the National Electronic System, which offers dedicated and unified access to e-government services, and the Electronic System for Public Procurement,[15] a set of interactive and transactional services established to facilitate 20% of public acquisitions.

According to Law 161/2003 dealing with measures to ensure transparency and prevent corruption, the National Electronic System was established as a common platform for the development of the e-government sector in Romania. The ministry developed a holistic approach to ICT-enabled public sector governance, envisioning public service agencies working across portfolio boundaries, under the supervision of a specially created governmental entity: the Agency for Information Society Services. All e-government services are coordinated from an "electronic point of single contact" through the www.e-guvernare.ro portal, as requested by the EU Service Directive.

We analysed e-government readiness in Romania according to the five-stages framework developed by the United Nations[16] that views e-government as a multi-stakeholder interaction between government, businesses and the citizen:

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12 www.giswatch.org/files/pdf/GISW_Countries.pdf

13 www.mcti.ro/index.php?id=28&lege=1440&L=0

14 www.legi-internet.ro/legislatie-itc.html

15 Somodi, Z. (2008) eGovernment Readiness, Ministry of Communications and Information Technology, Bucharest. www.mcti.ro/index.php?id=48&L=0

16 United Nations (2005) *Global E-Government Readiness Report*, p. 16.

(1) *Emerging presence* means the information available is limited and basic. The government's online presence comprises a web page. Links to organisations/departments and regional/local government may exist. Some archived information, such as speeches or official documents may also be available online. Most information remains static with few interactive options for citizens.

(2) *Enhanced presence* is the stage in which the government provides greater access to policy and legislative documents. Reports and newsletters, amongst other types of content, are downloadable. The user can search for a document and help features including a site map are provided. Interaction is still primarily unidirectional with information flowing from the government to the citizen.

(3) *Interactive presence* is the stage in which citizens can find downloadable forms for things like tax payments, or applications for licence renewal. Audio and video capability is available for relevant public information. Contact details are online for government officials to be contacted via email, fax, telephone and post. The site is updated to keep the public up to date.

(4) *Transactional presence* is the stage that allows two-way interaction between the citizen and government. It includes options such as paying taxes, applying for identity cards, birth certificates and passports, and renewing licences online. Online payments are possible. Providers of goods and services are also able to bid online for public contracts via secure links.

(5) *Networked presence* is the most advanced level in e-government development. The government encourages participatory decision making in a two-way dialogue. Interactive features such as an online comment form and other online consultation mechanisms enable the government to proactively solicit citizens' views on public policy and law making. In this stage the public sector agencies cooperate in a well-integrated and participatory manner.

We analysed a convenience sample of 40 websites for city halls, county councils and communes across Romania according to the UN framework, specifically looking at the online content provided. As many as 3,896 organisations – mostly governmental entities – were registered by June 2009 in the National Electronic System.[17] They provided contact data and – most of them – links to their websites. There are strong horizontal (geographical) and vertical (hierarchical) disparities among these websites: while municipalities have more content and better design, smaller localities (towns and communes) and, surprisingly, some county councils provide scarce information and poor website architecture in terms of accessibility and usability. Most of the municipalities' websites analysed are in the interactive stage of e-government, in transition to the transactional stage, whereas disconnected communities from poorer areas and smaller localities are in the enhanced web presence stage at best.

Knowledge-based Economy Project

The Knowledge-based Economy Project is aimed at promoting the digital inclusion of 255 disconnected communities across Romania with a substantial loan of USD 60 million from the World Bank. The project is intended to be part of the national e-government strategy. Beyond infrastructural investments in knowledge centres, the project implementation unit (part of the communications ministry) facilitates online communication among target communities. As part of this project, the eComunitate portal18 is a collection of websites offering a range of information and services online, including the ability to interact with other communities. The portal is well designed and user-friendly, providing Web 2.0 tools for enhanced interaction, including blogs, wikis, forums and RSS feeds. Online community content is structured in thematic categories: social, education, culture, history, tourism, traditions, venue, local strategies, projects and businesses.

Advanced e-Learning educational project (AeL)

The Advanced e-Learning educational project (AeL) is a public-private partnership developed by the Romanian Ministry for Education and the Siveco IT company.[19] The project has been providing modern online teaching facilities for 4,780 Romanian schools since 2005.[20] Electronic content is structured according to subject, offering more than 500 lessons on literature, mathematics, computer science, physics, chemistry, biology, geography, history, economics, technology and psychology. The project has attracted criticism from the open source community because it is implemented using proprietary software solutions.

Other initiatives

At a recent free and open source software (FOSS) conference called eLiberatica, the former communications ministry state secretary presented an innovative open source application: a queue register.[21] The purpose of the application is to provide citizens and organisations a simple and transparent technical solution to the online registration of any transaction where the order of registration is important. The benefit of implementation would be stakeholders' access to virtual queue information in order to avoid favouritism.

An important, yet poorly publicised success story is the Jurindex initiative. Launched in spring 2009, it is an official programme of the Superior Council of Magistracy that aims to publish all court decisions in their original form online. Access to these documents will be free. Beyond contributing to a more transparent judiciary system, Jurindex enables stakeholders to monitor court cases in a reliable and user-friendly manner.[22]

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18 www.ecomunitate.ro

19 The company is considered by the media and competitors to be the subject of favouritism. See: www.capital.ro/articol/link-de-300-mil-euro-la-licitatiile-pentru-it-din-scoli-111522.html

20 advancedelearning.com/index.php/articles/c3

21 Teodorescu, C. (2009) National Unique Queue Register can fight against corruption, paper presented at the eLiberatica conference, Bucharest, 23 May. www.eliberatica.ro/2009/conference/schedule

22 www.jurisprudenta.org/MainSearch.aspx

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17 www.e-guvernare.ro/Default.aspx?LangID=4

Emerging trends in access to online information

According to a regulatory authority assessment, we can expect dynamic changes in local content creation given the growth in broadband penetration. "As internet access, data transmission services and content applications increase their share in the operators' revenues, the content providers, including websites, portals and audiovisual programme services will have a significant impact on market dynamics. In turn, the development of local content will boost the growth of broadband penetration."[23]

Open source groups are preparing to create a lobby organisation to advocate for affordable ICT solutions in Romania, according to eLiberatica and ICT activists. A louder voice for the open source community could foster meaningful content creation through promoting more accessible and customised applications.

The social media boom is an ongoing process entailing digital inclusion, citizen participation and civic involvement through bottom-up online content development. A fast-growing blogger community and media convergence trends[24] create a "fifth power" (or "fifth estate"): an accessible space for autonomous voices.[25]

Action steps

Access to online information follows a top-down dissemination model, as shown in the projects analysed. Few grassroots initiatives have attracted public attention and support. Bottom-up initiatives should be encouraged through funding, skills transfer and networking support in order to enable citizen participation in shaping and developing local content.

Free and open source solutions should be given more attention by government and business stakeholders to encourage sustainable and inclusive access to online information.[26]

Technologies are far more advanced than information dissemination practices in the country. In order to develop a transparent, participatory society, government initiatives and a business community drive have to be backed up by increased civic involvement of opinion leaders, action groups and civil society organisations. ■

23 ANRCTI (2007) *Position Paper on the Regulatory Strategy for the Romanian Electronic Communications Sector for 2007-2010*, p. 39-40.

24 Comănescu, I. (2007) *Presa electronică românească, între producţia de ştiri de tip clasic şi specificităţile de tip Web 2.0*, Centrul pentru Jurnalism Independent, Bucharest. www.cji.ro/categ.php?categ=publicatii

25 Chiruţă, R. (2007) „Blogul, a cincea putere în stat", *România Liberă*, 19 April. www.romanialibera.ro/a92821/blogul-a-cincea-putere-in-stat.html

26 Savluc, L. (2009) My official position – The Romanian government is about to spend millions of euro on proprietary software…, 27 May. www.cianblog.com/2009/05/27/my-official-position-the-romanian-government-is-about-to-spend-millions-of-euro-on-proprietary-software

GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels

- **Encouraging** critical debate

- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy.* It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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