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# **ELECTRONIC SERVICE IN THE LIGHT OF PERSONAL ADMINISTRATIVE LAW REGULATIONS AS A MANIFESTATION OF AUTOMATION OF ACTIVITY OF PUBLIC ADMINISTRATION BODIES**

## **Introduction**

The widespread use of information and communication technologies<sup>1</sup> in commercial organizations has changed the expectations of individuals and entrepreneurs, also towards modern public administration [Jastrzębska 2018, 36]. A large part of them concerned, and still concerns the de-localisation of procedures and services massively performed by offices and making it possible to handle all administrative matters remotely (without leaving home). At the same time, this remotely handling of matters should be understood broadly as the admissibility of electronic and independent familiarization with certain types of information and publicly announced procedures, as the possibility of electronic application for a specific benefit, for a decision or for the issuance of documentation, as an entitlement to receive electronic decisions and other official documents taking electronic form. Its purpose is to facilitate the existence of the modern individual, who is always busy, always in a hurry and always late. Achieving this is possible thanks to the progressive process of informatization, as the use of information technology is an absolute requirement for the development of administration and management [Stefan 2011, 263]. The importance

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<sup>1</sup> See the standpoint of the Constitutional Tribunal in terms of technological development: judgment of the Constitutional Tribunal of 30 July 2014, ref. no. K 23/11, OTK ZU 7A/2014, item 80; and also the standpoint of P. Pietrasz about common use of technological development [Pietrasz 2020].



of the informatization process has been clearly confirmed recently, where the benefits of using IT tools and means in communication processes have been appreciated not only by supporters of new technologies but also by those individuals who are indifferent or even sceptical about everything new and electronic. The state of epidemic threat and epidemic has revealed that there may be situations where the implementation of tasks in offices may be impossible or significantly difficult, and yet life does not stop in a place and certain activities must be carried out even when there is a fear of exit on the part of citizens from home and on the part of the clerk the fear of receiving the petitioner in the office. There are certain administrative matters that cannot wait, which have to be dealt with despite unfavourable circumstances, hindering or even preventing the proper operation of public administration bodies. Such an administrative “area” confirming the need for continuous work of offices, is the area related to the implementation of administrative personal law, which covers, *inter alia*, issues related to registering births, deaths, marriages or issuing identity cards. A. Monarcha-Matlak rightly points out that the regulations of administrative law are ubiquitous because they regulate the entire human life from birth to death, bringing along the way various documents relevant to this branch of law, the issuance of which should be applied for [Monarcha-Matlak 2018, 155]. It is in this area that the process of implementing methods and techniques of automatic information processing using ICT systems, including devices with computer software, including those intended for communication, turned out to be necessary [Kowalczyk 2019]. This study is devoted to determining the elements of this process, in particular, the electronic service under the legislation in the field of personal administrative law.<sup>2</sup> In this case, it is primarily about bringing closer the changes implied by the content of the Act of 14 October 2021 on amending the Act on identity cards and some other acts.<sup>3</sup> Referring to the functionality of the electronic service will make it possible to determine its advantages and benefits resulting from implementation into the legal system. In this respect, it is not without

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<sup>2</sup> Act of 28 November 2014 – Law on civil status records, Journal of Laws of 2020, item 463 as amended [hereinafter: u.p.s.c.]; act of 6 August 2010 about identity cards, Journal of Laws of 2020, item 332 as amended [hereinafter: u.d.o.]; act of 24 September 2010 on population registers, Journal of Laws of 2021, item. 510 [hereinafter: u.e.l.].

<sup>3</sup> Journal of Laws item 1978.

significance to previously characterize the automation process and determine its place within the generally perceived informatization of the activities of public entities. Presented considerations include changes in legislation in the field of personal administrative law, which shall enter into force on June 2 and September 1, 2022. The descriptive and formal-dogmatic method was used in these considerations.

## **1. Informatization and automation of the activities of public entities**

Having their legal basis in the Act of 17 February 2005 on informatization of the activities of entities performing public tasks,<sup>4</sup> the informatization process does not have a definition based on Polish legislation.<sup>5</sup> However, it is assumed that it should enable a better, smoother, more efficient, faster and more effective fulfilment of needs by public entities using the imperative power of the state [Sitek, Florek, and Sitek 2020, 158]. Its main goal is to create conditions for better service to citizens, entrepreneurs and other entities and to guarantee the effective satisfaction of their expectations [Martínez 2011, 192]. Generally speaking, informatization should be understood as the implementation and use of modern technologies in a specific institution or their entire network [Janowski 2012, 124]. On the one hand, the lack of a legal definition is an obstacle (just like any under-regulation in law, any ambiguity or imprecision of legal concepts). On the other hand, it gives the possibility of various interpretations (narrow and wide, primary and secondary) and its adaptation to the needs of a changing environment. Fundamental merits in the field of introducing the essence and significance of informatization should be attributed to the doctrine. It tries to keep up with its constant development, shaping modern understanding and emphasizing the measurable impact of informatization on the performance, efficiency, and optimal implementation of public tasks by those entities whose activities are based on the use of modern information and communication technologies and IT tools [Sibiga 2011]. This allows for deeper reflection and consideration of the relationship between the traditionally understood informatization process and automation. Undoubtedly, the two issues are

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<sup>4</sup> Journal of Laws of 2021, item 670 [hereinafter: u.i.d.p.r.z.p.].

<sup>5</sup> See views of G. Szpor on the legal foundations of computerisation process [Szpor 2009, 717ff.].

not at two opposite poles but correspond closely with each other. Informatization is a broader concept, which implies that automation is a part of it or a consequence of certain activities resulting from the use of modern technological solutions in the activities of public entities. As pointed out by G. Szpor, informatization entering the activities of public entities entails relieving these entities from the implementation of simple-repetitive activities, because most of them are subject to algorithmization, so that they can be performed by computers, not by humans themselves [Szpor, Martysz, and Wojsyk 2015, 15]. Just as informatization is a step forward after computerization, automation is an expression of the progressive process of informatization and, according to J. Janowski, is a prelude to autonomy identified [Janowski 2019, 48]. K. Kubicka-Zach, although she does not directly use the notion of informatization, points out that electronisation is a transitional stage on the way to introducing full automation of processes in public and private institutions [Kubicka-Zach 2019]. On the other hand, M. Uliasz refers to automation as a positive effect of informatization and stresses that “[...] with automation as a consequence of informatization, there is the problem of automatic resolution systems” [Uliasz 2019].

There are various definitions of the concept of automation in the doctrine. All definitions, however, without exception, are based on the procedure of moving a person away from certain activities that can be “dehumanized” or transferred to “someone” or rather “something” other than a human being. G. Sibiga points out that automation in its general terms means the complete or significant replacement of human work, including intellectual work – with the work of machines that operate and perform human tasks without human participation [Sibiga 2019].<sup>6</sup> The essence of the discussed process boils down to the automatic implementation of certain activities and the automatic course of specific processes, within which it is not necessary to each time the activity of individuals, their acceptance, skills or knowledge [Szostak 2018]. In the doctrine, clearly extreme positions can be found in the light of which such automated activities are not activities carried out by means of electronic communication, but by humans, even when it comes to the use of ready-to-fill electronic forms [ibid.]. They are also not electronic activities of a mathematical

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<sup>6</sup> A similar position is represented by E. Olejniczak-Szałowska [Olejniczak-Szałowska 2018].

nature (calculation activities), which are only to support and not help people in the ongoing proceedings [ibid.]. Undoubtedly, however, such activities are included in the generally perceived informatization process.

## **2. Electronic service in public activity in the field of personal administrative law**

Electronic administration is a concept that is often mentioned nowadays, not only when it comes to doctrinal considerations of theoreticians of law and administration science, but also in the field of simple verbal communication of individuals who more often criticize and less often praise the operation of the administrative apparatus. The simplest understanding of the above term is identified through the prism of quick and efficient operation, which is to be guaranteed by the use of the so-called technological innovations in dealing with administrative matters.<sup>7</sup> Electronic administration, also known as e-administration, is based on improving the internal operational efficiency of a public institution, on electronic relations with citizens, as well as on enabling direct access of users by electronic means to services offered by a public institution [Hodos 2014, 119-27]. Electronic administration does not require a personal appearance at the office in every case, the use of the paper form of documentation and the traditional form of its delivery, but it allows the use of electronic documentation and the form of an electronic document and, above all, electronic means of communication in its transmission.

Within the scope of personal administrative law, the functional approach to electronic administration comes down briefly to, *inter alia*: 1) The existence of electronic public registers – keeping central registers in the ICT system (PESEL register, register of residents, register of identity cards hereinafter referred to as RDO, register of civil status hereinafter referred to as RSC) and electronic sharing of data from such collections (Article 55(1) u.d.o., Article 3 u.e.l., Article 5(1) u.p.a.s.c.). In this case, it is possible to share data, among others by means of teletransmission (full, limited) and in a single-mode, as well as ensuring direct access to data

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<sup>7</sup> See also the standpoint of D. Skoczylas and A. Sytek about electronic administration [Skoczylas 2020; Sytek 2016, 71-78].

located in the RDO using electronic means of communication and after prior authentication referred to in Article 20a(1) u.i.d.p.r.z.p.; 2) Using in the activities of public administration bodies the electronic form of electronic documentation bearing a qualified electronic signature. This applies to the following issued by the relevant public authorities: certificates, authorisations, notifications, notices, copies of civil status records, documents from the collective files on civil status registration, protocols (notifications, recognitions, or acceptance of relevant declarations) (Article 63(1) (2) u.d.o., Article 65(2) u.d.o., Article 30(5) u.e.l., Article 63(10) u.p.a.s.c., Article 89(1) u.p.a.s.c., Article 108(4) u.p.a.s.c); 3) Use of electronic documentation with a qualified electronic signature or personal signature (e.g. for birth and stillbirth certificates submitted to the head of the Registry Office (Article 54(4) u.p.a.s.c.); 4) The admissibility of electronic application by the interested party, i.e. in a letter in electronic form with a qualified electronic signature, a trusted signature or a personal signature, including the use of electronic forms, e.g. in terms of removing inconsistencies in data appearing in the register, for permanent or temporary residence registration under a specified address, or to deregister from a specific address, to issue an ID card or other related documentation (Article 24(3) point 2 u.d.o., Article 11(3) u.e.l., Article 28(1) point 2 u.e.l.);<sup>8</sup> 5) The admissibility of electronic reporting of certain events of legal significance, i.e. in writing in electronic form – on a form with a qualified electronic signature, trusted or personal, including the fact of loss or damage of an ID card or unauthorized use of personal data, or notification of a trip abroad for a period longer than 6 months (Article 48(1) point 2 u.d.o., Article 48a(4) point 2 u.d.o., Article 36(3) point 2 u.e.l.); 6) The admissibility of getting acquainted with the list of suspended and cancelled identity cards kept by the minister responsible for informatization in the ICT system after prior authentication in the manner referred to in Article 20a(1) u.i.d.p.r.z.p. and on the condition of specifying the series and number of the verified ID card (Article 74(1) u.d.o.); 7) Electronic nature of ID cards, which enable: authentication of a person in online services using

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<sup>8</sup> Judgement of the Voivodship Administrative Court in Gdańsk of 13 November 2015, ref. no. III SAB/Gd 28/15, <https://orzeczenia.nsa.gov.pl/doc/D9DB281868> [accessed: 17.07.2021].

a trusted profile and personal signature on documentation.<sup>9</sup> Equipped with an electronic layer (Article 12a u.d.o.), the identity card meets the requirements for a qualified device for creating an electronic signature<sup>10</sup> (Article 10 u.d.o.).

Among the elements of the informatization process presented above, there is also a place for the electronic service regulated in the currently applicable provisions of the u.p.a.s.c, u.e.l., u.d.o. Therefore, it is known to Polish legislation in the field of personal administrative law, although its nature and functionality differ depending on the public task within which it is used. Its presence is visible in the following areas: applying for a copy of the civil status certificate from the RSC (Article 45(2) u.p.a.s.c.); reporting the birth of a child by parents with full legal capacity (Article 58a u.p.a.s.c.); submitting notifications of suspension or withdrawal of certificates placed in the electronic layer of the ID card by the ID cardholder (Article 32b(1) point 2 u.d.o.); reporting the loss or damage of the identity card by its holder (Article 47(1) point 3a u.d.o.); downloading information about the registered address from the PESEL register (Article 45b(1) u.e.l.).

In all cases, this is an electronic service made available by the minister in charge of informatization, and the use of this service is subject to the requirement that the “user” authenticate his identity using an electronic identification means issued in an electronic identification system, or using an electronic identification means issued in a notified electronic identification system, or using data verified with a qualified certificate of electronic signature if these data allow the identification and authentication required for the provision of the online service. Contrary to what results, or rather does not result unequivocally from the regulations of the u.p.a.s.c. and u.d.o. an entity that performs certain activities required by law or carried out in its own interest and based on the regulations of generally applicable law,

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<sup>9</sup> According to Article 12d u.d.o., affixing a personal signature to data has such legal effects with regard to a public entity that are equivalent to a handwritten signature. The situation is similar with regard to the private entity with the exception, however, that both parties must agree to this.

<sup>10</sup> See Regulation of the European Parliament and of the Council (EU) no. 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing directive no. 95/46/WE, Official Journal of the European Union, L 119, 4 May 2016, p. 1-88.

has the ability to independently obtain specific documentation and report specific changes in the facts relating to persons or things related to it. This is closely related to the concept of electronic service on the market as a service provided electronically through a telecommunications network using information technology, the provision of which is automated and requires little human intervention.<sup>11</sup> In fact, human work is not completely excluded within the scope of the operation of a public administration body, although the benefits of the electronic service are mutual, and the scope of activities performed by an official is relatively limited. As is clear from the content of Article 45(4) u.p.a.s.c. a duplicate of the marital status certificate issued through electronic service is provided with a qualified seal of the minister responsible for informatization. It should not be forgotten that an employee serving a public administration body is not forced to receive the applicant in his room (at the counter) and answer additional questions, often accompanying (the request itself or the reports made). The person concerned, in turn, has the opportunity to deal with the administrative matter remotely without having to leave the house and losing time waiting for his turn at the office or in front of its building. However, the elimination of certain activities on the part of an employee in connection with an electronic service is not always the result of the operation of a machine, computer or ICT system. It may also be an indispensable result of the lack of physical presence of the unit in the office and no need to operate it “face to face” in the case of the so-called window or in the office of the clerk. This kind of (in a sense) automatic (because of the employee-independent consequence of the electronic service) limitation of the scope of administrative activities performed in the office is not a manifestation of the automation of the operation of a public administration body. In this respect, it consists of the self-controlling input of data into the system by the unit and their mechanical verification or obtaining with its help (directly without the participation of an official) specific documentation. In this case, the dominant role is played by the independence of the individual, which comes down to various acts of conduct (in the scope of the law provided for information and lawful data retrieval), independence of its actions from the time held by an official (his workload at a given moment), and on how he or she

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<sup>11</sup> <http://eregion.wzp.pl/obszary/uslugi-elektroniczne> [accessed: 15.06.2021].



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feels on a given day or his general attitude to work. The electronic service guarantees the possibility of settling the matter regardless of the working hours of a given office, using the time of day that the interested party decides while devoting such amount of time that is adequate to the general level of knowledge, efficiency and IT skills of the unit. It became possible thanks to the automation of certain trivial but intellectual human activities (factual activities) in the field of analyzing, associating, inferring and selecting data [Janowski 2019, 43; Auleytner and Stępień 2019]. Although in the area related to the implementation of personal administrative law, there is no automatic settlement of the facts, but automatic checking of the completeness of the information contained in the electronic form as well as the correctness of the data contained therein makes it possible to correctly submit (notification) and effectively receive official documentation with or total disregard of the human factor on the part of the public administration body.

Importantly, the existing solutions relating to electronic services are subject to development and partial modification as a result of the Act of 14 October 2021 on amending the Act on identity cards and some other acts.<sup>12</sup> This applies in particular to Article 45(2) u.p.a.s.c., the new wording of which will enter into force on June 2, 2022. According to its content, the person to whom the act relates, his spouse, children and parents will be able to apply for a complete or abridged copy of the marital status certificate from the RSC or download a certificate of the data concerning him or her included or not included therein. Submitting the application or downloading the certificate will take place using the electronic service provided by the minister responsible for computerization, after authentication in the manner specified in Article 20a(1) u.i.d.p.r.z.p. Therefore, as it results from the justification to the draft act, the interested entity will be able to independently and free of charge obtain documentation to its eP-UAP mailbox [Pawłowska 2021], which, although it will not be paper, will have legal force and will have the same effect as the delivery of a traditional

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<sup>12</sup> See also the draft of the bill: <https://mc.bip.gov.pl/projekty-aktow-prawnych-mc/projekt-ustawy-o-zmianie-ustawy-o-dowodach-osobistych-ustawy-o-ewidencji-ludnosci-oraz-ustawy-prawo-o-aktach-stanu-cywilnego.html> [accessed: 10.07.2021].

document.<sup>13</sup> The content of the documentation provided shall be exempt from the action of the so-called issuing clerk, which shall enable the automation of operations, and the use of its functionalities to the full extent confirms the gratuitousness of the service provided. Stamp duties are equivalent for a specific human action, they are a payment for his effort and commitment to settling an administrative matter following the request of the person concerned. Therefore, the lack of a fee confirms the exclusion of the human factor in the implementation of this activity, as it results from the common understanding of automation. However, doubts arise as to the vagueness of the wording of the “new” Article 45(2) u.p.a.s.c. As in the case of the currently effective provisions of the u.p.a.s.c., the focus is on the impersonal issue of a complete or abridged copy of a civil status record and not on its collection, obtaining, or even on the possibility of making this copy using an electronic service.<sup>14</sup> Doubts, however, are raised by the ambiguity of the proposed regulation under Article 45(2). This is because, similarly to the currently applicable provisions of the u.p.a.s.c., it is indicated that the documentation is issued impersonally, and not that it is downloaded, obtained, or even if it is possible to do so using an electronic service. This type of procedure causes unnecessary hiding of the automatic nature of the administrative activity or masking the automaticity of action, which may raise unnecessary doubts in interpretation. The duties performed by individuals based on regulations of the u.p.a.s.c, u.e.l., u.d.o., or actions performed in the interest of the interested parties based on the presented regulations, are so common that their correct shaping, and in particular their unambiguous expression, is an exceptionally desirable phenomenon and should be reflected in the applicable provisions of administrative personal law. This cannot be compensated for by the explanation given in the explanatory memorandum to the amendment bill, which the average individual is unlikely to reach. The information that it would probably obtain from informal websites in this respect should clearly and explicitly result from the legislation. This would probably be an in-

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<sup>13</sup> Due to its issuance on the basis of applicable law and affixing an appropriate seal.

<sup>14</sup> Only in the scope of obtaining a certificate from the RSC, the legislator clearly determines its collection by means of an electronic service.

centive for interested parties to use direct sources, and not always fully reliable online interpretations of them.

The development of the current functionality of the electronic service is also visible in the field of obtaining information from the PESEL register. The existing possibility of independent retrieval from the register of information about the registration of a person, in light of the adopted amendments, is extended by the possibility of effective retrieval of other data collected in the register. The current ability to independently download information about the registration of a person from the register in the light of the proposed changes is extended by the possibility of effectively obtaining other data stored in the register. It is about the possibility of independent, automatic and free of charge downloading of certificates containing a full or only partial copy of data from the PESEL register (beyond the scope of the information about the registration of a given person originally made available in the above manner). This right is granted to the person concerned (the so-called collecting person) and, from the point of view of the subject, also includes information on children under the parental authority of the person concerned (Article 45(4)(6) u.e.l.).

The legislator, noticing the mutual advantages of the electronic service in the process of carrying out public tasks, allows the use of its functionality as part of: 1) free of charge and, more importantly, independent downloading of information about recipients to whom the data appearing in the RDO or the PESEL register has been disclosed (directly from the PESEL register logs). In this case, it concerns data concerning the person concerned or the minor child remaining under his parental authority (Article 63a u.d.o., Article 45c u.e.l.); 2) automatic registration (based on the submitted application by a citizen) for permanent or temporary residence at a specific address without the need to verify the application by an official. However, this is subject to the condition of having a legal title to the premises where the registration is to take place (Article 28(2e)(2f)(2g) u.e.l.); 3) providing the person concerned with access to the PESEL register concerning their own data, as well as children remaining under their parental authority (if in the PESEL register, the parent's PESEL number was placed next to the child's data) (Article 45(1)(1a)(1b)(1c) u.e.l.).

The documentation obtained by the interested party through the electronic service (specified in the amended regulations u.p.a.s.c, u.e.l., u.d.o.), due to its automatic generation by the ICT system of the public administration body, is stamped [Sibiga, 2020] with the seal of the minister competent for informatization verified by means of a qualified certificate. This is a significant change compared to the current regulations in the field of personal administrative law. The introduction of this amendment is of particular importance (as is clear from the justification to the draft amendment act) as regards the admissibility of obtaining a copy of the marital status certificate – a child's birth certificate by the interested parties (mother, father) (Article 45(2)-(4) u.p.a.s.c.). Its assumption is to simplify, streamline and accelerate the work of Registry Office managers, because they will be able to generate this type of documentation from the RSC and after having stamped the minister responsible for informatization (on the same workstation where they prepare the documentation and register the civil status events), redirect the copy of the birth certificate to the applicant's ePUAP account [Pawłowska 2021].

### **3. The benefits of using an electronic service and the advantages of carrying out public tasks with the use of its functionality**

Striving to present the benefits resulting from the use of electronic service in the activities of public administration bodies should not come as a surprise, taking into account the existing regulations of the u.e.l., u.p.a.s.c. The planned extension of the use of electronic services in the implementation of tasks in the field of personal administrative law undoubtedly shows that such benefits must exist, have been noticed and, above all, appreciated. Admittedly, it must be emphasized here that the changes enacted are primarily a response to the difficulties of recent times resulting from the state of epidemic threat and epidemic, and an attempt to improve the process of dealing with administrative matters, the postponement of which is not always possible and legal. However, what is happening around us is not able to extend the functionality of anything in the administration, if a specific pilot solution, a recently implemented solution, has not been positively assessed both by the internal environment (employees, officials) and by the interested parties (petitioners). Existing experience

must highlight the positive consequences of specific legal solutions, which are considered in terms of benefits, improvements or advantages.

To present a set of benefits resulting from the functionality of an electronic service, one should refer to the broadly understood savings, because it refers to both financial and material resources, the use of which becomes unnecessary or is subject to appropriate limitation when administrative activities are performed using financial means, electronic communication and traditional documentation takes an electronic form.<sup>15</sup> The use of ICT systems in the process of collecting and transferring information is also important in this matter. A closer analysis of this savings requires reference to specific activities related to the submission of documentation to a public administration body, or, on the other hand, its acquisition by units using an electronic service. The automatic nature of the notification of events to the public administration as well as the electronic request using an electronic service reduces the human factor and the involvement of the employee in the handling of the case. It guarantees saving time resulting from the exclusion of the obligation to verify the documentation by a human (mainly from the formal point of view as to its full content – completeness). It increases the efficiency of the office's work. This type of checking is carried out automatically and prevents the case from being successfully dealt with if the documentation is deficient or its content is incorrect. And although the time-saving in question is visible first of all on the part of the employee (due to the limitation of the workload on his side), it becomes even more visible on the part of the petitioner, because as a result the service time for the interested party is shortened, e.g. in the field of registration of an event related to marital status.<sup>16</sup> In terms of inference, this time saving is also manifested in the fact that the electronic service, in essence, prevents the submission of incomplete, formally deficient or incorrectly completed applications.<sup>17</sup> It is to result in the reduction of the procedure time as a result of eliminating the need to summon the interested

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<sup>15</sup> Interesting views on the use of automated systems are presented by K. Gajek [Gajek 2020].

<sup>16</sup> <https://mc.bip.gov.pl/projekty-aktow-prawnych-mc/projekt-ustawy-o-zmianie-ustawy-odowodach-osobistych-ustawy-o-ewidencji-ludnosci-oraz-ustawy-prawo-o-aktach-stanowcywilnego.html> [accessed: 15.07.2021].

<sup>17</sup> Ibid.

parties to correct or supplement the submitted applications.<sup>18</sup> This contributes to the overall speeding up of settling the case before a public administration body.

Time-saving is similar if we take into account the admissibility of independent data review, information retrieval and, above all, obtaining all kinds of certificates issued from central registers, guaranteed through an electronic service. Relieving employees of the need to answer questions each time, or to prepare and issue relevant documentation on request, on the one hand, saves time, and on the other hand, eliminates the risk of typing errors, accounting errors and other obvious irregularities in the documentation, although it is not created by hand, but nevertheless not automatically issued [Uliasz, 2019]. Finally, it is worth emphasizing that the independence of the conduct of the interested party, correlated with the electronic service, also results in a limited possibility of blaming the administration for ineffective, slow, too bureaucratic activities. Any dissatisfaction with the handling of a case (registering an event, consulting a register, obtaining a certificate) may be based on the individual's incompetence, a lack of skills and knowledge, or on general technical or Internet access problems.

Due to the limitation of expenses, savings in the use of various material resources lead to an increase in capital. It is closely related to the reduction of financial outlays on the part of the public administration body. The limitation of classic documentation and traditional methods of its transfer (on paper hand-to-hand, with the help of a postal operator), in the long term, leads to the reduction of costs resulting from the purchase of various types of office supplies. This kind of savings is visible on both sides of the administrative process, although reliance on traditional (paper) documentation is a much more financial burden for the administrative apparatus. This is also due to the necessity of proper data processing, storage and archiving. All such procedures entail financial costs, the reduction of which is possible due to the adoption of electronic methods of transferring documentation – from and to the petitioner and, above all, taking its electronic form. The functionality of the electronic service eliminates the obligation on the part of the petitioner to deliver documents on their

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<sup>18</sup> Ibid.

own or by means of a postal operator. Therefore, it reduces the costs associated with a personal appearance at the office, or the costs of shipping resulting from the traditional delivery of the application referred to in Article 63 of the Act of 14 June 1960 – Code of Administrative Procedure.<sup>19</sup> The costs associated with the possibility of electronic data and document acquisition and transmission (colloquially referred to as the costs of the Internet) constitute in this case the sole financial burden on the part of the interested parties. However, it is by no means an extraordinary burden related only to a specific action of an individual against a public administration body. Nowadays, such costs are for most members of society the costs of everyday life necessary for the needs of shopping, deepening knowledge, carrying out work, education, ordering or visiting a doctor, or generally understood entertainment. The claim that such costs are exclusive is perfectly correct. In this case, it is about the fact that the transactional service is free and the previously mentioned free of charge data from a public administration body. The automatism of the process of getting acquainted with the information and its collection as a result of excluding human work eliminates the need to incur administrative costs, the so-called stamp tax, which is remuneration for the work of official acting following the intention – at the request of the person concerned. The mere admissibility of using the data files in possession may even result in limiting the need to individually apply for the issuance of specific documentation, regardless of the form it should take.

The admissibility of noticing the benefits presented above and their actual cataloging allows us to take a position that the implementation of tasks in the field of public administration using the functionality of the already existing and planned electronic service has many advantages. In addition to the obvious convenience of limiting contact with an official who is not always friendly towards other people and willing to help, the cheapness (or even free of charge), efficiency and increased speed in the process of providing certain administrative “services” are also visible. The electronic service guarantees the improvement and acceleration of activities to meet the individual needs of the individual resulting from his or her coexistence in society and related, *inter alia*, with the necessity to register certain

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<sup>19</sup> Journal of Laws of 2021, item 735.

events concerning a marital status or to create the possibility of changing it, guaranteeing the admissibility of controlling the fact of being interested in the data of a given person or their descendants. The elimination of paper documents, a large dose of independence in the provision and receipt of information while guaranteeing its automatic classification and checking, and above all, the automaticity in the process of two-way data transfer entails precision, clarity and correctness of all kinds of messages,<sup>20</sup> that are part of the implementation of public tasks or are their result. On the other hand, the accuracy resulting from the automatic nature of activities and the reduction of administrative costs that could occur on the part of the unit dealing with its administrative matters positively influences the quality of customer service and its overall satisfaction as a petitioner of the public administration office.

## Conclusion

The progressive process of automation affects various areas of individual functioning.<sup>21</sup> As M. Suksi notes: “the use of automated decision-making is increasing not only in the private sector (banks, insurance companies, etc.) but also in the public sector [...]” [Suksi 2021, 87]. Therefore, it also enters public administration using modern information and communication technologies, making the implementation of certain public tasks faster, cheaper, although, as experience shows, not for every citizen less complicated or simpler. Although it is most often identified as replacing a human in decision-making processes, a weaker type of automation is moving units away from typically verification (checking) activities carried out by computers. This type of approach makes it possible to notice automated activities within personal administrative law, where the electronic service, used primarily for the purpose of submitting relevant documentation by applicants and receiving it from public administration bodies, does not exclude human activity on any of the parties, but significantly reduces the official’s participation in the activities. unrelated to making decisions based on ap-

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<sup>20</sup> It refers to all documentation issued by public administration bodies in the form of: notifications, notices, certificates, copies, extracts, etc.

<sup>21</sup> B. Kwiatek emphasises that automation may concern simple official activities, it may be obligatory or optional [Kwiatek 2020].



plicable law.<sup>22</sup> Noticing its advantages, as well as external factors related to the epidemic situation in recent times, have contributed to the extension of its functionality beyond the existing areas of personal administrative law.

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<sup>22</sup> Automation is also visible in the verification of the correctness of photographs submitted together with an application for an identity card (checking appropriate technical requirements e.g. in the area of uniformity of the background by the RDO teleinformatic system). Judgement of the Voivodship Administrative Court in Gliwice of 3 March 2017, ref. no. II SA/Gl 728/16, <https://orzeczenia.nsa.gov.pl/doc/CBC27696CF> [accessed: 17.07.2021].

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### **Electronic Service in the Light of Personal Administrative Law Regulations as a Manifestation of Automation of Activity of Public Administration Bodies**

#### Abstract

The use of modern information and technologies in public administration is closely related to the progressing informatization process. Its development and adaptation to the requirements of modern times lead to the appearance of certain varieties, processes resulting from it or as a consequence of it. In this case, it is a process of automation corresponding to informatization, visible in the area of personal administrative law thanks to the electronic service provided for in the Act: Law on civil status records, Law on population records and identity cards. This study is devoted to determining the essence of this type of service and referring to the extension of its functionality in the light of the Act of 14 October 2021 amending the Act on identity cards and certain other acts.

**Keywords:** computerization, automation, electronic service, electronic administration

### **Usługa elektroniczna w świetle uregulowań z zakresu osobowego prawa administracyjnego jako przejaw automatyzacji działalności organów administracji publicznej**

#### Abstrakt

Wykorzystywanie w administracji publicznej nowoczesnych technologii – informacyjnych pozostaje w ścisłym związku z postępującym procesem informatyzacji. Jego rozwój i dostosowanie do wymagań współczesnych czasów prowadzi do pojawiania się pewnych jego odmian, procesów będących jego wynikiem albo następstwem. Chodzi w tym wypadku o korespondujący z informatyzacją proces automatyzacji uwidaczniający się w obrębie osobowego prawa administracyjnego

dzięki usłudze elektronicznej przewidzianej w treści ustawy: *Prawo o aktach stanu cywilnego, Prawo o ewidencji ludności i o dowodach osobistych*. Określeniu istoty tego rodzaju usługi oraz odwołaniu się do rozszerzenia jej funkcjonalności w świetle ustawy z dnia 14 października 2021 r. *o zmianie ustawy o dowodach osobistych oraz niektórych innych ustaw* poświęcone jest niniejsze opracowanie.

**Słowa kluczowe:** informatyzacja, automatyzacja, usługa elektroniczna, elektroniczna administracja

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