TRAINING PUBLIC EMPLOYEES AND THE PROCESS FOR IMPLEMENTING E-GOVERNMENT IN SPAIN

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Abstract:

New information and communication technologies within the Administration give rise to a series of important challenges: to select and use the various telematic and computer-related utilities and applications that are most suitable for public management and to train civil servants on how to use these computer utilities and applications. The main aim of "e-Government" programmes in Spain is to create telematic administrative procedures that enable electronic documents to be telematically processed, recorded and filed in a unified system that may be used by various Administrations and entities. These procedures should also allow telematic consultations of administrative files and provide the possibility of receiving the information needed to carry out private transactions that require administrative documents.

However, creating an "e-Government" demands that bureaucratic machines undergo the transformations necessary to control "e-Government" techniques and teach citizens to confidently use utilities included in governmental web pages. Government training programmes should carefully come up with solutions to these new "information society" challenges, and overcome barriers derived from the heterogeneity of public employees, their delocalisation, and the traditional lack of stimulus to adapt to new telematic and virtual communication means. Considering these circumstances, it seems evident that public authorities should confront "digital training" in two ways: internally (by suitably planning the training of public employees) and externally (developing educational and informative programs on how to use new computer technology). It is worth underlining that relative lack of planning for e-Government training actions directed at public employees, despite what was stipulated in the Administration-Trade Union Agreement for Modernising and Improving the Civil Service of 7 November 2002. Chapter X, on the Continuous Training of public employees, proposes training actions within the Government Administration, with the aim to create a modernising policy that may establish quality public services.

The aim of Civil Servant training should be Processing Telematic Administrative Procedures over the Internet. The specific demonstrations of computer and telematic techniques in Administrative procedures that should be taught are: the management (creation and handling) of "Electronic documents", material basis of the telematic procedure, the use of "electronic signature" utilities (the only mechanism that can guarantee complete security in electronic document exchanges, at least in conditions comparable to ordinary document processing), the handling of administrative databases or general records on computer mediums, the creation and issuance of telematic notifications and, last but non least, the management of administrative information by telematic means, either displaying it on government web pages or by subscribing to government information lists sent on demand by e-mail (e-lists). Nevertheless, there seems to be any obstacles for processing administrative data by telematic means, as it is necessary to guarantee the citizen's basic procedural rights, held in art. 35 of the 30/1992 law, of 26 November, on Administrative Common Procedures, should be kept in mind when using computer and telematic means for developing the "e-Government". Civil Services must work to implement computer and telematic technologies that provide sufficient guarantees that these rights will be protected, as article 45 LAP reveals the problems for which the law has responded guaranteeing the validity and publicity of computer and telematic applications for administrative use and guaranteeing complete security of telematic administrative procedures.

The third issue that should be kept in mind when planning internal "e-Government" training is the "instruction manual" or "text book" used in training processes: this could be comprised by the regulations of telematic government procedures, such as Tax regulations (Ministerial Order of 21 December 2000, which establishes the general conditions and regulates the procedure for telematically presenting declarations of different tax models over the Internet and by teleprocess), rules that are usually descriptive and present a simple regulation structure that is almost identical. Apart from this regulations mentioned,

there are another regulations much simpler than tax regulations, due to the fact that they refer either to concrete issues of specific procedures or to basic processes of any procedure, i.e. the Directive of 20 March 2002, from the General Bureau of Registries and Notaries, concerning telematic reception and issuance of certification requests in Registry offices; Resolution 5/2002, of 17 May, by the Government Administration Tax Authority, which regulates telematic participation of procedures for the disposal of property developed by revenue entities; or the ECO/1101/2002 Order of 13 May, which regulates telematic presentations of foreign trade requests, as well as the most noteworthy regulation in this field: the Commission's Tobacco Market Resolution, of 11 April 2002, which regulates the general criteria for telematic presentations and processing with advanced digital signatures of documents, requests and communications before the autonomous Tobacco Market Commission organism.

To sum up, it could be said that to correctly implement "e-Government" in Spain, it is essential to deliver theoretical and practical training in handling computer applications dedicated to each procedure, while preparing public employees to show how these applications work to citizens. However, all training actions should come from a principle, determining the most appropriate training on personal computer utilities, that is to say, the basic data processing software (text, numeric calculus and image processing), Internet browsing and email, since these are the three basic subjects needed to develop the current "e-Government".

SUMMARY: I. Introduction.- II. *e-Government* and *e-Administration*. III. The Key Individual for "E-Government" Development: Training Public Employees.- IV. The Aim of Civil Servant Training: Processing Telematic Administrative Procedures. *a) Computer and Telematic Applications, a New Administrative Language. b) Procedural Law and the Use of New Technologies. c) Specific Demonstrations of Computer and Telematic Techniques in Administrative Procedures.*- V. Regulating Telematic Administrative Procedures, True "Instructions Manual". Bibliography.

I. Introduction.

With the arrival of the so-called "digital age", a real revolution has taken place within private and public relations and ways of life, a revolution that also affects public authorities. The Government's implementation of new technologies has brought about a noteworthy transformation in the way it relates to citizens (using the new phraseology, "G2C" or "Government to citizen"). We believe new information and communication technologies within the Administration give rise to a series of important challenges: to define the appropriate legal framework capable of arranging the "information society"; to select and use the various telematic and computer-related utilities and applications that are most suitable for public management; and to train civil servants on how to use these computer utilities and applications. Such challenges are closely related, insofar as implementing "information society" services require effective employment and leadership within the Administration, as the entity that provides these new telematic services.

The difficulties that arise from public authority intervention within the "information society" are evident. The fact that we are dealing with technology that is constantly expanding and renovating, and changes and incorporates new utilities at a very high speed, means that it is extremely difficult to create a stable regulation that is, at the same time, flexible and capable of arranging the technological sector with a certain degree of stability. Furthermore, the dynamic nature of the technological market means that its products and services almost immediately become obsolete, thus making it necessary to constantly equip Government offices, and readapt their systems and machines. Moreover, it is advisable to train public employees properly, without causing technological gaps within the Administration, and to choose the most suitable applications to enable users to directly readapt to new uses. Incidentally, of the various modalities of staff working in the Administration, it is preferable to use the term "public employee", which embraces a wider range of relations and situations than "civil servant"[1].

[1] In fact, according to the current public employment system (comprised from Law 30/1984, of 2 August, on Civil Service Reform Measures, although there is no complete civil servants' statute regulation, which means the issue has disperse regulations, turning it into a real regulation mosaic), there are *career* civil servants (a person working for the Civil Service who provides paid professional services, is regulated in the statues and is subject to Administrative Law); the *provisional* civil servant (a person who –due to necessity or emergency- is appointed to work for the Administration until a career civil servant takes the position) and the *temporary* civil servant (a person who is temporarily appointed to fill a position of trust or special political consultancy posts, not reserved for civil servants and appears as such in the position list). As they work for the Administration, civil servants may also be classified as state, autonomous, local or institutional civil servants (employees broadly working for the public sector). There are also contracted workers, and staff contracted for specific, exceptional or urgent work. As well as there being no sole regulation for the civil servants' general statute, there are many special regimes for certain civil servant categories. Thus, not only are there fragmented regulations but there is also a great diversity of legal statutes for public activity sectors for which civil servants provide their services: for instance, teaching and research staff, health and postal services workers, staff with posts outside Spain, civil servants working at the Spanish Parliament and for constitutional authorities (civil servants working for the Constitutional Courts, General Council of the Judiciary, Parliamentary Commissioner for the Administration and the Court of the Exchequer), Judiciary civil servants (Judges and Magistrates), civil servants working for the Receivership, military civil servants or those working for the national, autonomic or local police.

However, such difficulties are largely compensated by the benefits involved in implementing the "information society" within all fields related with public authorities. Administrative information is now more easily accessed than ever, use of computer and telematic supports for administrative procedures makes the decision-making processes more immediate and standardised, citizens' appearances before public authorities and their access to administrative files and records are no longer subject to limitations for which the current procedural legislation was conceived[2]. We are currently at an initial -almost experimental- stage of uncertainty and expansion: the society as a whole is learning a new language, it is getting accustomed to using new techniques and it is investing in the necessary equipment[3]. In this sense, we need to carefully reflect and find well-defined guidelines so that public employees, who will directly bring about this change and manage this new reality, may accurately adapt to this new "web culture".

II. *e-Government* and *e-Administration.*

The expression *e-Government* refers to public authorities' plans to extend the use of digital technology in relations with citizens, providing administrative services while taking advantage of the high productivity and cost reduction involved in Internet-based technologies. As long as *e-Government* began as an initiative from the Anglo-Saxon institutional world, it has to be renamed as *e-Administration*, in order to be exported to Spain's legal and public system: among us, *e-Government* could be identified under the term "administración electrónica"). With legal and public entities present on the Internet thanks to institutional web pages, public management can be carried out through those computer and telematic means that are available to the Civil Services and citizens. Thus, most State entities, Autonomous communities and Local entities have web pages offering utilities and services that provide official information (laws, jurisprudence, news...), and a range of utilities for citizens (obtaining information, downloading administrative forms and even handling procedures, etc.). Spain's public entities are making an effort to promote interactivity with citizens through computer means, albeit growth is uneven and never entirely satisfactory[4].

The main aim of *e-Government* programmes in Spain is to enable citizens in the mid-term to comfortably operate over the Internet with the Administration. To satisfy this aim, it is necessary to create telematic administrative procedures that enable electronic documents to be telematically

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[2] However, we should keep in mind the problems derived from using computers and personal data protection, regulated by Organic Law 15/1999 of 13 December and by Royal Decree 994/1999 of 11 June, which approves Regulations that stipulate the security measures that should be taken to protect automated files containing personal data. Those regulations should soon adapt to what is stipulated in the new European Parliament and Council Directive 2002/58/CE, of 12 July 2002, regarding treatment of personal data and privacy protection in the electronic communications sector ("Directive on Privacy and Electronic Communications").

[3] Here are some statistics on the penetration of the "information society" in Spain: nearly twelve million Spaniards consider themselves to be Internet users. According to studies carried out for 2001 by OCDE, "SEDISI 2000", and the Ministry of Science and Technology (own elaboration and data taken from EUROSTAT -UE, "Information Society" Authority, Eurobarometer 103, June 2001-), 35% of the Spanish population over the age of fourteen use a PC, approximately 27 % of Spanish homes are equipped with a PC and 24 % of Spanish homes have Internet access. Nearly 45% of Internet users visit official web sites, of which 38% of users do so to search administrative information. Moreover, in Spain there are some one thousand two hundred SSL ("secure web servers", that is, servers that include a function for protecting the identity and data of the user accessing a transaction through them). However, Internet security conditions are not completely encouraging, since nearly 9% of Internet users have suffered a computer virus during 2001.

[4] This statement obviously needs clarification, considering the pioneering nature of the Tax Administration Authority, which recently received an award from the European Commission (*eGovernment Good Practice*) for the complete computer management of income tax. The constant updating and improvement of administrative web sites is also praiseworthy.

processed, recorded and filed in a unified system that may be used by various Administrations and entities. These procedures should also allow telematic consultations of administrative files and provide the possibility of receiving the information needed to carry out private transactions that require administrative documents. However, creating an "e-Government" demands that bureaucratic machines undergo the transformations necessary to control "e-Government" techniques and teach citizens to confidently use utilities included in governmental web pages.

e-Government has a number of qualities: it reduces bureaucratic costs, promoting public participation and increasing the quality of services regarding effectiveness and efficiency, flexibility, speed and commodity. However, this range of technical transformations creates a constant interactive flow of information on administrative action proposals, which in turn demands special attitudes from public employees since the use of administrative services will increase. Furthermore, the reception of integrated administrative services demands an effective implementation of inter-administrative co-ordination and co-operation standards, as administrative entities can share information. Therefore, the development of public actions for *e-Government* matters requires technically competent administrative units, in order to provide complete, co-ordinated monitoring and promotion of institutions' *e-Government* programs. It should also be seen to that conventional administration and public management means are maintained and improved.

III. The Key Individual for "E-Government" Development: Training Public Employees.

Considering the above-mentioned circumstances, it seems evident that public authorities should confront "digital training" in two ways: internally (by suitably planning the training of public employees) and externally (developing educational and informative programs on how to use new computer technology).

It is worth underlining the relative lack of planning for *e-Government* training actions directed at public employees. Training of these techniques could therefore be considered fragmentary and volatile. At present, there is no general course programme aimed at all public employees, not even for those managing computer applications; what are provided are voluntary courses on using certain utilities and programmes destined for everyday record procedures. Moreover, these courses are usually linked with internal promotion within each Administration's examining structure.

Such lack of programming is soon to be resolved if we consider what was stipulated in the Administration-Trade Union Agreement for Modernising and Improving the Civil Service of 7 November 2002. Chapter X, on the Continuous Training of public employees, proposes training actions within the State Administration, with the aim to create a modernising policy that may establish quality public services. This policy is to be considered priority class, as a primary instrument needed to improve professional assistance and public service quality.

This agreement admits that the "knowledge society" presents a complex context for public management, which requires public employees to have the qualifications necessary to face demands generated by this new reality. It aims to foster training programmes on new technologies in order to promote the constant modernisation of the public sector, by which it commits to allot 50% of ministry budget resources reserved for training public employees to developing training programmes on these issues. Moreover, the Agreement stipulates that the Government Administration's Equal Training Commission should give priority to training programmes dedicated to new technologies and languages in the Government Administration's Continuous Training budget over the next two years.

Though encouraging, the contents of the Agreement have some aspects worth criticising: the first is that is has no normative value, and it is therefore difficult to control the fulfilment of its aims. The second refers to its scope of application, solely aimed at public employees working for the Government Administration, which means that each Autonomous Community can carry out these or other training actions, for these or other workers. This is destined to give way to a strong disorganisation in "e-Government" training, which will add to the lack of coordination that already exists in implementing "e-Government" applications and developing its programmes. In other words, while citizens tend not to discriminate in their relations with the Administration, identifying the plurality of Administrations with only one concept ("public institutional entity"), it may occur that employees that attend and manage "e-Government" utility implementation in each Administration are trained differently, or they may control different applications in different ways, thus distorting the system.

To sum up, government training programmes should carefully come up with solutions to these new "information society" challenges, and overcome barriers derived from the heterogeneity of public employees, their delocalisation, and the traditional lack of stimulus to adapt to new telematic and virtual communication means. As explained above, the dispersed nature of training programmes dealing with this issue may become an obstacle for creating "e-Governments", and will, without a doubt, give way to the lack of coordination of functions and services provided by "e-Governments".

IV. The Aim of Civil Servant Training: Processing Telematic Administrative Procedures.

Implementing *e-Government* initiatives could be broadly considered handling administrative procedures over the Internet. In this sense, computer and telematic technologies within the field of administrative procedures are exclusively used to transfer traditional physical document supports onto electronic supports when processing procedures[5]. The essence of administrative procedures and the principles they support would remain unaltered; only processing techniques and means would vary[6]. Thus, the challenge when using new technologies for administrative procedures is based on certain rules that train in the use of computer and telematic systems for processing procedures. These rules are already present in our Administrative law system, in the form of art. 45

[5] For information on the general implications of use of computer and telematic means by the public Administration, see AGUIRREAZKUENAGA, I.; CHINCHILLA, C.: "El uso de medios electrónicos, informáticos y telemáticos en el ámbito de las Administraciones Públicas"["Using Electronic, Computer and Telematic Mediums in the Field of Civil Services"], *Revista Española de Derecho Administrativo* no. 109, January-March 2001, pages 35-59; and LAFUENTE BENACHES, M.: "El soporte electrónico en el procedimiento administrativo" ["Electronic Medium for Administrative Procedures"], *Revista Aragonesa de Administración Pública* no. 16 (2000), p. 565 onwards; later included in "El soporte electrónico y telemático en el procedimiento administrativo" ["Electronic and Telematic Medium for Administrative Procedures"], from the collective volume *Nuevas perspectivas del régimen local. Estudios en homenaje al Profesor José María Boquera Oliver* ["*New Perspectives in Local Government. Studies Honouring Professor José María Boquera Oliver*"], Tirant lo blanch, Valencia, 2001, pages 331-348.

[6] The definition of electronic or telematic administrative procedure would therefore be interpreted in a similar way to that of the 34/2002 law, of 11 July, on Information's Society Services' (LSSI from here on) definitions appendix. Thus, *e-Government* services would be those provided by a public Authority, telematically at a distance and by personal request of the citizen. Services include telematically processing goods or services, organising and managing auctions through telematic means on virtual markets, sending administrative notices and telematically providing administrative information. Furthermore, similarly to point h) of the LSSI appendix, a "procedure made through electronic mediums" or an "electronic procedure" includes any procedure that is handled using electronic equipment for data processing and storage that is connected to a telecommunications network.

of the 30/1992 law, of 26 November, on Administrative Common Procedures (LAP from here on), which regulates the introduction of advanced technical means for administrative management[7].

Both the display of motives and the LAP article clearly and specifically prefer to computerise administrative procedures, aiming to overcome the lack of formal recognition towards the validity of automated means and techniques, which had only an internal instrumental value until recently. Meanwhile, art. 57 of the 24/2001 law, of 27 December, on Fiscal, Administrative and Social Order Measures has amended three LAP articles, with the aim to boost the "e-Government": telematic administrative registries and records, telematic presentation of requests, applications and communications addressed to the Government Administration, and telematic administrative notices[8].

LAP art. 45 reveals four problems, for which the law has responded with four guarantees: guaranteeing the identity of the subject participating in the process and the completion of administrative procedures on computer medium (LAP art. 45.3); guaranteeing the validity and publicity of computer and telematic programmes and applications used to exercise administrative power (LAP art. 45.4); guaranteeing citizens' rights in relations with the Administration through technical means available to civil services (LAP art. 45.2); and guaranteeing the authenticity, integrity, validity and efficiency of all documents and copies issued by electronic, computer or telematic means by the civil services on any medium (LAP art. 45.5). These four guarantees brought forward by LAP could be synthesised in another two: guaranteeing the validity and publicity of computer and telematic applications for administrative use and guaranteeing complete security of telematic administrative procedures.

a) Computer and Telematic Applications, a New Administrative Language.

As we have seen, the first set of guarantees established by LAP art. 45 are based on the validity and publicity of telematic software used to exercise administrative power. Royal Decree 263/1996, of 16 February (RD 263/1996 from here on), stipulates the use of electronic, computer and telematic techniques by the State Administration for developing their activities and for their internal and external relations. This law does not regulate what is known as "instrumental computing" (that is, the standard software that simplify administrative work but that do not directly affect the competent entities' decision-making). Arts. 5, 9 and 11 of RD 263/1996 stipulate that the programmes and applications for information processing, whose results are used to exercise State Administration power, should be approved by the competent administrative entity to resolve the procedure, and published in the Official State Gazette[9]. Approval Regulations should, at least, name

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[7] Art. 45 of the LAP –cornerstone for the process of incorporating automated techniques in the Civil Services' legal production- increases the use and applications of electronic, computer and telematic techniques and means for developing Civil Services' activity and in the performance of its powers, with constitutional and legal limitations inherent to the use of these means (a clear reference to art. 18 of the Constitution, particularly right to privacy, which, at the same time, is protected by the law on security measures for automated files containing personal data).

[8] For a joint valuation of this amendment, see, ALVAREZ CIENFUEGOS, J.M.: "La nueva Administración electrónica y las notificaciones efectuadas por medios telemáticos" ["The New E-Government and Notices made by Telematic Means"], *Revista Jurídica de Navarra* no. 32, 2001, page 77-96.

[9] For an example on the application of this principle, see the Resolution of 27 June 2002, by the Tax Computing Department of the State Tax Agency (Agencia Estatal de la Administración Tributaria, AEAT in Spanish), *which publicises serial numbers and digital fingerprints of AEAT server certificates*. It publishes "AEAT Server Certificate" specifications, an electronic document issued by a certification company (RSA Data Security, Inc.) which enables users to verify that they really are accessing AEAT secure servers: the certificate encryption capacity, its expiry date, serial number expressed with hexadecimal notes and its digital print with MD5 and SHA1 hash algorithms.

and describe the application, determine its scope, indicate the rules that regulate them and specify the system and means to access the application, keeping industrial and intellectual property rights in mind if dealing with licensed software. Optionally, you can request technical reports on the correct functioning of the application concerning the procedure's requirements and processing; on the availability, confidentiality and integrity of data treated by the application; on technical specifications of the medium, codes and formats needed to access the application, and the durability of the mediums used to store data treated by the application. Exceptions to this technical report and approval system are the non-substantial versions and modifications of approved programmes and applications standardised by Computer Authorities.

Publicly broadcasting elements of programmes and applications used by the Administration simplifies the control of administrative actions' legality while it exercises its power. Within an open technological field that is constantly growing, it is necessary to ensure compatibility of computer systems and languages for communications. Therefore, considering each Civil Service Administration and administrative entity may decide to conceive, develop and use computer and telematic applications by their own accord, we would suggest they remember that these applications and utilities are products, goods and services on the market, and that they are widely used: we believe that commercial hardware and software should prevail over "à la carte" software, so that applications may be effectively used by all.

b) Procedural Law and the Use of New Technologies.

The citizen's basic procedural rights, held in LAP art. 35, should be kept in mind when using computer and telematic means for developing the *e-Government*. Civil Services must work to implement computer and telematic technologies that provide sufficient guarantees that these rights will be protected. It is worth briefly contemplating the incidence of these rights when using computer and telematic utilities, since all applications must comply with these rights independently of the *e-Government* and the use given to them.

Thus, Government web pages should contain utilities that inform citizens of their procedure's processing status[10]. Each procedure's table-summary should also identify the authorities and administrative staff responsible for processing the procedure, and contain support utilities such as FAQ menus or an "on-line" help program for answering basic questions (information and guidance on legal or technical requirements) or queries on how to use the computer or telematic utilities that are available to the citizen-web surfer. Each administrative website could also place their registers and files on their web page and include automated and secure access utilities, while respecting the limits of access rights to administrative files and records[11].

Neither does there seem to be any obstacles for sending documents through telematic means. Documents can be received manually by the civil servants that are responsible for the procedure, or directly through automated means on the administrative web page. In both cases, it is necessary to guarantee the follow-up and correct filing of the documents presented, which would become part of the procedure list to prevent duplicity, banned by LAP art. 35. f). It is also possible and necessary for the "e-Government" to issue digitally sealed copies of the documents presented and those

[10] For instance, art. 30 of Law 17/2001, of 7 December, concerning *brands*, stipulates public viewing of files processed by the Spanish Patent and Trademark Office through telematic means, which remits the procedure to regulatory laws.

[11] To that end, RD 263/1996 art. 8.3 stipulates that LAP art. 37 and personal data protection regulations will apply for access to documents stored by electronic, computer or telematic means or mediums.

contained in the files: as they are electronic documents, it would only be necessary to duplicate the document, and for the appropriate registry to superimpose an intervention act on the copy.

One of the problems posed by the *e-Government* in the field of procedural rights is the adaptability to the co-official languages of computer systems and programs used for processing procedures. The solution is relatively simple: creating a parallel interface or version in the co-official language of the computer applications or programmes used by the *e-Government*. But that would not be the only problem. Internet delocalises individuals, which in turn has a great influence on the e-Government's legal obligation to attend citizens' in their own language. It may be obvious that each Autonomous and local website will be given these compatibility devices, but it is not so for obvious for the State Administration's website, which goes from operating in the physical territory of each Autonomous Community to doing so in a virtual network from any place in the world. However, technological advances must serve the citizen without harming their rights. Therefore, all computer and telematic applications used by the State Administration and addressed to the general public should provide interfaces in co-official languages, regardless of the high cost of virtual Internet space that this measure entails[12].

c) Specific Demonstrations of Computer and Telematic Techniques in Administrative Procedures.

"Electronic documents", material basis of the telematic procedure, embraces two realities: computer and magnetic supports (diskette, CD-ROM, DVD) for physical procedure processing and telematic supports for on-line document registration over the Internet[13]. Regulation for issuing, copying and storing "electronic documents" is currently stipulated in RD 263/1996 arts. 6 and 8. This RD 263/1996 gives identical value to electronic and physical documents for administrative simplification. Nonetheless, communications between the Administration and citizen on electronic documents requires another computer technique -the electronic signatures- that should endow the process with integral security by enciphering electronic documents[14].

The "electronic signature" is currently the only mechanism that can guarantee complete security in electronic document exchanges, at least in conditions comparable to ordinary document processing[15]. Electronic signatures are regulated by Royal Decree-law 14/1999, of 17 September, by Order of 21 February 2000, which approves the Regulation for accrediting certification services providers and the certification of certain electronic signature products. Decree 324/2001, of 4 December regulates relations between citizens and the Autonomous Catalonia's Administration over the Internet, Decree 205/2001, of 3 December, regulates electronic signatures in administrative

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[12] RD 263/1996, of 16 February, *which regulates the Government Administration's use of electronic, computer and telematic techniques*, does not consider this issue. A subsequent version should therefore contemplate the matter.

[13] For information on electronic documents, see the pioneering study carried out by DAVARA RODRÍGUEZ, M.A.: "El documento electrónico en la vigente Ley de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común" ["The Electronic Document in the Current Civil Services and Common Administrative Procedure's Legal System Law"] , *Revista de Administración Pública* no. 131, 1993, pages. 355-491.

[14] A problem underlined by TORRES LÓPEZ, M.A.: "El documento electrónico en las relaciones jurídico-administrativas: especial referencia a los actos de comunicación" ["Electronic Documents in Legal-Administrative Relations: Special Reference to Communication Acts"], *RVAP* n. 55 (1999), pp. 253 onwards.

[15] On electronic signatures, see GARCÍA INDA, A.: "Firma electrónica y servicios de certificación. El Real Decreto 14/1999, sobre firma electrónica" ["Electronic Signature and Certification Services. Royal Decree 14/1999 on Electronic Signatures"], *RVAP* n. 55, 1999, pp. 313 onwards.

procedures by the Autonomous Canary Islands' Administration, and La Rioja's Law 3/2002, of 21 May, regulates the use of electronic signatures in the Autonomous of La Rioja's Administration[16].

LAP art. 38.3 regulates the installation of general records on computer mediums as the natural destination for telematically processed electronic documents. To that end, art. 7.4 of RD recognises telematic communication systems (usually, web servers) as auxiliary records, with accessibility from units in charge of the corresponding general records. Within this context the new LAP art. 38.9 allows for the creation of telematic records for receiving and issuing requests, documents and communications transmitted by telematic means, and is subject to LAP art. 38.3 general requirements, twenty-four hours a day all year round. In accordance with this article, the new 18th Additional Disposition of the LAP regulates the telematic presentation of requests and communications sent to the Government Administration and its public entities, allowing the replacement of tax or Social Security certification contributions for the cession of data to the managing organ by competent entities.

With regard to telematic notifications, the new LAP art. 59.3 stipulates that "for the notification to be made through telematic means, the user must previously select that means as preferential or give express consent, also stating his e-mail address, which should meet established requirements. In these cases, the notification will be legally completed when the contents are accessed at the e-mail address. If there is evidence that the notification has been received at the e-mail address, and ten days have passed without accessing its contents, it will be understood that said notification has been rejected (...), unless it is legally proven that the address was technically or materially unable to access"[17]. One of the first sectorial applications of this new basic regulation for telematic notifications is art. 29.3 of Law 17/2001, of 7 December, *on brands*, which, although it remits to general LAP regulations on notifications made by the Spanish Patent and Brand Office, allows notifications to be sent (by request from interested party) by fax or e-mail, among other means. Nonetheless, the first complete development of telematic notification systems is stipulated in sections 5, 6 and 7 of art. 4 of the Commission's Tobacco Market Resolution of 11 April 2002.

The last *e-Government* challenge to keep in mind is much less problematic than the previous ones, and refers to the spreading of administrative information by telematic means, either displaying it on administrative websites or by subscribing to government information lists sent on demand by e-mail (known as e-lists). Internet is the ideal means for administrative notice boards, which are necessary for displaying public notices and act publications in cases described in LAP arts. 59.4, 60 and 61-, organising public information procedures and hearing of the interested parties. The qualitative difference between these last two procedures could result in the display of general documentation (public information) and issuance of automated notices through e-lists (audience).

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[16] The set of measures in currently under amendment: the announced Electronic Signature Law –still in draft form- aims to extend the use of electronic signatures as a security tool for transactions and is based on Directive 1999/93/CE principles concerning electronic signatures and gathers the knowledge and advances experienced since the current Royal Decree-Law came into force. Two new aspects that will help increase the availability, utility and accessibility of electronic signatures have been included: the grass roots for regulating the electronic National Identity card and issuing certificates to legal entities, as well as establishing the system that applies for legal entities acting as signatories. The most noteworthy amendments with respect to the current system are the modification and adaptation of the system that applies to legal entities' signatures.

[17] This article also refers to RD 263/1996 art. 7.2, which establishes the requirements needed for electronic notices: a guarantee of its availability and access, compatibility of the issuer and addressee's means and the existence of security measures to avoid interception and alteration of unauthorised communications and accesses.

V. Regulating Telematic Administrative Procedures, True "Instructions Manual".

The third issue that should be kept in mind when planning internal *e-Government* training is the way in which it will be carried out. If we consider that training should be based on physical courses, or at least begin with such courses and later continue with virtual courses, the "instruction manual" or "text book" could be comprised by the regulations of telematic administrative procedures.

Tax regulations have pioneered in the field of telematic procedure regulations, to the point that its example has been followed when designing regulations aimed at establishing a telematic framework for managing their own procedures. In this sense, it's worth considering the original Ministerial Order of 21 December 2000, which establishes the general conditions and regulates the procedure for telematically presenting declarations of different tax models over the Internet and by teleprocess, rules that are usually descriptive and present a simple regulation structure that is almost identical[18].

Apart from the high quality (and noteworthy functionality) of regulations brought forward by the State Tax Agency, there is another type of regulation based on telematic processing of administrative procedures. These regulations are much simpler than tax regulations, due to the fact that they refer either to concrete issues of specific procedures or to basic processes of any procedure. This group includes the Directive of 20 March 2002, from the General Bureau of Registries and Notaries, concerning telematic reception and issuance of certification requests in Registry offices; Resolution 5/2002, of 17 May, by the State Tax Agency, which regulates telematic participation of procedures for the disposal of property developed by revenue entities; or the ECO/1101/2002 Order of 13 May, which regulates telematic presentations of foreign trade requests. However, I consider the most noteworthy regulation in this field to be the Commission's Tobacco Market Resolution, of 11 April 2002, which regulates the general criteria for telematic presentations and processing with advanced digital signatures of documents, requests and communications before this autonomous entity. This resolution also determines the procedures to which it applies, and creates a Telematic Registry in charge of handling and receiving these documents and requests.

To correctly implement "e-Government" in Spain, it is essential to deliver theoretical and practical training in handling computer applications dedicated to each procedure, while preparing public employees to show how these applications work to citizens. However, all training actions

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[18] Reference to the latest telematic processing regulations for tax procedures reveals the undesired regulatory dispersion regarding telematic administrative procedures, albeit the regulations' content is similar, though not identical, in all cases: see Order HAC/360/2002, of 19 February, which approves model 349, which recapitulates inter-community operations, establishes the general conditions and procedure for its telematic presentation and regulates the social collaboration for telematically presenting the yearly declaration for operations with third parties, model 347; Order HAC/536/2002, of 7 March, which approves the models for Income Tax Return and Capital Gains Tax for the year 2001, and sets the place, form and term in which they should be presented. It also establishes the general conditions and procedure for its telematic presentation. Order ECO/586/2002, of 8 March, which includes new procedures, processes, normalised and priorly printed systems to guarantee the exercise of rights, actions and communications through electronic, computer and telematic techniques within the area of the Insurance and Pension Fund Authority; Order HAC/593/2002, of 12 March, which approves model 183 for the informative declaration of certain Tax Return-free prizes, as well as the physical and logical designs for its presentation on a medium that is directly legible on computer, and establishes the procedure to follow for its teleprocessed telematic presentation. Order HAC/639/2002, of 21 March, which approves the declaration-payment of Corporate Income Tax and Income Tax for non-residents permanently established for tax periods between 1 January and 31 December 2001, stipulates instructions on declaration and return procedures and establishes the general conditions and procedure for telematic presentations. Order HAC/921/2002, of 24 April, which approves model 291 for informative declarations concerning the account turnover of non-residents obtained by taxpayers without permanent settlement, the Tax Return for non-residents, as well as physical and logical designs for its presentation on medium directly legible on computers, and establishes the procedure for its telematic presentation using a teleprocessing system.

should come from a principle, determining the most appropriate training on personal computer utilities, that is to say, the basic data processing software (text, numeric calculus and image processing), Internet browsing and use of e-mail, since these are the three basic subjects needed to develop the current "e-Government".

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