

Electronisation

as a special form of
administrative simplification



Bertold Baranyi
attorney at law @ Baranyi-Timár
assistant professor @ ELTE ÁJK
secretary @ HBA

1



Three faces of electronisation



2

2



Principles of eAdministration

Right to eAdministration

Everyone has the right to manage their legal procedures electronically.

Technological neutrality

Only free to use technical solutions may be prescribed for the clients.

Rethink the whole process

Converting paper based processes to electronic process one in one is not a solution.

Horizontal regulation

One act for judicial and administrative eProcedures and in the use of public services.

Presumption of lawfulness

Use of the means of electronic communication and technical equipment presumed lawful.

Modularity

Build the IT system of the eAdministration brick by brick, involving the private sector.

3

3



Rights and obligations of Clients*

- right to communicate electronically
- right to pay electronically
- right to get help electronically or not electronically
- right of disposition
- obligation of electronic identification
- prohibition of unnecessary data provision

4

4

 **Principles of eCooperation**
Get info from the source

Not from the client.

eCommunication

Between the authorities.
Automatic information transfer if possible.

Compatible IT structure

Implement only an IT solution that supports eCooperation.

IT security

proportionate to risks and costs

No consideration (fees)

between authorities in excess of justified costs

Data protection

Respect the information self-determination and privacy.

5

5

 **Topics**

eDelivery

IT infrastructure

Filing system & access

eCase initiation

eProcedure

eEvidences

Automatic decision-making

6

6

eDelivery – the expectations

Identification

of the sender and the recipient

- one or two factor
 - **eID card***
 - videophone
 - telephone
- regressed to personal identification

Immutability

of the consignment

- at least advanced **(free*) eSignature** or eSeal
- Document Certification with Regress to Identification (CDRI/AVDH)

Delivery certification

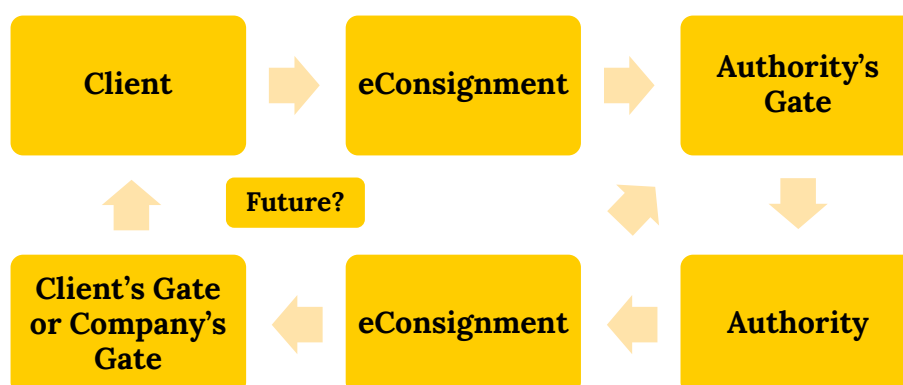
the fact and the time

- of delivery
- fiction of delivery or
- failure of delivery

7

7

eDelivery – the system



8

eFiling and Access

eFiling

public authorities are obliged to use electronic filing system

Access

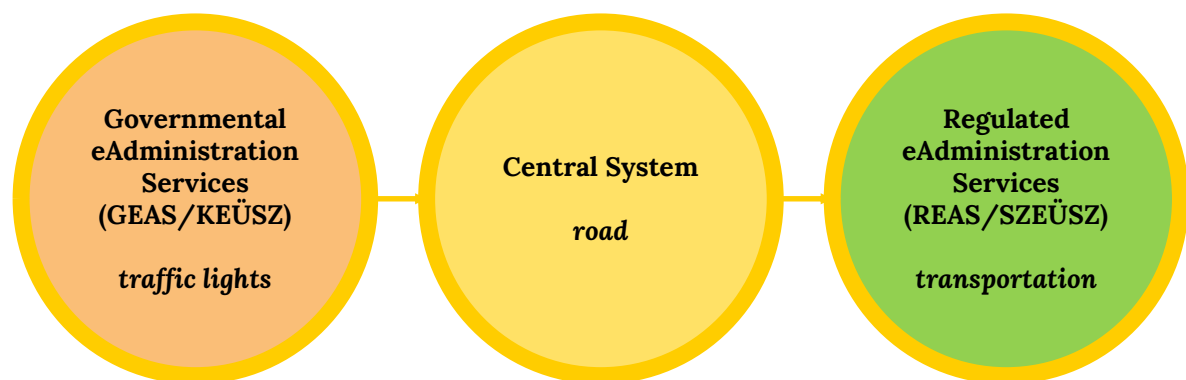
to procedural documents by the clients

- possible in judiciary procedures
- teething problems (allocation of access rights)
- eAdministration: indirect

9

9

IT structure - modularity



10

10

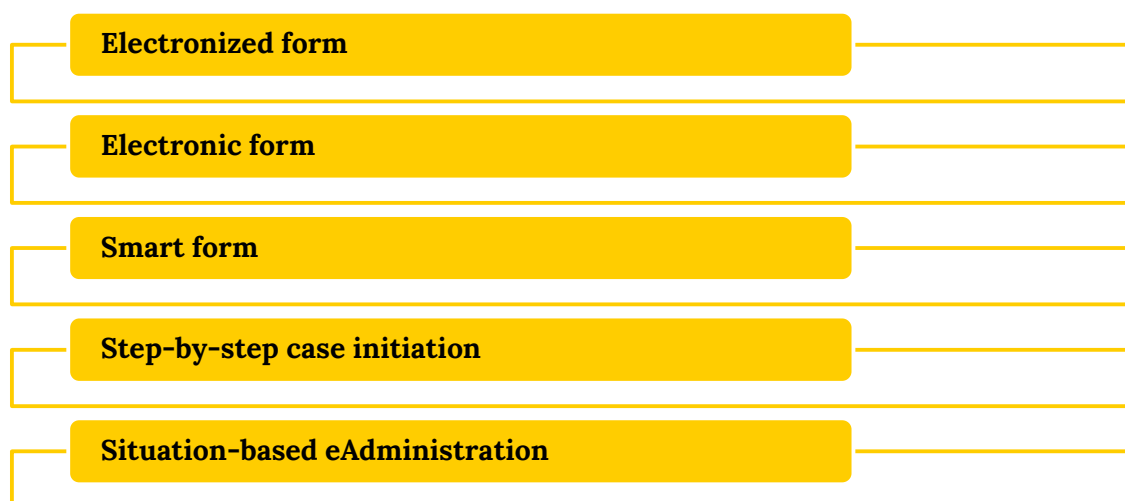
● Electronic case initiation – the TurnAround



11

11

● Electronic case initiation – the Levels



12

12

● Use of electronic means in procedure

Videophone

- countersignature in absentia (2018)
- COVID (2019)
- **sessions***
- case initiation
- hearings, trials
- inspection

Other assets

- electronic voting
- eCooperation
- decision-making cooperation
- taking an ID photo
- etc.

13

13

● Problems with VideoPhoning

identification

**ex post
verifiability**

neutrality

processability

security

operation

14

14



eEvidence

Witness

Hearings can be processed via videophone.

(Judicial) Expert

Experts have the right to choose (yet), but it is a selection criterion.

Documents

Each paper form of document has an electronic equivalent, the reverse is not true → **Document+**

Images, sounds, videos

Can be digitalized, in fact they are mostly digitally created.

The size can be problem.

Other material evidences

May be provided by electronic inspection.

15

15



Automatization

Conditions

For the decision

- all necessary information is available or can be accessed automatically
- there's no need for consideration

Other conditions (in current regulation)

- there is no counterparty
- it is permitted by the law

Levels

1. **automatized case initiation**
2. **automatized receipt of information**
3. **partly automatized** decision-making
4. **fully automatized** decision-making
5. **using MI** in decision-making – e.g. interpolation of previous decisions

Typical cases

- issue of certificate
- accessing to registered data
- renewal or replacement of official cards
- traffic fines
- activities subject to notification

16

16



Thank you!

Any **questions** ?

You can find me at

- drbb@drbb.hu
- bertold.baranyi@ajk.elte.hu
- + 36 70 977 1126