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O governo eletrônico como ferramenta de estímulo ao governo aberto

Electronic government as a tool to promote open government

Gobierno electrónico como herramienta para estimular el gobierno abierto

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Resumo: O Governo Aberto busca promover a transparência, colaboração, inovação, controle social e participação como forma de gerir democraticamente a máquina pública e combater à corrupção. Para viabilizar esses objetivos, as Tecnologias da Informação e Comunicação (TICs) são implementadas pelo Estado, compondo o Governo Eletrônico (e-gov). A partir desses pressupostos, o trabalho busca evidenciar a relação existente entre Governo Aberto e Governo Eletrônico, e como se estabelece essa relação em benefício da sociedade civil. Foi possível determinar uma relação de atividade fim e atividade meio, revelando um caráter estratégico entre os dois conceitos e suas implicações para a fluidez na utilização das TIC's pela administração pública. A presente pesquisa visou contribuir para uma abordagem mais objetiva e visual sobre a relação existente entre o Governo Eletrônico e Governo aberto.

Palavras-chave: Administração Pública; Governo Aberto; Governança Eletrônica; Governo Eletrônico; TIC's.

Abstract: Open Government seeks to promote transparency, collaboration, innovation,

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social control and participation as a way of democratically managing the public sector and combating corruption. To enable these objectives, Information and Communication Technologies (ICTs) are implemented by the State, making up the Electronic Government (e-gov). Based on these assumptions, this research seeks to highlight the relationship between Open Government and Electronic Government, and how this relationship is established for the benefit of civil society. It was possible to determine a relationship between end activity and means activity, revealing a strategic nature between the two concepts and its implications for the fluidity in the use of ICTs by public administration. This research aimed to contribute to a more objective and visual approach to the relationship between Electronic Government and open Government.

Resumen: El Gobierno Abierto busca promover la transparencia, la colaboración, la innovación, el control social y la participación como forma de gestionar democráticamente el sector público y combatir la corrupción. Para posibilitar estos objetivos, las Tecnologías de la Información y las Comunicaciones (TIC) son implementadas por el Estado, conformando el Gobierno Electrónico (e-gov). A partir de estos supuestos, esta investigación busca resaltar la relación entre Gobierno Abierto y Gobierno Electrónico, y cómo esta relación se establece en beneficio de la sociedad civil. Fue posible determinar una relación entre actividad fin y actividad medio, revelando un carácter estratégico entre ambos conceptos y sus implicaciones para la fluidez en el uso de las TIC por parte de la administración pública. Esta investigación tuvo como objetivo contribuir a un acercamiento más objetivo y visual a la relación entre Gobierno Electrónico y Gobierno abierto.

Introduction

Living in an increasingly technological world, it is necessary for the State to implement technology to optimize democratic processes. This sometimes reflects dysfunctions related to slow and inefficient processes, due to the use of outdated processes and physical files (Reis; Darcoso; Tenorio, 2015). Considering this scenario and its fragility, the State has a strategy for implementing Information and Communication Technologies (ICT), which aim to promote efficiency and closer relations between the State and society through participation and influence in decision-making, reducing costs and waste (Przeybilovicz; Cunha; Meirelles, 2018; Cunha; Miranda, 2013). The use of these tools has objectives that go beyond the mere modernization of state processes, and are designed and implemented to foster social participation. This initiative is known as Open Government.

The open Government encompasses governance with greater transparency and social participation (Sanchez; Marchiori, 2017). For Oliveira and Ckagnazaroff (2023), social participation considered appropriate for the principles of Open Government is that which enables a real impact on political decisions, not just promoting transparency, but allowing effective action by society. Electronic Government reflects the use of ICTs by the State in order to achieve its objectives more efficiently (Alexandrini; Piske; Piske, 2006). It is possible to highlight the relationships between the two concepts, their implications and consequences in a world governed by technology and optimization of organizational processes.

Based on the discussions on Open Government and Electronic Government, this research aims to establish a strategic relationship between the two concepts. Open Government can use several tools to promote transparency and popular participation. However, this article does not intend to present such tools, but rather to identify where ICTs are in the strategic dynamics of Open Government. In order to achieve the proposed objective, this article will present the concept of Open Government and Electronic Government; identify the strategic relationships between them and the final considerations along with the research agenda.

OPEN GOVERNMENT

The term "open government" refers to government transparency that is, making its processes, plans and other information accessible to citizens. However, the theoretical concept of Open Government has a broader scope, being characterized as a governance model. It is a new vision of Public Administration that promotes projects and actions focused on the principles of transparency, accountability and responsibility, citizen participation, technology and innovation (CGU, 2014). For Meirelles (1989), Public Administration is a set of bodies that function in accordance with the objectives of the Government.

The open government initiatives aim to promote transparency, collaboration and innovation, social control and participation as a way to democratically manage the public sector and combat corruption (Sanchez; Marchiori, 2017). According to the authors, in a context of social participation, Open Government is in the implementation and reformulation stage, and is therefore in its initial steps, where there is much to optimize.

The growing implementation of open management practices by private organizations has culminated in the assessment of their applicability in public management (Freitas; Darcoso, 2014). According to the authors, this gave rise to the Open Government Partnership

(OGP), an international initiative that was created with the aim of endorsing commitments by governments of approximately 78 countries included in this partnership, aiming to promote transparency, civil participation and the implementation of new technologies to make public management more transparent, providing efficiency and accountability.

Through the OGP, member countries connect with their peers, companies and other organizations that can help develop innovative solutions. To join the initiative, each country must endorse a declaration of general principles and present an action plan with commitments made to promote a more open government, in accordance with its territorial reality (Freitas; Darcoso, 2014).

Regarding this international initiative, it is worth mentioning that, according to the Open Government Partnership Annual Report 2020 (Open Government Partnership, 2021), the pandemic context ended up stimulating the defense of open government around the world, in view of the search for innovation in rapid political responses, collaboration across borders with a focus on knowledge sharing and recovery efforts at global, regional and national levels.

From the official Open Government page on the Federal Government Portal, it is possible to check all the legislation that configures the legal frameworks related to its implementation (Table 1) in the Brazilian context. The legal basis related to the implementation of Open Government in Brazil emerged in the 2000s. In Decree 13.117 of September 15, 2011, referring to the establishment of the National Action Plan on Open Government and other measures, its ratification on the definition of open government can be seen, since in its Art. 1 it brings guidelines linked to the idea of fostering social participation, increasing the availability of information and stimulating the adoption of new technologies, not only limiting itself to management but also to the provision of public services and the increase of transparency processes and access to information (Brazil, 2011). This ratification shows a strategy focused on encouraging citizen participation, and not only on promoting transparency.

Table 1 - Legislation that marked the implementation of Open Government

Year	Legal Frameworks	Description
2019	Decree No. 10,160, of December 9, 2019	Establishes the National Open Government Policy and the Interministerial Open Government Committee.

2019	Decree No. 9,903, of July 8, 2019	Amends Decree No. 8,777 of May 11, 2016, which establishes the Open Data Policy of the Federal Executive Branch, to provide for the management and rights of use of open data.
2016	Decree No. 8,777, of May 11, 2016	Institutes the Open Data Policy of the Federal Executive Branch.
2014	Resolution No. 1, of November 18, 2014	Institutes a thematic Working Group of civil society to advise the Executive Group of the Interministerial Committee for Open Government.
2013	Law No. 12,846, of August 1, 2013	Provides for the administrative and civil liability of legal entities for the practice of acts against the public administration, national or foreign, and contains other provisions.
2013	Law No. 12,813 of May 16, 2013	Deals with conflicts of interest in the exercise of a position or employment in the federal Executive Branch and subsequent impediments to the exercise of the position or employment; and repeals provisions of Law No. 9,986 of July 18, 2000, and Provisional Measures No. 2,216-37 of August 31, 2001, and No. 2,225-45 of September 4, 2001.
2013	Decree of March 12, 2013	Amends the Decree of September 15, 2011, which institutes the National Action Plan on Open Government.
2012	Decree No. 7,724 of May 16, 2012	Regulates Law No. 12,527 of November 18, 2011, which deals with access to information provided for in item XXXIII of the caput of art. 5, in item II of § 3 of art. 37 and in § 2 of art. 216 of the Constitution.
2011	Law No. 12,527 of November 18, 2011 - Access to Information Law	Regulates access to information provided for in Article 5, item XXXIII, Article 37, item II of § 3 and Article 216, § 2 of the Federal Constitution; amends Law 8,112 of December 11, 1990; repeals Law 11,111 of May 5, 2005, and provisions of Law 8,159 of January 8, 1991; and contains other provisions.
2011	Decree No. 13,117 of September 15, 2011	Institutes the National Action Plan on Open Government and contains other provisions.
2009	Complementary Law No. 131 of May 27, 2009 - Capiberibe Law	Adds provisions to Complementary Law No. 101, of May 4, 2000, which establishes public finance standards focused on fiscal management responsibility and contains other provisions, in order to determine the availability, in real time, of detailed information on the budgetary and financial execution of the Union, the States, the Federal District and the Municipalities.
2002	Law No. 10,520 of July 17, 2002 - Electronic Auction	Represents the beginning of transparency and the expansion of the possibility of companies participating in government procurement processes.
2000	Complementary Law No. 101 of May 4, 2000 - Fiscal Responsibility Law (FRL)	Establishes public finance standards focused on fiscal management responsibility and contains other provisions.

Source: Prepared by the author based on Open Government.

The most recent legislation (Decree 10.160) of December 2019 establishes the National Open Government Policy and the Interministerial Open Government Committee and repeals Decree 13.117 (Brazil, 2019). However, it is worth noting that this legal instrument ratifies social participation in the decision-making process, explicitly promoting the use of technologies as well as aspects related to innovation, strengthening public governance and transparency in the provision of services.

In Brazil, as a way of promoting transparency (which is just one of the premises of open government), the Open Data Policy was established in 2016, which in 2020 concluded the opening of the database for public access (Federal Government, 2023). This database promotes the centralization of all data available by the Federal Government and has more than 12 thousand data sets.

ELECTRONIC GOVERNMENT AND ITS RELATIONSHIP WITH OPEN GOVERNMENT

Given the need for the government to adapt to new realities (characteristics of a society that is modernizing every day), with the advent of globalization and the exponential rise of the information society, information and communication technologies (ICTs) play a fundamental role in the way the State performs its duties (Medeiros; Guimarães, 2006). Performance indicators, efficiency, effectiveness, transparency, control mechanisms, spending control, among others, are covered by the modernization process that the implementation of ICTs provides (Diniz; Barbosa; Junqueira; Prado, 2008). According to the authors, the strategic use of ICTs by public management gave rise to a new management tool, called Electronic Government (e-gov).

The use of ICTs represents a bridge that connects the State, individuals who want to express their ideas and participate in the decision-making process (Chadwick, 2003). ICTs are not the only way to promote a relationship between the State and society, however, within a technological context, they are essential to enhance and strengthen this relationship, thus bringing relevance and prominence to electronic government. This is a global trend, since governments in several countries develop public policies based on ICTs, with the objective of building an open system that is integrated with other systems, with the aim of providing transparency and participation of these citizens (Alexandrini; Piske; Piske, 2006).

The presence of ICTs in the State arose from the need to increase revenues, improve internal processes, and also due to pressure from society for the State to optimize its spending and promote transparency with quality in its service offerings (Medeiros; Guimarães, 2006). Therefore, ICTs were adopted in the public sector strategically by governments, in order to optimize the services provided to the population, in this context it is possible to highlight:

> [...] the intensive use of ICTs by citizens, private companies and non-governmental organizations; the migration of paper-based information to electronic media and online services; and the advancement and universalization of public telecommunications infrastructure and the Internet. Other causes are associated with forces arising from the State reform movement itself, the modernization of public management and the need for greater government efficiency (Diniz et al., 2008. p.24).

In Brazil, it is possible to highlight the use of some technologies, mainly those that are closer to the reach of the citizen. Among them, the best known, even by the most needy and isolated populations, is the electronic ballot box. In addition, we can also highlight the use of electronic portals, accessed via the internet (Araújo; Reinhard; Cunha, 2018).

Braga, Alves, Figueiredo and Santos (2008) highlight digital certification, the Transparency Portal, electronic voting, electronic auctions and the Social Security Portal as actions of the Brazilian Electronic Government, but they also point out that there is still a long way to go to promote social inclusion. ICTs are considered important tools for achieving government goals, such as improving the quality of public services and increasing transparency at lower costs (Przeybilovicz; Cunha; Meirelles, 2018). According to the authors, developing countries also see ICTs as important tools for economic and social development and reducing corruption in the country.

Electronic government, or electronic public administration (e-public administration) is an area within electronic governance that also encompasses the concepts of electronic public services (e-public services) and electronic democracy (e-democracy) (Cunha; Miranda, 2013). According to the authors, the concept of public governance encompasses several other concepts, depending on the source of analysis. Therefore, electronic governance would be the result of the contribution of electronic government, electronic democracy and electronic public services to a larger context (Guimarães; Medeiros, 2006). Electronic government is one point along with other points inserted within the concept of electronic governance (figure 1).

Electronic public services include the provision of public services through ICTs (Cunha; Miranda, 2013). For the authors, these services can be characterized as the provision of services through government portals and the use of the internet, but also other electronic means such as cell phones, landlines, faxes, and digital television; integration into general service provision; call centers (such as call centers or service stores); and call centers.

Electronic democracy includes the promotion of transparency through the expansion of democratic practices using information and communication technologies (ICTs) (Przeybilovicz; Cunha; Meirelles, 2018; Cunha; Miranda, 2013). Any use of ICTs that seeks to provide general accountability from the State to citizens or other spheres constitutes electronic democracy (e-democracy).

Figure 1 – Electronic Governance Components

Source: Prepared by the authors.

The e-governance refers to the efficiency of e-public administration (or e-gov) contributions to public service. E-public services include the provision of public services. E-democracy, in turn, deals with transparency, which in an electronic context influences the effectiveness of e-governance.

It is worth adding that the presence of the term innovation in the concept of Open Government and Electronic Government refers to the development of new technologies that democratize society's access to State actions (CGU, 2014; Sanchez; Marchiori, 2017; Open Government Partnership, 2021). Innovation is a concept that is frequently present when discussing technology. Always discovering new ways of doing things in order to make the process more agile and efficient, thus achieving the established objectives, is an idea that permeates contemporary times and underpins the evolution of human beings and society as a whole.

Assuming that Open Government is an objective, an end activity, e-government is classified as a tool, reflecting a path that starts from strategy to objectives. The relationship established between Open Government and E-Government is one of strategy and tools, with the objective and the activities being the means, respectively. The discussions addressed in this research provide support for presenting a theoretical proposition, establishing a dynamic between Open Government as a strategic activity, the tools used and the desired objectives (Figure 2).
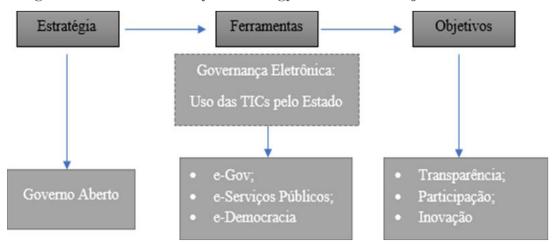
Figure 2 - The tools used by the strategy to achieve the objective

Source: Prepared by the authors.

Even though they have similar contexts and objectives, Open Government and Electronic Government have a certain complementarity, which makes them highly relevant when we talk about contemporary times, mainly due to the "exponential rise of technology" factor. The model makes us understand that all these terminologies (Open Government, e-gov, e-public services, e-democracy) are part of a complex strategic management that seeks as its objective, not only transparency, but also social participation and innovation. ICTs are essential elements for the entire strategy to be possible.

Despite all the progress, the Open Government initiative in Brazil is still in its infancy, as in 2015 the availability of data in open format per federative unit was 29.6%, while in 2020 it was 48% (Macedo; Valadares, 2020). According to these authors, the intensification of this policy can be implemented through a set of actions aimed at raising citizens' awareness of the importance of opening data, while encouraging the participation of public agencies in these initiatives. Based on the gap highlighted by Macedo and Valadares (2020), the proposed theoretical model offers a broad view that allows us to identify where the problem lies in the implementation of Open Government in Brazil, and which tools should be used to fill this gap, with reservations to observe the specificities of each case.

Final considerations

By examining the concepts of Electronic Government (e-gov) and Open Government, it is possible to highlight common aspects and concepts. Open Government refers to the transparency of processes and results by the State, while e-gov refers to the use of ICTs (Alexandrini; Piske; Piske, 2006; Sanchez; Marchiori, 2017). Based on these concepts, it was possible to establish a relationship between the two practices and identify the dynamics that constitute this relationship.

The open Government is established based on its objectives, considering the current context and an ideal situation, or just the path to it. Electronic Government presents the tool to be used to achieve these objectives, since, from the current situation to the ideal situation, there is a path built from effective strategies and results, which will make achieving the objective clearer and more possible. To achieve an objective that represents an innovation, something increasingly necessary today, and to optimize processes, breaking with the bureaucratic dysfunction established by outdated values and strategies, Electronic Government represents the set of tools that aims to achieve a greater and more general objective that is suitable for Open Government.

The theoretical model proposed to demonstrate the dynamics established in the relationship between Open Government and Electronic Government allows for a general view with few elements, being classified in a macro way. This research aimed to contribute to a more objective and visual approach to the relationship between Electronic Government and Open Government, without the need for a theoretical deepening, adding complexity to the discussion. Understanding this relationship objectively, at first, can contribute to the assimilation of other aspects that derive from this relationship or from the concepts presented here. It may be possible to highlight more dynamic issues regarding the concepts discussed here, from a contemporary and empirical perspective, in order to contribute to society's vision of reality regarding processes and strategies that comprise public administration.

Among several other concepts that permeate the insertion of innovation, technology and communication in public administration, these include and encompass contemporary aspects that aim at the participation of society in the State's decision-making. Therefore, the relevance of the subject in the midst of a contemporary Brazil marked by the use of ICTs makes the discussion, and any others that may derive from it, an issue that contributes to the implementation of technology and new ways of using them in order to achieve increased efficiency in the public sector.

Aiming to contribute to theoretical discussions concerning Open Government and Electronic Government, such as the use of ICTs by the State, and to attribute empirical validity to the proposed theoretical model, this article proposes the following research agenda:

1. Establish quantitative metrics to perform analysis on the impacts of the use of ICTs on the objectives established in this theoretical model;

2. Study on the usability of the e-gov platform and the centralization of services provided to civil society;

3. Identification of tools that can have an impact on the objectives established in the theoretical model.

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