

# A Digital Agenda for Poland: Top 10 Suggestions



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MONIKA  
ROSA

**T**oday, Poland faces serious political and economic problems. The crisis created by the current Law and Justice (PiS) regime suggests that in the long run, Poland may not be able to catch up with the more advanced democracies and better developed economies. The process initiated 25 years ago has lost its momentum. Almost every day the government disregards liberal democracy and the rule of law, disbands independent institutions and

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flouts the Constitution. The government shows also an absolute lack of understanding of modern economy. The precious time needed for reforms to get out of the trap of middle income is wasted and free-for-all policies implemented by the authorities risk ruining the Polish budget. Under these circumstances the opposition is becoming well prepared for the period “after PiS”. The

liberal agenda must be comprehensive and development-oriented. It must be responsible and steer clear of populism.

Reforms must take the global trends and latest challenges into consideration. Polish growth will be built on knowledge, new technologies and innovations. This great leap forward will not be possible without an ambitious digital agenda. The global economy is now digitalized and the digital economy is changing extremely fast. The race for innovation, skills and markets forces all governments and organizations to anticipate and adapt in order to thrive. Poland is lagging behind many other countries when it comes to the fast, reliable and connected digital networks which underpin economies and every part of the administration, business and private lives.

The presented article gives an overview of top 10 digital challenges for Poland. The list is subjective and some of its elements can be substituted by others. Nevertheless, I believe it is a good starting point for a discussion about the future of Poland.

### **CYBERSECURITY**

Our freedom is fragile and must be protected. Polish citizens must feel safe in the modern world that does not look safe at all. Recent years show that threats come from many directions, the most ominous ones from the East and from the South. Terrorism in its broadest sense (both in the form of the so-called Islamic State and the hybrid war) has become the biggest challenge for the Western world. This was clearly manifested during the last NATO summit in Warsaw. Today, no one doubts that full and comprehensive security requires cybersecurity. The EU and NATO leaders pledged to increase cooperation in five areas, including cyber safety and security. They aim to deal thoroughly with hybrid threats and hybrid war. Therefore a public discus-



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sion about a potential EU hybrid expertise center would now be very welcome. Although EU and NATO leaders pledged to strengthen cybersecurity, threats come not only from outside.

Concurrently, liberals should do everything in their power to stop those who want to use terrorism as an excuse to circumscribe our freedoms. New technologies for data collection, data storage and manipulation appear to offer governments the tantalizing opportunity to find out more and more about the individuals and societies they govern. The current Polish government is doing just that.<sup>1</sup> The Law and Justice party's majority in the parliament approved new rules on surveillance by security services that critics say will allow widespread electronic eavesdropping and will intrude on citizens' privacy<sup>2</sup>. The

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<sup>1</sup> E.g. Citizen Lab, published its report entitled *Planet Blue Coat: Mapping Global Censorship and Surveillance Tools* which found that technology that can be used to track network users and censor offensive content is actively being used on government or public networks and identified "11 ProxySG and 50 PacketShaper devices on public or government networks in countries with a history of concerns over human rights, surveillance, and censorship. Available [online]: <https://citizenlab.org/wp-content/uploads/2013/01/Planet-Blue-Coat.pdf>

Human Rights Watch researcher Cintia M. Wong claims that "[t]hese digital dossiers appeal to governments for a range of purposes, both legitimate and illegitimate. By accessing data held by the private sector, governments can easily uncover patterns of behavior and associations, both offline and online—whether to thwart security threats or to identify a particularly vocal online critic of government policy." She adds that "Security agencies in the US and UK have responded by building enormous storage facilities and voraciously collecting as much data as they can. During the 2008 visit to the United Kingdom, US General Keith Alexander, the then-director of the NSA, asked, "Why can't we collect all the signals, all the time?" The UK set out to meet that challenge with its Tempora program, which involves the mass interception of data flowing over 200 undersea cables connecting Europe to the Americas, Africa, and beyond. Media reports from the past year also indicate that the GCHQ may secretly be capturing and storing webcam images of millions of Internet users." (<https://www.hrw.org/world-report/2015/country-chapters/global-0>)

<sup>2</sup> There are significant flaws in anti-terrorism laws all over the world that threaten fundamental freedoms by giving the government the power – without probable

law was approved after a fast-track process, which brought only minor changes to the draft law, despite strenuous opposition from civil society groups and other experts. Liberals should push for legislation that adheres to the principles of the rule of law and limits the state's powers to surveil people.

The new law creates a host of new major problems: it allows the use of intrusive surveillance measures and extends the scope of the so-called "covert investigative methods" on the basis of vague conditions and an unspecified catalogue of crimes; it allows the use of surveillance tools that capture "online data" which collect and analyze the personal data of internet users without the obligation to submit an application and obtain approval from a judge or other independent authority before each instance of data collection for accessing telecommunication and online data.

The amendments deeply encroach on citizens' privacy, especially when it comes to internet use. It will make it almost impossible for individuals to find out whether they are being unlawfully spied on, as the draft does not contain an obligation to notify targeted persons at the conclusion of surveillance. The new surveillance law in Poland will put the right to privacy at risk, and with it, other human rights, the safeguarding of which depends on the right to privacy. The new law endangers not only the right to privacy but it also undermines the right to freedom of expression and may lead to self-censorship and reduce the right to seek and impart information of all kinds.

Moreover, the law fundamentally changes the relationship between citizens and the state. The former must assume they are

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cause – to access medical records, tax records, library records, etc., and the power to break into one's house and conduct secret searches without informing indefinitely. See also: David Burnham (1983) *The Rise of the Computer State*, Random House.



## ONLY ABOUT 1% OF POLES HAVE ACCESS TO E-SERVICES

under constant watch, which is highly likely to alter their behavior over time. This is how an oppressive state works, not what a liberal democracy should look like. Polish services and police do not need more powers but better coordination and closer cooperation within the existing EU structures. Special cybersecurity units should be set apart and well trained in all kinds of security services. Finally, two special centers of cybersecurity should be established – one for victims and potential victims of cybercrimes and one for administration and operators of critical infrastructure.

### EFFICIENT E-ADMINISTRATION

Some statistics exude optimism. According to the Central Statistical Office (GUS), more and more Poles want to use e-administration services. However, according to Eurostat, only 25% of Poles do so. This percentage is very disappointing as the European average is over 50%, and in countries like Finland or Sweden it is over 80% (Eurostat 2014)<sup>3</sup>.

The Supreme Audit Office of Poland (NIK) reported in 2015 that regardless of the substantial outlay on the digitalization of administration, usage of e-services is minimal. Only about 1% of Poles have access to e-services. The report shows that the main e-platform of the Polish administration ePUAP that acts as a tool for exchange-

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<sup>3</sup> [http://jem.pb.edu.pl/data/magazine/article/447/pl/1.2\\_aleksiejczuk\\_sachpazidu.pdf](http://jem.pb.edu.pl/data/magazine/article/447/pl/1.2_aleksiejczuk_sachpazidu.pdf)

ing messages between institutions and citizens cannot be reached by a majority of the population. The ratio is 96:4. Thus the tool that costs approximately EUR 8 million every year works more as a Facebook for clerks. The situation is not much better in the case of local and regional e-platforms. The NIK stresses that e-administration should be safe, intuitive, and available to the citizens when they need it, i.e. 24/7. This is something we cannot argue with.

If our administration is to progress from the Paper Age to the Digital Age, these e-platforms must be used. Still, too many public services require the physical appearance of citizens in the office with paper documents in hand. This must change. However, let us bear in mind that digitalization should not be an end in itself. The final end should be the satisfaction of citizens, saved time and money. The e-administration must offer services compatible with those of private companies. Otherwise, we will only export bad standards from traditional bureaucracy to the online world.

It is important that the e-administration covers matters that are most widely used. Today, the list is way too short. At least eighty new services should be added to the system immediately. And this does apply not only to e-forms, but also to full procedures online. In Poland today we can talk about forty services already offered, compared to 2,500 in Estonia. The gap between the two countries seems daunting.

New services must be added in a systematic and coordinated manner to avoid the squandering of resources, replication of projects and corruption. So far (2008-2015) the systems of e-administration in Poland cost taxpayers EUR 1 billion<sup>4</sup>. These

are huge sums that we do not feel are well spent. Polish citizens know that there are some especially sensitive spheres of the state's activities that need digitalization, like justice and taxation. It should be possible to send procedural documents to the court online. The development of platforms such as: e-Podatki (*e-taxes*) and e-Cło (*e-customs*) must be integrated and modernized for better transparency and effectiveness of the business environment. Automatic publication online (in the Public Information Bulletin) of all contracts by public authorities will increase social trust towards the administration. But above all, the sector that is in a dire need of e-revolution is the health care system. Digitalization means faster access to patient data as well as a more efficient delivery of the medical tests results. E-prescriptions mean fewer mistakes, better communication with pharmacies and easier accounting.

## OPEN GOVERNMENT

Open government is the one with the high levels of transparency and mechanisms for public scrutiny and oversight in place, with an emphasis on government accountability. Transparency is considered the traditional hallmark of an open government, meaning that the public should have access to government-held information and be informed of government proceedings. Nevertheless, the definition of open government has expanded in recent years and now includes expectations for increased citizen participation and collaboration in government proceedings through the use of modern open technologies. Governmental information should be freely and readily available via the Internet. Government should use collaborative technologies to create a platform through which government and individuals can work together to improve the transparency and efficiency of government services. Moreover, open government is based on liberal val-

<sup>4</sup> <http://www.rp.pl/Zadania/305039981-Anna-Strezynska-efekty-budowy-e-administracji-w-Polsce-ostatnich-latach--mizerne.html>



ues: transparency, participation and co-operation. Therefore, open government should be proudly implemented and promoted by liberals.

One of the key aspect of open government is free access to data. Most of the time citizens are only able to engage with their own governance sporadically — maybe just at election time every 4 or 5 years. By opening up data, citizens, as well as NGOs and businesses can be much more directly informed and involved in decision-making. Open government ends the idea of clerks as an upper caste, and experts in governing, it alternatively stresses the importance of citizens and processes outside the administration. This is a new paradigm of democracy, a transition from the old 20th century notion of a limited democracy to an open, deliberative one.

The Polish government is opening itself slowly but regularly<sup>5</sup>. Still, a lot needs to be done. There is no master plan or agenda for the open government in Poland, instead there is messy implementation of small projects. The mindset that creates a barrier, not allowing access for all citizens to public information and a degree of control over the public administration must be discarded. The Polish government does not want to participate in the Open Government Partnership. Access to public information is often denied by administration officers, in defiance of the law. This reluctance and fear can be overcome only by dialogue. All parties, government, citizens and NGOs should get involved in designing new tools and procedures.

In order to become open, the Polish government should also support citizens' initiatives that aim at complete transparency

of the public administration. Best practices from abroad could be implemented, for example: "Apps for Democracy" (USA; program to create public applications for acquiring information useful to citizens), Recovery.gov (USA; to foster greater accountability and transparency in the use of public funds), Open Parlamento (Italy; allows for following debates and voting in real time), Omvård (Sweden; portal to compare public services in health care), Kamu (Finland; compares campaign declarations with voting in the parliament)<sup>6</sup>. New democracy must be cooperative and must distil knowledge and experience of all experts and volunteers<sup>7</sup>. Those in power should make the best use of involvement, ideas and energy of public at large.

## DIGITAL COMPETENCES AND MEDIA EDUCATION

Researchers point out that the reluctance many Polish people feel towards the e-administration stems from the mistrust of new technologies and new forms of communication<sup>8</sup>. This suspicion comes from low digital competences on the part of Poles. In a recent report of Projekt: Polska Digital Center and WIZE we read: "Among those not using the internet, a dominant argument in favor of the off-line approach is the lack of opportunities to make use of it. What is more, among those who declare regular contact with [the] Internet, a shortage of skills is often observed. The ways [the] Internet is used in Poland nowadays differ from those in Western Europe. Not only does the percentage of users in the

<sup>6</sup> Projects are run by NGOs, state and local governments.

<sup>7</sup> [http://centrumcyfrowe.pl/wp-content/uploads/2011/06/mapa\\_drogowa\\_otwartego\\_rzadu\\_w\\_polsce\\_skrot.pdf](http://centrumcyfrowe.pl/wp-content/uploads/2011/06/mapa_drogowa_otwartego_rzadu_w_polsce_skrot.pdf)

<sup>8</sup> E.g. <https://mac.gov.pl/files/wp-content/uploads/2011/12/e-administracja-w-oczach-interneutow-2012.pdf>, <http://www.sbc.org.pl/Content/151331/Fleszer.pdf>

<sup>5</sup> See: Open Government Data Review of Poland, OECD 2015.

population vary, the frequency of Internet usage does as well. Using Internet via mobile phones continues to be at a low level, while the professional, work-related usage provides hardly any stimuli for digital inclusion<sup>9</sup>.

Actions aimed at fostering the development of digital competence and e-integration can boast a relatively long tradition in Poland – the first projects of this kind were undertaken in late 1990s<sup>10</sup>. Those activities placed a particularly strong emphasis on the equipment factor, while the competence factor was less important. The emergence of new technologies (like smartphones) had a complementary, not a substitutive effect on employing other technologies.

Although youth trusts information found online (66% find online information very trustworthy or trustworthy) and the Internet is the main source of knowledge when preparing for school for 60% of young Poles, only 21% of users double check information found online. This is why media literacy must become a priority in digital education in Poland. Media literacy is the ability to access, analyze, evaluate, and create media. It helps develop critical thinking skills, recognize what the media makers want us to believe or not, recognize bias, spin, misinformation, and lies, evaluate media messages based on our own experiences, skills, beliefs, and values. Therefore media-literate people can evaluate the credibility of sources and effectively use the online content. However, we cannot forget that digital competences do not apply only to children and teenagers. Challenges lie also in the notion of providing

training for adults. The main aim is to facilitate adaptation, inspiration and training, which can be achieved by means of various forms of actions: stationary, mobile, virtual and those embodied by human capital.<sup>11</sup>

Digital education is also a very important form of combating online hate speech and the hate subculture. Social media and online forums very often become a source of the most radical and cruel hate speech that might, in turn, inspire hate crimes in an offline world. The first step in combating this terrible phenomenon is education, not legal prohibition.

### **E-SCHOOL, E-TEXTBOOKS**

One of the key aspects of digital competences mentioned above are equipment competences. They are connected not only with the utilization of equipment and hardware but also of the internet and online tools. They cannot develop without proper internet access, and at the moment 396 Polish schools have no internet access and schools this access is restricted in 16,700 (e.g. available only in the principal's office). All educational establishments (e.g. public schools) and other similar establishments must connect to the fast or ultra-fast Internet<sup>12</sup>.

According to the research carried out by the Orange Foundation, Polish youth rates their digital skills highly. 38% of the young people declared they could use advanced

<sup>9</sup> [http://www.polskacyfrowa.gov.pl/media/5180/RK\\_kompetencje\\_cyfrowe.pdf](http://www.polskacyfrowa.gov.pl/media/5180/RK_kompetencje_cyfrowe.pdf)

<sup>10</sup> E.g. the Library Development Program, Third Age Library, e-centres run by the Aktywizacja foundation.

<sup>11</sup> [http://centrumcyfrowe.pl/wp-content/uploads/2011/06/mapa\\_drogowa\\_otwartego\\_rzadu\\_w\\_polsce\\_skrot.pdf](http://centrumcyfrowe.pl/wp-content/uploads/2011/06/mapa_drogowa_otwartego_rzadu_w_polsce_skrot.pdf)

<sup>12</sup> In 2009, the government launched "One Pupil— One Computer" program aimed at providing access to a personal computer and to Internet to every pupil. Initially the program budget was estimated at approximately PLN 500 million per year, and financing would have been shared by the government and the local authorities with possible contribution from parents. Unfortunately, the program was suspended in 2009, upon completion of the pilot training courses for 30,000 teachers, which cost the government PLN 16 million.



searching tools, but a simple test proved this to be only 2%<sup>13</sup>. What contributes to this worrisome predicament is the fact that at IT lessons Polish schools are often taught on a very basic level. More advanced knowledge and skills are necessary. Since the internet is their main source of knowledge, youth should learn how to use advanced searching tools, create web sites and apps and how to code. The IT curriculum should be more intersectional and cross-sectional. Today only 41% of secondary school (*gimnazjum*) teachers apply information and communication technologies (ICT). New technologies and digital skills should be developed not only during IT classes but throughout the entire learning process.

E-school should teach from the e-textbooks which are something more than regular books in a pdf format. They are complex online services that can be edited, updated and expanded. They can adjust better to the needs of particular schools and individual students. Such e-textbooks should change the way students absorb knowledge, making it more practical and applicable outside of the school building, e.g. at home. The curriculum e-textbooks for K-12 schooling in Poland should be available under a free license and be used on any computer or mobile device. Using educational materials in a free and unrestricted way is more than crucial for an effective educational system. In the Digital Age the right to use, re-use, improve and adapt knowledge to individual needs is fundamental.

Every year the state allocates funds from the budget to paper textbooks for the poorest students (PLN 128 million in 2012). The investment in digital textbooks and hardware can facilitate a better allocation



## NEW TECHNOLOGIES MAKE CULTURE AVAILABLE TO EVERYONE AS NEVER BEFORE

of those funds. In other words, e-textbooks will be cheaper and available to everyone, including Poles living abroad. Traditional textbooks are not only expensive but also heavy and non-ecological. Open and free digital textbooks weigh less, are easier to update and adjust to various needs, for example, for disabled students<sup>14</sup>.

The process of digitalization of the Polish schools should adopt a cohesive approach that would ensure upgrading the infrastructure and improving the competencies of students and teachers that would enable them to create and use digital resources effectively.

### OPEN AND DIGITALIZED CULTURE

The development of new technologies should not differentiate between people, it should better connect them. New technologies make culture available to everyone as never before. The adequate use of the potential of technology can support creativity and engagement, it can therefore expedite work and stimulate growth. Cultural institutions should understand their role in this process while lawmakers should create a legal environment for a digitalized and open

<sup>13</sup> <https://fundacja.orange.pl/badania.html>

<sup>14</sup> <http://iite.unesco.org/pics/publications/en/files/3214727.pdf>

culture. According to Sanderhoff (2014), "When cultural heritage is digital, there is nothing standing in the way of sharing and reusing it. It can be sampled, remixed, embedded, it can illustrate new stories and move into new media, it can adorn books, posters, and public spaces, advance research and make ideas and creativity blossom. When cultural heritage is digital, open and shareable, it becomes common property, something that is right at hand every day. It becomes a part of us"<sup>15</sup>.

All resources belonging to public institutions of culture should get digitalized and open to people – this would also imply documentation connected with artworks, monuments and historical sites. Disseminating collections and knowledge about them is one of the most important goals of the GLAM sector (galleries, libraries, archives and museums). Opening the collections equals higher viewership and stronger relations with the audience. The Smithsonian serves as a good example of such practices – their digitalized pieces featured on Flickr Commons had around 10,000 views, while those presented on Wikipedia around 100,000 views instead of several thousand when they were presented on the museums' websites.

With the IT revolution of the last half-century it is now possible to distribute knowledge at costs close to zero. Nowadays, the print run of a scholarly monograph published by the University of Warsaw is still a few hundred copies, not much more than a hundred years ago, yet the same book made available online can reach millions. When the BBC made its versions of the Beethoven symphonies available last year, it recorded total downloads of around 1.7 million copies in



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a few weeks. Promoting and expanding the public domain in several key areas would yield large benefits for society in the form of increased access, greater development of complementary goods and services, and the ability to decentralize and widen the innovation process<sup>16</sup>. For the liberals, an open approach to knowledge will always be superior to the one based on monopoly rights.

### E-ID

The e-ID is the electronic identification of citizens or organizations, for example with a view to access benefits or services provided by government authorities, banks or other companies. One form of the e-ID is an electronic identification card, which is a physical identity card that can be used for online and offline personal identification or

<sup>15</sup> Sanderhoff, M. (2014) "Foreword", [in:] *Sharing is Caring. Openness and sharing in the cultural heritage sector*, Statens Museum for Kunst, Copenhagen, p. 9.

<sup>16</sup> [http://rufuspollock.org/papers/value\\_of\\_public\\_domain.ippr.pdf](http://rufuspollock.org/papers/value_of_public_domain.ippr.pdf)

authentication. The chip stores the information printed on the card (such as the holder's name and date of birth) and the holder's biometric photo. The card should be used for online authentication, such as age verification or e-government applications.

In 2010, the Polish government passed a law that opened the door for e-IDs in Poland. Traditional IDs were supposed to be changed in 2011. Many doubted it would happen because of the lack of executive procedures. And unfortunately, they were right. In 2011, the government moved the date to 2013. In 2012, the Ministry of Interior nullified the tender for new ID cards and announced a new law on IDs. In 2016, the Poles still cannot use e-IDs and the new government announced new deadlines.

The e-ID is not something whimsical but a key to public services that makes life easier and a necessity for modern efficient business making. The e-ID Card can be used as follows:

- as a national ID card for legal travel within the EU;
- as a national health insurance card;
- as proof of identification when logging into bank accounts from a home computer;
- as a pre-paid public transport ticket;
- for e-voting;
- for accessing government databases to check one's medical records, file taxes, etc.;
- for picking up e-prescriptions; for digital signatures.

In addition to the e-ID card, one can also use a mobile phone to identify oneself for online services (mID). In the world where

mobile phone connects us all, this is even more convenient since one does not need an e-ID card reader for the computer. A mobile phone can act as a card and a card reader at the same time.

Of course, security and privacy protections always come first. The individual is losing control when confronted with activities such as: profiling, behavioral targeting, social sorting, dynamic pricing, blacklists,



IN EUROPEAN COUNTRIES, E-VOTING WAS INTRODUCED IN PART TO TACKLE THE PROBLEM OF A DECLINE IN TURNOUT, ONE OF THE MAJOR PROBLEMS OF DEMOCRACY. IN POLAND, INTERNET VOTING SOUNDS LIKE A FAIRYTALE AND THE TOPIC IS ABSENT FROM PUBLIC DEBATE



constant surveillance... However, when setting up architectures based on identities there are possibilities to give the users control over the information they share with services. Only a minimum of private data should be kept on the ID card itself. Lost cards shall be cancelled. Also two PIN codes should be issued, one for authentication (proving who the holder is) and one for authorization (signing documents or making payments).

### E-VOTING

Internet voting is a voting mechanism that is increasingly being explored as a means to allow access to the election process for voters who may otherwise find it difficult to go to their polling station on an election day<sup>17</sup>. In European countries, e-voting was introduced in part to tackle the problem of a decline in turnout, one of the major problems of democracy. In Poland, internet voting sounds like a fairytale and the topic is absent from public debate<sup>18</sup>.

Some of the arguments against internet voting are purely political and connected with the fact that old-fashioned, traditional parties will lose out with online mobilization of the young electorate. Fears that e-voting would affect the outcome of elections was a key reason behind the fact that trials within the US Army were shut down in the early 2000s. A similar debate was happening across the Atlantic in Switzerland: "The left said the Internet was just for rich people; rich people have access to

the technology and are voting on the right, therefore it could be our death knell. The right said that the Internet was a new thing for young people, and the young people are more on the left, so it's not good for us"<sup>19</sup>. Liberals should firmly support the position of inclusion in all democratic processes, especially elections and referenda, and internet voting is a great tool to do just that. All other arguments regarding transparency, secrecy and accessibility of internet voting, can be answered by examples of the countries that use internet voting successfully.

In Poland, the need for secure online voter authentication mechanisms may be one of the biggest hurdles in implementing internet voting. It presents a challenge for many established democracies. In order for e-Voting to work, we need to have people IT-literate enough to use a government-issued certificate to authenticate themselves and be able, in general, to use computers. The system, like any other new electronic tool for administration, is expensive, so it must be user friendly, efficient and connected with other systems. This is precisely why Poland needs the e-ID card system with secure online authentication mechanisms. Creating an e-ID card and e-Voting systems separately would be worthless and breach citizens' trust towards e-voting in particular and e-administration and administration in general.

### SHARING ECONOMY REGULATION

The so-called 'sharing economy' applies to car sharing, dinner hosting and the provision of accommodation to crowdfunding and the real estate market. It was pioneered by companies like: Airbnb, Uber and BlaBlaCar and is now quickly taking

<sup>17</sup> <https://www.ndi.org/e-voting-guide/internet-voting>

<sup>18</sup> A total of fourteen countries have now used remote Internet voting for binding political elections or referenda. Within the group of Internet voting system users, four core countries have been using Internet voting over the course of several elections/referenda: Canada, Estonia, France and Switzerland. Estonia is the only country to offer Internet voting to the entire electorate. The remaining ten countries have either just adopted it, are currently piloting Internet voting, have piloted it and not pursued its further use, or have discontinued its use.

<sup>19</sup> <http://www.eui.eu/News/2013/02-12-Internetvoting-successintwoEuropeancountries.aspx>



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hold in Europe, with more than 150 million consumers expected to pool property or possessions over the next year.

According to the ING research, only 3% of the Poles have ever participated in a sharing economy (5% is the European average; 9% in the USA). 35% of Poles think their participation in the sharing economy will increase in the next 12 months (32% is the European average; 28% in the US). Therefore it is visible that the Polish market offers a great potential for growth<sup>20</sup>.

The sharing economy is still a relatively new phenomenon and legislators will have to tackle it soon. Governments are not able to catch up with every single latest trend

in technology and prepare special legal framework for them, but some legislative actions are necessary. A similar situation arose not very long ago with the introduction of eBay, or Allegro in Poland. The progress of technology cannot be arrested, nor its impact on economy and society. There is no return to the good old times without the Internet and traditional forms of buying goods and services. New technologies make it easier to start a business, lower costs of functioning and standardize services globally. The sharing economy optimizes the use of capital/goods.

The fact that the sharing economy is a new and less formalized form of conducting business does not mean it should not be regulated. Regulations must be clear for users of a sharing economy and their traditional competitors. States should not forbid sharing economy platforms to compete on the market but they should create frameworks within which they can operate.

Firstly, the issue of taxes should be regulated. Too often sharing economy companies operate outside of the VAT scope claiming that they are not offering services but access to services. Such entities should be partners for tax authorities in the process of working out new solutions. This is the case of the Uber's cooperation with the Estonian fiscal administration MTA just after the company started operating in Tallinn. A joint group was established to tackle the existing problems. A similar solution was successfully tested in Vilnius, Lithuania.

Therefore, in general, the opinion expressed by the European Commission seems to make perfect sense: "Collaborative economy service providers and platforms have to pay taxes, just like other participants in the economy. Relevant taxes include tax on personal income, corporate income and Value Added Tax. Mem-

<sup>20</sup> <http://www.ing.com/Newsroom/All-news/Euro-pean-sharing-economy-to-grow-by-a-third-in-the-next-12-months.htm>

ber States are encouraged to continue simplifying and clarifying the application of tax rules to the collaborative economy. Collaborative economy platforms should fully cooperate with national authorities to record economic activity and facilitate tax collection<sup>21</sup>. The sharing economy platforms pose many questions regarding labor regulations (qualification of legal relationships between entities), consumer protection and liability for damages, privacy laws and rules of providing services online and intellectual property. Additionally, sharing economy platforms are often established outside Poland (and Europe) and are built on foreign law (e.g. the state law of California). For Polish users of these platforms, the consequences of their acts and reliability are not clear. All these questions must be addressed.

The approach of the European Commission shall be welcomed here. Even though in its "European agenda for the collaborative economy" study the Commission fell short of issuing any hard guidelines or recommending individual regulations, it did use strong language to show its support for sharing economy businesses. Elżbieta Bieńkowska, the Commissioner in charge of the sharing economy, said that "[t]he collaborative economy is an opportunity for consumers, entrepreneurs and businesses – provided we get it right. If we allow our Single Market to be fragmented along national or even local lines, Europe as a whole risks losing out".

There are quite a few examples of negative consequences of unregulated sharing economy platforms in Europe, and other parts of the world. New York, Berlin, Reykjavik, Barcelona are campaigning against Airbnb. Courts in France and Germany

rule against the Uber service despite the European Commission recently issuing guidelines in support of the car transport app. Several European states have put legal obstacles in the way of Uber's expansion, the taxi service has also faced fierce opposition in other parts of the world<sup>22</sup>. Meanwhile, the Spanish court has asked the European Union's Court of Justice to decide whether Uber is a technology application or an old-fashioned transport company that would require far stricter regulation<sup>23</sup>. Polish taxi drivers also staged protests against Uber. Hundreds of them caused tailbacks in Warsaw by driving at a snail's pace protesting against competitors including the controversial ride-sharing app. Nevertheless, it seems that Poland might become a safe haven for Uber – Polish government officials support a liberal option here (at least here!), which is good news. But the government should not believe that "it will somehow work out on its own". It will not. Outdated laws must be changed. All kinds of businesses must get acquainted with the new rules and practices and apply them carefully. And most importantly, the proposed rules must be fair, which is the biggest challenge.

## FREE MEDIA

The digitalization of media in Poland is a fact. It is also the future. The independent and pluralistic media are the most important from a democratic angle. Unfortunately, Poland under the Law and Justice government has a big problem with it. The government's media reforms

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<sup>22</sup> Protests by taxi drivers in Jakarta, Indonesia, erupted into violence earlier this year, while Brazil initially moved to ban Uber outright before the law was overturned, sparking anger from taxi drivers in Rio de Janeiro.

<sup>23</sup> Anticipating such court decisions, Uber has launched an upmarket alternative service called Uber X in several European markets which requires professionally licensed drivers.

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<sup>21</sup> [http://europa.eu/rapid/press-release\\_IP-16-2001\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2001_en.htm)

gave the treasury minister the power to hire and fire broadcasting chiefs. It dismissed state media management teams and installed replacements. The reforms gave more latitude to control state-run television and radio. Jacek Kurski, the former Law and Justice MEP and spin doctor, was appointed the new head of the public television. Hundreds of journalists were fired, and replaced by employees from the connected to the ruling party right wing and ultra-catholic media<sup>24</sup>. *Wiadomości*, the flagship news program of the Polish public TV (TVP), was changed into a mouthpiece for governmental propaganda that is reminiscent of the worst excesses of the communist era. A similar change has affected the news channel of the public TV: TVP Info. The changes to Poland's media landscape came to international attention at the NATO summit in Warsaw when unprecedented critical remarks by President Barack Obama about the state of Poland's democracy were edited out of the state-owned TV news broadcasts<sup>25</sup>.

The goal of Law and Justice's new media strategy is not to expand its audience, which, if anything, is falling steeply (*Wiadomości* has shed 750,000 viewers since the beginning of the year; TVP saw a 19.8 percent fall since the new leadership took over). The strategy is purely political, and it seems to be working. The party's numbers are soaring above rivals in opinion polls.

<sup>24</sup> See: <http://www.ft.com/cms/s/0/729e39d0-ae31-11e5-993b-c425a3d2b65a.html#axzz4Gq2UUpPu>; <http://wyborcza.pl/1,87648,19908396,jak-sie-robi-wiadomosci-za-kulisami-dobrej-zmiany-w-sztandarowym.html>

<sup>25</sup> Viewers of private television TV channels heard Obama, who was here for the NATO summit, say: "I expressed to President [Andrzej] Duda our concerns over certain actions and the impasse around Poland's Constitutional Tribunal." Poles who turned into the public TVP only heard Obama's comments praising Poland.

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It is feared that the government will now look to bring private broadcasters and publishers to heel, and it is already eyeing foreign-owned media in Poland. In a recent ranking by the Reporters Without Borders' (RSF) World Press Freedom Index, Poland dropped from the 18<sup>th</sup> place in 2015 to 47<sup>th</sup> in 2016.

In June 2016, Law and Justice's majority in the Parliament approved the setting up of a National Media Council (RMN), paving the way for wider changes in the state-owned media. The Council would appoint the management and supervisory boards of the state-owned broadcaster TVP, Polish Radio and the PAP news agency. RMN will compete with the National Broadcasting Council (KRRiT), a body established by the Constitution as a supreme state body in charge of broadcasting matters, freedom of speech and broadcaster independence, as well as an open and pluralistic nature of radio and television.

Poland cannot afford such a situation. It needs public media to be independent from politicians and business people. It needs public media with a proper budget and assured sources of income. The fragile and still emerging Polish democracy and civil society require pluralism and access to information and cultural/social content in the traditional and the new media. We can accomplish this goal only when political majorities decide not to treat public media as trophies. Impartiality and professionalism of the National Broadcasting Council and the Office of Electronic Communications<sup>26</sup> guarantees further digitalization of media, social inclusion and high standards of journalism and of media content.

## CONCLUSIONS

The digital agenda proposed above is rather diverse: Cybersecurity, Efficient E-Administration, Open Government, Digi-

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<sup>26</sup> The national regulatory authority for the market of telecommunications and postal services.

tal Competences and Media Education, E-School and E-Textbooks, Open and Digital Culture, E-ID, E-Voting, Sharing Economy Regulations, and Free Media. Some of the objectives were formulated on a very general level, while others are very specific. Some of them can be reached easily with some financial investments, others require a long-term strategy. The provided overview combines demands concerning equipment, infrastructure, legislative changes but also education and challenging attitudes. My digital agenda is tightly connected with the basic standards of democracy. Its goals can be reached only with more rule of law, but the rule of law will be secured by the agenda. The digital agenda must be diverse because the issues are very complex and cannot be reduced to simple slogans, like internet voting and e-taxes.

At present, Poland is standing at the crossroads. We can open a new chapter in our history, a chapter of modernization, fast development and improving the quality of life of the Polish citizens. **Poland has no other choice but to join the digital revolution led these days by countries like Estonia.** Paradigms of the e-society around the world are led by the liberal government in this post-Soviet state, the sheer size of which allows for experimentation and the implementation of the most advanced and enviable solutions. We can learn from Estonia and build on its experience.

It is clear that the digital agenda does not look 'sexy' enough for many parties. Talking about abstract concepts of technological advancement, hi-tech driven productivity and a labor market of a sharing economy seems less attractive than social spending and new benefits symbolized by the Law and Justice's flagship

"500+" program (PLN 500 per month for every child in a family). But scrutiny of the digital agenda will show that the digital approach makes life easier. In Estonia, taxes take less than an hour to file, and refunds are paid within 48 hours. By law, the state may not ask for any piece of information more than once, people have the right to know what data is held on them and all government databases must be compatible. In all, the Estonian state offers 600 e-services to its citizens and 2,500 to businesses.

A digital state is a state more efficient and friendly. It is a better organized state, less expensive for the taxpayers and a country where every citizen feels like an active participant. The digital state will accelerate Polish entrepreneurship and diligence we are so proud of. This new unchained energy will allow us to compete with the most advanced economies by using the power of our brains, and not only the power of our hands. ●



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MONIKA  
ROSA

Member of Polish Parliament of the Modern Party (Nowoczesna) and Secretary of the parliamentary group. Member of the Standing Committee of Energy and State Treasury in Poland. An active member of non-governmental organizations, e.g. Projekt: Polska Association