Policy Brief

Managing the Transition to Digitalized Public Services: The Once-Only Registration Principle as a Means to Reduce Administrative Burden

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Abstract: There is a growing concern that the benefits of digitalizing social programs have not translated into a corresponding reduction of administrative burden in citizen-state interactions. The lack of progress in administrative burden reduction is, in large part, due to the preference for an apolitical, managerial approach to governance to the relative neglect of the legal and political approaches. In the context of digitalized public services, this policy brief synthesizes insights to offer a holistic analysis of the various approaches to public administration. It advocates for a legal approach through an integrated road map for implementing the "once-only registration principle (OORP)" as a best practice to improve the ease of citizen-state interactions.

Context of Policy Problem

Governments often promise that the use of digital technologies such as the internet, mobile phones, and other tools which collect, store, analyze, and share information digitally, will improve the ease and access of public services. But globally, the inadequate attention

given to compliance barriers faced by policy targets in the processes and procedures of enrolment, authentication, verification as well as algorithmic regulation is posing a hurdle in the transition toward a digitalized state (Pilkington 2019). This has paradoxically increased the administrative burden[4] experienced by the policy targets. Therefore, we must ask what needs to be done to reduce the administrative burden experienced in digitalized public service encounters, especially for those from the socially disadvantaged groups, towards whom many transformative government interventions are directed.

Digitalization augments the government's ability to allocate burdens and benefits to policy targets preferentially. It is a convenient low-profile policy instrument for politico-administrative actors to advance structural reforms by stealth. For this reason, in policy areas as wide-ranging as health (Moynihan et al., 2015) and immigration (Heinrich 2018), by operating variously as a technique for persuasion or coercion, digitalization typically refracts the partisan political preferences of politico-administrative actors.

The manifestation of administrative burden in the transition to digitalized public services can often be attributed to a worldview that principally approaches governance reform as a techno-managerial challenge. Digitalization is viewed primarily as a task of re-engineering and standardization of internal business processes of public sector agencies. Such a

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[4] Administrative burden is defined as "an individual's experience of policy implementation as onerous (Burden, et al., 2012, 742). Administrative burden theory from a behavioral perspective outlines three types of underlying costs. Learning costs are those which arise from information search and assessment of their relevance. Psychological costs refer to those which arise from stress, stigma, loss of power, or autonomy in citizen-state interactions. Compliance costs are those which emanate from paperwork requirements such as filling forms, providing documents (Moynihan et al., 2015, 45-46).

worldview is prone to either ignore or to pay insufficient attention to the need to simplify and minimize the administrative burden borne by policy targets in such digitalized public service encounters.

The widespread reports of hardships in the wake of the determined push to establish new electronic national civil registries can be attributed to the absence of horizontal accountability mechanisms that constrain the powerful governance actors such as the bureaucrats and the political executive. In countries such as India and Jamaica, they have disproportionately affected the socially disadvantaged groups, leading to public interest litigations and subsequent interventions by the highest courts (Yerramsetti, in press). It is therefore essential to harmonize the techno-managerial goal of internal process re-engineering with the reform legitimating goal of reducing the bureaucratic merry-go-around that the processes of registration, authentication, verification and regulation by various public agencies routinely impose on policy targets.

Critique of Policy Options

Public sector digitalization practices can be understood through the lens of three distinct approaches – managerial, legal, and political. In this Policy Brief, digitalized public services transitions are analyzed by examining the worldviews that inform the underlying approaches to public administration. This section analyzes the relative strengths and weaknesses of each of these approaches using the framework outlined by Rosenbloom (1983).

Legal approach: The existing laws of a society act as a compass for administrative agencies as they move towards the systematic digitalization of public services. Rosenbloom (1983, 222-224) identified three values that embodied the legal approach to public administration, namely, the procedural due process, individual substantive rights, and

equity, which he viewed as standing for fairness in the conflict between private parties and the government. However, the approaches to the rule of law are typically shaped by the constitutional traditions of individual countries.

The countries of a Continental European constitutional tradition place a strong emphasis on the prevention of the misuse of administrative procedures. To that end, the process, the structure, and justifications for the decision-making by administrative agencies are circumscribed by legal-rational principles such as the principle of careful preparation, fair-play, proportionality, legal certainty, equality in treatment, etc. (Bovens & Zouridis, 2002). Such legal principles have established a well-reasoned system of legal protections against the abuse of authority by administrative agencies and their agents.

The Council of Europe's Parliamentary Assembly adopted a resolution that called for promoting proportionality concerning biometric data collection by carefully weighing whether the potential gains in security are balanced by addressing concerns about interference with human rights (Gayrel, 2016, 451). They suggested that biometric data collection should be taken up only after evaluating whether the purpose cannot be achieved by opting for less intrusive techniques. The resolution also called for arranging for alternative means of identification and verification for those individuals who are either unable or unwilling to provide biometric data to the government.

In contrast, in the countries with a common-law tradition, civil liberties receive their affirmation mainly from judicial decisions, common law, and parliamentary legislation. Despite the centrality of the rule of law for deepening democracy, the dominant view, especially in developing countries, remains that the legal frameworks should be eschewed

to promote the bureaucratic initiative along with transformative and rapid social change. Where such transformative digitalization reforms are advanced in emerging democracies without a countervailing legal framework, almost in a thermostatic manner, they have resulted in civil society opposition.

In the United States, which follows the common law tradition, the Paperwork Reduction Act of 1980 limits the scope for unwarranted and onerous data collection by public agencies, while the Information Quality Act of 2001 holds the public agencies to a high standard of the quality of government information. Similarly, the notice and comment process of the Administrative Procedure Act of 1946 acts as a check against dehumanizing agency action. In common law countries of the global South, where such legal frameworks are not established, the progress in strengthening uniformity, consistency, and predictability of the rule of law, has proved to be slow and halting. The absence of adequate legal frameworks to advance digitalization can also lead to the imposition of a rigid form of expert systems from above, which can pose challenges in "ensuring justice in each particular case" (Bovens & Zouridis, 2002, 182).

Managerial approach: The managerial approach views "public administration as a "field of business" and consequently a managerial endeavor" (Rosenbloom, 1983, 220). It emphasizes the maximization of the values of efficiency, effectiveness, and economy. The managerial approach advances an impersonal view of policy targets as "cases," which are to be processed by the uniform application of standardized rules. Bovens & Zouridis (2002, 175-178) noted that the recent technological advances had transformed administrative agencies into system-level bureaucracies or "decision-making factories," which rely on the advances in ICTs to process a large number of individual cases.

Within such organizations, instead of handling individual cases, the members of the organization mostly perform tasks towards "systems development, maintenance, and optimization of information processes and creating links between systems in various organizations." The rapid shift from what Donald Kettl called the "vending machine government," - which offers predictable choices for the citizen, to "the government as a platform" or market place - where market actors compete for services provision (O'Reilly 2010), has allowed public managers to see their role as the designers and regulators of electronic platforms. Paradoxically, the emphasis on identification, (re)verification and authentication for every possible public and welfare service, and increasingly for citizenship itself, some scholars have argued, converts bureaucratic failures into "a powerful instrument of State coercion and legitimised exclusion" (Aiyar, 2019).

Digitalization is an enabler of ordeal mechanisms - which are opaque administrative arrangements that seek to "impose differential costs for rich and poor" to "induce self-selection and hence improve targeting ("self-targeting")" (Atalas et al., 2013). Government agencies tend to frame their approach to the application of the rule of law in such contexts in apolitical terms (Gomez 2018). However, it is increasingly evident that these ordeal mechanisms are used to impose administrative burden for specific politically weak social groups (Heinrich, 2018).

Political approach: The political approach to public administration emphasizes the political values of representativeness, political responsiveness, and accountability through elected representatives (Rosenbloom, 1983). The political approach views the individual as part of a larger group and aims to be responsive to such aggregate groups. In the

context of public sector digitalization, the political values of government responsiveness and accountability are secured through sunshine laws that facilitate the transparency of the government action to the citizens, and the precautionary principle that aims to prevent undue harm to the weakest groups in the society.

However, a view persists among the powerful governance actors, especially in the countries of the global South where the demand for an expanded role for government is most acute, that the emphasis on political values such as government responsiveness and transparency can hamstring the managerial effectiveness of bureaucracy. Nevertheless, a sound legal framework that achieves the balance between the pursuit of bureaucratic efficiency and political responsiveness is necessary for the legitimization of transformative government reform. When politicians advance market-based reforms without regard for the precautionary principle, they can expose vulnerable groups with low social capital (Schou & Pors 2019).

Bovens & Zouridis (2002, 181) have noted that a conditionally programmed legal framework in which the law has an if/then structure, can be easily translated into algorithms and decision trees. They argued, this lends itself to ICT applications more easily than a goal-oriented legal framework in which the law only enumerates the interests that should be taken into consideration by the executive officer. The potential for digital transformations can be fully realized when politicians enact detailed laws that provide legal certainty by laying out the conditions for the legal treatments of claims by various aggregate groups.

The Once-Only Registration Principle (OORP) as the Policy Solution

From the perspective of a citizen, the legitimacy of digitalized public services transitions boils down to how they are treated, in what Moynihan and Herd (2010, 658) called the "administrative courtroom." The free-market welfare state that is now replacing the traditional welfare state is reliant on the differential targeting of burden and benefits. Market-based interventions which have come to rely heavily on digitalization practices for their implementation, tend to justify the administrative burden as a necessary trade-off for advancing policy change. In this context, on the lines of the European Union (EU) countries, adopting an e-governance roadmap towards the implementation of the OORP[5] can promote broad-based consensus.

The OORP principle was formally adopted as part of the 2017 Tallinn Declaration on eGovernment by the members of the EU & European Free Trade Association (Akkaya & Krcmar, 2018). Through a call for proposals, in 2016, the EU Horizon 2020 Research and Innovation Funding Programme has funded the Stakeholder Community Once-Only Principle for Citizens project (Akkaya & Krcmar, 2018). Other governments can incentivize their public agencies at the state and national levels to undertake similar projects to present a "public-regarding reform path" (Jacobs, 2014, 492) to digitalization. The legal, managerial, and political action points which give effect to the once-only registration principle are elaborated in the following section.

Consensual Legal framework
- *Enabling Legal framework for the once-only registration principle:* In the EU countries, OORP was conciliated with both the

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[5] "The "once-only registration principle" entails the elimination of the unnecessary administrative burden involved when users (citizens, businesses or other authorities) are required to supply the same information more than once to government." The adoption of OORP is subject to the condition that the "data and privacy protection requirements are met" (Gallo Claudia, 2014, 1).

national privacy and data sharing legislations as well as EU data protection directive (Gallo Claudia, 2014, 32). A broad-based participative approach in establishing a legal framework for digitalization can strengthen the legitimacy of government reforms. This also presents the opportunity to co-opt civil society groups by incorporating the precautionary principle within national legal frameworks and thereby address their concerns of government coercion.

Managerial coordination and bureaucratic change management

- *Internal coordination and popularization:* The successful implementation of the OORP entails establishing internal coordination across government departments through "changes in both organizational aspects and working practices and cultures" (Gallo Claudia, 2014, 7). Mass popularization of OORP can signal bureaucratic commitment to undertake the inter and intra-organizational reforms to minimize the hardships in citizen-state interactions.
- *Hardship clauses and customer panels:* Such panels can allow policy targets to bring the government's attention to specific circumstances that do not fit with existing government automation activities leading to a lack of fairness and justice (Bovens & Zouridis, 2002, 183). Similarly, they suggest that customer panels that can review and contribute to the refinement of expert systems improve the openness and social orientation of the relevant administrative agencies.

Political initiative and policy oversight

- *Informatization review:* Bovens & Zouridis (2002, 182) advocate an informatization review by the legislature to allow them to assess how enacted policies are translated and given effect. This can potentially reduce the opacity of ordeal mechanisms by promoting transparency in how administrative data guides the differential treatment of policy targets. It increases the visibility and certainty in terms of how various information systems are interlinked and thereby enhances the legitimacy of the process and outcomes. They suggest that ICT supervision could be integrated into the functions of the government audit office.
- *Public access to expert systems:* A more radical way to reinforce public confidence in digitalization processes is to allow greater accountability of system-level bureaucracies by opening up the checklists, electronic forms and decision trees that guide the operations of expert systems to public scrutiny and input (Bovens & Zouridis, 2002, 183)
- *Communicative governance:* Public policymaking and implementation in the digital age involves the adaptation of the logics of the new and old media (Esmark, 2019, 140). Effective strategic framing of the reform can build the legitimacy of administrative reforms. The new media channels can be used for effective "reason-giving" to foster individual autonomy and informed decision-making among the policy targets.

Apart from the aforementioned legal frameworks, these action points can be suitably integrated into the digitalization strategies of public agencies. Like EU countries, other democratic governments need to signal a clear commitment to minimizing administrative burden by establishing an integrated and time-bound roadmap to give effect to the OORP. Its implementation can demonstrate the ease and convenience created for the public, and thereby enhance the democratic legitimacy and long-term sustainability of public sector digitalization.

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