

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY PORTUGAL

ARTICLE 10 UNCAC

PUBLIC REPORTING

PORTUGAL (SEVENTH MEETING)

Regarding the use of information and communications technologies in order to facilitate, Portugal has focused in the last two decades on the use of information technology (IT) and eGovernment (e-Gov) in the framework of electronic Public Administration policies, of simplification and of transparency of the public sector which, in a broader perspective, allow the provision of better services to citizens and also prevent corruption.

As an introductory remark, it should be noted that, according to information provided by the European Union, Portugal is still in the top on the provision of online public services in the EU, according to the results of the European eGovernment Benchmark 2013. The assessment of the performance of European countries led by the European Commission continues to place Portugal among the leading countries in online services provided to citizens and businesses.

The European eGovernment Benchmark is an annual and reference study on the assessment of the performance of European countries as regards the provision of online public services, based on the life event concept, i.e., a set of services provided by various public administration bodies and which are presented to citizens in an integrated manner (e.g. starting a business, registering and driving a vehicle, to lose and to look for a new job, change of residence).

The AMA -Agency for Administrative Modernisation LP. plays a key role in this area.

The Agency for Administrative Modernisation, LP. (AMA) is the public institute that pursues the powers of the Presidency of the Council of Ministers in the areas of modernization and administrative simplification and electronic administration, with the mission of identifying, developing and evaluating programs, projects and actions of

modernization and administrative simplification and regulatory and to promote, coordinate, manage and evaluate the system for distribution of public services, within the framework of the policies defined by the Government of Portugal.

Some examples of the use of information technology (IT) to facilitate the transparency of public administration are the following:

Dematerialization of the Prescription of Medicines and Users Electronic Identification of the National Health System and Health Professionals (DRM-IEUP)

The dematerialization project of the prescription of medicines' circuit has as main objectives to eliminate the need for paper, increasing the convenience of access to medication by users, increasing the safety of prescription by the prescribers, the promotion of the fight against fraud and corruption and waste through better control at the time of dispensing of medicines and promotion of best environmental practices. The operation also contributes to the widespread use of the Citizen's Card as a means of electronic authentication.

E-invoice system

The e-invoice system is an ambitious program to fight fraud and tax evasion in Portugal in order to ensure a fair distribution of the tax effort by all taxpayers. The system implemented mandatory electronic communication of the elements of the invoices to the Tax Authority by economic agents, reinforcing the fight against informality and tax evasion and supporting taxpayers in voluntary compliance with their tax obligations.

CITIUS service

In the field of Justice, the CITIUS service enables electronic submission of documents for use in eOUI cases.

Lawyers are able to present evidence and documents to the courts, check their distribution, look up cases and keep track of fees electronically.

For civil cases and injunctions, most of the correspondence can be conducted electronically. Sets of copies and duplicates are no longer needed.

The system IS secure 111 that the use of personal, non-transferable electronic certificates IS required.

Citizen's Portal

The Citizen's Portal aims to facilitate the relationship between the citizens and the Portuguese State, establishing itself as a privileged access channel to the services provided by the Public Administration. From the Citizen's Portal, citizens can perform online some of the services provided by the Public Administration, as well as consult information or various contents.

At the same time, the Portal forwards the users to other web sites where they can interact directly with the provider of the service. The Citizen's Portal features over 905 services available for a total of 161 public agencies and entities. Joining the Citizen's Portal proves the success of this way of service, with a total of about 2 million monthly visits and a volume of active users registered in the order of 300 000.

The portal integrates services such as Online Certificates (about 20,000 requests for certificates of civil registration and property registration), the Change of Address and the Directory of State (SIOE), promoting efficiency, transparency and trust in the Public Administration.

Electronic denunciation of crimes of corruption

Although of a different nature and with different objectives, the possibility of denunciation of alleged corruption crimes using information technologies should be highlighted.

Effectively, it is available on the website of the Prosecutor General's Office the possibility of

electronic reporting of corruption cases. The complaint can remain anonymous. In addition, the complaint will receive a number by which it will be identified and a passkey shall be assigned to the complainant that later will allow him/her to access the communication and take notice and track the status of the investigation and other data that they may be of his/her interest (<https://simp.pgr.pt/dciap/denuncias/index2.php>).

The examples shown are only a few of the many examples of the use of information technologies, not only to modernize Public Administration, provide training to civil servants, improve the functioning and the provision of services by the public sectors services, but also to promote transparency.

These policies are consolidated policy options which have already been applied for many years and continue to be part of public policies and Government programs, such as the Program of the XXI Government of the Portuguese Republic, which devotes an entire chapter to the strengthening, simplification and digitization of the Public Administration at central, regional and local level in order to provide better services to citizens and businesses, reduce bureaucratic costs and promote transparency, this way , preventing and fighting corruption.

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The Portuguese public administration is subject to the principles of "open administration" and transparency, namely in what regards its organization, functioning and decision-making processes.

In the last ten years Portugal has progressively adopted simplified administrative procedures, in order to facilitate public access to the competent decision-making authorities. SIMPLEX is the most emblematic of these procedures.

In accordance with the Portuguese Constitution and concerning the organization of political power (specifically Article 276), Public Administration must look after the public interest respecting the rights and interests of citizens. Those who work in Administration, and the public bodies and institutions themselves, are subordinate to the Constitution and the Law.

Public officials, in the performance of their tasks, should act with respect for the principles of equality, proportionality, justice, impartiality and good faith. Seen from this point of view, Public Administration is guided by the principles of transparency, openness and good governance.

The constitutional right of access to information in the public sector is guaranteed to all citizens (Article 37 (1)). This includes archives and administrative records, along with any cases and procedures in which they are personally involved (Article 268 (1)).

Law nr. 83/95 of 31 August defines the terms of participation by the people in administrative procedures and the right to popular action to prevent and repress offences caused by diffuse interests. This concept includes public health, the environment, the quality of life, consumer protection in goods and services, the nation's cultural heritage and everything in the public domain.

Access to administrative documents is regulated by Law nr. 65/93 of 26 August, known as LADA (Law on the Access to Administrative Documents).

From the substantive point of view, LADA lays out the right of access to administrative documents, irrespective of their purpose and intent. It defines the concepts of administrative documents, nominative documents and personal data; it stipulates general principles and specifies exceptions to the rule of universality; and it sets out the rules relating to the exercise of this right. Improving public administration includes more measures aimed at bringing Government closer to the people, who should be treated as customers. One of the ways of bringing about this closer relationship is the stipulation of the open file, expressed in LADA, Article 1 and explained in more detail in Article 7 (1) in the following way: "Everyone has the right to information through access to administrative documents containing no specific names".

LADA in fact went further than the constitutional law itself. The Constitution enshrines the citizens' right of access and LADA makes it clear that this right covers not only natural persons but also legal persons. And it can be concluded from an analysis of the law that the right to exercise this requires neither justification nor specific grounds. It is also independent of any administrative process or even the invocation of a specific interest. One of the aims of this law is to give people the possibility of monitoring how tax or other public revenue is used, seeing how public administration carries out the tasks and responsibilities entrusted to it, and thus being in a position to fight against omissions by the public powers, for example duly elected representatives who are in parliament or in municipal or regional assemblies.

