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Social consultations at the local level in practice (some remarks concerning information security and data protection)

Introduction

Undoubtedly, the term of *deliberative turn* in democracy, put forward by John S. Dryzek, influenced the scientific and social reception of the phenomenon in the 21st century¹. The *deliberative turn* in a democratic state assumes a model of a civil society, where through various forms of social activities, the citizens, aware of their rights, participate not only in the social discourse, but also they have a real influence on the directions of a state policy, both at the central and local level. The basic forms of the dialogue are social consultations, civic consultations, and other forms. The experimental forms of public participation in politics have undoubtedly become one of the reasons for the popularity of deliberative democracy. The shift towards deliberation was associated with the belief in the possibility of wider and more conscious participation of citizens in the democratic decision-making process.

The aim of the article is to present the Polish *empiria* concerning the development of some modern forms of social consultations at the local level. Polish local self-government bodies introduce some new forms and tools of communication. It is significant that information security and data protection should be provided during social consultations and other forms of public communication. The main questions the present study strives to answer are: Do social consultations at the local level play an important part in the Polish public life? Are the information security and data protection provided during the social consultations? What kinds of new tools are applied in order to make public communication between administrative bodies and citizens more efficient? Unfortunately, the modest scope of the

¹ For more about the concept of *deliberative turn* see in J.S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Oxford University Press, New York 2000, pp. 1-3.

article does not allow for an exhaustive treatment of the subject, therefore the work is of a contributory character².

The article consists of two parts. At first, social consultations as a form of public participation are depicted. Then, the Polish practice of social consultations at the local level, and the ways of the improvement of participatory instruments in the Polish self-governmental area are presented. The attention is also paid to the information security and data protection. In this particular study theoretical analysis and legal methods (including formal legal method) were applied to approach the raised questions and to formulate conclusions.

The worldwide literature concerning the development of deliberative democracy, the forms of social dialogue, and the outcome of social consultations is impressive. The representatives of science try to answer the question how to make political authority legitimate. Undeniably, the publications of John S. Dryzek³ and James S. Fishkin⁴ influenced the scientific and social reception of the phenomenon. The value of communication in a community as a sphere, in which an individual citizen has the opportunity to engage in common values and maximize the agreement through communication was emphasized by such eminent philosophers as Jürgen Habermas⁵

² The research on social consultations in Poland is developed by E. Sokalska in a series of articles, therefore the outcome of research might be also partly found in idem, *Deliberative democracy in the time of crisis: participatory instruments at the local level and their limitations (some remarks)*, „Journal of Modern Science” 2020, vol. 2(45), pp. 227-240, DOI: 10.13166/JMS/125595; idem, *Flaws and Advantages of the Polish Local Self-Government in the 21st Century: Social Consultations at the Local Level*, „Lex Localis” 2021, vol. 19, no. 1, pp. 19-37, DOI: [https://doi.org/10.4335/19.1.19-37\(2021\)](https://doi.org/10.4335/19.1.19-37(2021)); idem, *W poszukiwaniu idealnej formuły państwa: blaski i cienie demokracji deliberatywnej na poziomie lokalnym (wybrane uwagi)*, [in:] R. Kania, M. Kazimierczuk, *Spółczesność obywatelskie. Historia, teoria, praktyka*, DIFIN S.A., Warszawa 2021, pp. 194-212.

³ J.S. Dryzek, *Deliberative Global Politics: Discourse and Democracy in a Divided Word*, Polity Press, Cambridge; idem, *Democratic Political Theory*, [in:] G.F. Gaus, Ch. Kukathas (eds.), *Handbook of Political Theory*, Sage Publications, London 2004; *Democratization as Deliberative Capacity Building*, „Comparative Political Studies” 2009, vol. 42(11), pp. 1379-1402, on-line <https://doi.org/10.1177/0010414009332129>, retrieved on 10.05.2021; idem, *Foundations and Frontiers of Deliberative Democracy*, Oxford University Press, Oxford 2010.

⁴ J.S. Fishkin, *The Voice of the People: Public Opinion and Democracy*, Yale University Press, New Haven 1995; idem, *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, New Haven 1993; idem, *When the People Speak. Deliberative Democracy and Public Consultations*, Oxford University Press, New York 2011.

⁵ J. Habermas, *The Theory of Communicative Action vol. I. Reason and the Rationalization of Society*, Beacon Press, Boston 1984; idem, *Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research*, „Communication Theory” 2006, vol. 16(4), pp. 411-426, on-line <https://doi.org/10.1111/j.1468-2885.2006.00280.x>, retrieved on 04.12.2021.

and John Rawls⁶. The broad scope of the Polish subject related literature also reflects interest in the mentioned field⁷. In particular, the reports of some research teams in the programs financed by the European Union are of high importance.

Social consultations in deliberative democracy

It is significant that in democratic systems citizens are provided with the possibility of taking part in the establishment of law and other essential public decisions. The fact of possibility does not determine the effectiveness of such participation, however, in contemporary democratic societies it is perceived as one of civil rights⁸. Elections, referendum, social dialogue, and civil dialogue are classical elements of deliberative democracy. The diversity of forms of participation gives

⁶ J. Rawls, *A Theory of Justice. Revised Edition*, Oxford University Press, Oxford, New York 1999.

⁷ E.g., M. Zardecka-Nowak, *Demokracja deliberatywna jako remedium na ponowoczesny kryzys legitymizacji władzy*, „Teki Kom. Politol. i Stos. Międzynar. – OL PAN” 2008; M. Bożek, *Konstytucyjne podstawy partycypacji społecznej i formy jej realizacji w samorządzie terytorialnym*, „Przegląd Sejmowy” 2012, vol. 5(112), pp. 89-113; W. Kłębowski, *Budżet partycypacyjny krótka instrukcja obsługi*, Instytut Obywatelski, Warszawa 2013; W. Kłębowski, *Budżet partycypacyjny ewaluacja*, Instytut Obywatelski, Warszawa 2014; G. Makowski, T. Schimanek, *Organizacje pozarządowe i władza publiczna. Drogi do partnerstwa*, Fundacja Instytut Spraw Publicznych, Warszawa 2008; R. Marchaj, *Konsultacje społeczne w sprawie utworzenia związku metropolitalnego w województwie śląskim*, „Metropolitan” 2017, vol. 1(7), pp. 18-30; R. Markowski, *Demokracja i demokratyczne innowacje. Z teorią w praktykę*, Instytut Obywatelski, Warszawa 2014; M. Mendza-Drozd, *Zagadnienie konsultacji społecznych w Unii Europejskiej. Analiza wybranych instytucji i dokumentów, opracowanie w ramach badania zleconego przez Ministerstwo Pracy i Polityki Społecznej*, Warszawa 2010; M. Pyka, *Poradnik „dobrych praktyk konsultacji społecznych”*, Sieć wspierania organizacji pozarządowych SPLOT, Warszawa 2011; M.M. Sienkiewicz, M. Sidor (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014; P. Sobiesiak-Penszko (ed.), *Prawo a partycypacja publiczna. Bilans monitoringu 2012*, Instytut Spraw Publicznych, Warszawa 2013; A. Turoń-Kowalska (ed.), *Demokracja deliberatywna: utopia czy ratunek dla demokratycznych wartości?*, Instytut Nauk Politycznych i Dziennikarstwa Uniwersytetu Śląskiego w Katowicach, Sosnowiec 2018; R. Towalski (ed.), *Dialog społeczny. Najnowsze dyskusje i koncepcje*, Centrum Partnerstwa Społecznego DIALOG, Fundacja Instytut Spraw Publicznych, Warszawa 2007; P. Uziębło, *Demokracja partycypacyjna*, Centrum Badań Społecznych, Gdańsk 2009; J. Woźniczko, *Konsultacje społeczne jako narzędzie partycypacji publicznej. Opracowania tematyczne*, OT-666, Kancelaria Senatu, Warszawa 2019, on-line http://www.senat.gov.pl/gfx/senat/pl/senatopracowania/171/plik/ot_666, retrieved on 20.05.2021; Z. Zychowicz, *Konsultacje społeczne w samorządzie*, Instytut Rozwoju Regionalnego, Szczecin 2014. See also the research co-financed by European Union funds, e.g., *Raport końcowy z badania efektywności mechanizmów konsultacji społecznych, znak sprawy: 43/DPP/PN/2009 (2011)* (Warszawa: Program Operacyjny Kapitał Ludzki 2007-2013), on-line http://www.pozytek.gov.pl/files/Biblioteka/raport_efekt_konsult.pdf, retrieved on 05.11.2020.

⁸ J. Woźniczko, *Konsultacje społeczne...*, p. 3.

a real opportunity to shape the policies of a state, region or local government. The forms of public participation differ in the context of their effectiveness. It seems that public, civic, or social consultations are potentially the most efficient.

The concept of social dialogue has emerged as the idea of peaceful conflict resolution in the collective labor relations with the participation of trade unions and employers' organizations, public authorities, civil organizations, associations, and foundations working for social public interest, or the representatives of local governments. That process of the arrangement of the directions of social development emerged not only at national, but also at regional and local levels. Its aim is to address the interests of various social groups in the process of taking decisions, determining the strategic objectives and development programs.

The participants of the civil dialogue (which is perceived wider than social dialogue) are the governmental side consisted of representatives of the executive and its bodies, and citizens organized in some institutional forms of activity, and acting within specific entities, e.g., NGOs operating at social, economic, ideological, professional or territorial levels⁹. It should be taken into account that social consultations are an important form used in civil dialogue. Even if a society is divided, and this division is the effect of varied circumstance (political, ethnical, religious, etc.), the latest experience shows that, e.g., in South Africa or Turkey the deliberative processes have been applied¹⁰.

The definition of the term *consultations* refers to the opinions of experts or specialists in the chosen domain. As far as social consultations are concerned, the purpose is rather the presentation of the opinion regarding the chosen subject. The consultative, not the expert opinion, is here the core of undertaken activities. In this context, social consultations rather seek advice and opinion of the citizens who are not experts. They form and express the view on a particular subject, in which they are directly, sometimes even emotionally, involved. It is significant that the definitions of social consultations, which are sometimes called public consultations, are not sharp enough, therefore on the grounds of practice and legal documents, the mechanism of social participation might be characterized as a deliberate (intentional) stage of a decision-making process, in which citizens, groups of people or citizens are interested in the subject of the decisions¹¹.

⁹ E. Fazi, J. Smith, *Civil dialogue: making it work better. Study commissioned by the Civil Society Contact Group*, (2006), p. 21, on-line <http://act4europe.horus.be/module/filelib/civil%20dialogue/%20making%20it%20work%20better.pdf>, retrieved on 10.11. 2021.

¹⁰ N. Curato, J.S. Dryzek, S.A. Ercan, C.M. Hendriks, S. Niemeyer, *Twelve Key Findings in Deliberative Democracy Research*, „Dædalus. Journal of the American Academy of Arts & Sciences” (The Prospects and Limits of Deliberative Democracy) 2017, vol. 146(3), p. 34, on-line https://doi.org/10.1162/DAED_a_004444, retrieved on 10.10. 2021.

¹¹ J. Woźniczko, *Konsultacje społeczne...*, p. 7. See also the definitions presented in G. Ma-

It is significant that social consultations being accessible, uncomplicated, and often employed by the local authorities, may involve and engage the citizens who are really interested in the subject. They may also give the citizens some sense of real cooperation in the process of the development of their local self-governmental entities. Public consultations are different than other forms of consultations in terms of the subject, purpose, relations between the subjects, and the role served in society. The characteristic feature of consultations is the inequality and specificity of sides that take part in such activities. This inequality manifests in the different competence, knowledge, and abilities in which the sides of consultations are equipped. The analysis of the extensive issues of social consultations indicates that diagnostic, legitimizing, monitoring, educative, articulatory, participative, integrative, preventive, organizational, correcting, and motivating are the most important functions of the discussed consultations¹². It is interesting to consider that in the context of international experience there are also identified some imperfections of social consultations¹³.

Polish practice of social consultations at the local level: the improvement of participatory instruments in the Polish self-governmental area

In the context of Polish experience, there are some institutional tools that serve participation of citizens in the decision-making process. Most of them are of the deliberative character. They provide comments on legal projects and administrative decisions, and they legitimize the undertaken arrangements. Participation manifests itself at the different levels of public arena, from state to local level of *gmina* administrative unit. The motivation to implement social and public consultations into Polish ground results from the internal and external (EU requirements and standards) pressure¹⁴. A number of projects of Operational Programme Human Capital financed by the European funds in 2007-2013 have been directed towards the propagation and implementation of the idea of good practices of social consultations¹⁵.

kowski, *Przegląd prawno-instytucjonalnych ram konsultacji społecznych na poziomie samorządu terytorialnego*, [in:] P. Sobiesiak-Penszko (ed.), *Prawo a partycypacja publiczna. Bilans monitoringu 2012*, Instytut Spraw Publicznych, Warszawa 2013, pp. 24-45; D. Długosz, J.J. Wygański, *Obywatele współdecydują. Przewodnik po partycypacji społecznej*, Stowarzyszenie na Rzecz Forum Inicjatyw Pozarządowych, Warszawa 2005, p. 23.

¹² Zychowicz Z., *Konsultacje społeczne...*, pp. 24-27.

¹³ See European literature concerning the subject presented in E. Sokalska, *Flaws and Advantages...*, pp. 22-23. The development of deliberative forms of participation at the local level in the worldwide experience is also shown in idem, *W poszukiwaniu idealnej formuły państwa...*, pp. 201-206.

¹⁴ See more in idem, *Flaws and Advantages...*, p. 26.

¹⁵ Operational Programme Digital Poland for 2014-2020, on-line http://www.fundusze.europeskie.gov.pl/media/10410/POPC_eng_1632015.pdf, retrieved 10.10.2021.

Local administrative units have been entitled by the Polish legislator to determine the forms, procedure, and rules of consultations¹⁶. There were undertaken some efficient works on the improvement of participatory instruments in the context of self-governmental activities. The consequence of such activities resulted in the amendment of the 11th of January 2018 to the Polish local self-government acts¹⁷, which was the further step towards reinforcing public participation at the local level. The amendment regulates some legal institutions, which can be perceived as the ones that strengthen the development of Polish participatory democracy, namely the participatory/civil budget, the citizens' legislative initiative, and the participation in the debate on the report on the condition of the local self-governmental unit.

At the level of *gmina* administrative district, social consultations might be of facultative or obligatory character. Facultative consultations may be decided in the important, from the local perspective, matters. Obligatory character of consultations is the consequence of legal acts devoted to the local administrative units. Social consultations may also depend on the object of consultations and relate to the part of society. Polish practice of social consultations at the local level during the last years shows that in the majority of administrative units the number of carried out consultations has been increasing¹⁸. Common forms of consultations at the local level are meetings of the local authorities and local representatives with the inhabitants of local administrative districts, creating the documents concerning consultations available to the public, survey forms, research on public opinion using some electronic questionnaires, consultation cards, meetings of inhabitants, receiving opinions and proposals. The dynamic development of social consultations in Poland revealed their manifold functions.

To turn consultations into an important area of public participation, professionalism and institutional, safe form of the process were needed. Personal data of an individual and information security should have been protected. Unfortunately, one uniform platform for consultations has not been created, however, the consultations are carried out via many internet sites, e.g., konsultacje.gov.pl. Some of the internet

¹⁶ Ustawa z 11 kwietnia 2001 r. o zmianie ustaw o samorządzie gminnym, o samorządzie powiatowym, o samorządzie województwa, o administracji rządowej w województwie oraz o zmianie niektórych ustaw, Journal of Laws of the Republic of Poland 2001.45.497. For more about the Polish experience in the context of deliberative solutions, see E. Sokalska, *The Development of Deliberative Democracy and Post-Communist Polish Experience (some remarks)*, „Aktualni Problemi Prawoznawstwa” 2019, vol. 4 (20), pp. 55-60.

¹⁷ Ustawa z 11 stycznia 2018 r. o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych, Journal of Laws of the Republic of Poland 2018.130.

¹⁸ J. Woźniczko, *Konsultacje społeczne...*, p. 21.

platforms are of informative rather than consultative character. ICT - information and communication technologies shape public opinion and form the subjectivity of citizens. They have been applied on the local level in order to build the dialogue between local self-government and local society understood in a broad way – local inhabitants, NGO's, and entrepreneurs. Local authorities more frequently transfer the conduct of public dialogue into virtual reality, especially its fundamental forms as information, consultation, and co-decision with the developing significance of communicative functions of the internet¹⁹. It is reasonable to assume that information and communication technologies give an opportunity to faster answers concerning the local problems and the exchange of important information.

ePUAP (electronic Platform of Public Administration Services) is a nationwide teleinformation platform for communication between citizens and entrepreneurs with public administration units in a unified, standard way. The platform is also used for communication between public administration units. Service providers are public administration entities and other entities performing public tasks commissioned or entrusted to them for implementation. The platform provides service providers with technological infrastructure to provide citizens and entrepreneurs with basic services in the field of electronic communication with the administration. The ePUAP users include both - central administration units and local governments, including municipal offices. Among the services offered by ePUAP is also Profil Zaufany (Trusted Profile), enabling the submission of electronic letters with legal effect without the need to use a qualified signature, and based on the single login mechanism, which allows the use of the same login on the websites of different service providers²⁰.

The area of application of ePUAP is making basic public service available. ePUAP as a common infrastructure is used by public institutions in order to provide their own service. A special service of the *general script/letter* allows for the designation of a letter to any public institution that has an account on ePUAP (if there is not any document template required). The next area of ePUAP application is the integrated access to electronic public services. ePUAP works as a common infrastructure for integrated, unified, aggregated access to the applied electronic public services. ePUAP also works as a central repository of standard electronic document templates (forms) used in administrative procedures. ePUAP

¹⁹ K.A. Kuć-Czajkowska, J. Wasil, *Elektroniczne oblicze władzy lokalnej w Polsce – dialog obywatelski przy użyciu narzędzi ICT*, [in:] M.M. Sienkiewicz, M. Sidor (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014, p. 111.

²⁰ Co to jest ePUAP, on-line https://epuap.gov.pl/wps/wcm/connect/epuap2/PL/Strefa+Klienta_Pomoc/Co+to+jest+ePUAP/, retrieved on 03.01.2022.

serves as an interoperability portal between the state's ICT systems. The main assumptions concerning the application of ePUAP is maintaining transparency, openness, and technological neutrality of the interfaces of ICT systems; striving for the greatest possible standardization of data formats exchanged between public institutions and service users, and between public institutions themselves; uniform access to (electronic) services without incurring significant costs²¹.

In Poland, two kinds of websites are applied by local municipalities. The first one, which is obligatory, it is Biuletyn Informacji Publicznej (BIP, Public Information Newsletter). The second one is an official website of the *gmina* administrative unit. There are diverse instruments to carry out the public dialogue on the mentioned websites, which provide municipalities with the freedom of participation in a decision-making process. The research on the information and communication technologies shows that the fundamental dimension of the public dialogue – information – is realised via BIP. Information enriched with the service functions have been realized by local administrative bodies via ePUAP platform.

In order to strengthen bilateral communication and consultations, some internet sites, forum, commenting on-line, dialogue boxes, chat, and questions to administrative bodies of a varied formula have been applied. In the context of consultations and co-decisions, there are applied some more sophisticated and expensive tools, which follow the patterns of the states presenting the higher level of an information society²². Via BIP and ePUAP platform local self-governmental bodies may present the project of a local regulation or resolution, they may also carry out social consultations, in order to recognize public opinion concerning the project, and to present the detailed information about the effects of the carried consultations.

It is interesting to consider that different information and communication technologies are applied by rural and urban municipalities. It can be observed that the official websites of local administrative district located in the neighborhood

²¹ The legal basis for the application of ePUAP are: Ustawa z dnia 17 lutego 2005 r. o informatyzacji działalności podmiotów realizujących zadania publiczne, Journal of Law of the Republic of Poland 2005, no. 64, pos. 565 (art. 16.1a. „a public entity provides an electronic inbox that meets the standards specified and published on ePUAP by the minister responsible for computerization, and it provides its service”; art. 19a.1. „the minister responsible for computerization ensures the functioning of ePUAP”); Ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego, Journal of Law of the Republic of Poland 1960, no. 30, pos. 168; Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej, Journal of Law of the Republic of Poland 2004, no. 173, pos. 1807.

²² E.g., Twój Budżet (Your Budget) website in Warsaw. See more in J. Parnes, *Rola ICT w rozwoju lokalnego dialogu obywatelskiego*, [in:] M.W. Sienkiewicz and M. Sidor (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014, p. 122.

are similar²³. Urban administrative units often create a few internet sites devoted to the specific matters, which consequently form a coordinated system of consultation, information, and co-decision. In order to strengthen digital foundations for the national development (common access to a high-speed internet, effective and user friendly public e-services, and a continuously rising level of digital competence of the society) Poland benefits from the European funds according to Operational Programme Digital Poland for 2014-2020²⁴.

According to data, practice of social consultations at the local level during last years in majority of administrative units has been increasing in Poland²⁵. Thanks to the clear consultative form, specific information concerning the subject of consultations and the public interest in the real outcome of consultations, the number of participants is relatively high.

Conclusion

The contemporary research approach to deliberative democracy, referred to as the *systemic turn*, highlights three factors²⁶. The first one is the search for opportunities to develop and promote deliberation on a mass scale. The next factors emphasize the division of tasks and activities between participants within the system, and they introduce a certain continuum to the criterion of deliberation linking the multiplicity of institutions and processes that take place between them. It is noteworthy that many researchers confirm that the methods and tools of deliberation strengthen the legitimacy of the actions of local authorities²⁷. The international-

²³ Ibidem, p.122.

²⁴ See more in E. Sokalska, *Deliberative democracy in the time of crisis...*, p. 234-235.

²⁵ E.g., in Warsaw in 2016 - 4 social consultations took place, in 21017 - 37, while the number of consultations in 2018 oscillated around 97. In Krakow in 2016 - 33 social consultations were organized, while in 2017 -37, and in 2018 - 43. In Wrocław in 2016 - 28 social consultations were carried out, while in 2017 -36, and in 2018 - 45. Cf. J. Woźniczko, *Konsultacje społeczne...*, p. 21.

²⁶ S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation of Deliberative Democracy*, „Critical Policy Studies” 2016, vol. 10(2), p. 143, on-line <https://doi.org/10.1080/19460171.1175956>, retrieved on 10.12.2020.

²⁷ For more about the supposed benefits of deliberation in the context of the worldwide experience see A. Lupia, A. Norton, *Inequality is Always in the Rom: Language & Power in Deliberative Democracy*, „Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy” 2017, vol. 146(3), p. 64, on-line https://doi.org/10.1162/DAED_a_00447, retrieved on 05.12.2020; A. Bua, E. Escobar, *Participatory-Deliberative Process and Public Agendas: Lessons for Policy and Practice*, „Policy Design and Practice” 2018, vol. 1(2), p. 131, on-line <https://doi.org/10.1080/25741292.2018.1469242>, retrieved on 03.11.2020; H.K. Perna, *Deliberative future visioning: utilizing democracy theory and practice in futures research*, „European Journal of Futures Research” 2017, vol. 5(3), pp. 1-2, on-line <https://doi.org/10/0007/s40309-017-0129-1>, retrieved on 08.12.2020.

ly identified shortcomings of deliberative democracy at the local level (potential institutional neutralization of activists' activities, participatory frustration or the widespread incompetence of citizens participating in the deliberation) contribute to the discussion on the further directions of development of this system form and the possibilities of its improvement.

The activities of the Polish legislator became part of the mentioned course concerning promotion and encouragement of deliberation. The diversity of forms of public participation gives a real opportunity to shape the policies of a state, region, or local government. Citizens themselves implement solutions in the area of administration, social affairs, and economy through their participation in contemporary public dialogue. Public support for the realization of fundamental tasks of local administrative bodies is required in order to make the decisions legitimate and understandable. Polish local self-governmental bodies develop some new tools and forms of communication. Information and communication technologies provide municipalities with the freedom of participation in a decision-making process. They also give a real opportunity to faster exchange of information and answers to the local problems.

It is interesting to consider that the participatory instruments at the level of *gmina* were not limited during the *coronavirus crisis* in 2020 and 2021 (according to my research)²⁸. If the consultations were intended to be held personally - they were rescheduled. In the context of the COVID-19 crisis we may also observe the development of activities of which are in connection with the idea of the so-called *digital state*.

Due to the fact that the application of ICT technologies may pose some threats to personal data of individual citizens and information security, to turn consultations into an important area of public participation, professionalism and institutional, safe form of the process were needed. Personal data of an individual and information security should have been adequately protected. Unfortunately, the danger is real. The problem was revealed when in June 2021, presumably Russian hackers attacked e-mail boxes of the representatives of the Polish government. Unfortunately, according to mass media, not only Polish authorities were the purpose of the hackers' attacks that time. Therefore, it is reasonable to assume that new tools and forms of communication developed by Polish local self-governmental bodies should be protected in an efficient way.

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²⁸ E. Sokalska, *Deliberative democracy in the time of crisis...*, pp. 227-240.

Konsultacje społeczne na poziomie lokalnym (wybrane uwagi dotyczące bezpieczeństwa informacji i ochrony danych)

(streszczenie)

Aby decyzje były uprawnione i zrozumiałe, potrzebne jest wsparcie społeczne dla realizacji podstawowych zadań organów administracji samorządowej. Polskie samorządy wypracowują nowe narzędzia i formy komunikacji. Technologie informacyjno-komunikacyjne dają mieszkańcom gmin możliwość udziału w procesie decyzyjnym oraz szybszą wymianę informacji i odpowiedzi na lokalne problemy. W związku z tym, że zastosowanie technologii teleinformatycznych może stwarzać pewne zagrożenia dla danych osobowych poszczególnych obywateli oraz bezpieczeństwa informacji, aby konsultacje społeczne stały się ważnym obszarem partycypacji społecznej, potrzebny był profesjonalizm oraz instytucjonalna i bezpieczna forma tego procesu. Dane osobowe obywateli oraz bezpieczeństwo informacji powinny być chronione w sposób dostateczny.

References

- Bożek M., *Konstytucyjne podstawy partycypacji społecznej i formy jej realizacji w samorządzie terytorialnym*, „Przegląd Sejmowy” 2012, vol. 5(112).
- Bua A., Escobar E., *Participatory-Deliberative Process and Public Agendas: Lessons for Policy and Practice*, „Policy Design and Practice” 2018, vol. 1(2), on-line <https://doi.org/10.1080/25741292.2018.1469242>, retrieved on 03.11.2020.
- Curato N., Dryzek J.S., Ercan S.A., Hendriks C.M., Niemeyer, S. *Twelve Key Findings in Deliberative Democracy Research*, „Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy” 2017, vol. 146(3), on-line https://doi.org/10.1162/DAED_a_004444, retrieved on 10.10.2021.
- Długosz D., Wygański J.J., *Obywatele współdecydują. Przewodnik po partycypacji społecznej*, Stowarzyszenie na Rzecz Forum Inicjatyw Pozarządowych, Warszawa 2005.
- Dryzek J. S., *Foundations and Frontiers of Deliberative Democracy*, Oxford University Press, Oxford 2010.
- Dryzek J.S., *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Oxford University Press, New York 2000.
- Dryzek J.S., *Deliberative Global Politics: Discourse and Democracy in a Divided World*, Polity Press, Cambridge 2006.
- Dryzek J.S., *Democratic Political Theory*, [in:] G.F. Gaus, Ch. Kukathas (eds.), *Handbook of Political Theory*, Sage Publications, London 2004.
- Dryzek J.S., *Democratization as Deliberative Capacity Building*, „Comparative Political Studies” 2009, vol. 42(11), on-line <https://doi.org/10.1177/0010414009332129> retrieved on 10.05.2021.
- Elstub S., Ercan S., Mendonça R.F., *The Fourth Generation of Deliberative Democracy*, „Critical Policy Studies” 2016, vol. 10(2), on-line <https://doi.org/10.1080/19460171.1175956>, retrieved on 10.12.2020.

- Fishkin J.S., *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, New Haven 1993.
- Fishkin J.S., *The Voice of the People: Public Opinion and Democracy*, Yale University Press, New Haven 1995.
- Fishkin J.S., *When the People Speak. Deliberative Democracy and Public Consultations*, Oxford University Press, New York 2011.
- Habermas J., *Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research*, „Communication Theory” 2006, vol. 16(4), on-line <https://doi.org/10.1111/j.1468-2885.2006.00280.x>, retrieved on 04.12.2021.
- Habermas J., *The Theory of Communicative Action vol. I. Reason and the Rationalization of Society*, Beacon Press, Boston 1984.
- Kłębowski W., *Budżet partycypacyjny ewaluacja*, Instytut Obywatelski, Warszawa 2014.
- Kłębowski W., *Budżet partycypacyjny krótka instrukcja obsługi*, Instytut Obywatelski, Warszawa 2013.
- Kuć-Czajkowska K.A., J. Wasil, *Elektroniczne oblicze władzy lokalnej w Polsce – dialog obywatelski przy użyciu narzędzi ICT*, [in:] M.M. Sienkiewicz, M. Sidor (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014.
- Lupia A., Norton A., *Inequality is Always in the Rom: Language & Power in Deliberative Democracy*, „Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy” 2017, vol. 146(3), on-line https://doi.org/10.1162/DAED_a_00447, retrieved on 05.12.2020.
- Makowski G., *Przegląd prawno-instytucjonalnych ram konsultacji społecznych na poziomie samorządu terytorialnego*, [in:] P. Sobiesiak-Penszko (ed.), *Prawo a partycypacja publiczna. Bilans monitoringu 2012*, Instytut Spraw Publicznych, Warszawa 2013.
- Makowski G., Schimanek T., *Organizacje pozarządowe i władza publiczna. Drogi do partnerstwa*, Fundacja Instytut Spraw Publicznych, Warszawa 2008.
- Marchaj R., *Konsultacje społeczne w sprawie utworzenia związku metropolitalnego w województwie śląskim*, „Metropolitan” 2017, vol. 1(7).
- Markowski R., *Demokracja i demokratyczne innowacje. Z teorii w praktykę*, Instytut Obywatelski, Warszawa 2014.
- Mendoza-Drozd M., *Zagadnienie konsultacji społecznych w Unii Europejskiej. Analiza wybranych instytucji i dokumentów*, opracowanie w ramach badania zleconego przez Ministerstwo Pracy i Polityki Społecznej, Warszawa 2010.
- Pernaa H. K., *Deliberative future visioning: utilizing democracy theory and practice in futures research*, „European Journal of Futures Research” 2017, vol. 5(3), on-line <https://doi.org/10/0007/s40309-017-0129-1>, retrieved on 08.12.2020.
- Pyka M., *Poradnik „dobrych praktyk konsultacji społecznych”*, Sieć wspierania organizacji pozarządowych SPLOT, Warszawa 2011.
- Rawls J., *A Theory of Justice. Revised Edition*, Oxford University Press, Oxford, New York 1999.
- Sienkiewicz M.M., Sidor M. (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014.
- Sobiesiak-Penszko P. (ed.), *Prawo a partycypacja publiczna. Bilans monitoringu 2012*, Instytut Spraw Publicznych, Warszawa 2013.
- Sokalska E., *Deliberative democracy in the time of crisis: participatory instruments at the local level and their limitations (some remarks)*, „Journal of Modern Science” 2020, vol. 2(45), DOI: 10.13166/JMS/125595.

- Sokalska E., *The Development of Deliberative Democracy and Post-Communist Polish Experience (some remarks)*, „Aktualni Problemi Prawoznawstwa” 2019, vol. 4 (20).
- Sokalska E., *W poszukiwaniu idealnej formuły państwa: blaski i cienie demokracji deliberatywnej na poziomie lokalnym (wybrane uwagi)*, [in:] R. Kania, M. Kazimierczuk, *Spółeczeństwo obywatelskie. Historia, teoria, praktyka*, DIFIN S.A., Warszawa 2021.
- Sokalska, E., *Flaws and Advantages of the Polish Local Self-Government in the 21st Century: Social Consultations at the Local Level*, „Lex Localis” 2021, vol. 19, no. 1, DOI: [https://doi.org/10.4335/19.1.19-37\(2021\)](https://doi.org/10.4335/19.1.19-37(2021)).
- Towalski R. (ed.), *Dialog społeczny. Najnowsze dyskusje i koncepcje*, Centrum Partnerstwa Społecznego DIALOG, Fundacja Instytut Spraw Publicznych, Warszawa 2007.
- Turoń-Kowalska A. (ed.), *Demokracja deliberatywna: utopia czy ratunek dla demokratycznych wartości?*, Instytut Nauk Politycznych i Dziennikarstwa Uniwersytetu Śląskiego w Katowicach, Sosnowiec 2018.
- Uziębło P., *Demokracja partycypacyjna*, Centrum Badań Społecznych, Gdańsk 2009.
- Woźniczko J., *Konsultacje społeczne jako narzędzie partycypacji publicznej. Opracowania tematyczne*, OT-666, Kancelaria Senatu, Warszawa 2019, on-line http://www.senat.gov.pl/gfx/senat/pl/senatopracowania/171/plik/ot_666, retrieved on 20.05.2021.
- Żardecka-Nowak M., *Demokracja deliberatywna jako remedium na ponowoczesny kryzys legitymizacji władzy*, „Teki Kom. Politol. i Stos. Międzynar. – OL PAN” 2008.
- Zychowicz Z., *Konsultacje społeczne w samorządzie*, Instytut Rozwoju Regionalnego, Szczecin 2014.