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## E-DELIVERY IN LOCAL GOVERNMENT

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## E-DORĘCZENIA W SAMORZĄDZIE LOKALNYM

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DOI: 10.15611/pn.2020.1.12

JEL Classification: O380, O310, K000

**Summary:** The study constitutes an original discussion of the consequences of the eIDAS Regulation, with regard to the electronic delivery of official correspondence by local government units. The main purpose of the study is to verify the thesis that electronic delivery will become the primary manner of official correspondence delivery in Poland, which requires functional and organizational changes as well as financial outlays in the initial period, and, at the same time, will provide measurable savings for units in the public finance sector. Supplementary research objectives involve estimation of the term perspective for the introduction of e-delivery in Poland and an examination of the degree of administrative offices' IT preparation for the implementation of e-delivery. The research methods used include literature research, the method of legal-regulation analysis, case study and own observations. As a result of the analyses carried out, it was found that an Act on electronic delivery is to enter into force as early as October 2020 and, according to its current shape, local governments will be obliged to implement e-delivery, starting from January 1, 2024. Inauspiciously, the current level of local governments' preparation for the implementation of e-delivery is insufficient and requires the introduction of IT systems for electronic documentation management as well as organizational and functional changes.

**Keywords:** eIDAS, e-delivery, e-document, e-signature, local government.

**Streszczenie:** W artykule omówiono konsekwencje wynikające z rozporządzenia eIDAS w zakresie elektronicznego doręczania pism urzędowych przez jednostki samorządu lokalnego. Celem opracowania jest weryfikacja tezy, iż elektroniczne doręczenia będą podstawowym sposobem doręczania korespondencji urzędowej w Polsce, co wymaga zmian funkcjonalno-organizacyjnych oraz nakładów finansowych w pierwszym okresie, a jednocześnie zapewni docelowo wymierne oszczędności jednostkom z sektora finansów publicznych. Cele uzupełniające to określenie perspektywy czasowej wprowadzenia e-doręczeń w Polsce i zbadanie stopnia przygotowania informatycznego urzędów do implementacji e-doręczeń. W badaniach wykorzystano metodę studiów literaturowych, metodę analizy przepisów prawnych, analizę przypadku i metodę obserwacji własnych. Stwierdzono, iż ustawa o elektronicznych doręczeniach ma wejść w życie już w październiku 2020 r., przy czym zgodnie z jej aktualnym kształtem samorząd terytorialny byłby zobligowany do e-doręczeń, począwszy od dnia 1 stycznia

2024 r. Niestety obecny poziom przygotowania samorządów do implementacji e-doręczeń jest niewystarczający i wymaga wdrożenia informatycznych systemów do elektronicznego zarządzania dokumentacją oraz zmian organizacyjno-funkcjonalnych.

**Słowa kluczowe:** eIDAS, elektroniczne doręczenia, e-dokument, e-podpis, samorząd lokalny.

## 1. Introduction

In Poland, as in other European Union member countries, the digitization of public administration has been a priority, as reflected by the motto of the Digital Poland program “From Paper to Digital Poland”. This program is being implemented during 2014-2020, and its budget exceeds EUR 2.2 billion. One of its most important goals entails the digitization of public services to enable citizens to handle official matters via the Internet<sup>1</sup>, without the need to visit personally public-administration offices. This new way of dealing with official matters is called electronic government or e-government, and refers to:

1) in terms of citizens – the provision, for the citizen, of the so-called electronic services (e-services), i.e. the possibility to settle a specific official matter remotely, via the Internet (the citizen submits, via the Internet, a particular official application initiating a specific procedure),

2) in public-administration-office terms – modernization of the entire office, in order to adapt both the equipment and the procedures to the possibility of providing electronic services to citizens (the office issues a decision or an order in connection with the application submitted by the citizen).

The foundation of properly implemented e-administration must involve the legal empowerment of electronic delivery (e-delivery)<sup>2</sup> between individual parties to the proceedings, i.e.: C2A (Citizen to Administration), A2C (Administration to Citizen), B2A (Business to Administration), A2B (Administration to Business) and A2A (Administration to Administration). Experts dealing with the issue of e-delivery have no doubt that it will soon revolutionize the way official (judicial) correspondence is delivered, to be followed by business correspondence. It can be expected that, just as Poczta Polska S.A. (Polish Post Office) has recently withdrawn from its service of a postal telegram service<sup>3</sup>, electronic delivery will cause a decline in the popularity of

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<sup>1</sup> The objectives, the benefits and the scope of the work performed by the “Public Digital Services” Stream (original in PL: Strumień „Cyfrowe usługi publiczne”), see: [Ministry of Digital Affairs, 2017].

<sup>2</sup> The regulations describing electronic delivery as legally effective, within the meaning of Polish legal regulations and, above all, the Code of Administrative Procedure and the Code of Civil Procedure. EU and national legal regulations in this area are presented further in the work.

<sup>3</sup> On October 1, 2018, the postal telegram service was withdrawn by Poczta Polska S.A. – see: [Wikipedia.org 2019].

Poczta Polska 's paper mail delivery services<sup>4</sup>, and ultimately result in a withdrawal of that service.

The implementation of e-government means measurable financial benefits for the public administration. According to the calculations made by the Ministry of Digital Affairs for the purpose of the so-called "Impact assessment" of the draft act<sup>5</sup> introducing electronic delivery in Poland, the estimated savings on the part of public entities in the period 2020-2030, resulting from the introduction of e-delivery [Ministry of Digital Affairs 2019a, pp. 29-30], will amount to PLN 1.85 billion, which is a considerable amount from the perspective of the state budget and local government budgets. Conversely, a decrease in the quantity of paper mail will cause a dramatic deterioration in the financial situation of Poczta Polska S.A., which is a sole shareholder company of the State Treasury and currently practically a monopolist on the market of official and judicial paper mail delivery.

The main research objective was to verify the thesis that electronic delivery will become the primary manner of official correspondence delivery in Poland, which requires organizational preparation (including changes in the scope of official letter processing) and financial outlays (e.g. the purchase of IT equipment, employee training and other). The issue can be expressed via the following research questions:

1. Can the ePUAP platform be used for electronic delivery after the entry into force of the Act on Electronic Delivery?
2. How much time does the public administration have to prepare for the change in the way official mail is delivered?
3. Are public offices prepared, tool-wise, for the electronic delivery of official mail?

Auxiliary research objectives entail:

- 1) assessment of the ePUAP platform's functioning as the current system of electronic C2A/A2C delivery,
- 2) specification of the term perspective for the introduction of e-delivery, as defined by the eIDAS Regulation [Regulation No 910-2014...],
- 3) examination of the current level of public administration offices' IT preparation for the implementation of the e-delivery service.

In connection with the objectives formulated in this way, an evaluation of previous achievements in electronic delivery via the ePUAP platform in Poland was carried out first. Next, the subject of the analysis included the concept and the principles of e-delivery, as defined by the EU eIDAS Regulation, which, due to Poland's EU membership, serve as a model for national legal solutions. Based on this, an assessment of the necessary organizational and procedural changes, in connection

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<sup>4</sup> In dealings with public administration, mainly postal services of registered letters and postal services of registered letters with receipt confirmation are used, which will be replaced by electronic delivery.

<sup>5</sup> "Impact Assessment" it is one of the annexes to each draft of a normative act, which describe the expected costs and benefits of implementing a given legal act.

with the change in the manner of official correspondence delivery, was carried out and the degree of local government offices' IT preparation for the implementation of electronic delivery was assessed.

The choice of local government offices as the research group is justified by the fact that they constitute a large and important, for the citizens, part of the public administration, which results from the wide range of local government's own and commissioned tasks<sup>6</sup>. Local government also constitutes an important segment of the public finance sector.

The following research methods were used:

1) analysis of national and EU legislation and literature research, for the purposes of assessing:

a) the legal changes in the field of e-delivery, within the meaning of eIDAS, and the consequences thereof,

b) the hitherto effects of the implementation of e-services in Poland via the ePUAP platform;

2) the case study method, to examine the degree of local-government units' equipment with the electronic document management systems (EDMS), which are necessary for the electronic preparation, signing and processing of electronic official letters;

3) own observation of the practical solutions used for the implementation of EDMSs in local governments (observation method)<sup>7</sup>.

At the stage of final conclusion formulation, the methods of deduction and synthesis were used.

## **2. ePUAP as an electronic delivery platform – current state of affairs**

The use of IT systems that have been suitably adapted to the specifics of public offices brings such benefits as time savings and the prompt receipt of a reply [Madej, Widlak 2018, p. 341]. In Europe, the idea of electronic government appeared as early as the 1990s, whereas it came to Poland with our accession to the European Union.

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<sup>6</sup> The scope of activity and the tasks to be performed by local governments in Poland is defined by two primary acts addressing:

- the operation of municipal local government as well as municipal tasks, see: Art. 6-10d of the Act of 8 March 1990 on The Municipal Local Government,
- the activities and tasks of district local government, see: Art. 4-7a of the Act of June 5, 1998 on District-level Local Government.

Despite the fact that a three-level territorial division exists in Poland, voivodeship local government has been omitted due to the fact that voivodeship offices have limited contact with clients. This means that the most difficult stage of e-delivery implementation, i.e. electronic A2C and C2A services, practically does not apply to these institutions.

<sup>7</sup> The author of this study took part on several occasions in the preparation and implementation of the IT systems supporting the work of local government offices, including the implementation of EDMSs for municipal offices.

The debate on the development of electronic government in Poland began with the issuance of a document entitled *The Development of Electronic Administration (e-Government) Action Plan* (original title in PL: *Plan działań na rzecz rozwoju elektronicznej administracji (e-Government)*<sup>8</sup>) for the period 2005-2006, which described the legal framework of the computerization process in Poland, presented an assessment of the activities carried out in the e-government field and included an overview of the projects implemented by the Polish administration [Ziemia, Papaj 2013, p. 429].

The electronic manner of dealing with official matters was called electronic services (e-services), which Śliwiński defined [2008, p. 2] as services meeting the following conditions:

- 1) provision of services in a partly or completely IT automated manner,
- 2) implementation of services on the Internet and via the Internet,
- 3) individualization of services with regard to the recipient (personalized services),
- 4) the parties to the service are located in different places (remote services).

According to Batko and Billewicz [2013, p. 48], an e-service differs from a service provided in a traditional form: usually there is no face to face human participation (it may require more human participation) and services are provided remotely (remote services). It is also claimed that “electronically-provided public services are faster and more suited to individual needs”<sup>9</sup> [Dąbrowska, Trawnicki 2012, p. 137].

The classification of electronic services, in terms of the interaction between both parties (the petitioner and the office), is presented in Table 1<sup>10</sup>.

**Table 1.** Classification of e-services according to the petitioner-office interaction

Interaction	Description
None	The office only provides information in its Public Information Bulletin (original in PL: <i>Biuletyn Informacji Publicznej (BIP)</i> ) on how to settle a given matter (informative service only)
One-way	Ibid., plus the office also provides printable forms for manual filling-in, which are used to institute proceedings, without the possibility of sending it to the office electronically
Two-way	Ibid., where the forms are interactive and it is possible to send them to the office electronically, in order institute proceedings
Transactional	Two-way electronic communication is possible, in order to perform the activities necessary to settle a given case: the petitioner submits an electronic application plus the necessary attachments (makes payments as well, if required), while the decision/order regarding this matter is sent to the petitioner electronically

Source: own elaboration.

<sup>8</sup> For the purpose of linguistic clarity and coherence, all titles of Polish documents have been translated into English, with the original titles provided in square brackets.

<sup>9</sup> All foreign citations used in this work have been translated into English by the author of the paper.

<sup>10</sup> See also: [Bieniek, Grelewska 2012, p. 26] and [eRegion 2019].

The hitherto administrative activities related to the provision of e-services in Poland are based on the adopted legal regulations. These laws, which “have significantly influenced the development of e-administration in local government units” [Drgas 2019, p. 197], include:

1) the Act of 6 September 2001 on Access to Public Information, which introduced the Public Information Bulletin<sup>11</sup> providing citizens with a range of information on the office activities and the services provided by it,

2) the Act of 18 September 2001 on Electronic Signature, which introduced the key tool in electronic services, i.e. electronic signature<sup>12</sup>,

3) the Act of 17 February 2005 on the Computerization of the Activities of Entities Performing Public Tasks, which introduced, inter alia, ePUAP<sup>13</sup>, i.e. electronic communication between the petitioner and the office as well as office-office communication.

From the perspective of public-entity digitization in Poland, i.e. the Act on Electronic Signature and the Act on the Computerization of the Activities of Entities Performing Public Tasks, were of most significance. An electronic signature is absolutely necessary in e-services for the unambiguous identification of the party sending an electronic letter. Based on the Act on the Computerization of the Activities of Entities Performing Public Tasks, in turn, the ePUAP platform was created to introduce electronic delivery to the citizen-office relation. In accordance with the assumptions adopted, ePUAP was to provide:

- 1) settlement of multiple matters in various offices (provision of e-services),
- 2) possibility of checking the status of ongoing cases,
- 3) electronic receipt and sending of official correspondence (electronic delivery)<sup>14</sup>.

From the local government perspective, the ePUAP platform enables<sup>15</sup> access to electronic services (electronic forms) for the residents, e.g. the possibility of electronic submission of declarations regarding the amount of municipal waste-management fees, real-estate tax declarations and other.

Despite the enormous financial outlays allocated to the launching of ePUAP, today it can be said that this project has completely failed. The construction and maintenance of ePUAP and ePUAP2, in the period from January 2008 to July 2015,

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<sup>11</sup> The original Polish name is Biuletyn Informacji Publicznej, which is a website system for universal and free access to public information.

<sup>12</sup> Currently, the above mentioned Act on Electronic Signature is no longer valid, it has been replaced by the Act of 5 September 2016 on Trust Services and Electronic Identification, which will be discussed later.

<sup>13</sup> Electronic Platform of Public Administration Services.

<sup>14</sup> For more detail on the functioning of ePUAP see: [Centralny Ośrodek Informatyki].

<sup>15</sup> Currently, a second version of the platform is in operation, the so-called ePUAP2, and it will continue to function in its present form until electronic delivery, as defined by the eIDAS, is introduced in Poland, which is discussed further in this work.

cost a total of almost PLN 108.5 million [Mazur et al. 2018, p. 207], which is a huge amount from the public-finance perspective. ePUAP has also proved non-functional as a platform providing e-services and a platform for electronic delivery. The main disadvantages of ePUAP include<sup>16</sup>:

- 1) with regard to the provision of e-services:
  - a) considerable chaos concerning the electronic forms provided and lack of information about their being up-to-date,
  - b) the small number of the e-services made available by offices,
- 2) with regard to the e-delivery platform:
  - a) e-mailboxes of natural persons and non-public entities are not verified and, as a result, “any entity (a natural person, a non-public entity or even a public entity) can have multiple ePUAP e-mail addresses, often only set up to send and receive correspondence regarding a single case” [Ministry of Digital Affairs 2019b, p. 4],
  - b) delivery via ePUAP is effective only for certain procedures,
  - c) the user interface is outdated and difficult (not user friendly),
  - d) huge problems with the proper functioning of the ePUAP platform, i.e. numerous messages informing about service works, access difficulties, technical breaks, indicating that ePUAP does not operate stably<sup>17</sup>.

Currently even the Ministry of Digital Affairs, which is responsible for the development and maintenance of ePUAP, admits that “the ePUAP system was a sort of revolution, but did not lead to the planned universalization of contacts between citizens and entrepreneurs with public office at the expected scale” [Ministry of Digital Affairs 2019b, p. 4] and “the current technical ePUAP solutions are also inconsistent with the European registered-electronic-delivery guidelines being drafted. They also create significant performance restrictions and should not be developed further” [Ministry of Digital Affairs 2019a, p. 3].

### 3. e-delivery within the understanding of the eIDAS Regulation

Electronic delivery under EU legislation has been regulated by the eIDAS Regulation, which entered into force on July 1, 2016. The main purpose of the Regulation is to provide “a common foundation for secure electronic interaction between citizens, businesses and public authorities, thereby increasing the effectiveness of public and private online services, electronic business and electronic commerce in the Union” [eIDAS, preamble to point 1]. From the perspective of public-administration offices, the eIDAS aims to introduce:

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<sup>16</sup> See also: [Mazur et al. 2018, pp. 204-209] and [Drobiazgiewicz 2012, pp. 67-68].

<sup>17</sup> As a curiosity, it is worth recalling a quote from a letter that the author of this study received by e-mail from the Ministry of Digital Affairs, i.e. the body responsible for the proper functioning of the ePUAP platform: “due to a problem with delivery via the ePUAP mailboxes, I send a reply (...) attached to this email”.

1) electronic documents in place of paper documents, understood as all content stored in electronic form, in particular text or audio, visual or audio-visual recordings [eIDAS, Article 3 point 35],

2) an electronic signature in place of a handwritten signature, understood as the electronic data that is attached to or logically associated with other data in electronic form and used by the signatory as a signature [eIDAS, Article 3 point 10],

3) electronic delivery in place of traditional postal or courier delivery, understood as “a service that makes it possible to transmit data between third parties by electronic means and provides evidence relating to the handling of the transmitted data, including proof of sending and receiving the data, and that protects transmitted data against the risk of loss, theft, damage or any unauthorized alterations” [eIDAS, Article 3 point 36].

eIDAS also introduces a fundamental principle regarding the legal effects of electronically signed documents, namely “an electronic document shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in electronic form” [eIDAS, Article 46]. This means that an electronic document that has been electronically signed is legally the same as a paper document that was signed by hand. The eIDAS Regulation replaces the previous Directive No. 1999/93/EC on a Community Framework for Electronic Signatures, and, in addition to general principles, covers such key issues as:

- 1) electronic identification (art. 6-12),
- 2) electronic signature (art. 25-33),
- 3) electronic seals (art. 34-38),
- 4) electronic time stamps (art. 39-40),
- 5) electronic registered delivery (art. 41-42) and
- 6) website authentication (art. 43).

The eIDAS regulations are of great importance in the European Union, because, as Siemaszkiewicz claims, “the task of the eIDAS regulation is to introduce uniform regulations for the entire European Union regarding electronic identification and the so-called trust services” [2016, p. 212], which contributes to the creation of a common digital market<sup>18</sup>. One important step towards the introduction of common electronic-administration solutions, at the level of the European Union Member States, was the Tallinn Declaration signed on 6 October 2017 by representatives of 32 EU countries and the European Free Trade Association (EFTA). This declaration set out the objectives of the EU eGovernment Action Plan implementation, whereas in the Polish version of the Ministerial Declaration on eGovernment its most important point entailed agreement that “public services should be available in digital form, which should be a default form, simultaneously offering a sustainable alternative for the citizens who are unwilling or unable to use services in digital form” [EU 2017 EE, p. 4].

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<sup>18</sup> For more details on eIDAS see: [eIDAS 2016; Cuijpers, Schroers, 2014, pp. 23-38; Klimko, Kiss, Kiss 2018, p. 103-114; Huhnlein 2014, pp. 1-9].

Following eIDAS, all EU member states undertook to adapt national legal provisions and IT solutions, with regard to electronic documents, electronic signature (electronic seal) and electronic delivery, so that national solutions are in line with EU regulations.

In Poland, the entry into force – on 7 October 2016 – of the Act dated 5 September 2016 on Trust Services and Electronic Identification was a direct effect of eIDAS and the Tallinn Declaration. This Act created the legal foundation for the so-called ‘trust services’ and the providers of these services as well as for development of infrastructure for electronic delivery (the so-called ‘national trust infrastructure’). As a result, public lists of the so-called ‘public trust services’ and lists of ‘public trust services providers’ are created, which is to guarantee that these services and the entities providing them meet the appropriate quality and security standards.

In September 2019, the Ministry of Digital Affairs also completed work on the draft electronic delivery act, which aims to define “the rules for the use of the registered electronic delivery and hybrid postal delivery, along with its legal legitimization, so that it can be used in communication between the parties as a legally effective method, on a par with the act of sending a traditional registered letter against proof of receipt or personal delivery” [KPRM 2019]. According to the draft act, electronic delivery will be a default form of communication between citizens/entrepreneurs and the administration, being a convenient alternative to the traditional paper form. Everyone will be able to use the e-delivery service: both the citizens and entrepreneurs who, as of the date of entering their delivery address in the Electronic Address Database (state register), will be able to demand the public-sector entities to communicate in an electronic form that is:

- 1) friendly and safe to use,
- 2) effective (i.e. legally equivalent to registered mail with return receipt or personal delivery),
- 3) reliable (which will be ensured through participation of a third trusted party – a provider of registered electronic delivery service),
- 4) interoperable (in accordance with the requirements of eIDAS, the EU eGovernment Action Plan 2020 and Tallinn Declaration on eGovernment 2017).

Each party will be able to initiate electronic communication, i.e. public entities will be able to write to citizens, but also citizens will be able to institute proceedings in public-administration offices. Ultimately, all correspondence of public entities will be delivered in electronic form with the help of:

- 1) a public electronic-registered-delivery service, i.e. electronic delivery from the sender’s e-mailbox to the recipient’s e-mailbox, or
- 2) a public hybrid service provided by a State Supplier, in order to enable communication between public entities and digitally excluded persons; the so-called public hybrid service has been included in the draft act, which enables the collection of paper mail, while maintaining the digitization of correspondence in public entities (electronic mail is sent from the office, which is then converted into paper mail and is delivered to the recipient in paper form via a traditional way, i.e. physically).

According to the timetable developed by the Ministry of Digital Affairs, the act on electronic delivery is expected to enter into force in October 2020. Starting from 1 January 2021, government administration bodies will be first obliged to provide an electronic delivery service. In accordance with the timetable adopted, successive groups are to join in subsequent periods. Local governments, i.e. local government units and their associations as well as metropolitan associations and local government budgetary establishments will be obliged to apply the provisions of the above-mentioned Act, starting from 1 January 2024<sup>19</sup>.

#### **4. Electronic delivery in local government – the expected state of affairs**

Local government constitutes an important segment of the public-finance sector, and therefore such a significant change as the replacement of paper documents with their equivalents in electronic form must be analyzed in terms of the necessary financial outlays and the functional and organizational changes in local government units<sup>20</sup>. A document in a public-administration office is an equivalent of a gradebook at a university, a train on a railway, a uniform in uniformed services, etc. The work of each official is based on documents, while the formulation of official letters, in response to petitioners' submissions and applications, is the basic activity that is carried out at the stage of application examination. In other words, official letters (petitioners' applications, office decisions, orders, summons, etc.) are inextricably linked with the work of local government officials and constitute the essence of this work.

The electronic delivery of electronic letters fundamentally changes the circulation of documents in offices as well as the way they are prepared, accepted and signed. These changes should be considered from a two-way perspective, i.e. the flow of documents from petitioners to the office and the flow of documents from the office to petitioners.

With regard to the documents sent by petitioners to the office, their arrival in electronic form requires the office to obtain an IT tool that would allow documents to be received in the original (electronic) version as well as the option of their electronic assignment and transfer to relevant officials who run a given type of cases. Today, with a limited number of electronic applications submitted through the ePUAP platform, very often electronic applications are printed in the so-called registry office, which contradicts the idea of electronic documents in administration. One such tool is an electronic document management system<sup>21</sup> (EDMS), which must be implemented in every public-administration office<sup>22</sup>.

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<sup>19</sup> For more detail on the timetable, see: [Ministry of Digital Affairs 2019c, pp. 38-39].

<sup>20</sup> These changes also generate costs for local government units.

<sup>21</sup> This system is also referred to as electronic circulation or e-circulation.

<sup>22</sup> Some public-administration offices already use EDMS software, its application, however, is mostly limited to the registration (creation of registers) of official incoming and outgoing correspondence.

With regard to the flow of the documents leaving the office, the change in the manner of letter delivery, i.e. the replacement of postal delivery with electronic delivery, also forces changes at the two previous stages of official letter preparation, i.e.:

- 1) the creation and submission of draft letters for approval,
- 2) the acceptance, i.e. the signing of the draft letters prepared.

In the present day practice of many local governments (in simple terms, of course), the office employee responsible for running a given case prepares the official letters for the party submitting the application (a citizen, another office, a business entity, etc.). As can be assumed, no significant changes will occur at the stage of the tool used for the letter design itself, since public officials do use computers and word processors, which ensure the electronic form of the letter drafts. Perhaps the selection of one or another text editor will be an issue, but this is not of any significance.

In the following step, the draft letter is approved by a superior<sup>23</sup>, which is manifested by the superior's signature on the letter prepared. This is done by printing the draft letter and submitting it for the superior's approval via his/her handwritten signature (and stamp) on all copies thereof. An electronic letter requires an electronic, not a handwritten, signature and an electronic seal, therefore a fundamental change must take place at this stage of letter preparation<sup>24</sup>. While there is no problem with the acquisition of an electronic signature tool itself, i.e. the management of each office has access to an appropriate medium with a qualified electronic signature, the organization of the electronic signing process is a problem in itself.

The next step entails the preparation of letters for dispatch. In the case of traditional postage (postal or courier mail), envelopes are addressed, the so-called return receipts, confirming a receipt of the letter by the addressee, are prepared and sent mail records are printed. Letters prepared in this way, along with the sent mail records, are taken to the post office or picked up by the courier, which deal with letter delivery to the addressees. Electronic delivery is intended to eliminate the abovementioned activities, which are labour-intensive and generate high costs. Electronic postage will be similar to today's postage of documents via the ePUAP<sup>25</sup> platform, that is, an indication of the recipient and attachment of the files containing electronically signed documents is necessary. The very act of sending must also be confirmed by an electronic signature, so that the sender can be unambiguously

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<sup>23</sup> Most commonly, this refers to village authorities ('sołtys', 'wójt'), mayors and presidents as well as the secretaries, treasurers, and in some cases also the heads of departments and section supervisors.

<sup>24</sup> Currently, in a few cases, when a letter requires electronic signing, it is forwarded to the signer either via e-mail or supplied on a pendrive and, after it is signed, it is returned in the same manner, to be mailed out. This electronic signing procedure is inconvenient and erroneous and will not work if the official letters need to be signed electronically.

<sup>25</sup> Some simplification has been adopted here, since the target interface of the electronic delivery service is not yet known, it can be assumed with high probability that it will be similar to the ePUAP platform's interface.

identified, and affixed with a time and date seal by an independent server, so that the time of sending can be clearly defined.

Summing up, it should be stated that the digitization of official letters as well as their electronic postage definitely require the implementation of an EDMS in every office. What is more, the EDMSs used in public-administration offices must be integrated with the electronic delivery service provided by a designated operator, so that the postage of electronic letters is possible directly via the EDMS used by the municipality. Even if some municipalities declare that they use an EDMS, the manner of its application must be changed, because today in most cases, it is limited to the mere recording of correspondence.

In order to empirically verify the degree of the local governments' preparation for electronic drafting and signing of official documents, the results of the questionnaire survey<sup>26</sup> conducted in the period from 25.07.2019 to 21.08.2018 ought to be recalled. The aim of this study was to obtain answers, among others, to the following research questions:

1. Does the municipal office use an EDMS?
2. If so, is the EDMS used the primary or an auxiliary system, in terms of case documentation?

The study was conducted using the case study method. Out of the entire population of municipal offices (2858 units), a research group was chosen arbitrarily, which comprised the municipal offices of two voivodeships, the Kujawsko-Pomorskie and Warmińsko-Mazurskie Voivodeships. A questionnaire was sent to the research group selected, in the mode of access to public information. A total of 298 questionnaires were sent, representing 10.43% of the entire population. Correctly completed questionnaires were sent back by 132 offices, which gave a return rate of 44.30%. The answers obtained to the question of whether local governments hold EDMSs are presented in Figure 1 which shows that in the local governments surveyed, most offices do not implement any EDMSs.

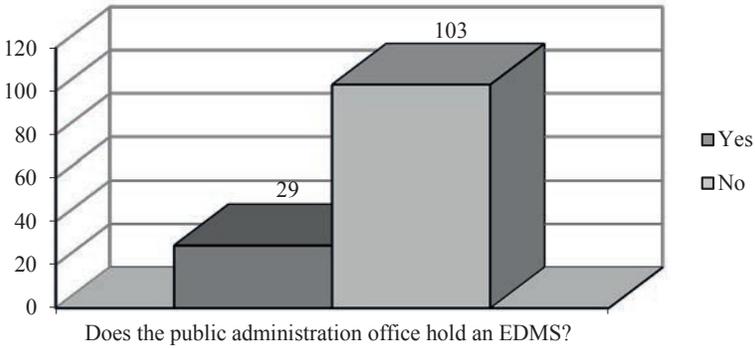
Figure 2 presents the answers to the question regarding the use of EDMSs by those public-administration offices that declared that they hold an EDMS. The answers show that EDMS software is not used as the primary documentation tool, even if it has been implemented and functions in the office.

The outlook on the scope to which local governments hold and use EDMSs is not optimistic. In contrast, the implementation of e-delivery provides an opportunity for significant savings in every public-administration office, and thus for savings on the scale of all public-finance-sector units. The Ministry of Digital Affairs presented the following calculation of savings in a single official letter, "Preparation of paper mail requires the following office activities:

- printing,

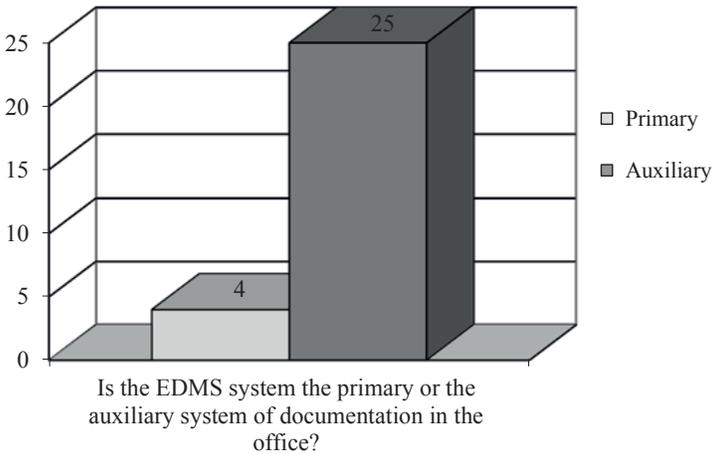
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<sup>26</sup> The survey cited here was carried out by the author of this study, in cooperation with a commercial company that deals with the development of EDMSs for local government units. It precisely aimed to determine whether, and to what extent, public administration offices use EDMSs in their activities.



**Fig. 1.** Usage of EDMSs in local government

Source: own elaboration based on the study carried out.



**Fig. 2.** The use of EDMSs in local government

Source: own elaboration based on the study carried out.

- submission for signing,
- submission for postage,
- enveloping,
- the posting service (preparation of sent mail records, etc.)
- receipt of proof of delivery and inclusion in the case file.

The cost of these activities includes the cost of printing and the cost of working time, which will not occur in the case of electronic mail.

Assuming that:

- a) the cost of printing 4 pages of black and white text is PLN 0.12,

- b) one letter, on average, contains 2 pages, including the need to print two copies (one is kept in the case file),
- c) the cost of an envelope is PLN 0.9,
- d) the cost of paper is PLN 0.11,
- e) the cost of printing device maintenance per 4-page printing is PLN 0.47,
- f) the average working time devoted to handling one piece of paper mail, taking into account the office activities listed above, is 5 minutes,
- g) the monthly salary of a public sector official employed for posting logistics is PLN 2500 gross,
- h) the unit cost of posting logistics, resulting from items f) and g), is PLN 1.24.

The total average cost of mail preparation by a public entity, taking into account the above-listed assumptions, is PLN 2.02. When we add the cost of the average fee for current implementation of traditional postage, at the level of 5.35 PLN, resulting from postal agreements, the average unit cost of correspondence amounts to 7.37 PLN. By accepting the recommended price of hybrid postage, in the amount of 5.64 PLN, public entities save approximately 1.73 PLN on one postage. The savings in 2020-2030, resulting from the introduction of digitization, is estimated at PLN 1850 million” [Ministry of Digital Affairs 2019a, pp. 29-30].

## 5. Conclusion

The digitization of public administration, including local governments, has been one of the most important priorities in all European Union countries. Poland, due to its EU membership, has also undertaken intensive legislative work in this area. This results in the Polish legal provisions, which will constitute the legal basis for electronic documents and electronic delivery services.

In reference to the main thesis of this study, based on the review of the EU and the national legal regulations, it should be stated that in Poland, as well as in many other EU countries, traditional paper documents and their traditional (physical) method of delivery will be replaced by electronic delivery of electronic documents. This change requires the following:

1) reorganization of the existing procedures for the drafting, accepting and signing of official letters, i.e. elimination of letter printouts and replacement thereof with electronic documents (computer files containing documents);

2) implementation of EDMSs in public-administration offices, which will enable:

a) the handling of documents in their electronic form, i.e. receipt of applications in their original form and their electronic assignment, creation of electronic case files, drafting of letters and submission of official letters for approval, electronic signing, etc.,

b) integration of EDMSs with the electronic delivery service, so that electronic delivery of letters can be carried out from the EDMS level;

3) adoption of EDMSs as the primary method of documenting the course of case settlement, within the meaning of office instructions<sup>27</sup>.

The analyses carried out enable answering the research questions posed in the introduction to this study:

1. It will not be possible to use the ePUAP platform as the starting point for the electronic delivery service in Poland, within the meaning of eIDAS, because, despite the enormous financial costs incurred to launch ePUAP in Poland, this project has not worked, since, as acknowledged by the authority responsible for its creation and maintenance<sup>28</sup>:

a) it does not comply with the European guidelines for registered electronic delivery service, and

b) it creates significant performance restrictions, therefore, it should not be further developed [Ministry of Digital Affairs 2019a, p. 3].

2. The public administration has little time to prepare for the electronic delivery of official letters, which results from the timetable presented on the Ministry of Digital Affairs website. Starting from 1 January 2021, the Act on electronic delivery will oblige government administration to implement electronic delivery. As for local governments, the cut-off date is 1 January 2024, i.e. starting from that day electronic delivery of letters is to become the default (primary) form of delivery in local governments.

3. Local government offices in Poland are not prepared to process electronic documents. Despite the fact that, as Drobiazgiewicz claims, “most offices hold an electronic document management system” [2012, p. 66], this is not true in the case of local governments. What is more, even if some local governments hold an EDMS, it is not used as the primary manner of case-record keeping, but only serves to register incoming and outgoing letters.

E-delivery imposes new obligations on local governments, which particularly will be felt at the stage of public-administration offices’ preparation for electronic delivery. At this stage the offices have to choose the EDMS, which must mean financial outlays, and make a number of functional and organizational changes inside the office. The financial outlays are related to both the EDMS software itself and the expenses incurred for the purchase of a server, a network software, databases, as well as the cost of implementation. With regard to EDMSs for local governments, the following applies:

1. Currently a free EDMS is available, created by the IT specialists of the Podlaskie Voivodeship Office, but it is not a user-friendly system, therefore some local governments will prefer to pay for an EDMS.

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<sup>27</sup> This concerns §1.3. Regulation of the Prime Minister of 18 January 2011 on office instructions, uniform material lists of files and instructions on the organization and scope of operation of archives.

<sup>28</sup> The Ministry of Digital Affairs.

2. The Ministry of Digital Affairs is running a project titled “EDM RP – Electronic Document Management in Public Administration” (original title in PL: EZD RP – Elektroniczne Zarządzanie Dokumentacją w Administracji Publicznej), however, there are serious formal concerns pertaining to the question of whether it will be possible to use it in local governments at all, due to the fact that it is financed from EU funds and described as a project for central administration, not local governments. Apart from that, the slightly different specifics of the work of central and local government administration necessitates the introduction of major functional changes to the EDM RP, provided that such a system is eventually created.

E-delivery also provides a great opportunity to reduce the cost of the office operations associated with the elimination of traditional delivery costs. The savings per one electronic letter, estimated by the Ministry of Digital Affairs [2019a, p. 29], amount to about PLN 1.73, which, at such a large number of drafted and mailed letters, in each office, translates into huge amounts of savings on the scale of the public finance sector in Poland. Each, even the smallest, municipal office annually sends several thousand letters, while large offices send far more. On the scale of the entire local government in Poland, these are huge amounts, and thus it is possible to eliminate the massive public expenditure on the drafting and servicing of paper letters. In the present times, the environmental impact of business operations is also important, and thus the reduction of the use of paper and toner for printers is already an end in itself, which has been implemented by many local governments and well received by local communities.

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