

FOREWORD

Evolution or transformation? In our opinion, this is the question we should ask ourselves when we think now about the impact of the Internet and ICT on public institutions and on the law that regulates them. It is also the question we pose to the authors of this new special issue of the *Revista*, and which we think they all answer, either explicitly or via other roads or paths.

The myriad changes we are living through must always demand the attention of the political class and the public authorities and be analysed by academics. However, the reaction of our legal system to the ICT phenomenon has hitherto been somewhat unsatisfactory, both in the legislative area or in the action of governments, and, more particularly so, in the areas of theoretical thought and legal training.

This special issue on the impact of ICT on public law is framed, precisely, within a change of stage, at a time when the situation described is beginning to change and we are already aware of the magnitude of the phenomenon. As has been said, and rightly so, the solution to all these changes will not come from insisting that everything is the same, or that everything is different; It will undoubtedly require a lot more work than that.

The attention paid by the new statutes of autonomy to these technologies and the enactment of the first law regulating electronic administration are clear signs of this change of stage, this new, more attentive, and more global outlook. With regard to the first question, we find the strong presence of ICT among the different processes of statutory reform very interesting, both with regard to the rights of citizens and the distribution of public power. The claim for greater power in the autonomous communities in the sphere of telecommunications and the information society has merely been tabled, although the actual success achieved has been relatively scant. This is the first time that expressions such as *information society*, *information and communication technologies*, *e-commerce* or *data protection* have been prominently worded into our legal system, elevated (almost) to constitutional regulations.

It also strikes us as relevant, as we said, that this year (2007) witnessed the enactment of the law of electronic access by citizens to public services. It is clear that this law has their shortcomings — beginning the title with which it has been dubbed —, both from the standpoint of its material solutions and also if we think about how difficult it will be for it to fit in with the new understanding of basic state powers envisaged from Catalonia. These shortcomings are addressed in the works contained in this special issue, prepared parallel to the proceedings

involved in the passage of the law. But we can also recognise that this law contributes to initiating and certifying the advent of new times for our public institutions and, more particularly, for administrations in general. Thus, perhaps it would be a good idea to refresh the constitutional clause of the social and democratic State and admit that we find ourselves, rather, in a social, democratic, autonomous (community) and electronic State.

It was precisely in view of the great diversity of questions affected by ICT that we felt it would be convenient to focus this single issue from a *tendentially* comprehensive perspective of the relationships between these technologies and public law. This approach may be deduced from the ensemble of topics and approaches chosen to make up this issue of the *Revista*, but it also beats, in our opinion, in the different contributions provided. Some contributions focus on the rights of the citizens from a preferably constitutional standpoint, others look at the new forms of organisation and activities of the public administrations, while still others address all these questions from the viewpoint of territorial pluralism. Fields which are more closely linked than we tend to admit.

We are presenting this special issue trusting that it will be a good tool for responding to the evolutions and transformations in public law spawned by technological progress. As a contribution to the delimitation and study of a very revamped public information law. Each reader will judge the result freely for themselves.