

# THE LEFIS COMMUNITY

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**Abstract:** *This paper presents the basic characteristics and main activities of the LEFIS Community (Legal Framework for the Information Society), which is comprised of various teaching and research centres, companies and associations. The objective of LEFIS is to prepare legislative proposals and develop educational modules designed to put into action the professional training required to perform the activities of public and private institutions and firms that are engaged in the creation and implementation of legal decisions and social and industrial standards directed at the governance of the knowledge based society.*

## 1. Introduction

The LEFIS Community has contributed to carrying out joint activities directed at co-assisting in the implementation of teaching reforms at law faculties, engineering schools and faculties of economics and business administration in all of Europe. Specific actions – the design of master degrees and permanent training modules for professionals and experts in governance of the knowledge society – have been developed. It is an important achievement that the LEFIS network has partners in all Member States of the European Union. All proposals for teaching reforms are sustained by the joint work performed by the members of the network. It consists mostly of universities, research and development centres and enterprises. Interested members establish appropriate joint actions through meetings and conferences with other kinds of professional organisations leading to joint R&D projects.

This paper gives an overview about the characteristics, tasks and initiatives of the LEFIS Community. It may constitute a mechanism that is capable of promoting reforms for electronic governance and government regards the preparation of regulatory proposals – thereby including R&D projects – as well as the training of professionals. With this work, the LEFIS Community helps to make the knowledge based society a reality.

The following chapters are structured as follows: firstly, we provide a brief history of the network. Secondly, we present an overview of the current activities, and thirdly, we give conclusions.

## 2. Brief history

The LEFIS Community originated from discussions on «Computers and Law» and related subjects going on for years, especially since 1999, among a group of European and others professors. They have held meetings organised exchanges of professors and students and set up and jointly directed teaching modules.

The original core of this group is made up of members from 19 universities. Currently, and together with other universities and institutions, they all form the thematic Socrates Network called LEFIS: Legal Framework for the Information Society. Professors, professionals and institutions and firms from Europe, Russia and America<sup>1</sup> take part in discussions and in organising activities.

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<sup>1</sup> Currently, 90 institutions or industries participate in the LEFIS initiatives (information available at <http://www.lefis.net>, all Internet sources last accessed on 8 February 2017).

All participants are involved in drafting legislative proposals, developing research and development projects, and introducing – at law faculties and other teaching institutions (management, public administration, information and communication technologies and engineering) – graduate and post-graduate studies directed mainly at jurists (although not exclusively). These studies refer to the problems posed by regulating and initiating information and communication technologies (ICT). The content is presented not only from a positivist perspective, e.g. the law in force, nor a technical one, e.g. the study of ICTs, but also from an interdisciplinary perspective. Proposals of reflection and application are drafted, in other words, clearly practical proposals coming from the various areas of knowledge involved in solving the difficulties posed by the progressive implementation of the knowledge society. Therefore, a common goal of the contributions by participants is to consider the values, principles and rules of democracy that are related in the said implementation, without thereby disregarding the prerequisite: a study of the specific facts using the tools of social sciences (in principle: sociology, systems theory, logic and communicative theory). When necessary, they also make use of proposals from the history of science or the theory of science. Needless to say, in their proposals, they observe both general philosophy and legal philosophy and, in case of legal work, respect the methods of legal dogmatics.

Special emphasis deserves the fact that the participants in the discussions are generally professors who are involved in teaching and research groups that usually engage in starting up research and development projects on the matter, and they work together with public administrations (the European Union and national or regional governments) or businesses. This aspect strongly contributes to the quality of its discussions and the multidisciplinary of the output, contrary to the methods of other legal works, in general, constrained to carrying out an exhaustive study of legal texts, laws and principles. The point of departure is holistic and integral; a study of legal challenges as seen and tackled by people, professionals and institutions.

Initially, the discussions were for teaching purposes, yet they are progressively being used as a platform for analysing and developing legislative and regulatory practices, thereby contributing proposals for preparing studies and for draft legislation directed at legislators and other professionals. In turn, these proposals provide the content of the teaching programme. In this regard, for instance, summer schools were launched (and continued), in which the professors explained their research activities and positions on relevant subjects before an auditorium of students. Currently, an increasing number of seminars and conferences is being held, thereby comparing and refining the common object of the discussion, especially due to the contribution of specialists and experts from different academic disciplines or practices<sup>2</sup>.

### 3. An overview of current activities

It is not possible to summarize here all, even the most recent activities. A brief outline of the four following activities carried out, to be carried out or to be carried out in the coming years, is sufficient to give an account of the vitality of the LEFIS Community.

*a) Brazilian and European perspectives in E-justice.* A comparative book<sup>3</sup> on e-justice has been published that summarizes the activities developed by members of the LEFIS Community in Brazil since 2007. In the contributions, the situation of the e-justice administration in Austria, Brazil, Finland and Spain is carefully studied.

*b) At the begin of the second decade of the two thousand: from two thousand eleven.* The research group «Data protection and electronic signature» worked in providing legal advice to the design of a platform that aims to provide services to the citizens that will live in the so-called «Smart Cities».

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<sup>2</sup> See, for example: Workshop «Developing Legal Research Networks around AgriTechnology and Agricultural Multifunctionality in Brazil and the United Kingdom, 22–24 November 2016», IMED, Passo Fundo, Brasil <https://imed.edu.br/Comunicacao/Noticias/escola-de-direito-da-imed-realiza-workshop-em-parceria-com-a-queen-s-university-of-belfast>.

<sup>3</sup> SERBENA, C.A. (ed.), *Perspectivas brasileiras e européias em E-justiça: Brazilian and European perspectives in E-justice, E-justiça UFPR, Curitiba 2016*. Other references are the activities are presented in: <http://www.egov.ufsc.br/portal/>.

The platform is the content of the industrial Innpronta project of I + D + i , entitled City 2.020. It aims to achieve building of services to citizens, progress in the areas of energy efficiency, Future Internet, Internet of Things, human behaviour, environmental sustainability and mobility and transport. The project estimates that the design and implementation of these services will create the city of the future, a city that will satisfy the characteristics of sustainability, intelligence and efficiency. The project aims to conceive, design and implement a new paradigm of sustainable and efficient city, supported on three key areas: energy, transport and environmental control.<sup>4</sup>

We describe here the existence and characteristics of two of the existent «infrastructures» that enable their development.

An infrastructure is constituted by the increasingly large information that is accessible in «standard internet format», or published by users with tools of social networks like Twitter, or because, with regard to public information of all kinds, governments get «open» in a respectful way (more or less), making legislation accessible to all who want to use it.<sup>5</sup> The latter has been increased by the expansion of the acceptance of the political principle of transparency in the activities of the government, therefore prescribed, for example, by Spanish Law 19/2013 of 9 December, and the obligation that the Governments have to give general access of the information stored and treated in their daily lives, in an adequate way to the content of the advertised information.

A second basic infrastructure is the existence of programs that allow a rapid recovery and effective access to information located on the internet. If we consider the Google search engine, for example, we can observe that the operation of the system of information retrieval becomes increasingly a «smart thesaurus» that provides «wise» answers to questions of users, which make them by combining multiple words. The system learns of past questions and answers relative to the user, proposed and researched by the «search engine», which means that it retrieves information in response to the profiles of the habits and tastes of the users.<sup>6</sup>

The question to be solved is how it should be designed programs / services / automata / «artifacts» of smart cities in order to be able to meet with them the needs for which are made while preserving the rights and duties of everyone involved in the process of design, supply, acquisition and use of these services / programs that are guaranteed by the regulation for democratic legal systems.

To answer this we must consider that there are three elements necessary to elaborate programmes:

1. Building databases or designing programs.
2. Communication between users and databases.
3. The requirements of the regulations for the construction and use of programs /services.

Two new projects complement the development of the basic infrastructure for the smart cities and the general construction of programs or services today according with the LEFIS Community methodology.

*c) Interoperability between the institutions of memory and the cultural-tourism sector in the internet.* This research project, supported by the Spanish Government, entitled «Possibilities and requirements of knowledge organization systems for the interoperability between the institutions of memory and the cultural-tourism sector in the Internet» (2016-2019), examines the difficulties that result from the most common method of accessing the Internet – the utilisation of search engines that employ algorithms. The problem is that the search

<sup>4</sup> See: <http://www.innprontaciudad2020.es/>.

<sup>5</sup> See the heterogeneity of the information that have been published in: <http://datos.gob.es/>.

<sup>6</sup> Some news about the development of Google's search algorithms, for example, is available at: <http://insideseach.blogspot.com.es/2013/09/fifteen-years-onand-were-just-getting.html#uds-search-results>. The issue is controversial due to the fact that much information published on the internet is referring to personal data whose publication was not authorized by the owner or is obsolete or outdated. Adequate security measures with respect to the preservation of the stored information have not been implemented.

engines are not transparent. We build a solution in a specific case of search for information: the proposal of an information design that respects its «informational» content, satisfying this objective by integrating the use of thesauri as a model for presenting information in a manner that is compatible (from the point of view of the user) with the complex requirements of the law. It is a solution to a problem of great magnitude: for many users the search engine *is* the internet and their access to the web. This is because there are more and more data that is of limited use, due to access, and legal regulation or the requirement of informed consent, or because the objectives of the storage are different than those of use. The implementation of a solution in the form of thesauri is relatively simple.

*d) Fundamental Rights Review of EU Data Collection Instruments and Programmes.* Another project is directed to preserve the general juridical infrastructure of the European Union. Its aim is to elaborate during the biennium 2017–2018 a Fundamental Rights Review of EU Data Collection Instruments and Programmes. The project is financed by the European Commission Directorate-General for Justice and Consumers. An independent expert group is established to carry out a fundamental rights review of any existing EU legislation, instrument or agreement with third parties that involves the collection, retention, storage or transfer of personal data. The project shall support the activities of another independent group of experts responsible for reviewing the compliance of EU data collection instruments and mechanisms with the EU Charter of Fundamental Rights, with particular attention being paid to the application of the proportionality principle and to an assessment of existent relevant safeguards for the fundamental rights to privacy and the protection of personal data. The expert group would also carry out the review of existing EU acts on data protection for police and criminal justice authorities and assess the need to align them with the Police Directive (Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA)<sup>7</sup>.

#### **4. Conclusion**

The LEFIS Community is an example of the production and distribution of educational products made in accordance with the rules established by the European higher education reform. This is included in Declarations such as those of Bologna, Prague, Berlin and others, and it is being put into practice by the academic authorities of the Member States of the European Union. Its work centres on the preparation of teaching modules that are grouped together as masters or that are independent, which modules may be offered as permanent training and directed at professionals of law, company executives or engineers in order to train them in the generation and application of the rules of governance of the knowledge based society. If successful, the products become part of the teaching of the related institutions.

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<sup>7</sup> OJ L 119, 4 May 2016, p. 89.