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# DIGITAL PUBLIC SERVICES AND FUNDAMENTAL RIGHTS

## *SERVIÇOS PÚBLICOS DIGITAIS E DIREITOS FUNDAMENTAIS*

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**SUMMARY:** Introduction. 1. Constitution and Public Services. The fundamental right to a “good public administration” and public digital services. 2. Constitutional issues on the use of technology in public services. 2.1. Digital illiteracy and digital divide. 2.2. Privacy threats. 2.3. Artificial intelligence “black boxes”. 2.4. Right to appeal. 2.5. Weakening of public unions and of public service. Conclusion. References.

**ABSTRACT:** This paper focuses on digital tools that have been increasingly used by the Public Administration in order to perform its constitutional goals and also on constitutional concerns that those tools may evoke. It analyses how digital government can reconcile the adoption of initiatives that facilitate the access to public services and data collection (that allows the design of better policies) with features that incarnate rule of law values. This will allow a decision-making algorithm to output a human-readable explanation to the decision, as well as guarantee privacy, adherence to due process of law and access to public services by people who are not digitally included.

**KEYWORDS:** Fundamental Rights. Digital Government. Privacy. Due Process of Law. Digital Exclusion.

**RESUMO:** Este artigo foca em ferramentas digitais que vêm sendo crescentemente utilizadas pela Administração Pública com a finalidade de cumprir suas tarefas constitucionais, bem como em questões concernentes a direitos fundamentais que o uso dessas ferramentas pode suscitar. Assim, analisa como o governo digital pode compatibilizar a adoção de iniciativas que facilitem o acesso a serviços públicos e a coleta de dados (que possibilita o desenho de melhores políticas públicas) com instrumentos que encarnem valores jurídicos. Isso permitirá que um algoritmo expeça decisões que sejam justificadas em linguagem inteligível por seres humanos, bem como a garantia da privacidade, aderência ao devido processo legal e acesso a serviços públicos por pessoas que não são incluídas digitalmente.

**PALAVRAS-CHAVE:** Direitos Fundamentais. Governo Digital. Privacidade. Devido Processo Legal. Exclusão Digital.

## INTRODUCTION

The French and American Constitutional Revolutions, in the end of the XVIII<sup>th</sup> century, have been a landmark of the constitutionalist movement in the world. These movements have widespread the conceptions of a Liberal and Democratic State of Law.

Despite the rise of modern constitutions by the end of the XVIII century, such as the United States Constitution, the First French Constitution and, a few decades later, the First Brazilian Constitution (1824), the late XVIII and the XIX centuries are broadly known as the time of the “Legal State” (*Rechtstaat*, in German), but not yet the Constitutional State, such as it is known today. The incremental transition from the Legal State to the Constitutional State has positioned the Constitution in many contemporary democracies in the centre of the legal system.

World War II (WWII) decisively launched social and academic wave shocks that challenged the foundations of Constitutionalism and the liberal optimism expressed by natural justice intrinsic to economic and social relations. As a consequence, it triggered the crisis of an idealized and radical separation between state and society (HILBINK, 2006, p. 20).

The new post-WWII conception on Constitutionalism and on the nature of the state was concerned about creating conditions that would allow each individual the development of her personality. This provokes shifts on the understanding of fundamental rights and the techniques destined to protect them. From then on it is possible to speak of the rise of the Constitutional State in its entirety, characterized by the conception of law involving an essentially axiological experience with the Constitution vested by normative force in the epicenter of the legal system.

As a consequence of the normative force of the constitution, the branches of government have increasingly been called to interpret and enforce it. In this broader context, courts have been playing a decisive role in shaping constitutional and fundamental rights in a variety of democracies. From the 20<sup>th</sup> century on (in the U.S., since the 19<sup>th</sup> century), courts have gained power in deciding constitutional and even political cases, such as in Canada, South Korea, South Africa, New Zealand, U. S., Germany, the European Court of Justice and the European Court of Human Rights (KAPISZEWSKI, 2013, p. 1).

In recent decades, also Latin America has experienced the empowerment of courts. Within this broader context, Constitutional Courts have been adopted (Chile in 1981; Colombia in 1991; Peru in 1993; Ecuador in 1996; Bolívia in 1998) or have gained power (Brazil in 1988; Costa Rica in 1989). As a consequence, judicialization of constitutional fundamental rights and judicial review have been in rise (COUSO; HUNEEUS; SIEDER, 2010, p. 142).

In this broad picture, Supreme and Constitutional Courts (and also the lower courts and judges) have been playing a very important role in the democratic process. This empowerment of constitutions and courts has driven constitutional scholarship in Brazil and perhaps in a global scale away from Public Administration matters and from Administrative Law. Nevertheless, we, constitutional scholars, should be reminded that the public administration is a major enforcer of fundamental rights, specially of social constitutional rights, but not only.

As a consequence, Constitutional Law scholarship should approach the Public Administration and Administrative Law. These are quickly evolving fields of legal research deeply connected to constitutional rights, specially in times of digitization and automation of public services.

This paper is launched as an initiative to fill this gap. It focuses on digital tools that have been increasingly used by the Public Administration in order to perform its constitutional goals and also on constitutional concerns that those tools may evoke.

The *problem* under scrutiny is how digital government initiatives can rise concerns relating to constitutional fundamental rights and how these rights can be adequately protected in the digital environment.

The *aim* of the paper is to analyse how digital government can reconcile the adoption of initiatives that facilitate the access to public services and data collection that allows the design of better policies with features that incarnate rule of law values in order to allow a decision-making algorithm to output a decision and also a human-readable explanation to the decision (ZALNIERIUTE; MOSES; WILLIAMS, 2021, forthcoming, p. 11), as well as guarantee privacy and access to public services by people who are not digitally included.

The *hypothesis* of the paper is that digital government tools can on one hand enhance equality of decisions and efficiency in providing public

services. On the other hand, they can harm fundamental rights, such as the right to privacy, the right to a due process and adequate access to public services by people who are digitally excluded.

The *methodology* used is consultation of references (primary and secondary sources – books, papers, judicial decisions and media news).

## **1. CONSTITUTION AND PUBLIC SERVICES. THE FUNDAMENTAL RIGHT TO A “GOOD PUBLIC ADMINISTRATION” AND PUBLIC DIGITAL SERVICES**

Sometimes forgotten in scholarship and debates about Constitutional Law (that too often focus on the role of courts), the public administration in modern states normally plays a key role in the enforcement of constitutional rights. This is also true in Brazil. For instance, the Brazilian 1988 Constitution entrenches provisions on a variety of legal topics, such as tax law, family law, health law, environmental law, social security, administrative law, procedural law, among others. Many of these provisions are enforced by the public administration.

Thus, in Brazil, as well as in other jurisdictions, there has been a real quest for the “good administration”, or an administration that effectively promotes constitutional rights, behaves within constitutional boundaries and emphasizes transparency, sustainability, respect to the due process of law, impersonality, probity, efficiency and “tempered” legality (FREITAS, 2015, p. 118–9).

This quest for a “good public administration” has inevitably involved the use of digital technologies, such as artificial intelligence, machine learning and blockchain. These tools make part of the concept of digital government or e-government, that involves automation of procedures and decisions aiming to achieve better government and better public services. The main argument is that technology will remove humans (with all their biases and limitations) from some governmental operations (BASU, 2004, p. 110).

According to this conception, systems could be designed to ensure that some governmental functions, such as collection of taxation, distribution of social security benefits and management of other welfare programs, issuance of passports, collection of census data (MEYER, 2021), record of land registries, integrity of government records, running elections, among others, could be carried out in

a higher compliance with the rule of law. There are experiences in an increasing number of nations, such as the United Kingdom, the United States, Sweden, Georgia, Mexico, Australia, China, Honduras (ZALNIERIUTE; MOSES; WILLIAMS, 2021, p. 3) Russia, India, South Africa and, of course, Brazil.

Specifically in the developing world, there has also been a growing interest in the digitalization of public services. There is a clear trend in developing countries (also in the BRICS, of course) to follow the tendency in developed Western countries to adopt online public services (RANCHORDAS, 2021).

In Asia, Digital India (INDIA, 2021), was conceived as “a flagship programme of the Government of India with a vision to transform India into a digitally empowered society and knowledge economy”. Within the program, India is building digital infrastructure to provide a number of online services to citizens.

China has developed plans to harness big data and artificial intelligence for the purpose of social management. The Social Credit System has gained special prominence as a set of mechanisms that rates actors and provides them rewards and punishments on the grounds of the lawfulness and morality of their social, economic and political conduct (CREEMERS, 2021).

China's General Office of the State Council released on April 15 a circular that calls for deepening administrative reform on six fronts. It includes the call of related departments to build and improve the administrative data sharing and coordinating system, to strengthen information sharing and certify mutual recognition. It also aims the improvement of credit supervision, as well as that traditional service modes should be reserved along with innovation of smart services, to avoid obstacles that certain groups, including the elderly, may face (THE PEOPLE'S REPUBLIC OF CHINA, 2021).

South Africa launched a new e-Government Portal, aiming at improved landing page, better classification of e-services, quick access to e-services, easier/simpler navigation, easier/simpler e-service identification, explanation on specific e-service and improved user experience, with the expressed purpose of enabling government services online with the reduction of the cost of accessing those services, streamline administrative processes, improvement of turnaround times, strengthening accountability and responsiveness (SOUTH AFRICA, 2021).

In Russia, e-government tools have been designed with the aim of “significantly reduce administrative barriers for citizens and the need to personally visit state institutions”. According to the plan, in the coming years, Russian citizens will be able to apply for approvals and permits over the Internet, as well as to assess the quality of public services (RUSSIA, 2021).

Brazil has also over the years been developing a broad program of digital services in the federal level (BRAZIL, 2021.a). In parallel, several member states and municipalities have been digitalizing some of their public services, that have been fostered also by federal incentives (BRAZIL, 2021.b).

The Brazilian Federal Act n. 14.129/2021 (BRAZIL, 2021.c) provides on principles, rules and instruments of e-government and the improvement of public efficiency specially by means of de-bureaucratization, innovation, digital transformation and participation of citizens (art. 1).

At the regulation level, the Regulatory Act n. 10.332/2020 (BRAZIL, 2021.d) institutes the Digital Government Strategy for the years 2020–2022 within the Federal Administration. Among other provisions, this regulation creates the Digital Government National Network (Rede Gov.br), on the basis of a collaborative and voluntary participation among the federal, state and municipal governments. This network has the aim to provide exchange of information and joint measures related to the expansion of the Digital Government Strategy (art. 7).

Also important is the Regulatory Act n. 9.319/2018 (BRAZIL, 2021.e), that establishes the National System for Digital Transformation and the governance structure for the implementation of the Brazilian Strategy for Digital Transformation. Among other provisions, the regulation sets goals to be achieved, including: (i) the offer of simple and intuitive digital public services consolidated in one sole platform with available assessment; (ii) the grant of wide access to information and to open governmental data, in order to allow the exercise of citizenship and innovation in digital technology; (iii) promotion of integration and interoperability of the governmental database; (iv) promotion of public policies based on data and evidence; (v) implementation the General Act of Data Protection (Lei Geral de Proteção de Dados); (vi) availability of digital identification of citizens.

From the samples given above, it is possible to assert that there is an evident trend towards e-government initiatives in many countries rising positive expectations, but also new problems and concerns.

In one hand the adoption of e-government initiatives may facilitate the access to public services and data collection that allows the design of better policies. Thus, e-government would foster administrative efficiency, effectiveness, increasing quality, lower cost, keeping government operations systematic, sustainable, flexible, robust, lean and agile. It would also enable better communication, collaboration and the maintenance of accurate durable records (TWIZEYIMANAA; ANDRESSONA, 2019, p. 171).

On the other hand, there is a certain fetish towards technology (BAKAN, 2020, p. 104-5) that can blind us in relation to its eventual flaws. Digital government initiatives rise concerns on the enhancement of the rule of law, because this link is not straightforward. Then, when systems can replace human public servants, they must contain built-in design features that incarnate rule of law values in order to allow, for instance, a decision-making algorithm to output a decision and also a human-readable explanation to the decision (ZALNIERIUTE; MOSES; WILLIAMS, 2021, p. 11), as well as guarantee privacy. On top of that, there is the dramatic reality of digital illiteracy, detected not only in the developing but also in the developed world, as well as concerns on a possible weakening of public service values if public servants are progressively and massively kicked out. These issues will be approached in the next chapter.

## **2. CONSTITUTIONAL ISSUES ON THE USE OF TECHNOLOGY IN PUBLIC SERVICES**

Well-designed government systems can promote consistent application of law, enhance security (even in election processes, for instance in Brazil) and enable citizens to be treated equally when laws are enforced. In Brazil, public administration is constitutionally imposed to follow five core principles entrenched in article 37, caput: legality, impersonality, morality, transparency and efficiency. There is no question that governmental digital platforms can somehow help attain these constitutional goals.

However, while governments are rolling out these programs, more democratic and constitutional scrutiny is needed in order to enhance privacy, data protection, due process safeguards and guarantee access to public services by digital excluded people.



## 2.1. Digital illiteracy (UNESCO, 2021) and digital divide

Initiatives on the digitization of public services explicitly or implicitly assume that citizens have access to a smartphone or similar devices, can afford a connection and have good reading and writing knowledge. However, this is not true for a great share of people in the world.

According to the European Commission, digital exclusion is a widespread and growing phenomenon that adds to other forms of exclusion, on the basis of, for instance, low income and education, location, culture, or disabilities. Eighty million Europeans never use the internet either because they don't have a computer or it is too expensive or because they find it too difficult or not relevant to connect digitally. Cognitive or physical disabilities also may prevent people from using *information and communications technology* (ICT) and the internet (EUROPEAN UNION, 2021).

In the United States there are also persistent digital divides, although 72% of Americans over the age of 15 use the internet at home, according to data from 2017. Nevertheless, deep differences have been diagnosed on the basis of geography and income: while 73% of urban residents, only 65% of rural Americans use the internet at home. 54% of families with incomes less than \$25,000 a year used the internet at home, in contrast to 82% of families with incomes of \$ 100,000 or higher (UNITED STATES, 2021).

In Portugal, in 2020, 84,5% of households have a connection at home and 81,7% benefit from broadband connection. This is a significant increase, more than 3,6 p.p. compared to the previous year. However, digital divide on the basis of income is significant: the 20% richest households benefit from a 96,8% of access to the internet and 94,5% to broadband connection. In contrast, the 20% poorest households keep a 66,8% access to the internet at home and 62,4% to a broadband connection (PORTUGAL, 2021)

According to the Inclusive Internet Index, published by The Economist magazine and updated to 2021, covering 120 countries that represent 98% of global GDP and 96% of global population, Brazil is the second-highest ranked among 20 Latin American countries in the index, and 36th in the world. The country ranks good on internet availability (48th) and affordability (16th) in the world, but struggles with a 69th place about internet readiness (THE ECONOMIST, 2021).

Data collected by the Regional Center of Studies to the Development of the Information Society (Cetic.br) (BRAZIL, 2021.f) show that 28% of

the Brazilian households have no access to the internet. This corresponds to over 50 million people. In lower-income social classes (classes D and E), the percentage of households with no internet access rises up to 50% (BRAZIL, 2021.g).

Initially merely connected to lack of infrastructure, today it is known that digital exclusion is more than an economic or infrastructural issue (BRISSON-BOIVIN; McALEESE, 2021). It means that citizens cannot have equal participation in the digital world because of a handicap in their educational, social or even political capabilities. Thus, digital divide is extremely perverse, because it deepens already existing social issues and divides.

The problem is dramatic because for many people addressing a civil servant can be the only way of accessing public services (RANCHORDAS, 2021). As a consequence, the broad adoption of digital services and the corresponding reduction of in person contact with a public servant is a real threat to fundamental rights of those harmed by digital exclusion, such as the right to access several public services.

For the sake of respect to the fundamental rights involved, the progress of demobilization of personal contact with a public servant cannot be abrupt, but incremental, following the pace of digital inclusion.

## 2.2. Privacy threats

The right to privacy is a fundamental right in any democratic jurisdiction. Relating to e-government initiatives, concerns on personal data protection arise. Actually, the role of governments on privacy protection is usually ambiguous. If in one hand they have to enforce the right to privacy, on the other hand governments have to access personal data to develop welfare state initiatives (BASU, 2004, p. 122-3).

Thus, governments must navigate in a narrow path that allows the use of personal data for the deployment of digital public services without allowing the undue capture and misuse of these data. This threat has been clearly spotted in the China Social Credit System, but is constantly present in developed and developing democracies.

The Chinese Social Credit System (SCS) is framed as a set of digital devices and mechanisms providing rewards or punishments as feedback to actors. These feedbacks are designed not only on the basis of the

lawfulness of their behaviors, but also on their economic, social, political or moral actions.

Many observers have been concerned about this complex system, as it will not only track citizens, but also score them considering online purchases, posted content on social media and personal connections one can cultivate. This score is planned to have deep consequences on people's lives and can influence their ability to get jobs, loans and mortgages, as well as other personal aspects of life, reaching even one's ability to travel (CREEMERS, 2021, p 1-3).

If in democracies these wide-ranging systems have not yet been spotted, they are always a pending threat that needs permanent surveillance by government or by its contractors, that, in one way or another, are vested with some features of governmental power.

Of course digital services must be reconciled with protection to personal data. This is a permanent quest of governments, as acknowledged by the Director of the Brazilian National Authority for Data Protection (CONVERGÊNCIA DIGITAL, 2021). This is a big challenge of governments involving the digitization of public services.

The theme has even reached the Brazilian Supreme Court (BRAZIL, 2021.h) in a lawsuit filed by the National Bar Association. In this lawsuit the plaintiff challenges the Regulatory Act n. 10.046/19 (BRAZIL, 2021.i) and its provisions on the interoperability of data basis under the custody of the Federal Government. This regulatory act has established the Citizen Basic Records and data sharing inside the Federal Government.

According to the plaintiff, the act ignites an extremely powerful tool of government surveillance that comprehends not only basic personal, family and professional information of all Brazilian citizens, but also sensitive personal data, such as biometrics, that can be collected for the purpose of automated recognition, like the palm of the hand, digitals, retine or iris or the face shape, voice or the way one walks (BRAZIL, 2021.j).

In another set of lawsuits, the Brazilian Supreme Court issued a provisory injunction forbidding data sharing from telecom companies with a federal governmental agency (IBGE – Fundação Instituto Brasileiro de Geografia Estatística) (BRAZIL, 2021.k). The lawsuit challenged the Presidential Executive Order n. 954/2020 (BRAZIL, 2021.l), that rules on data sharing from telecommunication companies to the IBGE in order

to provide data supporting the production of official statistics during the COVID-19 Pandemic.

According to the provisory injunction issued by the Court, the Executive Order (Medida Provisória n. 954/2020) does not appropriately define how and what are the purposes of the use of the collected data. Thus, it is not possible to assess the necessity and adequacy of the data sharing, with a consequent damage to the substantive due process of law (Federal Constitution, art. 5., LIV – BRAZIL, 2021.m).

The provisory injunction also demonstrates concern with the secrecy of the data to be shared with the IBGE. Although the Executive Order at stake rules that the data will be exclusively used for the aim of official statistics and that IBGE is not allowed to share them with other public or private institutions, the same Executive Order offers no technical or administrative mechanism apt to protect the personal data from non authorized access, accidental leaks or undue use.

With regard to leaks, they have not been a rare event withing brazilian federal administration. The Federal Audit Office (Tribunal de Contas da União) has recently started an audit procedure to verify the adequacy of the Federal Government to the provisions of the General Act on Data Protection (BRAZIL, 2021.n).

Within this audit procedure, the Federal Audit Office has so far collected feedback from 381 federal institutions. The final report is not yet finished, but information from the Audit Office indicate constant leaks of data and low adequacy to the General Act on Data Protection (CONVERGÊNCIA DIGITAL, 2021.b).

In another case, a public service concessionaire that operates the Line 4 of the Subway in the town of São Paulo was sentenced in a class action for violation of basic rights of consumers on sensitive data protection. The enterprise, vested by public powers in the condition of concessionaire, installed a digital platform that collected, used and stored personal data of the subway users without their previous consent (CONJUR, 2021).

According to the decision, the concessionaire had the burden to prove that the system does not store personal data of users, neither realizes facial recognition or records the images. Moreover, the concessionaire, vested by public authorization for the purpose of providing subway services, had

the burden to prove the destination of the data collected. However, none of these happened in the case (BRAZIL, 2021.o).

### **2.3. Artificial intelligence “black boxes”**

There are several challenges to assure that artificial intelligence development will comply with the rule of law in contemporary jurisdictions. Artificial intelligence raises several concerns. One of them that we should consider here relating to fundamental rights are the so-called “black boxes”.

This idea essentially means that algorithms cannot offer a detailed justification on how a certain result/decision was reached. In other words, it is not possible to understand how an artificial intelligence system assesses and ponders data and information. That’s why it is said they are “black boxes”, because data and results can be understood by human beings, but the link between them are undecipherable. As a result, humans cannot understand the process followed to reach a certain decision. This happens even when the inventor of the system is willing to disclose the source code (CORVALÁN, 2018, p. 306).

This is a real legal problem because when fundamental rights and rule of law are concerned, it is essential to understand and validate the “intermediate results”. This means that reasoning structures must be clear and understandable by the human mind. As such, an artificial intelligence structure designed to deal with legal norms must be capable of explaining in human readable language, step by step, the reasoning operations and corresponding legal justifications that were used from the very beginning to the very end of the process (“traceability”) (CORVALÁN, 2018, p. 311).

### **2.4. Right to appeal**

In many democratic jurisdictions the right to appeal is a right of every citizen in judicial and administrative procedures. Although in Brazil there is no explicit fundamental right to appeal it is uncontroversially accepted by interpretation from constitutional provisions. This is also true for administrative proceedings. Many acts that provide on Administrative Procedural Law entrench the right to a second decision on the same issue.

One of the most important is the General Law of Federal Administrative Procedure (BRAZIL, 2021.p), whose article 2nd, X, provides

that in contentious proceedings or in those from which sanctions can exsurge the right to appeal is guaranteed.

The issue here is that the basis of the right to appeal is the right to a second decision from other people than the one or ones who enacted the first decision. This is a way of freeing the second decision of the bias from those who issued the previous one.

In a digital system used to issue decisions on sensitive matters this is quite difficult, even impossible. For that reason, governments that aim to adopt systems designed to issue decisions on administrative proceedings should guarantee the right to appeal to another administrative body. But how to do that when the “judge” is a computational system?

In the lack of a better digital solution, the key to solve this puzzle probably maybe to allow a second decision issued by a a body formed by human beings.

## **2.5. Weakening of public unions and public service**

One important feature of democracy that will be toughly impacted by the deep adoption of e-government tools is the predictable weakening of public service.

It is widely accepted that structured public service and public careers based on merit and professional skills led to the professionalization of public services and that this is a safeguard of rule of law and ultimately of democracy. This is a fundamental tool to secure that long-term policies will be enforced in spite of the government of the moment.

In Brazil, this conception was constitutionalized specially in articles 37 to 42, that provide thoroughly on public services and public servants. Many of these provisions guarantee that public service will be structured in careers and that public officers are vested with guarantees that secure the adequate development of their duties.

As it has been demonstrated, digital public services are a means of facilitating the access to public services and data collection that allows the design of better policies. But, it must be added as a reason for concern that this digitization movement should not be allowed to weaken public services as if government were a machine that has no moral and legal compromises as its fondaments.

Thus, the digitization of public services must be accompanied by a strengthening of career public officers and actual participation in the decisory and strategic spheres, as well as the increment in the participation of the citizenry on public decisions.

## **CONCLUSION**

This paper has departed from the assumption that the empowerment of courts in judicial review of legislation processes have driven constitutional scholarship in Brazil and in many other jurisdictions away from Public Administration matters and from Administrative Law.

This paper is a reminder that the public administration is a major enforcer of fundamental rights and that its functioning rises several constitutional issues. In this path, it focuses specially on digital tools that have been increasingly used by Public Administration in order to perform its constitutional goals and on constitutional concerns that those tools may evoke.

Digital government initiatives can enhance equality of decisions and efficiency in providing public services, involving automation of procedures and decisions aiming to achieve better government and better public services. The main argument is that technology will remove humans (with all their biases and limitations) from some governmental operations (BASU, 2004, p. 110).

On the other hand, digital government initiatives rise concerns on the enhancement of the rule of law. Then, digital systems must contain built-in design features that incarnate rule of law values in order to allow, for instance, a decision-making algorithm to output a decision and also a human-readable explanation to the decision (ZALNIERIUTE; MOSES; WILLIAMS, 2021, p. 11), as well as guarantee privacy. On top of that, there is the dramatic reality of digital illiteracy, detected not only in the developing but also in the developed world.

In order to add its contribution on issues that e-government initiatives may rise, this paper has brought up a set of constitutional themes that can be impacted by the unfettered adoption of digital government tools, such as the right to privacy, the right to a due process and adequate access to public services by people who are digitally excluded.

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