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Book Review

A. HUERGO LORA (ed.) and G.M. DÍAZ GONZÁLEZ (coord.), *La regulación de los algoritmos*, Thomson Reuters-Aranzadi, Cizur Menor (Navarra), 2020

The origin of the volume that is the object of the following recension it is found in the Congress "La regulación de los algoritmos" ("The regulation of the algorithms"), which was celebrated in October of 2019. We can anticipate already the praise that the mere fact of venturing into the production of a scientific study such as the one that we find in the work deserves, keeping in mind that the complexity of it is reinforced because of the novelty and the difficulty of the matter to analyze, challenge that has been exceeded obtaining a more than successful result.

The link that connects the different articles of the present monograph is the need to execute an in depth study about the regulation of the different ways of application of the algorithms and the artificial intelligence as a whole in the diverse legal fields. The concept of algorithm is defined in a precise manner at the begging of the work when the professor Huergo Lora asserts that this term refers to "any formalized procedure that follows a succession of steps with the goal of solvating a problem or achieving a result", which is applied, in general, by a computer through the design of a computer program made for this use.

In regard of the content of the volume, it is structured in two parts, corresponding the first one to the general studies of the matter, and the second one referring to the diverse sectorial contributions. In particular, inside of the first section there is a total of five chapters that deal with, in this concrete order: the general proximity to the algorithms from the point of view of the Administrative Law, part in which is possible to go into a greater detail about this difficult topic, in terms such as the study and classification of the main concepts that surround the figure of the algorithms, the application of the algorithms in the stock market, in the insurance contracts, in the electoral law and in the predictive policing.

At the same time, the second section of the book gathers a total of eight chapters, with a shorter extension than the previous ones, in which it approaches, from a sectorial perspective, matters referring to several present topics in the public and private law such as, without intention of exhaustiveness: the use of the algorithms for the calculus of the economic solvency, concerning the concession or refusal of bank credits; the application in the medical field of this instruments as supporting tools for the adoption of more effective treatment measures; the novelties introduced by the European normative about the performance of the algorithm in *YouTube* or the technique of the *Smart contracts*.

Once delimitated the book structure, it is important to begin the next recension pointing out that topics such as *big data*, *blockchain*, artificial intelligence, data protection, among others, have become, in recent times, institutions that overflow their framing or strict link to the IT file. The disruptive development of the new technologies and the progressive implementation of the different activities in the private scope and the public administrations, converges in the need of the regulation of this phenomenon by the legislator, as fast as possible, and the need of the jurists to do an in depth study about how this new reality that is going to affect the legal system as a whole. The investigation, that arrives in a more than appropriate moment, faces the critical analysis of the main challenges that the citizens, the professionals and the public entities have to deal with against the algorithm phenomenon, inaugurating the beginning of stage in which for reason that are needed this topic will remain one of the main focus of the studies in the legal field.

Because of a systematic reason and with the intention to favor an adequate exposition of the content of the book object to this recension, said one will be focusing in the general reflections that, in the volume are made about the algorithms as an institution of recent application to the different realities of the legal field.

In the monograph, it is stated that the increasing interest about everything related to the artificial intelligence has its reason to be in several factors jointly considered, pointing out in between them, the need to take advantage and obtain an adequate performance of the possibilities and the advantages that the predictive algorithms have to offer in the moment of taking decisions, as well as the urgency of adaptation to a reality that is being imposed in society in a uncontrollable way.

In a context such as the one described, it seems convenient to point out that the book delves into one of the topics that presents a bigger concern from a doctrinal point of view, as is, the determination of the legal nature that is going to be given or recognized to the algorithms. This end is manifested regarding the denominated predictive algorithms, that are the ones that through the evaluation and valuation of the data to analyzed are able to give out judgements that directly influence the result of the final decision. In this case, we are not facing the use of a computer program design for the application of the legal rule, but we find ourselves in a spectrum in which the massive analysis of personal data allows a personalized system, design beforehand, to assess the conduct parameters that are taken as indication to justify the final solution.

This big attribution of decision powers gains an especial interest in the scope of the specific activities of the Publics Administrations, in the sense that the using of these mechanisms of "machine learning" can contribute and favor a more effective development in despite of its application constituting a real challenge when we talk about its supervision.

Because of this, determining or establishing the legal nature of the predictive algorithms becomes an essential matter, closely linked to the necessity to bring under control the decisions derivative of the artificial intelligence programs. This end gains more importance when is our Public Administrations who applies these instruments, and its application can stress or affects directly the juridic scope of the citizens. It is notorious that the administrative doctrine has not focused, for the moment, on the in depth study of this problematic, which is why the reflections that Huergo Lora has offered in this field will constitute, with no doubt, the opening to a new one of investigation.

Synthetically, the mentioned author sustains that it is not possible to put the nature of the algorithms and the nature of the regulations on the same level, given that the last ones count with a content that it is previously defined and, in general, dictated under a previous regulation, while the predictive algorithms reach a result that seems not easy to predict. This artificial intelligence systems weigh up and create links between the massive volume of data subjected to analysis, but often, the results that they obtain cannot be foreseeable or verified in terms of the human rationality, being this factor the main cause that we can find underneath the big difficulty that means the control of them.

The usefulness of the book resides in that, from the reading of its content is possible to separate the concrete problems that the public administrations and the different private operators that use this automatic prediction instruments in the decision making face. So, it is the individualization of this challenges the link that grants sense to this monograph in its whole, as far as each one of the chapters allows the reader to comprehend the difficulties that the legal system will have to face to give cover to the application of the algorithms.

Some of the topics that create a recurring concern in this field, although in this moment it is not intended to make an exhaustive enumeration, come from a problematic that its directly linked with the need for dissemination of the parameters used by the algorithms to establish the correlations. This means that the lack of a suitable level of publicity about how the predictive algorithms have been designed prevents the people affected by the operations to react against the adopted decisions as far it will be impossible to establish the line of rationing that gives origin to the result.

Although, it is true that the obligations of publicity should be interpreted in a bigger or smaller way according to the relevancy that the decision of the algorithm has in the resolution, in such a way that if the effects derived from the prediction are going to be materialized in the people affected, then they should be given the possibility to know which was the procedure to get the decision, with the intent of being sure that the data calibrated by the algorithm does not introduce discriminatory considerations or that the same algorithm does not generate some type of biased decision contrary to the current legal system. Meanwhile, in the other cases where the results of the algorithm do not set the content of the resolution, but they are applied by the Public Administration to determinate which concrete activity sectors their resources should be apply, the obligations of publicity have less relevance.

Directly linked to the problematic exposed in the previous paragraph, it should be qualified other adding difficulty to this discipline. In this sense, even though the design of the algorithm is published to the general public, the whole understatement of its ways of operation requires technical knowledge that surpass by far the aptitudes and the capacities of the common citizens, so the possibility to submit the designs to a good judgment of control would be reserved to a certain kind of people that are professionals and have wide knowledge about the programming of arti-

ficial intelligence algorithms.

With that on mind, the root of the multiple challenges that orbit around the regulation of the algorithms can be redirected to a conflictive question that takes up the center of the concerns that the doctrine and the society have, which is the intrinsic opacity that characterized them.

This fact, at the same time, causes that its control and supervision become a task that is only allowed to a minority. Certainly, it has been checked that some of the more consistent reserves or reluctances at social level about the application of the predictive algorithms, come from the difficulty of determine in a reasonable or predictable way the result or the solution that these tools are going to offer. This lack of foreseeability generates in the people affected by the treatment of data a bigger feeling of distrust for the information than they would feel if it was evaluated by a physical person. To ease, at least in a tiny fraction, this feeling of helplessness against the impossibility of controlling the procedure in which the decision is make, it appears to be convenient to incorporate to the legal system a joint of regulations that allow the citizens to have a greater certainty and trust about the decision that the predictive algorithms make. In this sense, a way of proceed would be, as suggested by Almeida Cerreda, to provided mechanisms that allow to make drills of the application of the predictive algorithms, introducing different joints of data to be able to verify if the result obtain are coherent and find themselves exempt of any bias.

In this context, the scenery that is presented for the future, not that far away, which first experiences have already been manifested and one that the Spanish legislator will have to face necessarily, will require from their part an active labor of regulation of this phenomenon in the Spanish legal system. So, in this way, in one hand, the private sector is granted a joint of regulations trough which is provided and limited the reach of the application of the predictive algorithm when it uses people's data. And, in the other hand, to be sure that the possibility that the Public Administrations have to appeal and use these algorithms in the administrative activity finds a suitable legal frame.

Because of everything exposed, the monograph is very recommendable in as much as it will allow the reader to get a general vision about the key terms, which knowledge becomes essential and finds an intimate link with the relation of the algorithms. In particular, the lecture of the first chapter is no other than mandatory, of remarkably usefulness because it offers a general exposition and fills out the topic of study. Its reading creates a base to complete it with the specialties or different activity sectors that present more personal interest to each reader through the selection of some of the possibilities that are offered in the volume.

Ultimately, the work results outstanding not only because of the huge narrative part brightness of the different chapters, but also because of the accessibility in which is expose such a hard subject as is the study of the particularities and challenges to overcome around the regulation of the artificial intelligence algorithms. All of this makes the monograph a more than recommendable tool for those who desire to study the legal system of the algorithms through the analysis of their application in different areas that cover a large number of questions regarding of public and private Law, as well as the challenges and perspectives that must be overcome in the future for the progress and adaptation of our legal framework to these new instruments (reviewed by NOELIA BETETOS AGRELO).

P. Bance et J. Fournier (eds.), *Numérique, action publique et démocratie*, PURH, Mont-Saint-Aignan, 2021.

This book is a gem that we highly recommend. This very dense work published by the Presses universitaires de Rouen et du Havre presents a perspective from public agents themselves. There are few or no lawyers, but rather economists and many members of the high-level public service (thirty-seven authors according to our count), most of whom have been implementing digital administration reforms since the 1990s.

The book in divided in three parts and twenty-one chapters. The first part is devoted to the theme of 'Digital government and public action'. Six chapters are related to the effect of digital technology on state's sovereignty, the French state's action in favour of digitisation or the environmental consequences of the digital revolution. The second part is devoted to the theme of "Digital and collective services". It adresses education, health and culture. Finally, the third part is devoted to "Digital and democracy", as indicated in the title. Although it is not clear what definition of "democracy" is refered to : some developments adress justice, some others, personal data protection or even territorial attractiveness. It should be noted that each chapter is coupled with a beautiful and substantial bibliog-

raphy.

The diversity of themes and analyses render difficult to give an exact picture of the book. We will mention two chapters out of the twenty-one, somewhat arbitrarily. In the first part, chapters 1 and 5 can obviously be linked. Chapter 1 is entitled 'Sovereignty after the digital revolution' (H. Verdier and S. Henry), chapter 5 « Je t'aime... moi non plus'. French sovereignty and digital infrastructures » (P. Bonis and G. Beauvallet). H. Verdier and S. Henry devote their analysis to the deterritorialisation of human activities and the questioning of state sovereignty that it induces; P. Bonis and G. Beauvallet deepen the analysis and focus on the theme of digital infrastructures, with an approach that will allow the lawyer to understand the different aspects of the question and the stakes of a battle that is not played out exclusively at a distance on remote platforms, but also on national territory (very high speed, 5G, security, net neutrality, etc.). The reading of these two chapters is enriched by the substantial chapter 2 devoted to a historical and contemporary presentation of government policy in the digital field (reviewed by PHILIPPE COSSALTER and HICHAM RASSAFI-GUIBAL).

I. Martin Delgado (ed.), *El procedimiento administrativo y el régimen jurídico de la administración pública desde la perspectiva de la innovación tecnológica*, Madrid, Iustel, 2020.

The theme examined in this book, edited by Isaac Martin Delgado, is extremely topical, and the doctrine, case law and legislators (of the various Member States and Europe) are focusing their efforts on it with a view to a definitive transition to digital administration. But the peculiarity of the book is certainly in the premises: it is very clear, in the idea of all the authors, the extent of the difficulties underlying the full introduction of new technologies in administrative procedures. The book under review is structured in nine chapters, which assume extreme relevance in a global reflection that may lead to an automated administrative procedure without, however, entailing an infringement of citizens' fundamental rights. The book, therefore, assumes a multidisciplinary approach: a comparative study is carried out with the French and Italian model, the themes of the organisation of digital administration and e-procurement are analysed, the compatibility profiles between automation and administrative procedures are verified, and a focus is placed on the theme of the datafication of administrative action, with all the problematic profiles underlying it.

The first chapter (C. Isabel Velasco Rico) is concerned with providing a comparative analysis, not only analysing what is announced in the title (i.e. the French and Italian models), but also extending the study to e-administration in the United States and Estonia. The introduction of the work is extremely interesting, as it shows how the digitalisation of administrations does not depend on a pre-existing legal text. Indeed, while Italy is equipped with a body of legislation (Legislative Decree no. 82 of 2005, the Digital Administration Code), France is characterised by a model of codification *a droit constant*, with eminently case law origins. In particular, the French legal system, with the Loi n° 2016-1321, focuses on administrative transparency as a legal criterion to legitimise the model of administration by algorithms; with reference to Italian legislation, the author analyses Law n° 241 of 1990 and the Code of Digital Administration. The most interesting aspect is certainly the investigation on the point of "electronic" democratic participation (p. 47), regulated by art. 9 of the CAD, which constitutes one of the most invoked provisions in an inclusive perspective of digitalisation, considering the rules on participation in general administrative activity. As mentioned above, the study also considers the US and Estonian models. With reference to the former, it is argued that "la evolución del sistema de *notice and comment* por medios electrónicos ha generardo un crecimiento exponencial de los participantes en los procedimientos" (p. 53). As to the second one, instead, the author identifies digital identity and data interoperability as "claves fundamentals" of the Estonian model. Finally, some conclusions are drawn regarding the creation of a new provision on the administrative procedure containing a catalogue of citizens' rights that can be protected and guaranteed also using new technologies. Among the various solutions proposed, it is felt that the notice and comment model should be recovered and that the centrality of the datafication process should be increased with a view to guaranteeing greater objectivity and certainty to the digital actions of public administrations.

In the second chapter (E. Gamero Casado) - after having carried out an interesting and exhaustive survey on the competences of the State according to the current legislation - the investigation focuses on the regime of e-administration within the system of competences of the State, in which several important aspects have emerged. The first one, which is carefully underlined by

the author, concerns the circumstance that e-administration has gone beyond the binomial law on the procedure/law on electronic access, to converge in a corpus of normative provisions that move in a perspective of total inclusion of the new digital mechanisms in the exercise of power, even if causing many problems (p. 78). In continuing his reflections, a theme of relevance is the principle of preference of the electronic medium governed by art. 3.2 of Ley n. 40 of 2015. According to the author, this needs to be supplemented with additions to the digital infrastructures to make a whole series of services concretely usable for the community, which the public administrations must necessarily guarantee and which, until now, have been ensured by human input. The second point of observation for evaluating the State's competence department, with respect to the entry of new technologies, is that of interoperability, where the Ley de Acceso Electrónico de los Ciudadanos a los Servicios Públicos (LAECSP) required the creation of a Esquema Nacional de Interoperabilidad. The aim of interoperability is undoubtedly to simplify the activities of private individuals and ensure greater trust in data held by public administrations. This objective is confirmed by Article 53.1 d), which states that it is not necessary for the private individual to submit data or documents already in public administrations' custody. The valuable work continues with the investigation of the "competitive" possibilities of the Autonomous Communities in the process of innovation of the administrative procedure, taking as reference the Basque Country model. Firstly, Gamero Casado proposes the inclusion in the Statute of Autonomy of a provision that would guide the use of electronic means in the exercise of administrative activity, "estableciendo sus principios ordenadores, lo cual no se circunscribe a una mera declaración de intenciones, sino que también representa un relevante criterio interpretativo de las disposiciones que regulan la materia y de la propia actividad administrativa que se dicte en su aplicación" (p. 92). Alternatively, it is proposed that a law should generally regulate e-government and its capacity to promote development and innovation. In addition to the regulatory proposals, the implementation of technological solutions is proposed to ensure the provision of the main services through electronic administration, which have been defined by the Constitutional Tribunal as "aspecto central de la potestad de auto organización inherente a la autonomía" (p. 99).

The third chapter (J. Fondevila Antolín) concerns the assessment of which organisational model is the most effective and efficient to trace a complete path towards the effectiveness of digital administration. As is well known, an adequate administrative organisation is not an end but serves to guarantee the correct and functional exercise of administrative action. There are several premises in this paper, all of which are extremely interesting: verifying whether one should proceed with a 'peripheral' organisation of technological implementation, or whether a centralisation of management would be more appropriate for this process; delimiting the competences and functions of the bodies guiding the digitalisation process; providing a timetable for the compulsory entry of e-government and adopting criteria for the coordination between technology and law; establishing the digital signature tools and which notification tools the administration opts for (pp. 106-107). The author rightly considers that, to verify which of the organisational alternatives is the most effective for adapting public administrations to technological progress, he must make some preliminary considerations on what the 'new' administrative organisation should implement. Firstly, the main tools with which to implement the 'e-Administración' are reviewed, including: the elaboration of an autonomous regulatory framework, the use of electronic signatures, the management policy of electronic administrative documents and the provision of a regulatory measure that seeks to balance the administrative activity carried out by computer with the rights of citizens. Subsequently, it is carried out a survey of electronic services and their impact on organisational models, and the part of greatest interest, in the Author's opinion, is that relating to the necessary structural and technical collaboration in the creation of a coherent model of digital administration. After making an important analysis of the organisational models (centralised and peripheral) that are most efficient for e-administration, the author analyses the Basque organisation in concrete terms. For example, critical profiles are highlighted in terms of legal compatibility with the security regime of information systems. Fondevila Antolín's conclusions are divided into four points, which can however be summarised in two aspects: the first, from the organisational point of view, whereby the organisation of the Departamento de Gobernanza Pública y Autogobierno is suitable for an adequate insertion of IT tools in the public administrations; the second, from the perspective of the legal resistance of the e-Administración, whereby

it is certainly necessary to foresee bodies technically competent in understanding technological logic, otherwise it will not be possible to guarantee adequate services and coherent activities to the community (p. 141).

An extremely interesting chapter is the one written by R. Martínez Gutiérrez, which analyses the legal regime of digital administration: for this purpose, the author analyses the content of Law no. 39/2015 and Law no. 40/2015, regarding the provisions relating to electronic administration. There are several rules that require the transition to a new way of administering: with reference to Law No 39, it is enough to think of Article 14, which provides the "Derecho y obligación de relacionarse electrónicamente con las Administraciones Públicas". Regarding the latter, particularly interesting are articles 38 to 46, which regulate the internal functioning of the tools of the electronic administrative procedure and the Digital Administration. Subsequently, the chapter also analyses Royal Decree No. 3/2010, on the Esquema Nacional de Seguridad, Royal Decree No. 4/2010, on the Esquema Nacional de Interoperabilidad, and the technical regulations necessary for the implementation of security and interoperability systems. An extremely interesting part of the chapter concerns the research of the main problematic aspects of the general administrative procedure. In this sense, the A. analyses the provisions on the electronic register of proxies, on the electronic seat and its relationship with the electronic register, on the assistance offices in the field of electronic registers, l. 39/2015 points out problems of terminological confusion. Among the various critical profiles, the A. also considers electronic document management and document exchange in the perspective of the datafication of the administrative function. The main section of the chapter is devoted to conclusions, in which the author also proposes the structure of a body of legislation on digital administration and electronic administrative procedures in the Basque Country. Among the various conclusions, following the considerations made on Laws Nos. 39 and 40 of 2015, it is proposed that the Basque regulatory provision on digital administration could be the standard for the development of state laws, inserting provisions through a decree (p. 207). Moreover, without recovering all of them, we point out the most interesting ones in a perspective of constant development of digital administration. We refer to those on the electronic register and the register assistance office, where the author calls for the systematic use of these tools and, however, a transitional regime that allows the transition from traditional administration to digital administration; furthermore, extremely interesting are the considerations on electronic document management, where a clarification of this regime is proposed "sobre la base de lo determinado en las normas técnicas de interoperabilidad en materia de gestión documental electrónica" (p. 214).

The fourth chapter (I. Alamillo Domingo) investigates the digital administration legal regime from the point of view of technological aspects, electronic platforms and intermediary services, aspects inherent to the 'new model of administration' (p. 225). The author's starting point can be found in the assumed centrality of the electronic office as a space for relations, as well as in the communicative institutes at its basis, such as electronic registration and electronic notification. Indeed, the important normative reconstruction offered by Alamillo Domingo highlights how the Spanish model of electronic administration is part of a archetypal of electronic operation based on remote access to the information systems of the administrations by the interested parties. On this point, the author emphasises how such an interpretation constitutes a barrier that is difficult to overcome with a view to making use of the opportunities offered by the latest technologies (p. 233). Subsequently, the study analyses the impact of e-services platforms directed by public administrations, offered for the administrations themselves and for private operators. The analysis carried out in this part of the work focuses on profiles relating to the legal regime of these platforms and their impact on the e-government model, also from the procedural point of view, which obliges to redefine citizens' traditional guarantees. After having adequately reviewed the regulatory profiles and the case law approaches, the author seems doubtful with reference to the lack of reliability of both the electronic notification practices and especially the electronic register. In this last case, indeed, the main criticism is to be found in the burden of proof on public administrations, which constitutes a limitation with respect to the increased use of new technologies in the provision of the public administration services (p. 248). After having explored the issues related to the use of Blockchain technologies (et similia), also considering the European initiative on the construction of a 'European infrastructure of Blockchain services', several conclusions are formulated by Alamillo Domingo, which are extremely consistent with the path taken in the work. One of

the most interesting is certainly that digital administration can be implemented in 'cyberspace'. In this sense, the use of apps and web services as an aid to the submission of documents to the administrations supposes a new model of communication between the interested party and the administration (p. 271). A further conclusion could be a sort of outsourcing of the information systems of the public administrations in favour of the private sector, which could be shared in a logic that is above all organisational and lacks administrative staff technically competent to respond to these challenges. Finally, according to the author, blockchain technology constitutes an important resource in the perspective of information exchange between administrations of data and documents, which certainly satisfies a need for administrative coordination and efficiency in the public function.

Criado's chapter focuses on the presence of public administrations on the Internet using social networks. Before reviewing the various actions promoted in the Spanish legal system to promote the online presence of administrations, Criado points out that there are three ways of understanding these dynamics: creating web pages and social networks for the provision of online services; identifying the impact of these technologies to assess, for example, the efficiency of the administration, the level of corruption and the perception of the community regarding the quality of services; and developing actions to configure new technologies in the public sector. The first line of investigation concerns the presence of public administrations on web pages and digital social networks. With reference to the first point, although there have been different approaches that have considered the use of web pages by public administrations to be a consensus on both the organisational and social-political sides, Criado argues that Spanish society cannot enjoy the services offered by the new technologies due to the lack of development in the use of the Internet (p. 281). It is stated, however, that the Spanish Government, to tackle the digital divide, is introducing infrastructural actions aimed at guaranteeing full use of the benefits offered by the network. Regarding the second point, particularly interesting is the reflection on the management model of social networks, which can be three: centralised, decentralised and distributed (p. 284). The choice of one model over another has several implications. Particularly interesting is the graphical representation of the relationship between administrations and citizens regarding the use of websites and social networks. In fact, it has been shown that from 2006 to 2017 the use of e-Administración has increased by up to 70% by citizens; the degree of satisfaction with e-Administration is around 75% of citizens, the use of the internet by public administrations has increased from 10% in 2006 to almost 70% in 2017, despite the preferred channel of access by citizens remains in presence (p. 292). Citizens, as a social network, mainly use Facebook, and secondly Twitter and Instagram, once a day on average. After an exhaustive review of the legislation on the use of websites and social networks by public administrations, there are suggestions and some necessary additions in a digitally inclusive perspective. Regarding to the administrations' presence on the websites, the following are highlighted: the need to implement skills both on the administration's side and on the citizens' side; to increase citizens' trust in the provision of digital public services; to improve the security of public services on the web; and finally, to make digital public services concretely accessible. Regarding the use of social networks by administrations, it is necessary to have technically competent staff, to define a valid strategy to increase the development of this use, and to provide economic and technological resources.

The book also analyses the well-known subject of e-procurement, on which Gallego Còrcoles dedicates several pages that are important for understanding the problem. The author's critical approach regarding the evolution of computer tools in procurement procedures is undoubtedly useful. She considers that there are "consecuencias de la cortedad de miras del legislador estatal respecto a la contratación electrónica" (p. 322). These include doubts about the institutional model of electronic public contracting adopted, the lack of regulation on electronic notifications and the lack of vision in considering e-procurement as a useful element in the provision of public services. The chapter is divided into several sections, which first consider the division of competences in public procurement, the normative reconnaissance of the general rules on e-government and the main constitutional case law on the division of competences in the management of contracts in electronic form. The core of the work starts, probably, in the fourth section, where the author addresses central aspects of electronic public contracting, without, however, setting aside reasoning and general elements relating to electronic administration. In this sense, there are very stimulating reflections on electronic signatures, an extremely

discussed topic also in the Italian legal system, and on the use of electronic contracting platforms. In the writer's opinion, the most innovative aspects are to be found in the author's numerous conclusions. Firstly, in view of Article 11(b) of Ley Orgánica no. 3/1979 on the Statute of the Basque Country, the latter has powers over the development of complementary aspects of the bargaining procedure, concerning the place of notification or the forms of accreditation. This competence, together with that on e-government, would allow it to regulate innovative aspects related to e-procurement. In addition, a proposal is made to amend the legislation on electronic notifications, with reference to certain aspects: the notifications must refer to those that take place during the negotiation phase; the place of receipt of electronic notifications must be established; the moment from which the notifications take effect must be indicated. In the context of the reorganisation of web portals, the nature of the Basque platform for public contracts should be defined. In this way, it could be established that the platform is the tool through which information on public procurement and services can be accessed, including those in the electronic venue. For this purpose, the A. proposes there should be part of the electronic venue not only the "contractor profile", but also the electronic services related to electronic procurement, including the one related to computerised tendering. Finally, the approval of the new regulation on digital procedure and administration in the Basque Country is an important step in the development of the Basque Country. The Basque Country's digital administration represents an opportunity to define more precisely the nature of the Basque Government's e-tendering instrument, which should complement the Government's e-tendering instrument, integrating it into the electronic office. Moreover, any characterisation of it as a registry should be consistent with its configuration in the Regulation. Finally, the possible approval of it, in the same way, should also be consistent with the general determinations established in this regard in the future regulation.

The chapter written by A. Cerrillo i Martinez is dedicated to another extremely topical issue in the field of public power, that is the relationship between administrative action and the use of computer algorithms/artificial intelligence. In the introduction, the risks and (presumed) benefits underlying the use of automation tools are highlighted: effectiveness, efficiency, cost-effectiveness, and good administration are contrasted with the difficulty of making a fully automated decision transparent and motivated. Afterwards, some cases of automation by public administrations are highlighted, which in the reading of the hypotheses formulated by the author do not consider the decision-making profiles. For example, reference is made to the automatic digitisation of documents, the automatic initiation of official procedures, the automatic publication of notifications and announcements in the BOE, and the exchange of documents between public administrations. Still about automated administration, Cerrillo i Martinez identifies as the legal basis the Ley 11 of 2007, which defines the automatized administration that is "producida por un sistema de información adecuadamente programado sin necesidad de intervención de una persona física en cada caso singular" (p. 392), also establishing that there must be a person who supervises the IT tool and the body possibly responsible for the appeal. Subsequently, the author goes on to assess the various legal challenges that await the new automated administration, which can be summarised as follows: in the principle of the private individual's legitimate expectations with respect to the automated decision; in the need to guarantee a transparent and reasoned algorithmic decision; in the guarantee of the principle of non-discrimination with respect to the use of algorithms. A further critical profile concerns the difficulty of adapting automated decisions to the rules of administrative discretion. This is a particularly complex aspect since, also recalling the studies of Valero Torrijos, it is believed that where there is the exercise of discretionary power, the algorithm can only be an instructive support, but can never go so far as to decide in the absence of human input (p. 407). This list includes the need to define when administrations can make use of machine learning, the determination of criteria to guarantee the software's transparency and the need to increase the guarantees of the community affected by the automated decision, especially as regards the possibility of challenging the administrative measure.

The last chapter (by J. Valero Torrijos) deals with a subject on which the debate has been open for years, that is the protection of personal data in the context of electronic administration. After a first part of legislative overview, both national and European, and an in-depth study of the Constitutional Tribunal's ruling no. 292/2000, the chapter analyses the main practical implications of adapting to the new regulation on the protection of personal data with a

view to implementing e-Administration. After a first part of legislative overview, both national and European, and an in-depth study of the Constitutional Tribunal's ruling no. 292/2000, the chapter analyses the main practical implications of adapting to the new regulation on the protection of personal data with a view to implementing e-Administration. In particular, three central aspects emerge in the reconstruction of the A.: the register of processing activities as a new obligation of transparency of public administrations, in accordance with Article 6-bis of Law No. 19/2013 on Transparency, Access to Information and Good Administration; the use of electronic tools in document management, whereby the use of technology in the processing of personal data is valued because it facilitates compliance with the requirement of proactive responsibility in Article 5.2 GDPR; the essential character of the measures provided for by the National Security Scheme (ENS). According to Valero Torrijos, one of the main measures envisaged by the Data Protection Act is the modification of the legal provisions relating to the input of documents by data subjects, recalling Article 28.1 of the LPACAP. Under this provision, they must provide the data and documents requested by public administrations in accordance with the regulations applicable to the proceedings. The reform of Article 28 recognises the right of opposition of the persons concerned, although limited to proceedings initiated at the request of a party or to official proceedings, as long as it does not involve the exercise of powers of inspection and sanction. Moreover, the author underlines that one of the most problematic issues concerns the dissemination of information in the public sector, with reference to the use of electronic means in the service and publication of administrative acts. Further on in the study, it is highlighted that Article 25 of the Law on the processing of personal data has provided for some measures concerning minor sectoral areas, establishing some specific provisions. It refers to the data processing within the framework of the public statistics function, the data processing for archival purposes, and the data processing of administrative offences and sanctions (pp. 435-436). In the conclusions, the author presents a 'catálogo prioritario de recomendaciones en formato ejecutivo', including the need to provide specific regulation for the conservation of data for archival purposes in the public interest (p. 444), as well as general measures to implement the digital transformation in practice (reviewed by ALESSANDRO DI MARTINO).

H. Bégon-Tavera, *La transformation numérique des administrations*, La documentation française, Paris, 2021.

This is a very interesting book, to be read with the previous one. It offers a synthetic and very pragmatic vision of the digital transformation process of French administrations, both central and local. This book is a sign of the absorption of digital technology into the common body of law and administrative practices: it is intended, according to its author, to prepare for administrative competitions. A terminological study opens the book, which consists of seven chapters devoted to the challenges of the digital transformation of administrations (1), international comparisons (2) and a very impressive list of public digital actors in France (4). Despite the apparent exhaustiveness, the reader is never bored, as the author constantly provides concrete examples. This book is really useful for both administrators and lawyers. Hélène Bégon-Tavera's book is a standard work for those interested in digital administration issues (reviewed by PHILIPPE COSSALTER and HICHAM RASSAFI-GUIBAL).