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RISKS OF USING DIGITAL TECHNOLOGIES IN THE ACTIVITIES OF LOCAL GOVERNMENT BODIES**

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The subject. The article analyzes the existing practice of implementation and use of digital technologies at the municipal level. The choice of the research object is conditioned by the fact that currently most acts in the field of digitalization of public authority affect the federal or regional level, meanwhile, the digital transformation of local self-government has its own specificity, due to the peculiarities of this level of social management, which should be taken into account in the legal regulation.

The purpose of the study: identify the risks that have a negative impact on the process of digital transformation of local governance, and propose measures to minimize or eliminate the identified risks by legal means.

Methodology. The research utilized integrated and interdisciplinary approaches. The methodological basis of the study was formed by a set of methods of cognition, the main of which were: methods of formal and dialectical logic and analysis, comparative-legal and system-structural methods, as well as sociological methods of research.

Conclusions. The following conclusions were made based on the results of the research:

1. The main risks of introducing digital technologies in the activities of local government are: the risk of violating the security and confidentiality of personal data of citizens during their processing and storage in the digital systems of local government; the risk of cyberattacks, hacking or unauthorized access to information systems operated by municipal authorities; the risk of insufficient legal regulation of the introduction and use of digital technologies; the risk of using inappropriate or low-quality digital technology.

2. The following measures are proposed as measures to minimize the identified risks: systematic mandatory informing of both local government officials and the public on the correct procedure and liability measures for the implementation and operation of digital technologies, transmission, storage and processing of personal data, etc., which will contribute to the formation of the necessary level of legal literacy; revision of the system of penalties for deliberate violations in the field of operation of digital technologies by local government officials; organize control over the acts adopted by local government bodies with the involvement of the population and the use of digital technologies to receive feedback from the population on the acts adopted by local government bodies; develop and consolidate the principles and procedures for the introduction and use of end-to-end digital technologies in the activities of state and municipal authorities; provide for the possibility of revising any decision made in case of a technical failure that occurred in the course of the decision-making process; provide for the use of digital technologies in the activities of state and municipal authorities; and provide for the use of digital technologies in the activities of local government bodies.

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1. Introduction

Due to the continuous development of digital technologies (hereinafter referred to as DT), their implementation in the activities of local government bodies becomes inevitable. The digital transformation of municipal governance is designated as a national development goal of Russia until 2036, with one of the target indicators being the automation of municipal governance, based on the accelerated implementation of "big data processing technologies, machine learning, and artificial intelligence." This highlights not only the theoretical but also the practical significance of researching issues related to the implementation and use of DT in municipal governance.

Various aspects of the application of DT by local authorities, including in the field of municipal services, are the subject of research by many Russian and foreign scholars. Actively discussed topics include the development of "smart city" technologies and their legal regulation [1, p. 70–73; 2; 3, p. 470–474], issues of ensuring technological sovereignty, including the determination of "best available technologies" [4, p. 146–152], the legal regulation of specific DT applications [5], the analysis of digital inequality causes and measures for its elimination [6; 7, p. 32–39; 8, p. 52–58], and the legal regulation of the use of information systems in the functioning of local government bodies [9, p. 56–59]. The questions about the peculiarities and impact of digitalization and digital transformation on the activities of local government bodies are also actively discussed [10, p. 93–100; 11, p. 51; 12, p. 758–764], same being true for foreign scientific literature [13, p. 133–136; 14]. Scholars and practitioners consistently emphasize the importance of studying the issues of DT implementation and usage by local authorities [15, p. 1840].

Undoubtedly, the use of modern DT provides enormous positive opportunities, but it also carries risks, the identification and analysis of which are key factors in the full implementation of the digital transformation process of local governance. Understanding these risks will enable the formation of not only balanced legal regulation but also practical recommendations for the most effective use of DT by municipal officials. An important part of researching these issues is analyzing the opinions of practical workers on the problems they encounter during the implementation and operation of DT.

In this regard, the aim of this study is to identify risks that negatively affect the process of digital transformation of local governance, as well as to propose measures to minimize or eliminate the identified risks through legal means. To achieve the research aim, the following tasks must be addressed: determine what should be understood by the risk of implementing DT in the activities of local government bodies; identify the main problems that practitioners face during their implementation and operation; analyze the main risks of implementing such DT.

Solving the outlined research tasks is crucial for determining the readiness level of local authorities to implement DT in their activities, as well as for developing recommendations to minimize or eliminate the risks.

2. Research Methodology

The study utilized a comprehensive and interdisciplinary approach. By applying methods of formal and dialectical logic, the concept of "risks of implementing digital technologies in the functioning of local self-government bodies" was formulated. The analysis method and comparative legal method allowed the authors to characterize the implementation and use of DT in the activities of local authorities, and then, using the systemic-structural method, to identify and consider the main risks of DT implementation in local self-government activities.

The use of sociological research methods allowed for the consideration of law enforcers' opinions on the studied issues. From September to November 2023, the authors conducted a survey of local self-government officials in the Saratov region. A total of 48 questionnaires were collected (one from each of the 37 municipal districts of the Saratov region, as well as 11 questionnaires from the urban district "City of Saratov"). The questionnaire included

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blocks of questions, the answers to which allow identifying the problems that practical workers face when applying IT and systems in their activities, evaluating the opinions of local self-government officials regarding the possibilities of using artificial intelligence technologies in their work, and determining whether "end-to-end" digital technologies are used in the municipality.

3. The Concept of Risk in Implementing Digital Technologies in the Functioning of Local Self-Government

Risks of digitalization and digital transformation in state and municipal governance are often considered by scholars in social, economic, technological, and legal aspects [16; 17; 18]. However, there is no established definition of the term "risk of implementing digital technologies in the functioning of local self-government bodies" in legislation, scientific literature, or law enforcement practice.

In scientific works, risk is generally understood as the danger or probability of negative events occurring. For example, Y.A. Tikhomirov defines risk as "the probable occurrence of an event and the taking of actions that entail negative consequences for the implementation of a legal decision and may cause damage to the regulated sphere" [19, p. 31]. S.A. Agamagomedova understands risk as a "model of an adverse scenario for the realization of legislation" [20, p. 462], and N.A. Kolokolov considers risk as "acting under conditions of potential danger" [21, p. 47]. In the field of information technology and information security regulation, the risk of information security is highlighted. S.A. Nesterov defines this type of risk as the potential "possibility of causing damage associated with a breach of information system security" [22].

However, there is also a positive definition of risk as of some action taken in the hope of a successful outcome or the probability of both positive and negative events occurring [23, p. 8–9]. Undoubtedly, the definition of risk largely depends on what type of risk and which area of activity we are considering, although risk always represents the probability of something occurring.

Most often, risk is associated with the occurrence of negative consequences. For example, the category of "risk" appears in judicial practice, where the term "risk" is mentioned specifically as the probability of negative events occurring. *For instance, in 2022, the Terbunsky District Court of the Lipetsk region made several decisions related to the failure to provide municipal services to the population in electronic form. The court imposed an obligation on the administration of the Terbunskiy rural settlement of the Terbunsky municipal district of the Lipetsk region to post information on the provision of municipal services in electronic form on the regional portal of state and municipal services. The court's decisions indicated that providing such services aims to "reduce corruption risks"*[1].

Additionally, *in the decision of the Alexandrovsky District Court of the Orenburg region dated January 28, 2020, case No. 2A–560/2019, where the administrative claim of the prosecutor of the Alexandrovsky district of the Orenburg region against the administration of the municipality "Yafarovsky rural settlement" of the Alexandrovsky district of the Orenburg region was considered, it was noted that the inaction of this administration, expressed in the failure to implement measures in the field of personal data management, creates a risk of unauthorized use, confidentiality violations, and harm to data subjects"*[2]. In this case, the category of "risk" is also used in the context of the probability of negative events occurring.

Identifying so-called violation risks (negative risks) is necessary to detect possible violations and respond to them in a timely manner. Conversely, identifying risks with positive consequences (positive risks) is necessary to support and stimulate the positive effects of certain actions. However, both positive and negative risks are associated with the

[1] Decision in Case No. 2–376/2022 dated October 21, 2022. [Electronic resource] URL: https://судебныерешения.рф/70268344 (accessed: February 15, 2024); Decision in Case No. 2–370/2022 dated October 21, 2022. [Electronic resource] URL: https://судебныерешения.рф/70268446 (accessed: February 15, 2024).

[2] Decision dated January 28, 2020, in Case No. 2A–560/2019. Aleksandrovsky District Court (Orenburg Region). [Electronic resource] URL: https://sudact.ru/regular/doc/UxGQzow7Jk5t/ (accessed: March 10, 2024).

probability of an event occurring.

Thus, the risk of implementing and using DT in the functioning of local self-government bodies is always the probability of an event occurring, the consequences of which can be either positive or negative. The nature of these consequences, as defined in the risk definition, constitutes its essential characteristic and determines the nature of risk management work.

This study focuses on negative risks, as they are most significant for law enforcement.

Therefore, *negative risks of implementing digital technologies* in the functioning of local self-government bodies should be understood as the probability of events occurring, the consequences of which may include direct or indirect violations of legislation, restrictions on individual rights, and limitations or impossibilities of using digital technologies, arising during the implementation and operation of digital technologies in local self-government activities.

4. Main Problems of Using Digital Technologies in the Activities of Municipal Authorities According to Law Enforcers' Opinions

Local self-government officials from the Saratov region and the city of Saratov were asked to express their opinions on the problems they encounter when using digital technologies and systems, with the opportunity to select multiple proposed options. The main problems identified by the respondents include: lack of necessary equipment — 58.3%, shortage of qualified personnel for digital transformation — 60.4%, duplication of work (manually entering information into various databases and systems, while having to use paper media nonetheless) — 62.5%, insufficient explanations on how to work with information technologies and systems — 56.3%, lack of information/knowledge on using DT — 52%, and absence of legal regulation — 50%. A significantly smaller number of respondents identified constant malfunctions of used information technologies and systems — 29.2%, and funding problems — 25% as main issues of DT use. The obtained data allow for the identification of key DT risks in local governance.

Additionally, respondents were asked to answer questions about the use of "end-to-end" digital technologies in the municipality in 2020 and 2023. According to the responses, 66.6% of respondents noted the use of big data processing technology in 2020 in their municipality and 47.9% noted the use of artificial intelligence (hereinafter — AI) programs, while only 25% of respondents noted the use of big data technology and 16.6% AI in their municipality in 2023. Thus, compared to 2020, these indicators significantly decreased, which may indicate a slowdown in the digital transformation processes of local authorities.

The obtained data indicate the need to develop measures for legal stimulation of the municipal governance digital transformation process. Such measures could include qualitative legal regulation of the procedure for applying end-to-end digital technologies, including that by local authorities. Currently, actions under conditions of insufficient legal regulation of AI technologies, big data processing, and cloud solutions lead to various claims from the population and prosecutorial authorities. Consequently, local self-government bodies minimize the use of these technologies in their activities.

5. Key Risks in Implementing Digital Technologies in the Functioning of Local Self-Government Bodies and Measures for Their Mitigation

The implementation of digital technologies (DT) in the functioning of local self-government bodies is associated with the emergence of new, specific risks. Analysis of law enforcement practice and scientific literature has identified the following key risks in using DT in the functioning of local self-government bodies:

Risk of confidentiality breach of personal data during their processing and storage in the information systems of local self-government bodies. J. Sartor, analyzing the observance of human rights in the use of information technologies, highlights the risks of unlawful use of personal data [24]. Such a problem is not uncommon in law enforcement practice. For instance, in the previously mentioned decision dated January 28, 2020, case No. 2A–560/2019, the administrative claim was filed by the prosecutor precisely due to the administration's

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violation of legal requirements for working with personal data (failure to publish on the official website the documents provided for in subparagraph "b" of paragraph 1 of the list of measures aimed at ensuring the fulfillment of obligations provided by the Federal Law "On Personal Data"[3]). Mitigating this risk can be achieved through a combination of legal, technical, and organizational measures.

Risk of cyberattacks, hacking, or unauthorized access to information systems operated by municipal authorities. This can lead to data leaks, system outages, data integrity violations, and consequently, damage to citizens and authorities. In Saint Petersburg alone, over 6,500 cyberattacks were recorded in the first quarter of 2024[4], indicating a high level of potential danger for information system breaches. There is also a risk of digital data manipulation, which can lead to information distortion and falsification of municipal service results.

Risk of insufficient legal regulation of the implementation and use of digital technologies. This can lead to uncertainty in the law enforcement process. Currently, local self-government bodies actively implement and use AI technologies and big data processing in their activities. Often, the use of these technologies is associated with restrictions on individual rights. For example, facial recognition technology used in "smart cities" limits the right to privacy. Although Article 11 of the Personal Data Law restricts the use of biometric personal data, these data are widely used by AI systems in practice. Issues regarding the use of personal data in AI systems and big data processing technologies remain unregulated, leading to potential rights restrictions for citizens and inconsistent law enforcement practices.

Risk of using inappropriate or low-quality technical or software solutions, which can lead to system failures or their inadequacy for specific needs. This risk typically arises due to insufficient funding for local self-government bodies. Related to this is the risk of restricted access for citizens to digital services due to technical problems, lack of access to digital devices, or unavailability of high-speed internet. Additionally, the use of inappropriate DT poses a threat of misuse by certain individuals. An example is a recent situation in Irbit city of Sverdlovsk region, where the number of participants in an online vote on renaming Lenin Square exceeded the city's population by 8,400 people. The discrepancy occurred because the same person could participate multiple times by accessing the site from different devices or using different IP addresses[5]. This risk should be considered when developing legal regulations for using digital technologies in decision-making. Specifically, there should be provisions for reviewing any decision made if a technical failure is detected during its process.

Risk of insufficient professional competence in using digital technologies and understanding their legal aspects. The problem of a lack of personnel with digital competencies, as seen from the presented sociological research results, is quite acute. Measures have already been taken, including legal ones, aimed at addressing this issue. For example, Presidential Decree No. 309 of May 7, 2024, includes provisions for the formation of a system for recruitment, development, and rotation of personnel within the framework of digital transformation of municipal governance.

6. Conclusion

The conducted research allows for the following main conclusions and recommendations:

1) the risk of implementing and using DT in

[3] Resolution of the Government of the Russian Federation dated March 21, 2012, No. 211 (as amended on April 15, 2019) "On the Approval of the List of Measures Aimed at Ensuring the Fulfillment of Obligations Provided by the Federal Law 'On Personal Data' and Regulatory Legal Acts Adopted in Accordance with It by Operators Who Are State or Municipal Bodies". Rossiyskaya Gazeta, No. 70, March 30, 2012.

[4] Grishkov A. Over 6500 Cyberattacks Recorded in St. Petersburg in the First Quarter // Vedomosti. North-West. April 4, 2024. [Electronic resource] URL: https://spb.vedomosti.ru/technology/articles/2024/04/03/1029736-.svishe-6500-kiberatak-zafiksirovali-v-peterburge-po-itogam-i-kvartala (accessed: April 7, 2024).

[5] An Anomaly Occurred in the Vote on Renaming Lenin Square in Irbit. [Electronic resource] URL: https://m.ura.news/news/1052781757 (accessed: March 7, 2024).

the activities of local self-government bodies is always the probability of an event occurring, the consequences of which can be either positive or negative. The nature of these consequences defines the essential characteristics of the risk and determines the nature of risk management work. Negative risks of DT implementation in local self-government activities should be understood as the probability of events leading to direct or indirect violations of legislation, restrictions on individual rights, or limitations in the use of DT. It is proposed to codify this definition in the Federal Law "On Information, Information Technologies, and Information Protection"[6], which will contribute to the development of a risk-oriented approach to the application of DT by local self-government bodies;

2) a slowdown in the digital transformation processes of local authorities has been identified, with a decrease in the pace of implementing AI technologies and big data processing in the functioning of local self-government bodies. Using these technologies under conditions of insufficient legal regulation leads to potential claims from the population and prosecutorial authorities. Consequently, local self-government bodies minimize the use of these technologies in their activities. Legal measures are needed to stimulate the digital transformation of municipal governance. Legal regulation of the application procedures for end-to-end digital technologies, including those at the municipal level, is required, which will contribute to greater legal certainty in this area. The basic principles of using end-to-end digital technologies by authorities can currently be established during the alignment of regulatory acts with Presidential Decree No. 309 of May 7, 2024, which should be completed by the end of 2024.

3) the main risks of DT implementation in local self-government activities include the risk of breaches in the security and confidentiality of citizens' personal data during processing and storage in local self-government digital systems; the risk of cyberattacks, hacking, or unauthorized access to information systems operated by municipal authorities; the risk of insufficient legal regulation of DT implementation and use; the risk of using inappropriate or low-quality DT; the risk of restricted access for citizens to digital services due to technical problems, lack of access to digital devices or high-speed internet, and system errors; and the risk of insufficient professional competence in using DT and understanding their legal aspects;

4) measures to minimize the identified risks include: systematic mandatory informing of local self-government officials and the public about the correct procedures and responsibilities regarding DT implementation and operation, data transfer, storage, and processing; revising the system of penalties for intentional violations in the operation of DT by local self-government officials; developing and codifying principles and procedures for implementing and using end-to-end DT in the activities of state and municipal authorities; and codifying the possibility of reviewing any decision made if a technical failure is detected during its process.

6 Federal Law dated July 27, 2006, No. 149–FZ (as amended on December 12, 2023) "On Information, Information Technologies, and Information Protection" // Collection of Legislation of the Russian Federation. July 31, 2006. No. 31 (Part 1). Art. 3448.

ISSN 2542-1514 (Print)

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