

Lecture-5. Subjects of receipt and provision of services in electronic form. Rights and obligations

Learning Objectives

By the end of this lecture, students should be able to:

1. Identify the main subjects involved in electronic service provision and receipt.
2. Understand the roles and responsibilities of service providers and recipients.
3. Explain the legal and ethical rights and obligations of both parties.
4. Analyze examples of electronic service agreements and compliance requirements.
5. Evaluate issues related to accountability, security, and consumer protection in electronic services.

IS are designed to work with EIR, but in any activity there must be both its participants - subjects, and the result of such work.

The subjects are:

- owner
- owner
- user

Subjects are subdivided into subjects of rendering services and subjects of receiving services. Each of the above in different situations can belong to any of the categories.

But since EIR, PO, IR, IKI, etc. - these are objects of informatization, the functioning of which is regulated by the state, the state establishes certain rights and obligations for the above categories of persons, depending on their position, as well as their relationship to EIR, IKI, software, etc.

The owner of informatization objects (EIR, software, IR, IKI) has the right to:

- 1) lease them, trust management, economic management or operational management and otherwise dispose of them;
- 2) establish, within its competence, the regime and rules for processing, protecting and accessing EIR;
- 3) establish, within its competence, the regime and rules for the protection and access to ICI objects;
- 4) determine the conditions for the disposal of EIR during their storage, copying and distribution;
- 5) determine the conditions for the possession and use of ICI objects.

The owner of informatization objects is obliged to:

- 1) take measures to protect informatization objects (EIR, etc.) - !!!!!!!!!!!;
- 2) distribute, provide, restrict or prohibit access to EIR and ICI objects in accordance with the legislation of the Republic of Kazakhstan;
- 3) carry out other duties in accordance with the laws of the Republic of Kazakhstan.

The owner of the information system has the rights to own, use and dispose of the information system as a whole as a property complex - i.e. complex object, including various independent components, which we talked about earlier.

The owner of the information system has the right, unless otherwise provided by the laws of the Republic of Kazakhstan or the owner of electronic information resources, to prohibit or restrict the movement and distribution of electronic information resources contained in this information system.

If the owner of the information system is not the owner of the electronic information resources located in this information system, as well as the owner of the information and communication infrastructure used for this information system, the procedure for operating the information system and access to electronic information resources and information and communication infrastructure is determined by agreement between owners.

The owner of the object of information and communication infrastructure is responsible to the owner or owner of electronic information resources, information system for the security of storage and protection of electronic information resources, protection of information systems located at the objects belonging to him.

The owner of informatization objects has the right to:

- 1) to own and use the objects of informatization on the terms determined by the owner;
- 2) determine the conditions for access and use of electronic information resources, objects of information and communication infrastructure by third parties;
- 3) determine the conditions for processing electronic information resources in the information system.

The owner of informatization objects is obliged to:

- 1) observe the rights and legitimate interests of the owner of informatization objects and third parties;
- 2) to take measures to protect the objects of informatization (!!!!!!!!);
- 3) distribute, provide, restrict or prohibit access to electronic information resources and objects of information and communication infrastructure in accordance with the legislation of the Republic of Kazakhstan;
- 4) to carry out other duties in accordance with the legislation of the Republic of Kazakhstan.

The user has the right:

- 1) receive, use, distribute, transfer, provide third parties with electronic information resources, including open data, use the information system on the terms determined by the legislation of the Republic of Kazakhstan, the owner or holder of electronic information resources, information system;
- 2) get acquainted with their personal data (as noted earlier - this may be full name, date of birth, biometric data, etc. - there is no exhaustive list in the legislation), contained in electronic information resources, information system, unless otherwise provided by the laws of the Republic of Kazakhstan .

The user is obliged:

- 1) observe the rights and legitimate interests of the owner or possessor of electronic information resources, information system and third parties;
- 2) ensure the protection of electronic information resources, information system in accordance with the legislation of the Republic of Kazakhstan;
- 3) carry out other duties in accordance with the legislation of the Republic of Kazakhstan.

As we have already noted, the above entities in various situations and in various IS and EIR act as subjects receiving services in electronic form, as well as entities providing services in electronic form using EIR, IS, IKI, etc. or entities providing such services.

Types of services provided through EIR in IS:

1. According to the degree of service automation:

- 1) fully automated;
- 2) partially automated.

A fully automated service is a service that excludes paper document flow in the process of its provision.

A partially automated service is an electronic service that contains a sequence of paper and electronic document management in the process of its provision.

2. By the way of rendering the service:

- 1) informational;
- 2) interactive;
- 3) transactional;
- 4) composite.

An information service provided in electronic form is a service for providing an EIR to a user.

An interactive service provided in electronic form is a service for providing the user, at his request or by agreement of the parties, with EIR, which requires mutual exchange of information. To provide an interactive service, authentication by means of an electronic digital signature (EDS) or other identification method may be required.

A transactional service provided in electronic form is a service for providing the user with EIR, which requires mutual exchange of information and is associated with making payments in electronic form. To provide a transactional service, it may be necessary to verify the transaction by means of an electronic digital signature or otherwise.

Composite service provided in electronic form is a set of interrelated services, for the provision of which it is sufficient to request the subject of receiving the service in electronic form and to be certified by means of an electronic digital signature.

3. By the nature of the compensation for the provision of services:

- 1) paid;
- 2) free of charge.

A paid service is a service that provides for the payment of remuneration to the subject of the provision of services in electronic form.

Free is a service provided without payment of remuneration to the subject of the provision of services in electronic form.

When providing services in electronic form, the subjects of rendering services in electronic form:

- 1) accept information in electronic form about payments of service recipients from the payment gateway of "electronic government" as reliable;
- 2) transfer information in electronic form about the presence of debts of individuals and legal entities to the payment gateway of "electronic government".

Second-tier banks and organizations carrying out certain types of banking operations, at the request of the subject of the provision of services in electronic form and the subject of receipt of services in electronic form, provide the following information in electronic form about:

- 1) the bank account belongs to the person specified in the request, and there is a pledge agreement for movable and immovable property - when providing public services in electronic form;
- 2) the amount of money, the date of the payment, the sender of the money and the beneficiary - when individuals and legal entities make payments for the services provided

Control Questions

1. Define the main subjects of electronic services.
2. What are the rights and obligations of a service provider?
3. What rights are guaranteed to service recipients?
4. Explain the role of third parties in electronic service provision.
5. How should service providers ensure compliance with data protection laws?

6. Give examples of obligations of electronic service users.
7. Describe a situation where a recipient may exercise their right to complaint.
8. Compare the responsibilities of public and private service providers.
9. What legal frameworks govern electronic service provision in your country?
10. How can disputes between service providers and recipients be resolved in electronic services?

Recommended Literature

1. Laudon, K. C., & Laudon, J. P. (2020). *Management Information Systems: Managing the Digital Firm*. 16th Edition. Pearson.
2. Turban, E., Pollard, C., & Wood, G. (2021). *Information Technology for Management: Digital Strategies for Insight, Action, and Sustainable Performance*. 11th Edition. Wiley.
3. Chaffey, D., & White, G. (2022). *Business Information Systems: Technology, Development, and Management for the E-Business*. 7th Edition. Pearson.
4. European Commission. (2023). *e-Commerce and Digital Services Law*. [Online] Available: <https://digital-strategy.ec.europa.eu/>
5. Smith, H., & Rupp, W. (2019). *E-Services and Digital Business*. Routledge.