НАПРЯМ 1. АКТУАЛЬНІ ПИТАННЯ ЮРИДИЧНОЇ НАУКИ ТА ПРАКТИКИ

SELECTED INSTRUMENTS OF THE DIGITAL WELFARE STATE AND THEIR POSSIBLE IMPLEMENTATION IN POLISH REALITY

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A systemic reconstruction of the operation of modern societies results from the implementation of artificial intelligence and machine learning systems into the processes of interaction between citizens and public administration bodies. Public social care in its broadest sense is one of the platforms of such interactions. A digital welfare state is today considered to be the institutional and organisational dimension of the correlation of artificial intelligence, machine learning and their environment with the national welfare system. The understanding of the digital welfare state refers to a report by Philip Alston, UN Special Rapporteur on extreme poverty and human rights. It is defined as an integrated set of digital social programs with a distinct and separate regulatory, institutional, organisational and technological system. The model of a digital welfare state is distinguished from traditional social programs by the manner and form of their implementation, a specific type of relations between the entities that participate in them, and finally by the methods of identification of beneficiaries, their needs, distribution of aid and control of abuse.

The purpose of the lecture is to analyse digital welfare state solutions, existing in many countries, in terms of their representativeness. I will analyse systems used to assess eligibility, and subsequently to calculate and pay social benefits as well as predictive systems. Then, I will analyse how selected digital welfare state solutions can be implemented in Poland.

The Australian Cashless Debit Card (CDC) program will serve as a representative system for systems designed to assess eligibility. As a representative system for benefit calculation and payment systems, the UK maintenance payment system and the integrated systems in the labour market segment of Germany, i.e. PP – Tools, Delta – NT, Verbis and 3A1, will be

analyzed. In contrast, the Dutch SyRI (*Systeem Risico Indicatie*) system will be appropriate for the evaluation of predictive systems.

In Australia, the Digital Welfare State system is manifested by the Cashless Debit Card (CDC) program. It is viewed by the Australian Government as a form of support for people, families and communities in regions where high levels of welfare dependency co-exist with high levels of social harm caused by alcohol, gambling and drug addiction. Most frequently the 20/80 rule is applied to the welfare payments, where 20 percent of welfare payments are made into the beneficiaries' regular bank accounts and 80 percent of their welfare payments are transferred to their individual Cashless Debit Cards. CDCs work like regular bank cards, except that they cannot be used to buy alcohol, drugs, gambling services, certain gift cards or to withdraw cash. The program operates under the Social Security Act amended on 5 April 2019. Among other things, the amendment regulated the procedure for exiting the cashless debit card program. Among other things, participants must demonstrate reasonable and responsible management of their affairs, including financial affairs. Each application to exit is considered on a case-by-case basis and takes into account legislated criteria such as the interest of children, absence of a criminal record, risk of homelessness, addiction, and health and safety of the participant and community. In early 2016 CDC started in two regions i.e. in Australia – Ceduna in South Australia and Kununurra and Wyndham in Western Australia. The program currently operates in the Ceduna region, South Australia, the Goldfields and East Kimberley regions, Western Australia and the Bundaberg and Hervey Bay region of Queensland. In the Ceduna Region, the Goldfields Region and the East Kimberley Region, the program applies to all working-age social security benefit recipients, with the exception of pension and veterans' pension recipients. However, pensioners and veterans as well as employed workers can voluntarily join the program. This option is not provided for in the Bundaberg and Hervey Bay regions where the card can be issued only to people aged 35 years and under who receive Newstart Allowance, Jobseeker Payment, Youth Allowance (Job seeker), Parenting Payment (Single) or Parenting Payment (Partnered). The introduction of the CDC-related program was criticised by NGOs, which pointed to the risks of violations of a number of human rights, mainly violations of Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), i.e. the right to social security at the minimum necessary level, when recipients are stigmatized as antisocial and incapable of independently managing their own income. The violation of the right to privacy was also considered significant; it was pointed out that the right to privacy is violated when information on program beneficiaries is transferred by Indue, the program operator. The law provides for the exchange of information between government authorities and Indue with regard to the operation and evaluation of the program. The vagueness and abstractness of

these provisions insofar as the information is transferred among the Department of Social Welfare, Indue Ltd. and the Department of Social Services and without the direct participation, consent and knowledge of the beneficiaries was considered worrying. In the opinion of non-governmental organisations involved in the evaluation of the program such regulations violated the right to privacy through an unauthorised interference with digital rights and digital sovereignty of the participants. They also pointed to violations of the right to equality and non-discrimination, the right to self-determination, the right to an adequate standard of living and a broad catalogue of violations in the system of child rights protection. The sources of the violations, according to the Accountable Income Management Network (AIMN) data disclosed in the UN report, are to be found in the initial phase of the implementation of the program, particularly when it was tested in an indigenous community or a community with a high percentage of indigenous people, with simultaneous suspension of the 1975 Racial Discrimination Act. According to information disclosed in ORIMA Research 2017, Cashless Debit Card Trial Evaluation: Final Evaluation Report August 2017, Department of Social Services (p. 37), when the program began in Ceduna and East Kimberley, indigenous participants represented 75% and 80% of all beneficiaries respectively. The assessment of the program made by the government and reported in the Explanatory Memorandum, Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019 (p. 9) revealed that CDC is applied regardless of race or cultural factors, and the proportion of indigenous beneficiaries in the program in all four regions has dropped to 33%. According to Queensland Council of Social Service (QCOSS) reports, 75% of respondents in the Bundaberg and Hervey Bay area opposed the continued implementation of the CDC program in its current form indicating the stigma associated with participation in the program, social isolation and significant restrictions on social, economic and cultural participation. According to reports from government agencies, 32% of participants have experienced deterioration in their standard of living. This is indicated by an increase in domestic violence against children, social stigmatisation and reduced school attendance (2.7% according to the data). Among the NGO findings, the Australian government's decision to impose, maintain and extend mandatory income management in the form of a technologically enhanced cashless debit card raises clear concerns about the government's willingness to comply with international human rights obligations.

In the European Union, the analysis of the Digital Social State should be considered in the context of automated decision-making or decision support (ADM) systems. Thus, at the current stage of development of the Digital Social State, artificial intelligence or machine learning plays a secondary role. ADM decision-making systems dominate in this sphere. This term refers to apps

whose task is to calculate, analyse and select according to rules determined by specific algorithms. Therefore, the term algorithm-based decision-making, both systemically and institutionally corresponds to the current state of technology development and its participation in the social welfare system. Despite the far-reaching algorithmisation, the use of the apps is limited; they can only be used by their designers, people, who implement and use them. This means that at each stage of this process an impact assessment and risk assessment of the selected technologies should be maintained.

An ADM system, therefore, includes a decision model, an algorithm, codes and data, which are used as input; they are subject to analysis, are used to learn and are the result of their application. The overall subject matter is regulated at EU, national and local level. For example, EU regulation includes normative acts such as the EU's Declaration of Cooperation on Artificial Intelligence (AI), the Commission's Communication Artificial Intelligence for Europe or the European Parliament's resolution on robotics and the European Economic and Social Committee's opinion on Artificial Intelligence (AI). All of these normative sources indicate that the purpose of using ADM is to simultaneously maximise benefits to society, support business, stimulate innovation and encourage competition.

Following NGO reports, seven basic areas of technology involvement in European social welfare systems can be identified. These are child and family benefits, the unemployment benefit system, health care, old-age allowances and allowances to cover care for the elderly, social and welfare benefits and prediction of infringements of welfare and social assistance rules. Within the child and family benefits system, new technology has been applied to identify children at risk of neglect (Denmark), to detect learning problems in primary and secondary schools (Slovenia), to detect bullying and all other forms of domestic violence (Netherlands), to child allocation systems in nurseries and kindergartens (Poland), to perform predictive tasks in social care and psychiatry (Finland), to detect dyslexia (Sweden), and to an expert system to assess the risk of violence in young people aged 12-18 (Spain). The unemployment benefit system includes the use of algorithmic systems in granting benefits (Poland), determining the amount of benefits and allocating support to the unemployed (Spain). In health care, new technologies support the allocation of medical services in the public health system (Italy) or radiological research with IBM Watson. Algorithms have also been implemented in the old-age benefits and elderly care segment in elderly care planning (Denmark) and the distribution of social assistance to the elderly (Spain). New technology has been widely used in the social and welfare benefits segment on fraud detection and prevention (Netherlands, Finland), allocation, calculation and distribution of social funds (Sweden, Denmark, UK).

The analysis of the digital welfare state on the European continent leads to the reflection that all its strong and weak elements can be reconstructed on the basis of the German welfare system. Segments of digitisation of the social welfare system related to counteracting unemployment or social policy towards migrants in Germany are representative for the whole phenomenon of systemic and institutional convergence of new technologies with the European social welfare and social care systems. This is confirmed by data from NGOs. In the predominant part of European countries, legal regulations for the digitalization of all administrative services, including social services, were enacted in a similar period, i.e. between 2016 and 2018. In the case of Germany, they were enacted in 2017. In all the normative documents, social welfare services are included in administrative services. The federal government defines social welfare services according to the Social Security Act as administrative services. Digitisation is a broader concept than ADM systems and includes, among other things, their design, implementation and control. However, trying to assess the current status quo of ADM systems in the public sector in Germany is almost impossible and the findings difficult to evaluate. This is because, according to NGO reports, there is no uniform register of ADM systems used in the public sector. For example, there is no uniform register for the area of social welfare related to unemployment. This is because the unemployment prevention system in Germany is based on at least a dual system of institutions supporting unemployment. Some of the job centres operate, among other things, within the municipalities reporting to the federal states (Länder), while another part comes under the Federal Employment Agency (BA). Each of these bodies is free to decide on the implementation of ADM technology on its own. A major problem is therefore the lack of transparency in the design, implementation and use of ADM systems by public administrations. Disclosure is not facilitated by government agencies themselves, which refuse to release data, contrary to the law, in the case of Germany, the Freedom of Information Act (Informations freiheitsgesetz, IFG) of 2006. There is thus a lack of reliable and verifiable information on which federal state or municipality is using which forms of ADM, and if so, which technologies and systems. In its report for the UN Special Rapporteur on Extreme Poverty and Human Rights, Algorithm Watch describes four applications used on the labour market in Germany. These are PP-Tools, Delta-NT, Verbis and 3A1. PP-Tools is an application that determines the probability of an unemployed person finding a job on the basis of, for example, job offers or job applications from the last 24 months. DELTA-NT is used by psychologists employed in labour offices as a tool to support psychological assessment of an unemployed person. This assessment is part of a vocational orientation process referred to as ‘diagnostic of psychological suitability’. As a side note let me add that this procedure called ‘computer-aided testing’ was developed by the German armed forces.

VERBIS, on the other hand, is a central information system for job placement and consultation in job centres, which is linked to many other systems and processes. Among other things, it contains functions that automatically match jobseeker profiles stored at the employment agency with vacancies and training programs. And finally 3A1 is used for the automatic processing of unemployment benefit claims (Automatisierte Antragsbearbeitung Arbeitslosengeld). Within the ADM, predictive procedures related to abuse of the social assistance system are initiated. The database is verified with respect to the reliability of the documentation and statements of the unemployed to provide information on employment. Identified deviations are reported to dedicated organisational units in encrypted form. Analyses are implemented in the JDC-EFM infrastructure on a case-by-case basis. The Cross Industry Standard Process for Data Mining (CRISP-DM) model is used. The systems use decision tree methods, anomaly detection and adaptive programs based on historical crime patterns. Apart from automated data comparison, no systematic verifications are made. Similar problems are encountered in the area of social policy towards migrants. The Federal Office for Migration and Refugees (Bundesamt für Migration und Fluechtlinge – BAMF) seeks to solve its procedural problems with the «Digitisation Agenda 2020». In 2016, a system for «integrated identity management» was introduced. It currently contains several modules that are available to the lead officers and can be used as tools to support their decisions. The system mainly aims to determine whether the data provided by protection and welfare applicants are reliable. Thus, the software is used to recognise a person's language and dialect from audio recordings. Initially, the error rate of the so-called speech biometrics system was around 20 percent. According to published BAMF data, presently the error rate is 15 percent. However, NGOs point out that by November 2018, the procedure had been used around 6,000 times, meaning that it must have produced around 900 false results. Furthermore, the system is able to analyse phone data, i.e. call data and phone numbers used. BAMF claims that refugees give them permission to access their phones voluntarily. In addition, the Office uses software to compare photographic portraits and different possible transliterations of Arabic names (Romanisation). According to the representtatives of the public administration, the use of automated procedures has been successful. NGOs are of a different opinion, pointing out that the costs of the procedures and the number of errors are disproportionate to the objectives. Moreover, they point to the lack of transparency in the operation of software systems and the lack of independent control allowing for objective assessment of the legality and effectiveness of procedures.

An analysis of the European concept of the digital welfare state cannot ignore the aspect of using technology to predict breaches of the rules governing social care and social assistance. The dispute over the use of the *Systeem Risico Indicatie* (SyRI), an artificial intelligence tool for detecting social fraud, by

Dutch public administrations is most representative of this issue. On 5 February 2020, the Court in The Hague halted the use of SyRI, indicating that legislation authorising the implementation of this tool is contrary to Article 8 of the European Convention on Human Rights, which establishes the right to private and family life. Many scientific and political authorities, representatives of non-governmental organisations at national, European and international level have unequivocally indicated that this ruling goes far beyond the borders of the Netherlands and Europe. The special nature of the case was underlined by the representation of the applicants themselves. The proceedings were conducted by the Dutch section of the International Commission of Jurists within the framework of the Public Interest Litigation Project (PILP). The complainants included, among others, the foundations Platform Bescherming Burgerrechten and Privacy First, associations from the social welfare sector Koepel van DBC-vrije Praktijken van Psychotherapeuten, Landelijke Cliëntenraad and the Dutch Confederation of Trade Unions. The United Nations Special Rapporteur on extreme poverty and human rights, Professor Philip Alston, participated as amicus curiae and presented a detailed brief on SyRI – Brief by the United Nations Special Rapporteur on extreme poverty and human rights as Amicus Curiae in the case of NJCM c.s./De Staat der Nederlanden (SyRI) before the District Court of The Hague (case number: C/09/550982/ HA ZA 18/388) (September 2019). It represents the involvement of the judiciary in a fundamental discourse on a global scale, which aims to establish the limits of the surveillance exercised by public authorities over individuals through artificial intelligence techniques applied to large, variable and diverse data sets (big data). Professor Gregory Lewkowicz, in his opinion on the judgment, characterised SyRI as the generic name for several projects developed since 2006 by the Dutch Ministry of Social Affairs and Labour (Sociale Inlichtingenen en Opsporingsdienst – SIOD), which aim to identify and measure the risk of fraud in the areas of social assistance, labour law and tax law by applying *data mining* techniques to personal data from several public databases. However, in the Court's view, SyRI does not strike the right balance between the social need to prevent social security fraud and the infringement of the right to privacy (which is necessary for this purpose). Thus, the scheme violated the basic principles of the General Data Protection Regulation (GDPR) on transparency, purpose limitation and data minimisation.

In the case of Asian and African countries, which belong to the group of developing countries, it is a characteristic of digital welfare states to link integrated identity management systems to the distribution of social and welfare care. Kenya, which in January 2019 introduced an amendment to the Registration of Persons Act. According to its wording, all Kenyan citizens and registered foreign nationals, above the age of six, were required to provide biometric data in order to obtain a card, which would be the only form of

identity proof and basis for receiving social and welfare benefits. Biometric data were to include digital fingerprints, hand geometry, earlobe geometry, retinal and iris patterns, voice waves and deoxyribonucleic acid (DNA). The law introduced an institutionalised identity management system (The National Integrated Identity Management System – NIIMS, also referred to in Swahili as Huduma Namba). According to analyses by NGOs, the system in question allowed for the creation, using modern technologies, of a dataset on the identification of citizens on an unprecedented scale. In February 2019, the legislation in question was challenged in the High Court by the Kenya Human Rights Commission (KHRC), the Nubian Rights Forum (NRF) and the Kenya National Commission on Human Rights (KNHCR). The organisations accused the legislature of violating the right to privacy, the right to equal treatment, the right to non-discrimination and the right to participate in public life. The Supreme Court of Kenya, in an interim ruling on 1 April 2019, partly shared the objections of the human rights organisations by pointing out that participation in the NIMS system is voluntary. Thus, the government cannot force any citizen to register or deny access to social or welfare services to non-registered persons. This ruling, fundamental for the global legal order, helps derive a general principle that the generation, collection and processing of information on citizens and registered aliens seems unnecessary and disproportionate even if the legitimate aim is to improve the provision of social services and national security. A number of countries that model their solutions on Kenya, including e.g. China, India, Malaysia, Jamaica and Zimbabwe, are in opposition to the presented position.

Normative regulations relating to the concept of the digital social state have been developed both at the universal as well as at the regional and national levels. They can be classified into three basic groups. The first group consists of legal acts regulating the design, implementation and application of specific technological solutions in the social and welfare segment. These include legislation relating to the verification of citizens' identity for the purpose of claiming benefits, the assessment of benefit eligibility, the calculation and payment of benefits, the prevention and detection of fraud in the distribution of benefits, and the determination of risk and classification of need. The second group of rules are legal sources that can be described as procedural rules, i.e. regulating digital communication between social and welfare competent authorities and citizens. These rules replace the principle of writtenness and directness with a form of digital interaction. The third group consists of rules and principles derived from judicial case law that define the risks of violations of normative systems of human rights protection. These rules not only diagnose threats, but also create legal institutions to counteract abuses. The practical dimension is dominated by judgments of the Supreme Courts, Constitutional Tribunals and International Courts, as well as acts of international organisations of a binding (European Union regulations) and

declarative nature. These regulations predominantly address the issues of legality and transparency of the design, implementation and use of digital systems in the sphere of social welfare. However, they also cover issues of promoting digital equality and protecting economic, social, civil and political rights.

The Toronto Declaration, adopted on 16 May 2018 by Amnesty International and Access Now, is a legislation that represents a synthesised response to the opportunities and risks associated with the transfer of technology to social and welfare protection. It is one of the few documents adopted by a non-governmental organisation that systematically regulates the issues of risks, defines the relationship between the participants in the design, implementation and application of new technologies and defines the responsibilities of the state in this regard. The Declaration addresses systemic, institutional and procedural issues in the context of threatened values. It indicates that States and private sector actors should promote the development and use of machine learning and related technologies that help people accomplish fundamental social rights. Furthermore, in relation to the various manifestations of digitisation, States should promote positive rights to benefit from developments in science and technology as an affirmation of economic, social and cultural rights. However, while acknowledging the potential of machine learning and other related algorithmic systems, among others, in promoting and accomplishing human rights, the authors recognise the ability of such systems to facilitate intentional or accidental discrimination against some individuals or even entire social groups. The authors of the document emphasize that in using new technologies, public and private sector actors are likely to have to find new ways to protect human rights as new challenges to equality, representation and impact on different individuals and social groups emerge. The declaration identifies exclusion, discrimination, inequality before the law, lack of transparency and accountability as key threats to the use of new technologies, including in the area of social and societal rights. It therefore argues that all actors must prevent and mitigate the risks of discrimination when designing, implementing and using machine learning technologies. They must also make sure that mechanisms are in place to access an effective remedy before deployment and throughout the life cycle of individual algorithmic systems. The Declaration precisely identifies areas of risk associated with the functioning of the digital social state. Thus, it states in the preamble that social or health care using machine learning technologies may contribute to discriminatory or repressive practices if they are adopted and implemented without the necessary safeguards. It emphasises that inclusion, diversity and equality are key elements in protecting and preserving the right to equality and non-discrimination. All this must be taken into account when developing and implementing machine learning systems to prevent discrimination, especially against marginalised groups. This is because there are patterns of structural

discrimination that can be reproduced and exacerbated in situations specific to new technologies by using unrepresentative and biased data. And if such violations occur, States are obliged to compensate for the resulting damage. The Declaration emphasises that States bear the primary responsibility to promote, protect, respect and fulfil human rights. Under international law, States may not engage in or support discriminatory acts or practices that otherwise violate rights when designing or implementing machine learning systems in a public context or as part of a public-private partnership. It is important to identify procedures for the implementation of new technologies by public authorities into the public sphere. Among the principles of implementation, the need for broad consultation is indicated, so that those involved in the design, implementation and review of machine learning represent a range of backgrounds and identities. This is followed by the need to establish mechanisms for independent oversight, including by judicial authorities where necessary, and ultimately ensuring that decisions supported by machine learning meet international standards of objectivity.

The digital social state in systemic, organisational and institutional terms operates in most countries of the world with some distinctions specific to developing and developed countries. Completely opposite visions of the digital social state clash in the literature and in reports prepared by NGOs and governmental organisations. The first one proves that despite noble assumptions, digitalization in social welfare introduces solutions far from standards characteristic for democratic societies based on the rule of law and human rights. There are many reasons for this. First of all, there is an inadequate formation of strategies, policies and regulatory standards for the design, implementation and use of new technologies in national social welfare and social assistance systems. The prevailing arguments are that the objectives set are not oriented towards social recipients. The quest for a higher standard of living for the vulnerable, disadvantaged, excluded, struggling to enter or re-enter the labour market has been replaced by an obsession with fraud, cost cutting, market efficiency and the use of coercive sanctions. The prevailing view is that key decisions to go digital were taken by government ministers without consultation and even by departmental officials without meaningful policy discussions. As a result of the lack of accountability and transparency in the welfare state, digital technologies are used to surveil, harass and punish beneficiaries, especially the poorest. It is concluded that large technology companies have become the main beneficiaries of the digital welfare state. The advent of the digital revolution has allowed the private sector to occupy a vast area of the welfare state almost without public control. The space of national social systems has become a human rights-free zone. And the digital social state itself is a structure in which citizens are becoming more visible to their governments, but not the other way around. Critics of the convergence of technology with the welfare system call for the accountability of the actual

beneficiaries through regulation. This is because the self-regulation allowed in the large tech sector, especially among mainstream industries, must come to an end, and tech companies must be legally bound to uphold existing human rights standards. A different vision of the digital social state is presented by its proponents. They argue that the use of new technologies in the sphere of social welfare ensures time– and cost-optimal distribution of goods and services. According to the argumentation of the supporters of new technologies the source of this state of affairs should be found in the processes of prediction, monitoring, control and sanctioning of abuse based on comprehensive data. On the other hand, the dehumanization of decisions on granting social benefits, thanks to algorithmic systems, results in their independence, objectivity and de-bureaucratization. Thus the digital social state is an instrument ensuring proper identification and distribution of social and welfare assistance. And it is possible through economically effective identification of needs, prediction of beneficiaries' expectations, minimization of service costs, identification of recipients and limitation of fraud. Proponents of digital development in the sphere of social welfare point to the further need to monitor and identify risks associated with the implementation of new technologies in social welfare. Moreover, they call for increased social control in the relationship between the state – non-governmental entities designing and implementing new technologies – beneficiaries. And finally it is necessary to determine the costs of design, construction and operation of selected, specific technological solutions in the sphere of national social welfare systems in the context of expectations and actual savings achieved through the use of these technologies in the social sphere. The common position of both parties is to strengthen the transparency of data processing and to strengthen the control of algorithmic processes.

Taking into account the above, the fundamental is to analyse the adopted algorithmic processes in the context of risk analysis, poverty profiling, extent of automation of decision making, discrimination, citizen control, possible violations of the right to privacy, right to equality before the law, right to social assistance, right to information and possible social exclusions.

The main hypotheses are:

1. Poland is institutionally, normatively and socially systemically prepared to introduce selected solutions of the digital welfare state in terms of assessment of eligibility of social welfare measures, their calculation, payment and effective supervision. Uniform normative, non-normative, institutional and technological environment in countries applying digital instruments as well as in Poland gives a possibility of full adoption of algorithmic solutions. At the same time, Poland's delay in adopting the analysed solutions of algorithmic systems makes it possible to avoid or to a large extent exclude the three main factors affecting the risks of the analysed instruments, i.e. first, insufficient legislative solutions at the national level that could prevent abuse

in the process of designing, implementing and using algorithmic systems, secondly, institutional deficiencies and failures manifested by passive behaviour of control bodies and unwillingness of state entities using the software to disclose the rules of their operation, and finally, limited awareness among citizens of the risks posed by digital programs.

2. The way in which the systemic phenomenon of digitization in the social sphere of developed and developing countries is formed and constituted confirms the existence of a homogenous concept of a digital welfare state. The concept of a digital welfare state is defined in the literature as an integrated set of digital social programs equipped with a distinctive and separate regulatory, institutional, organisational and technological system. The model of a digital welfare state is distinguished from traditional social programs by the way and form in which they are carried out, the particular type of relationships of the actors involved in them and, finally, the methods used to identify beneficiaries, their needs, distribute aid and control abuse. The process of implementing algorithmic systems for interaction between citizens and public administration bodies results in a unified concept for the processes of design, implementation, application and prediction.

3. Digitization in the social sphere is in the interest of society, because it serves a legitimate purpose and ensures proper verification of the transfer of aid programs in terms of the accuracy and completeness of the data on the basis of which undue collection of benefits is excluded. Within the framework of the digital welfare state, new technologies offer opportunities for the exchange of data between public administrations in the context of the statutory obligation to support those actually in need and to prevent and combat fraud.

The verification of digital social systems at the governmental level of individual countries leads to the reflection that they enjoy a clear interest of the state administration. At the same time it cannot be overlooked that the increasing number of digital instruments in the broadly understood social sphere is also provoking an avalanche of negative reactions. A number of scientists and non-governmental organisations in the context of the technologies used point to the threat to privacy and individual autonomy, and moreover to the arbitrariness of decisions, discriminatory behaviour of administrative bodies and excessive interference in civil rights and freedoms. Therefore, continual analysis of digital solutions in the area of social assistance and social care is not so much the need, but the necessity. Such an analysis should include definition of objectives, methods and nature of algorithmic tools used. It should also include a review of normative solutions regulating the process of design, implementation, use and control of algorithmic systems, evaluation of their use and definition of threats. Compromise solutions in this area include the establishment of control bodies and the use of machine learning models, whose activities will be subject not only to ex post supervision, but also to ex ante verification in the design phase.

No systemic study on digital welfare state has been undertaken in Polish science so far. This state of affairs could be due to the fact that its instruments themselves have been implemented only to a residual extent and concerned such social spaces as the allocation of children in nurseries and kindergartens or the transfer of unemployment benefits. Among the publications that have appeared so far, it is worth pointing to the study by M. Musiał-Karg, Ó.G. Luengo (eds.), Digitalization of democratic processes in Europe. Southern and Central Europe in comparative Perspective, Springer 2021. Among foreign publications there are more books, articles or websites devoted to the digital welfare state and its algorithmic instruments. It is worth mentioning here the publications by T. Carney, The New Digital Future for Welfare: Debts Without Legal Proofs or Moral Authority?, UNSW Law Journal Forum (2018), or Zarsky, T. Z. (2013). Transparent predictions. University of Illinois Law Review, 2013(4), pp. 1503-1570. It follows from the preliminary results of telephone surveys and analysis of background materials that the key public concerns relate to the principles of operation of the algorithmic solutions analyzed and boil down to the issue of transparency in the operation of the systems and accountability for the consequences of their design, implementation and use.

ОСОБЛИВОСТІ МОРАЛЬНО-ЕТИЧНОГО ВИХОВАННЯ В ЗАКЛАДАХ ВИЩОЇ ОСВІТИ

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Аналіз реалій сьогодення свідчить, що моральний розвиток та духовні цінності особистості є однією з важливих умов подолання ідеологічної та духовно-моральної кризи нашого суспільства, та людства зокрема. Адже чим вища «культурність» членів держави, чим вищий рівень духовності кожної людини, тим вищі мораль, суспільні ідеали, духовні потреби