

# Government Positioning in the Era of Big Data

Jiancheng Li<sup>1,\*</sup>

<sup>1</sup> *PhD student, School of Government, Beijing Normal University*

*\*Corresponding author. Email: 1297273729@qq.com*

## ABSTRACT

The reconstruction of power in the era of big data and its impact have put forward higher requirements on the governance capabilities of the government. The government must actively respond to various challenges in the context of big data. First, the government needs to optimize the system design and build a complete legal system in the era of big data; Second, the government needs to clarify its functional positioning and establish an interactive relationship that works well in the era of big data; Finally, the government needs to strengthen its own construction and improve its own data power in the era of big data.

**Keywords:** *big data era, power reconstruction, government positioning*

## 1. INTRODUCTION

The restructuring of power in the era of big data and its impact put forward higher requirements on the governance capabilities of the government. The government should actively respond to the positive effects of the optimization of the power relationship between the government, the market and the society and the great satisfaction of civil rights brought about by the power reconstruction. Provide the necessary institutional guarantees to maximize its positive impact. The government should also pay attention to issues such as the new round of centralization of power and the infringement of citizens' privacy rights brought about by the reconstruction of power. Strengthen regulatory functions and standardize the operation of power in the era of big data. In addition, for the erosion of the government's power base by the market and social power, the government must also establish a data mindset and strengthen its own construction to rebuild the government's data power base.

## 2. OPTIMIZE SYSTEM DESIGN: BUILD A COMPLETE LEGAL SYSTEM IN THE ERA OF BIG DATA

A good system design is an important support for restraining individual behavior and effectively stimulating the actions of actors. Deng Xiaoping once pointed out that the system is a fundamental, overall, and stable issue. Similar to agriculture and industrial society, there are risks of data power concentration and abuse in

the era of big data. Preventing the concentration and abuse of power will inevitably require a complete system design. At present, China has a certain foundation in the development and application of big data, but the construction of laws and regulations is relatively lagging behind. In the "Outline of Action to Promote the Development of Big Data" issued by the State Council of the PRC, it is clearly stated that it is necessary to "accelerate the construction of laws and regulations, and actively study data opening and protection systems." Therefore, in order to ensure the benign operation of the social system in the era of big data, it is necessary to build a complete legal system and normative system.

The advent of the big data era has changed people's production methods, lifestyles, and information dissemination methods. It has also brought about a series of problems in government data openness and personal data protection, which urgently require legislation to respond.

In terms of open government data, China still uses the "Regulations on Open Government Information" promulgated by the State Council of the PRC in 2007. This "Regulations" did play an important role in promoting government information disclosure at the beginning of its promulgation. However, in the era of big data with huge amounts of data, scattered sources, and diverse formats, the disclosure content and implementation effects required by the "Regulations" can no longer meet the needs of society. Obviously, such an administrative regulation cannot well take on the important task of promoting China's data development

and the development of the big data industry. In fact, the disclosure of government information is not only a part of the question of building a transparent government, but also a realistic requirement related to the lives of the people. In terms of quantity and importance, the government is undoubtedly the biggest controller of data and information. Sufficient government information disclosure is not only to meet people's needs in life, but also to rely on the mining and reorganization of government data for industrial development strategies, plans, and programs. Insufficient disclosure of government information and data will not only affect the quality of government services, but also greatly restrict economic development. Information disclosure in the era of big data should not only be limited to the disclosure of government government information, but also involve the full opening of government data. Therefore, as the public's demand for open government information continues to grow, it is imperative to elevate the "Regulations on Open Government Information" to the legal level, accelerate the formulation of the "Open Government Information Law", and formulate supporting implementation regulations and data resource management methods and so on. So as to ensure the smooth implementation of China's government information disclosure and data openness at the legal level.

In terms of personal data protection, today, among the national laws, China has only made direct or indirect provisions on the protection of personal information and privacy rights in a few laws such as the Constitution, the Criminal Law, and the General Principles of Civil Law. A comprehensive legal clause for the protection of personal information has not yet been formulated. Due to various reasons such as social concepts, technological development, and legislative planning, China has not realized the importance of personal information protection for a long time. However, with the continuous manifestation of the value of data and the frequent occurrence of personal data information leakage incidents, it is obviously urgent to formulate a "Personal Information Protection Law" that systematically provides for the protection of the rights of information subjects, the relationship between the protection of personal information and the promotion of the free flow of information, the management of sensitive personal information and the criminal liability for leakage. Through this law, on the one hand, it will focus on regulating the use of public power by government departments to divulge personal information; on the other hand, some public service companies, such as financial, telecommunications, transportation, education, medical and other units, have been made strict regulations on the protection of customer information.

A complete legal system in the era of big data should be constructed with the above two aspects as the key points. But the legal issues in the era of big data are not

limited to these two aspects. Legislation is also needed to actively respond to data ownership issues, data disclosure pricing issues, and data sales issues. In addition, the vitality of the legal system lies in its implementation. While the process of big data legislation continues to advance, the government should also improve its own data supervision functions. Take advantage of the technological dividends in the era of big data, update supervision concepts and principles, establish corresponding supervision mechanisms and accountability mechanisms, and formulate supporting regulations and industry rules. At the same time, the supervisory role of industry self-regulatory organizations and the public is effectively brought into play, and a multi-level and multi-subject coordinated supervision method is realized.<sup>[1]</sup> In this way, legal supervision in the era of big data will form a situation where there are laws to follow, laws must be followed, law enforcement must be strict, and violations must be investigated.

### **3. CLARIFY FUNCTIONAL POSITIONING: ESTABLISH AN INTERACTIVE RELATIONSHIP THAT WORKS WELL IN THE ERA OF BIG DATA**

The abundance of data resources and the increase of data value in the era of big data have triggered the power reconstruction of the social system, which has had an important impact on the power relationship between the government, the market, and society. In the era of big data, on the one hand, in the agricultural and industrial society, the government's comprehensive control over the market and social organizations from resource provision to daily management has been impossible to achieve, and the government's tentacles need to be recovered from the market and social fields; on the other hand, The continuous improvement of the data power of the market and social organizations and the continuous deepening of their influence on political power means that the government has been unable to achieve independent management of the social system. In fact, during the development of the Internet, the boundary between the three major organizations of government, market and society has not become clearer, but has become increasingly blurred. The enhancement of data power has triggered the sharing of governance power, which requires the establishment of a healthy interaction between government, market and social organizations in the era of big data.

First of all, the abundance of data resources has given the market and social organizations the ability to get rid of government control. When the omnipotent government's management concepts and methods cannot meet the needs of social development, it is necessary to clarify the functional positioning of the government, the market, and social organizations, and establish a new collaborative and interactive relationship. On the one

hand, it is necessary to reshape the relationship between the government and the market around “the market determines the allocation of resources”.

Make the market follow the logic of “do anything which is not prohibited by the law” to optimize the allocation of resources, and at the same time, focus on strengthening the government's macro-control capabilities to provide a good order for market operations; on the other hand, it is necessary to straighten out the relationship between the government and society around the government's diverse governance structure. The government's influence on the development of social organizations should be transformed from active intervention and guidance in the past into principled recommendations at the macro level. Social organizations must also actively participate in the governance of social public affairs, realize social self-regulation, and at the same time strengthen social supervision of the government to ensure that public power is used in a fair and honest manner.

Secondly, the production and use of data power expands the country's space. The stable and unchanging national space created by the government through its control of material wealth in the past has been broken. The rapidly expanding new public space is not only dominated by the government, so the degree of administrative penetration in its operation will be greatly reduced. The new public space needs new public order and the provision of public products. The weakening of administrative power means that the scope of material data providers in this public space will not be limited to the government. Internet technology companies or social self-organizations will also become one of them. This means that government, market and social organizations will no longer be distinct entities. In social governance, all will have similar functions. This change is caused by technological changes that have reduced the transaction costs of the organization's establishment, which in turn changed the organization's form, boundary, and function. In the process of government, market and social organizations participating in the provision of public space and public products, the social system will continue to be integrated, and a holistic society will gradually take shape.

Finally, the continuous participation of the market and society in the supply of public goods can effectively alleviate the government's governance pressure. However, as the core subject of social governance, the government is not only a provider of public services, but also a provider of rules and order. Publicity is the fundamental attribute of government. The government naturally has the responsibility and obligation to safeguard individual rights and safeguard the value of social fairness and justice.<sup>[2]</sup> In the era of big data, the problems of infringement of individual rights and loss of autonomy, as well as the abuse of power caused by the

concentration and monopoly of power, require the government to respond in a timely manner. At the same time, with the continuous improvement of the role of the market and social organizations in the provision of public space and public goods, the government must strengthen its own regulatory functions to prevent the power alienation caused by the excessive concentration of power in the market and social organizations. The use of government regulatory functions should not only regulate how to allocate substantive powers, but more importantly, regulate the ownership of power when it is generated, the rules when it flows and apply, and strengthen the supervision of the realization of the rules.

In the era of big data, the interactive relationship between government, market and social organizations will be embodied as a two-way interaction. On the one hand, the enhancement of market and social power and the continuous deepening of their influence on the operation of political power will force the government to transform from an all-powerful government to a service-oriented government, thereby realizing coordinated governance of social public space; on the other hand, the effective use of government regulatory functions will also regulate the power operation of the market and social organizations, and prevent the concentration and abuse of power. In the process of continuous strengthening of this two-way interactive relationship, the country's governance system will be continuously improved, and the country's governance capabilities will also be effectively improved.

#### **4. STRENGTHEN SELF-CONSTRUCTION: IMPROVE THE GOVERNMENT'S DATA POWER IN THE ERA OF BIG DATA**

In the era of big data, the changes in the market and social organizations and the enhancement of their power will force the government to reform and strengthen the government's own data governance capabilities. The key to the improvement of government data power is to improve the government's ability to mine and analyze valuable information from massive, heterogeneous, and multi-source data. Obviously, open, shared, and circulating data will be the necessary foundation for the power to generate government data. However, the reality is that due to the long-term block operation of the government, there are problems within the government such as lack of linkage of departmental functions, difficult integration of business processes, and conflicts of interests among departments. As a result, the internal data of the government cannot be circulated and shared, and there are serious problems of “information islands” phenomenon between departments. Therefore, to improve the government's data power in the era of big data, it is imperative to break the divisions between departments and break the “information islands.”

Integrate the fragmented data information of the department, establish a unified government data platform that combines online and offline, and realize the circulation and sharing of data resources within the government.<sup>[3]</sup>

Breaking the fragmented situation of departments and realizing the internal integration of government requires the government to realize changes in thinking concepts, equipment personnel, and management methods.

First of all, the fragmented government form revolves around department-centric logic, and the unified data open platform in the era of big data should be problem-oriented and take action. It should be guided by the overall interests of the country or the people rather than the partial interests of departments or individuals. This requires the government to change the traditional thinking of the supremacy of departmental interests, establish a big data thinking, and establish an overall government ideology.

Secondly, government data governance is a long-lasting and arduous task that requires an adequate supply of data governance facilities and data governance talents as a guarantee. The supply of equipment should be guided by the effective combination of online and offline platforms, and the supply of talents should be guided by improving the big data capabilities of the original officials and the introduction and training of big data talents, so as to provide complete human and material support for the government's big data governance.

Finally, government performance management is an important measure to effectively improve departmental management efficiency. Government officials are also "economic people" While safeguarding public interests, they also have the inherent motivation to maximize their personal interests. The "carrot and stick" management model realizes the organic combination of rewards and punishments, which can effectively curb officials' behaviors that damage the overall interests of officials. With the support of Internet technology, the main scope of incentives and supervision for government officials has been expanded from within the government to the whole society. Therefore, it is entirely possible to incorporate the construction and operation of the unified data platform into the government performance appraisal system, forcing the government to continuously improve its own data governance capabilities.

## 5. CONCLUSION

In the era of big data, data has the power to influence or even change society. The collection, mining and analysis of data have realized the reconstruction of power relations and has an important impact on the operation of the social system, all of which put forward higher requirements for the government's governance

capabilities. On the one hand, the era of big data has realized the power sharing of the government, market and social organizations. As a provider of public services, the government needs to abandon the traditional "talking to itself" management model and turn to the coordinated governance of government, market and society.<sup>[4]</sup> At the same time, continuously improve its own data governance capabilities; on the other hand, in the face of possible power concentration and abuse, as well as the current frequent data leakage problems, this requires the government to actively respond in terms of systems, laws, and supervision. In short, the era of big data calls for a brand-new national governance system to construct a modern governance mechanism under the background of big data that is market-oriented, inclusive, self-disciplined, and rule-of-law.

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