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## **Information and communication: why an investigative service should have the powers and the duty to communicate its work and what its limits are**

Ensuring transparency in decision-making and information in the public administration level, as well as at the control and audit establishment level, is handled in Romania, at national level, by the Constitution. The free access to information of public interest that deals with transparency in public administration, of conflict of interests and control of the dignitaries' fortune law is also addressed through the Constitution. At an international level, transparency is dealt through the pacts which Romania has adhered to.

At the present time, Romania has set up audit and control procedures, such as the Prime Ministerial inspection and follow-up to the transparent use of Community funds department, the anti-corruption National Prosecutor's Office or the National Control Authority which looks after the correct use of European funds.

The activity of the Transparency Committee, established this year and coordinated by the European Integration Ministry, meets every three months to find efficient solutions regarding the administration of Community funds, and follows and disseminates information about the administration of these funds in the context of an 'international market'.

The problems related to transparency that appear during an inquiry in investigative services of these establishments are obviously questioned, because the information, through its own character, is split into three segments: confidential information, restrictive information and public information.

The transparency of an inquiry made by investigative services relates to information, and information means communication.

The communication process is related in the first place to image, because image is the first aspect which we come in contact with. Then the other factors interfere: hearing, taste, touch, temperature and pain.

The communication process is a complex process based on *codes*: culture, education, society, geographical space, history, religion and individual perception of values.

If we take from management and marketing two basic rules, the SWOT analysis and the 20–80 % rule over information, we will see that the communication report is based on a realistic formulated vision being projected to produce communication results *not immediately* but after a significant time after the information investment effort. The existence of a good vision is an intrinsic condition for the development of any organisation; it is the rational result of the development for successful information.

The information is emphasised for a certain inquiry, and the information need is enough to serve freedom of expression.

Freedom of expression involves various environments, social conflicts and antagonistic concepts, while the importance of freedom of expression as a modality to develop and reflect a tolerant society involves a communication law which is regulated by a series of procedures, traditions and values that ensure unifying themes, not by a substantial theory.

The belief that freedom of expression hastens the truth-search process is expressed through the 'ideas market' metaphor. The best test for truth is to be accepted in market competition. The ideas' market participants look for the most original, truthful or useful information. Ideas' consumers have to be very careful not to accept inferior information from a qualitative and quantitative point of view.

Information changes constantly during its transmission through communication channels. These changes start when the person who transmits the information does so by coding it. When he broadcasts this information he is obligated to code it taking into account the receiver. On the way, the information flows through the communication channel, while modifying factors intervene that can change its form or content, and when the information reaches the receiver he will decode it using his own value system. That is why it is very important for the person who transmits to get *feed-back* from the person receiving the information, positive or negative, so that he can then verify it himself. Communication in essence means information exchange within time and space, which produces predictable or unforeseeable effects and results. Communication involves change, and could cause or affect changes in social structure.

People lose sight of the dynamics of truth because it intersects with error. Information exchanges do not always take place under the sign of a perfect reciprocity. History abounds with cases in which truth was reduced to silence through persecution and censorship. It is important that truth wins for the auto-rule purpose, but truth is not our biggest need, because people are their own masters. This way, the awareness of different principles which can guide conducts and opposite interests is imposed, depending on the professional or social role played by each individual.

Press is an institutionalised counter-weight of government. It has two important functions: information and information control.

Freedom of speech and the right to publish do not mean anything without the right to listen and to obtain information. This involves the existence of an audience which listens, reads and answers.

In regard to mass-media and the public, information in investigations made by control institutions investigative services' has three specific characteristics: *confidentiality, restrictiveness* and a *public facet*. *One main aspect of confidentiality is represented in large part by information with an internal institutional circuit and with a high-risk level that can cause unforeseeable effects and results*, which are difficult to control and improve. This type of information will never be made public, because it can provoke important damages, obstruct and burden the investigative services' inquiry at an individual and general level, and at an institutional, national and international level.

The Supreme Court recognised the *limited constitutional right* to receive information, just by its nature and character.

The person who uses confidential information with the intent of damaging an institution encroaches upon the law. The Supreme Court stipulated that an establishment has the right of property over confidential information which it can settle independently and that this information is for the exclusive use of the establishment.

Information of a restricted nature circulates at the communication level between establishments, and internally at the level of administration departments, research and execution, the information being selected and orientated to qualified persons who can hold and use it to solve investigations. These information networks, within establishments, are relatively closed, meaning that they function according to certain rules regarding who should participate, which effects are expected and which information is relevant for the system. Between public and private establishments there is a special coordination structure that leaves nothing to chance.

Collaboration between establishments and authorities of European States ensures information support: the know-how, as well as the technical support necessary to fight financial embezzlement, corruption, encroaching upon legislation and individual rights. The mission of investigative services is the fight against corruption, information transparency and the need to always operate in the citizens' interests, thereby serving community interests. Information which benefits citizens can be made public. So this transparency is not total; it is limited by the law regarding the character and nature of information, the effects and results which information has and can cause. Communication has to be programmed and conducted according to the information that consumers need. To reach the final decision to buy or exchange information, the individual passes through several stages: awareness of the need, the search for connected or supplementary information, the assessment of alternatives, information purchase or exchange, and post-purchase or post-exchange assessment, concerning the material and functional character of information. The analysis of communication

effects represents the key to public communication. Communication serves four types of needs: recreation, personal relationships, interpersonal identity, and factual information. "The use of communicational resources can be well characterised as an interactive process between mass-media content, needs, individual perceptions and values, as well as the social context the person belongs to", said Denis Mcquail, one of the most important public communication researchers.

Public information is framed by a few secondary principles, such as the circular and complex principle in which transmitted information functions and returns as a boomerang; the interactive principle which has at its basis mutual action; the assembling principle and context which involves the idea of organisation, of relationships connected to obtain certain characteristics.

Written press is the most intrusive and it is opened to all compared with audiovisual media. In regard to the audio-visual we can say that: '*visual* denotes and *verbal* connotes, and in other cases visual connotes and verbal denotes'.

Internet has the biggest possibilities as far as freedom of expression is concerned; it cannot be considered limited because it offers a relatively unlimited communication capacity (virtual space) at a low price.

The level of freedom of every media channel depends on a few factors: channel availability for communication, media coverage and intrusion, and the historical relationship between media and government.

The lack of efficient communication leads to communication crisis situations inside establishments as well as in external reports.

The principles which the establishments and investigative services should look for in their relations with the mass media, in my opinion, should be as follows: to be competent, not to do anything that could damage citizens' trust, to have a large and profound vision about the report, to offer an exact image, which is complete and intangible about the present (topical interest), to serve all social groups, to stimulate communication, to protect and promote human rights and democracy, to contribute to the harmony of society. "Not finding a solution is an impediment, but the problem identification", said G. K. Chesterson.

Any citizen has the right to a fair trial, without the judge or juries being influenced by the press. The press's obligation is to explain the circumstances, not to interpret them, influencing the nature of the inquiry and the citizens' opinion. Every individual has the right to protect his reputation, so that he can sue those that harm him in such a way. Through its informative context, the press can reach two important aspects, namely the reputation and emotional intelligence of every individual. That is why information is framed within well-fixed limits of emotional, psychological, sociological and cultural values. Terms such as embezzlement, deception or corruption must be used with great care because these kinds of charges can lead to a loss of customers, establishments and organisations especially for banks and insurance houses, while statements about financial instability or the impossibility of payment lead to the diminution of establishments' credit and also to losing customers.

The communication of results, by investigative services, during the inquiry is like a sword and, unless you know how to handle it, you can neither defend nor attack; worse, you could injure yourself and become the victim of an accident. That is why the information that has to be revealed to the public during an inquiry only represents general aspects of the embezzlement that cannot affect the inquiry as a whole; the establishment assuming the responsibility of a possible risk, estimated and calculated which it can afford. The investigative service of every control establishment, by means of its specialised departments in mass media and citizens' relationships, must not yield to pressures from the press or to public opinion, if a resistance to protect the interest of the inquiry and citizens implicitly comes out. The limits in which the investigative service can give inquiry details are given by the particularities of every case. In a fraud case communicating this to public opinion, even if the message is general and addressed to a large audience, the message may also be addressed to possible future defrauders.

Starting from the statement of J. F. Kennedy that "if a free society cannot help the many and poor, it cannot save the few and rich either", we can say that the law deals with economic-financial offences at all social levels, and, at the time they are made, the investigative service is obligated to inform public opinion about them, as well as about the consequent lies that result from deception and reflect upon perpetrators and upon society. By showing public opinion the offences and their effects, as well as their results, the message transmitted by the investigative service is twofold: over public opinion consciousness by opening the issue to a collective outlook and secondly, for preventing possible offences, by increasing awareness of the dangers that perpetrators face, of a psychological and social nature.

The investigative service has the duty to supply public opinion, during the embezzlement inquiry, only with the information that does not affect the inquiry's progress, the limits being different for each case. After the inquiry is finished and the perpetrators have been punished, only the information that the control and investigation establishments consider that can be made public is revealed.

The press has to ask the authorities to demonstrate that the information is relevant to a certain inquiry and that the need for information is enough to serve the citizens' interests.

The art of an intelligent conversation is to encourage the other to talk. The decisive factor is how well you know how to listen to others, and then to understand them so that you can reply.

The way in which the information is presented depends not on what it does in particular, but on its socio-cultural influence. "We cannot become what we have to become, remaining what we are", said Max De Pree.

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