Sharing information between government institutions

- Some legal challenges

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1 One word, a bundle of definitions

Legislation contains a large number of words designed to describe relevant aspects of citizens' lives. "Income", "married", "number of children you support" are examples of words and expressions which describe data collected as basis of individual administrative decisions. Equal wordings are often used in several pieces of legislation; something that may create the expectation of a possibility to share relevant collected data between government bodies. It could e.g. be expected that expressions like "residential address" have identical significance through legislation, making it possible to design information systems with shared information across regulatory and administrative borders. This paper will explore such possibilities and obstacles, using concrete examples from Norwegian legislation. Discussions will both illustrate why information infrastructure as basis of e-government services is a rather ambitious objective and sketch some possibilities of sharing information between government agencies.

Sharing of "basic data" across organisational borders in government administration has been an important objective in the work for modernisation in the public sector for almost 40 years. This focus has resulted in several information systems established with the explicit aim to serve broad parts of government administration and partly the private sector. The Population Register, The Central Co-ordinating Register for Legal Entities, The Register of Reporting Obligations of Enterprises and The Employer/Employee Register are examples of central information services in Norway designed to give services across sectors, agencies and levels. The Norwegian Ministry of Government Administration and Reform is currently evaluating the overall ICT architecture, with a Service Oriented Architecture (SOA) approach.[1] Emphasis is partly to improve availability of such general registers, and partly to develop overviews of other metadata, including data definitions, preparing the ground for more use of data across government borders.[2] Most of these initiatives are marked by an information systems approach, and the fact that a large fraction of data definitions have a legal source is not emphasised. In this article the perspective is legal.

2 Local, regional and global legal concepts

Words may as a startingpoint be described as vague or fixed.[3] It is probably fruitful to think of vagueness as the dominating aspect, in the sense that vagueness and uncertainty of how

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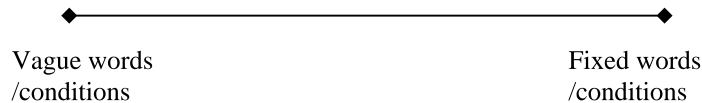
[1] See the report Felles IKT-arkitektur i offentlig sektor (Common ICT-architecture in Public Administration), submitted 21 December 2007 to the Ministry of Government Administration and Reform (http://www.regjeringen.no/upload/FAD/Vedlegg/IKT-politikk/Felles_IKT_arkitektur_off_sektor.pdf).

[2] One central effort is the development of a central semantic register for electronic co-operation (Semantikkregisteret for elektronisk samhandling - SERES), see http://www.brreg.no/samordning/semantikk/index.html.

[3] Ref. til Jons artikkel i festskriftet til Eckhoff

words should be understood is the core problem. Thus there is decreasing extent of vagueness between (very) "vague" on one end of a continuum and "fixed" in the other end. Even words we may describe as maximum fixed could be encumbered with uncertainty. Even if "man" and "woman" are e.g. words with a rather fixed interpretation, transsexual individuals may nonetheless challenge this otherwise clear semantics.



Here, I wish to make a distinction between fixed words outside and inside the legal system, i.e. words that are fixed independently of the legal system, and words that are fixed because of the legal system. The first group is primarily represented by words linked to rules/conventions within mathematics and natural sciences. Important examples are words denouncing measures (kilo, meter, hour etc) and words used within scientific systems to describe nature (flowers, mammals, gender, diagnoses, chemicals etc). Common characteristics for these words are that they are defined within a scientific system which is generally accepted. They are thus in one sense "global". Such scientific words have fixed interpretations independently of law, and are often used within law according to accepted linguistic norms. The legislator will hardly define "dog", "DNA", hour etc, but if this is done it will be remarkable if other than a scientific definition is used.[4] Information linked to this group of words with a fixed meaning, may easily be shared between many organisations and thus be part of an infrastructure of semantics in government administration and elsewhere (e.g. regarding peoples gender, age, diagnostic display etc). However, to formulate legal rules within various aspects of society, we obviously need many more words/expressions than those offered by science.

Words are building-elements in legal provisions, often as elements contained in legal conditions and results. Vagueness in natural languages often makes it possible to understand one word in several different ways, in accordance with specific contexts. Vague words may thus make legal provisions hard to interpret and apply, something which may create needs to make words in legal provisions more fixed.[5] Here I will introduce four ways of making concepts within the legal system more fixed. A common characteristic is that they all methods represent *legal decisions* regarding what the meaning of a word/expression should be (definitions):

1. Within a Norwegian style of legislation, definitions are not necessarily contained in the statutory text itself, but is added in the preparatory works of the act, in particular in statements giving grounds for and explanations of the various provisions. This technique is rather usual. Such definitions are often not exhaustive but concentrate on what the legislator expects to be particular problematic and/or important interpreting the text.
2. A second type of definition of legal words is rules containing scattered definitional statements, i.e. statements that clarify certain ambiguities regarding the meaning of specific words. One of many examples in Norwegian legislation can be quoted from the Health Personnel Act, section 66, where it is emphasised that "The word employer also includes any public authority that the relevant health personnel have entered into an agreement with relating to the running of a practice." Such definitional elements are usually strictly local; i.e. they will only have effect within the scope of the legislation in

[4] It may for instance exist competing scientific definitions (for instance of "biometrics") which create a need for the legislator to make a choice.
[5] More fixed words does however not necessarily imply simpler and less complex definitions, only that words are defined in ways which makes them easier to interpret and apply.

question. Such local definitions may however very well be candidates for wider use because other parts of legislation need the same concept.[6]

3. Legal decisions regarding significance of words and phrases often occur as explicit statutory definitions, typically listed up in the introduction of a piece of legislation. Usually such definitions are only local, i.e. they are only valid and binding within the framework of the body of rules in question. Scope of certain definitions could however be made wider by means of new decisions; either in provisions repeating definitions in other legislation or by clearly stating that these definitions shall apply. The latter technique is e.g. employed in the Data Retention Directive art. 2 (1)[7] which decide that all definitions of three other directives shall apply.[8] I designate definitions with scope covering several but a limited number of legislation "regional definitions".
4. The above referred explicit techniques of stating local and regional definitions are very different from the fourth approach where legislation (e.g. an act or part of an act) is passed with the effect that global definitions are established, i.e. definitions that cannot be deviated from within the legal system, unless an explicit decision is made. In Norway it will for instance not be feasible to use words like "marriage", "limited company" and "citizenship" in rules of law without respectively relating to the Marriage Act, the Limited Liability Companies Act and the Norwegian Nationality Act. This effect is not necessarily due to the fact that these laws clearly state their general authoritative significance, but should just as often be explained by their role as de facto predominant legal sources for the interpretation of the mentioned words. Live-in partner, by comparison, is not defined or regulated in a similar and authoritative way, something which leaves a big room of manoeuvre for legislators wishing to contextualise this word.

Common for these four types of definitions within a Norwegian legislative style is that technique 2 - 4 is combined with technique 1. Definitions may in other words both be found in the statutory text itself and in preparatory works of the act, in particular in grounds/explanations of the laws.

In the following discussions I will not distinguish between different techniques of establishing global and regional definitions. Attention is drawn towards revealing arguments in favour of such definitions and possible limits to a development towards an information infrastructure.[9] The discussion will illustrate how questions of policymaking, law and development of information systems should be related to each other.

3 "Live-in partner" as example

The Norwegian word "samboer" (english “live-in partner”) denotes a close personal relationship that is often regarded spouse-like, cf. “common-law spouse” and "cohabitant"[10]. Linguistically understood the former word is however quite open and it could probably be argued that it also may denote people of the same sex living together outside a sexual relationship (e.g. friends, brothers and sisters). The main point is in other words that people

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[6] The quoted definition is however most likely an example of concept which is so special that it will probably not have the potential of a shared definition.

[7] See Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

[8] I.e. Directive 95/46/EC, Directive 2002/21/EC and Directive 2002/58/EC.

[9] Cf. Hanseth 2002. [http://heim.ifi.uio.no/~oleha/Publications/ib_ISR_3rd_resubm2.html]

[10] "Cohabitant" is often used in translation of "samboer" in Norwegian legislation. I have chosen to use "live-in partner" instead, because I see this translation as most open for interpretation of the three possible English concepts.

live together without being married. A natural expectation would however be that live-in partners are men and women living together as if they were married. Notwithstanding this, the definition of the word is generally uncertain. Any occurrences of the word in legislation will thus necessarily require a thorough interpretation to establish the correct definition. Differences will imply problems sharing data between relevant government agencies, while identical definitions may open up for more rational and cost-effective information management, where one branch of government may supply several/all other parts of government with information concerning this social group.

Text retrieval in Norwegian legislation reveals that the word live-in partner occurs in 36 different Norwegian acts of Parliament. The word is also used and defined in a high number of regulations, i.e. pursuant to delegated legislative power. In this paper I will limit the discussion to four central examples of legislation where the word live-in partner plays an important role.[11] I use these occurrences to identify and discuss some of the legal problems information systems people are likely to meet if they try and let information flow across institutional and legal borders.

Here I will not go into details regarding the four pieces of legislation, but rather present a categorisation of the various conditions imbedded in the different definitions[12] of "live-in partner" as stated in the four Acts. I have numbered each act from 1 to 4. The table below shows which type of conditions that are used in each of these Acts. All together 14 different conditions are identified, whereof all conditions except two are used only in one of the analysed acts. However, although most conditions are unique within the selection, there are clear similarities and close relations between several of them.   Such close relations are made evident by means of five categories of conditions, added here by the author.

Category	***Conditions***	***Act nb.***
Personal	More than 18 years old	1
Accommodation	Joint address	2
	Joint accommodation	4
	Living in the same house with less than four separate accommodations	3
	Temporary apart	3
	Temporary apart if not imprisonment	2
Life together	Stable and established relationship as live-in partners	1
	Intention of continuing to live together	1
	Joint housekeeping	2
Duration	Of live-in partnership	1

[11] The following Acts form part of my investigation: Act concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm, Act on Norwegian nationality, The National Insurance Act, and Act concerning individual pension agreements. Sett på referanser

[12] "Definitions" here does not imply that a formal definition is explicitly formulated. Definition is rather the result of my interpretation of the word live-in partner, as understood on basis of the statutory text and preparatory works of the acts.

	Of relationship similar to marriage or registered homosexual partnership	4
Children	Are parents to joint children	1, 3, 4
	Have been parents to joint children	3
Marriage etc	Have previously been married	3
	Marriage would have been legal	1, 2, 3, 4
	Registered homosexual partnership would have been legal	2, 4

The table is result of analyses of statutory texts and preparatory documents from the legislative process. It does not mirror interpretations and practices from case law, and yields thus a simplified picture.

Only one act clearly states that live-in partners must be at least 18 years old, but conditions regarding marriage etc implies age limits, because people below 18 years is not allowed to marry without special permit.[13] Three of four Acts establish conditions regarding accommodation. In the fourth act this condition is embedded in a discretionary condition regarding stable and established relationship between the partners, something that, normally, will imply joint accommodation. Accommodation is both linked up to the formal condition of having a joint address, and to factual descriptions of how accommodations are used. In one of the acts, it is required that partners live in the same accommodation, while pursuant to another act they may live in different accommodations in the same house, unless there are four or less separate accommodations in that house. Two of the acts accept that partners temporary live apart, but one of them except in cases where separation is caused by serving sentence. The two acts which require certain duration of the relationship for people wanting to be accepted as live-in partners, use different descriptions of this relationship and the conditions are thus unequal.

Three of four acts require that the partners have joint children, while one of them also recognise the fact that they *have been* parents, i.e. that the children are dead. The last type of conditions in the table refers to marriage and registered homosexual partnership.[14] One of the acts accepts a couple as live-in partners if they previously have been married, even though they are without children. All four acts require (directly or indirectly) that marriage *would have been* legal between those wishing to be accepted as live-in partners. Two of these acts also regulate homosexual relations, and require that partnership pursuant to Act relating to registered partnership would have been legal.

This superficial examination of various elements embedded in the definition of live-in partners, obviously gives an incomplete picture of each set of legal regulation regarding such partnership. On the other hand, it gives a useful example of the possible complexity behind an apparently simple word. In the conclusion of this paper I will illustrate how "live-in partner" may be defined to serve as a common, basic definition in several acts.

[13] With 16 years as absolute minimum age for marriage.
[14] Such partnerships was previously registered pursuant to Act relating to registered partnership, but a unified Marriage Act was approved in July 2008.

4 The problem of bad drafting

Lawmaking reminds us of the close relationship between politics and law, in the sense that laws to a large degree express politicians' opinions. Lawyers are both at the service of the political and the legal system. In the first phase of lawmaking, politicians often formulate a mandate and give guidelines to legal and other experts, with the task to draft legislation. Some technical norms exist regarding how laws should be written, e.g. how provisions should be numbered, how references to other legislation should be etc. In Norway for instance, the Ministry of Justice publishes guidelines on regulatory technique [lovteknikk] that is basis of the regulatory control of most new laws by the Ministry. However, these guidelines first and foremost address formal questions (layout, reference techniques etc) and thus represents a rather limited approach to lawmaking. A more ambitious line of action would be to give guidance regarding the whole process of transforming political views into regulations of high quality. However, I know no example of countries with a systematically and methodological approach to the process of transforming policy to legal provisions. In Norway at least, the general picture is that no fixed method is applied for the development of statutory texts, meaning that most laws to a large extent are written "free-hand".

One important effect of legislation ad lib is that there is no standard expectation regarding investigation and analysis of words embedded in draft legislation. For instance, if a regulation requires a word designating spouse-like relationships, they are likely to choose “live-in partner”, and they will introduce the sets of conditions/definition they find suitable, without investigating whether or not one of the already existing definitions of the word will suffice. I have not made deep dives in dossiers related to the preparatory works of the four acts analysed in section 3 (above). Public available preparatory works indicates however that investigation of occurrences of "live-in partner" in other legislation was carried out only in connection to one of these acts. At least, no other references to existing definitions are made in the explanatory texts etc. Furthermore, a closer look on the differences between the four sets of regulation, evokes the suspicion that several of these differences would not survive attempts to compare and harmonise. To illustrate this point, let us go back to one of the main categories of conditions forming "live-in partner" in the four sets of legal regulations:

Category	*Conditions*	*Act nb.*
Accommodation	Joint address	2
	Joint accommodation	4
	Same house with less than four separate accommodations	3
	Temporary apart	3
	Temporary apart if not imprisonment	2

My first comment relates to the fact that one act (1) does not address the question of accommodation at all, but place this questions as part of an evaluation of whether or not a stable and established relationship as live-in partners exists or not. It is very unlikely that the introduction of a condition regarding accommodation would create any problem. My second point concerns choice between "joint address", "joint accommodation" and "same house with less than four separate accommodations". "Same house…" seem to be more liberal than the two other alternatives, but it could not be excluded that this alternative express what could be the result of concrete interpretation of the two other alternatives. Choice of "joint address" instead of "joint accommodation" may be motivated by that the first alternative indicates

resident address as registered (i.e. a formal criteria), while "joint accommodation" could be seen as pointing more in the direction of concrete evaluation of the actual life together. Notwithstanding this, it would in my view probably be quite feasible to establish one common criteria describing accommodation/address. A third point is that only two of four acts addresses the irregular situation that partners temporary live apart, without sharing accommodation. This situation may appear in any case of possible live-in partnership and must thus always be solved. Lacking regulation of such incidents may thus be seen as example of bad legislation and insufficient definition of "live-in partner".

This "speculative" discussion seeks to make probable that in the case of "live-in partners" there are unexploited possibilities to establish common criteria and definitions. From the viewpoint of lawmaking, the question is if it is feasible or not to offer policymakers certain standardised words to describe political objectives. From a policymaking perspective on the other hand, the question is if such definitions are adequate for the expression of political objectives.

Lawmaking is one of the very few government decision-making processes in Norway (and I believe in most other countries) without ICT tools especially developed to support that type of decision.[15] Here, I will not go into general questions of such tools, only underline that tools supporting text retrieval and analysis of legal words that could be shared and jointly employed in several pieces of legislation, is one such example of desirable tools. With appropriate tools it will be quite easy to establish a survey of relevant synonyms occurring in other relevant parts of legislation.[16] Existence of such tools does not necessarily imply that only existing definitions should be used. Even if the legislator chooses to make additional definitions, knowledge and consideration of other legal definitions may yield more thorough preparatory consideration; for instance because they learn from existing definitions even though these are not used. They may e.g. be aware of the need to consider if people should be accepted as "live-in partners", even though they temporarily have separate accommodations because of imprisonment and other events, cf. the above.

Introduction of global and regional concepts, across legislation and information systems, is in my view only realistic if computerised tools are developed to help lawmakers to identify and analyse relevant words and concepts. Unless such tools are introduced, the chances are high of producing legislation which, for no valid political reason, produce provisions containing awkward use of words/concepts and thus problems that must be solved in the appurtenant information system, cf. next section.

5 Fixing problems administratively

Bad drafting could be compensated by means of "creative solutions"; based on the view that different definitions are sufficiently similar to be handled e.g. in a shared computerised routine. Even if the legislator fails to harmonise data definitions and make it difficult to use data from external sources, it is possible on the information system level to partly compensate for this shortcoming. The condition is that differences between data definitions are not too big. Definitions of live-in partner in two sets of regulations may for instance be almost identical, apart from certain elements which are expected to be of significance in a small percentage of cases. If so, the strategy could be to share information on the basis of one of two procedures: i) A manual routine is established to handle cases where definitional

[15] See Schartum 2008, pp 17 - 33.
[16] Other possibilities are sketched in Schartum 2008 pp 35 - 66.

differences have effect. ii) Alternatively such differences are disregarded as part of first, ordinary administrative decision-making process. Instead, differences regarding definitions are handled in the course processing complaint cases.

An information system is for instance based on the assumption that 90% of those accepted as live-in partners pursuant to regulation A, will be accepted as live-in partners pursuant to regulation B. Handling of B-cases may thus be based on the results in A-cases by means of a computerised routine. The assumed 10% of the cases where the computerised routine alone would give incorrect results may be intercepted by manual routines. Knowledge of the differences between definition of live-in partner in regulation A and B, make it possible to specify assumed uncertain elements on which individual decisions are based. Parties are then asked to check these assumptions/information and either i) give notice or ii) make a complaint to the authority. Decisions in B-cases are e.g. based on the assumption that people having the same residential address (as established in A-cases) share accommodation (as required in B-cases). Negative decisions in cases where people share accommodation without having registered a common address, may then be subject to complaint. In positive decisions where people have common address but do not share accommodation, parties to the case may be given an obligation to notify the authority as basis of altering of decision.

The second, and somewhat brutal alternative will be to drop manual routines to correct basis of decisions and instead assume that the number of errors originating from differences of definition A and B is acceptable, given the right for parties of individual cases to make a complaint. However, the difference between this and the first strategy need not be very significant, provided factual basis of each decision is clearly stated and explicit information is given about the access to make a complaint.

There are of course several objections that could be made towards the sketched types of administrative solutions. Use of almost identical types of information in individual cases, implies use of a certain amount of incorrect data as basis of decisions. Obviously, the quality requirement should, at least as a point of departure, be 100% correctness. And to rely on people to complaint or notify in order to correct errors is obviously to gamble with quality requirements. However, cost reductions associated with use of information from shared machine-readable sources, making collection of information from each individual party redundant, make such semi-good solutions tempting.

6 Court decisions: distinguishing the case

In a society under rule of law, citizens may bring their cases before the courts and independent appeal boards to test the correctness of administrative decisions. A person denied the status of being "live-in partner", may for instance solicit the court to arrive at another result. Courts will to a certain extent mirror societal change etc, meaning that definitions of concepts may not be 100% stable but could reflect societal change etc even though no amendment has been passed of statute law itself. For instance, people that were not accepted as live-in partners five years ago, may be granted this status today due to new circumstances which the legislator had not consider.

An example from the National Insurance Court may illustrate the point.[17] Grant of pension benefits was conditioned by conclusion of A's and B's live-in partnership. The court

[17] Cf. case TRR-2003-04771.

concluded that even if A and B still lived together every now and then, they could not be considered live-in partners anymore. The main reason was that B had acquired his own accommodation. The court introduced i.e. a new explicit element relevant for the interpretation of "live in the same house" by qualifying ownership to two accommodations as a decisive fact.

Court decisions may in other words establish new elements in the definition of concepts in addition to those embedded in legislation with explanatory comments in preparatory works of the act. This dynamic nature of law is obviously challenging for development and maintenance of information systems designed to process information according to changing definitions. One of the implications is that even though the legislator at one point of time has managed to co-ordinate various fields of law and formulated a joint definition shared through a common information system, court decisions may at any time endanger this harmony. Court decisions only apply to cases within the specific field of law in question, and will usually have no effect on other related fields of law. It will thus often not be possible to let such decisions have effect also for other fields of law sharing the same definition of concept in a joint information system.[18] Court decisions may in other words create a lasting problem for sharing of information in government administration.

Courts' power to distinguish the case, i.e. to make concrete judgements of cases and, eventually, identify novel elements in the interpretation of law is important to secure individual fairness in the legal system. It could on the other hand be rather problematic for the realisation of information systems designed to share information. An ideal solution seen from an information systems' side, would be to pass legislation explicitly stating that definitions of concepts shall be identical with corresponding definitions in certain other parts of legislation, cf. the example mentioned in section 2 nb. 3 (above). In this way courts may be obliged to consider definitions for all relevant laws jointly. Less recommendable solutions will be to change the information system according to shifting case law, or to establish compensatory manual routines.

7 The problem of political control

Political views and processes are dynamic and legal regulations are amended accordingly. Amendments may e.g. be triggered by mass media headlines creating high pressure on politicians. Such situations may be occasioned by incidents which people believe to be clearly unfair and on this background demand political change. Unfairness and cry for political and subsequently legal change could be linked to concepts in the wording of provisions, for instance “live-in partner”. Even though the legislator has been able and passed laws with jointly defined words in several laws, demand for amendment will easily destroy this unity. What may start as common definitions may i.e. be fragmented by political developments. In case, information sharing will be made difficult or impossible and information systems must probably be changed.

When legislators choose how to formulate legal rules, they partly make a prediction regarding which wording will be most suitable to realise the political objectives pursued through that law. Predictions are of course always associated with uncertainty. Uncertainty is easier to tackle if an appropriate degree of ambiguity and discretion is embedded in the provisions. An important prerequisite is that interpretations are made in line with provisions expressing the

[18] Unless, of course, the act is amended.

aim of the act, implying that vague expressions etc are understood pursuant to the assumed will of the legislator. Such linguistic qualities and regulatory techniques give a certain degree of flexibility in the application of the law and consequently better possibilities to tackle situations that the legislator did not consider when the law was passed.

Vague definitions in statutory texts are from a political viewpoint not necessarily negative. Used with care it is rather positive and not something which should be removed to pave the way for as effective information systems as possible. On the other hand, it may certainly not be concluded that the more vague a legal text is, the better political control will be. The challenge is, as often is the case, to strike the right balance. In the next and concluding section of this paper, I will investigate this balance further.

8 Conclusion

An important underlying issue in this paper has been the tension between the rather flexible, open and discretionary legal system, and rather formalised, closed and inflexible computerised information systems. Discussions have demonstrated that it is difficult to go far in the direction of formalising the legal words and conditions without abandoning important legal principles. Thus, as often is the case, solutions are probably found in between extremes, i.e. between extreme extent of vagueness and extreme formalisation. The objective is to choose a middle course where both legal principles and effective administration and information systems could be respected.

Above, in section 2, I identified two major techniques that may be employed in order to establish regional or global definitions of words/expressions describing data that we like public administration and other institutions to share between them. The first concerned statutory definitions (cf. 3) and the second referred to legislation with general effect (cf. 4). In concluding, I will develop the latter strategy a little further, because it may illustrate how vagueness and formalisation could be combined and still allow more information to be shared.

Government administration usually has monopoly with regard to exercise of power. Thus, only one agency has the power to establish income tax, assign various types of benefits according to compulsory arrangements (sickness, unemployment, retirement etc), approve establishment of companies, approve marriage and divorce, sentence criminals, issue firearms certificate and driving licenses, approve motor vehicles etc. These types of government monopoly implies that there could be only one primary source of information regarding such decisions, implying that when decisions are final (with no right of making complaint), the information is true and stable. Such information is much easier to share between government agencies and other organisations than other types of information. Limitations regarding widespread use of such government information are first and foremost linked to considerations regarding data protection and privacy, in particular related to the purpose limitation principle in European data protection law.[19] Such considerations will however not be discussed here.

In this context I will highlight the possibility of also employing information from individual decisions in government agencies as building elements in the construction of *new* concepts. We may for instance define a basic concept of live-in partner only on what has been established as a legal fact and registered in government files:

P1 and P2 are live-in partners if

P1 and P2 have identical residential address in the Population Register and

[19] Ref. Lee

P1 and P2 are not registered as member of the same family in the Population Register; and
P1 and P2 are not registered as married couple in the Marriage Register.

As emphasised in the discussion of political control, it is often not desirable to limit legislation to a few highly formalised facts and criteria as just exemplified. Such formalisation could however be a basis for political consideration. Other conditions could then be suggested on top of this basis, as options for policymakers. In the case of defining "live-in partner" in more subtle ways than in the statements above, additional elements may for instance be:
P1 and P2 are live-in partners if
[basic fixed conditions, cf above] and/or (free choice) and if
P1 and P2 live in the same house with less than four separate accommodations according to the Population Register
P1 and P2 are more than 18 years old according to the Population Register
P1 and P2 temporary live apart according to the Population Register

In this second layer of definition, policymakers may have a choice of additional elements as part of satisfying the conditions of being live-in partner. The exemplification (above) use fixed conditions, i.e. conditions that refer to information established in government files according to authoritative decisions and other establishments of facts. Such a second/middle layer may be skipped and/or be replaced/supplemented with a third layer of possible and optional conditions which lawmakers may make use of. On this level conditions require concrete evaluation of each individual case, and contain vague and rather discretionary elements. The following examples are based on actual definitions presented in section 3 (above):

P1 and P2 are live-in partners if
[basic fixed conditions, cf above] and/or if
[optional fixed conditions] and/or
P1 and P2 live in a stable and established relationship
P1 and P2 have the intention of continuing to live together
P1 and P2 have joint housekeeping

The idea is not to restrict lawmakers' possibilities of formulating fair legislation by introducing fixed and "square" definitions, but to introduce a framework on which special elements may be added on basis of political considerations. The basic definition of "live-in partner" (above) will for instance not be appropriate within all parts of legislation, and in case supplementary information concerning fixed and/or vague conditions may be collected. Possibilities of automated supply of relevant and relatively cheap information connected to the first two layers of definition will however - probably - increase the chances that lawmakers will make use of these and be reluctant towards employing comparatively expensive information regarding vague criteria on the third level.

This very tentative sketch of how words/concepts may be constructed on basis of what is decided/established in government administration, may be seen as result of the kind of aspiration traditionally labelled "computer-friendly legislation".[20] Such attempts could in other words be explained on basis of needs to pass legislation which, more easily than what often is the case today, could be transformed and implemented in computerised information systems. This label may however veil basic problems related to management and application of legislation. Computer-friendly may to a large extent be translated by "well-defined", and well-defined legislation is by far prerequisite for comprehensible legislation. Clearer

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[20] Ref.

definition of legal concepts and reduced numbers of definitions is thus not only a benefit for public administration in their strive towards more efficient government through sharing of information between government agencies; it may just as much be seen as valuable for ordinary citizens trying to pave their way through the jungle of legal rules.