

Confidentiality in electronic administrative contracting

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Confidentiality in electronic administrative procurement

Authors

Pablo Schiavi University of the Oriental Republic of Uruguay (Montevideo, Uruguay)

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Summary

The objective of this paper is to address secrecy in electronic public contracting, since the legislation in force in Uruguay determines that public contracting must be guided, as a very broad rule, by the principle of transparency, as this is the true basis of contractual democracy . which makes it the main instrument to fight corruption. It so happens that the legal system provides for exceptions, in which information can be classified as secret, reserved and confidential, as defined by legislation. Finally, it deals with the Electronic Opening modality to be used by the Public Administration in its contracts.

Author's biography

Pablo Schiavi, University of the Oriental Republic of Uruguay (Montevideo, Uruguay)

Doctor in Law and Social Sciences from the Faculty of Law of the University of the Oriental Republic of Uruguay (Montevideo, Uruguay). Doctoral student in Ibero-American Administrative Law at the Faculty of Law of the University of La Coruña (Spain). Master in Economic Administrative Law from the University of Montevideo (UM). Professor at the University of the Republic. Professor at the University of Montevideo. Diploma in Infrastructure Development and Financing from the Polytechnic University of Madrid. Certificate of Money Laundering Prevention and Terrorism

Financing by the Law School of the Catholic University of Uruguay. REDICOP National Coordinator for Uruguay. Member of IFAD and ADPM. Member of the Administrative Law Institute and the Constitutional Law Institute of the Faculty of Law of the University of the Republic. Member of the RIBP. Email:pablo.schiavi@schivi.com.uy | tw: [@PabloSchiavi](https://twitter.com/PabloSchiavi) |  [0000-0001-7420-2471](https://orcid.org/0000-0001-7420-2471)

References

DELPIAZZO, CE (2019). Life cycle of bids in electronic administrative contracting procedures. *Journal of Law and New Technologies*, 1, 189-204.

DELPIAZZO, CE (2019). Administrative hiring. (edited and updated). Montevideo: University Culture Foundation.

DELPIAZZO, CE (2015). Administrative, state or public contracting? In: Comments to TOCAF: on Public Procurement. (pp. 13-35). Montevideo: University of Montevideo.

DELPIAZZO, CE (2015). Comments to TOCAF: on Public Procurement. Montevideo: University of Montevideo. T.2

DELPIAZZO, CE (2014). Administrative procedures and new technologies: Regarding its new regulatory framework. *Administrative Law Studies*, (10), 49-72.

DELPIAZZO, CE (2013). About the third TOCAF. In: Jurisprudential and doctrinal Treaty: acts and contracts of the administration. (pp. 1139-1149). Montevideo: The Uruguay Law.

DELPIAZZO CE (2003). From advertising to transparency in administrative management. *Law Review University of Montevideo*, 113-124.

DELPIAZZO, CE (2005). Transparency in administrative procurement. In: *Liber amicorum discipulorumque José Aníbal Cagnoni*. (pp.129-141). Montevideo: University Culture Foundation.

DELPIAZZO, CE (1998). Automation of administrative activity within the framework of the State reform. *Administrative Law Yearbook*, 6, 17-28.

DELPIAZZO, CE (1998). Legal Framework for the Automation of Administrative Activity: The 'electronic file' in Uruguay. *Computer Science and Law: Ibero-American Journal of Computer Law*, (19-22), 699-720. Presented at the Informatics Legal and Deontological Framework Conference (Mérida: September 16-20. 1997).

DURÁN MARTÍNEZ, A. (2018). Guiding principles of administrative contracting. Incidence in the execution of administrative contracts. *Administrative Law Studies*, (17), 5-39.

DURÁN MARTÍNEZ, A. (2014). The administrative contract in Uruguay. *Legal Studies*, (12), 117-191.

DURÁN MARTÍNEZ, A. (2013). "Principles of administrative contracting". *Administrative Law Studies*, (8), 49-85.

DURÁN MARTÍNEZ, A. (2013). Public tender. *Administrative Law Studies*, (8), 161-193.

DURÁN MARTÍNEZ, A. (2012). Right to the protection of personal data and access to public information habeas data: Laws no. 18,331, of August 11, 2008 and no. 18,381, of October 17, 2008. (2nd ed.act.ampl). Montevideo: Amalio M. Fernández.

DURÁN MARTÍNEZ, A. and SCHIAVI, P. (2013). Ordered Text of the Accounting and Financial Administration of the State (TOCAF). *Administrative Law Studies*, (8), 825-915.

RISSO FERRAND, MJ (2011). The general principles of administrative contracting in Uruguay: with special reference to the principle of equality and the principle of respect for the specifications. In: *Legal Studies in Tribute to Professor Juan Pablo Cajjarville Peluffo*. (pp. 373-389). Montevideo: University Culture Foundation.

RODRÍGUEZ-ARANA, J. (2016). The principles of global law of public procurement. *Law Review: Arbitrated Publication of the Catholic University of Uruguay*, [Online resource], 12 (13), 189-217.

SCHIAVI, P. (2013). The State Purchasing and Contracting Agency (ACCE): Challenges of a new management in State purchasing and contracting. *Administrative Law Studies*, (8), 113-159.

SCHIAVI, P. (2019). Studies of public information and personal data: outstanding doctrine and jurisprudence. *Compilation of work from postgraduate courses 2016-2018*. Montevideo: University of Montevideo. Law School. T. 3.

SCHIAVI, P. (2016). Studies of public information and personal data: compilation of research works of the postgraduate courses 2014-2015. Montevideo: University of Montevideo. Law School. T.2.

SCHIAVI, P. (2014). Studies of public information and personal data: compilation of research works of the postgraduate courses 2012-2013. Montevideo: University of Montevideo. Law School. [T.1]

SCHIAVI, P. (2019). *Disciplinary Administrative Law Studies: outstanding doctrine and jurisprudence. Compilation of works from the 2018 Postgraduate Course*. Montevideo: Universidad de Montevideo. Law School. T.1

SCHIAVI, P. (2016). Legal regime of the action of access to public information in Uruguay. In: *Studies of public information and personal data: compilation of research works of the postgraduate courses 2014-2015*. (pp.21-61). Montevideo: University of Montevideo. Law School.

SCHIAVI, P. (2016). Limits on access to public information in the National Telecommunications Administration (Antel). In: *Studies of public information and personal data: compilation of research works of the postgraduate courses 2014-2015*. (pp.

347-363). Montevideo: University of Montevideo. Law School.

SCHIAVI, P. (2014). Special administrative procedure: Access route to public information. *Administrative Law Studies*, (10), 399-424.

SCHIAVI, P. (2014). Limits on access to public information in large-scale mining. *Administrative Law Studies*, (9), 381-395.

SCHIAVI, P. (2014). Reflections on five years of the law on access to public information in Uruguay. In: *Studies of public information and personal data: compilation of research works of the postgraduate courses 2012-2013*. (pp. 19-40). Montevideo: University of Montevideo. Law School. Presented in 6th. National Meeting of Electronic Government (Montevideo: 4-5 Dec. 2013)

SCHIAVI, P. (2012). Decree No. 17/012 of January 26, 2012. *Administrative Law Studies*, (6), 541-597.

SCHIAVI, P. (2013). The State Purchasing and Contracting Agency (ACCE): Challenges of a new management in State purchasing and contracting. *Administrative Law Studies*, (8), 113-159.

SCHIAVI, P. (2012). Law No. 18,786 of July 19, 2011. *Administrative Law Studies*, (6), 491-538.

SCHIAVI, PABLO (2012). Legal and organizational framework of Public-Private Participation: Challenges of a new institutionality. *Administrative Law Studies*, (6), 83-125.

SCHIAVI, P. (2012). Limits to access to public information in Public-Private participation. *Administrative Law Studies*, (6), 617-637.

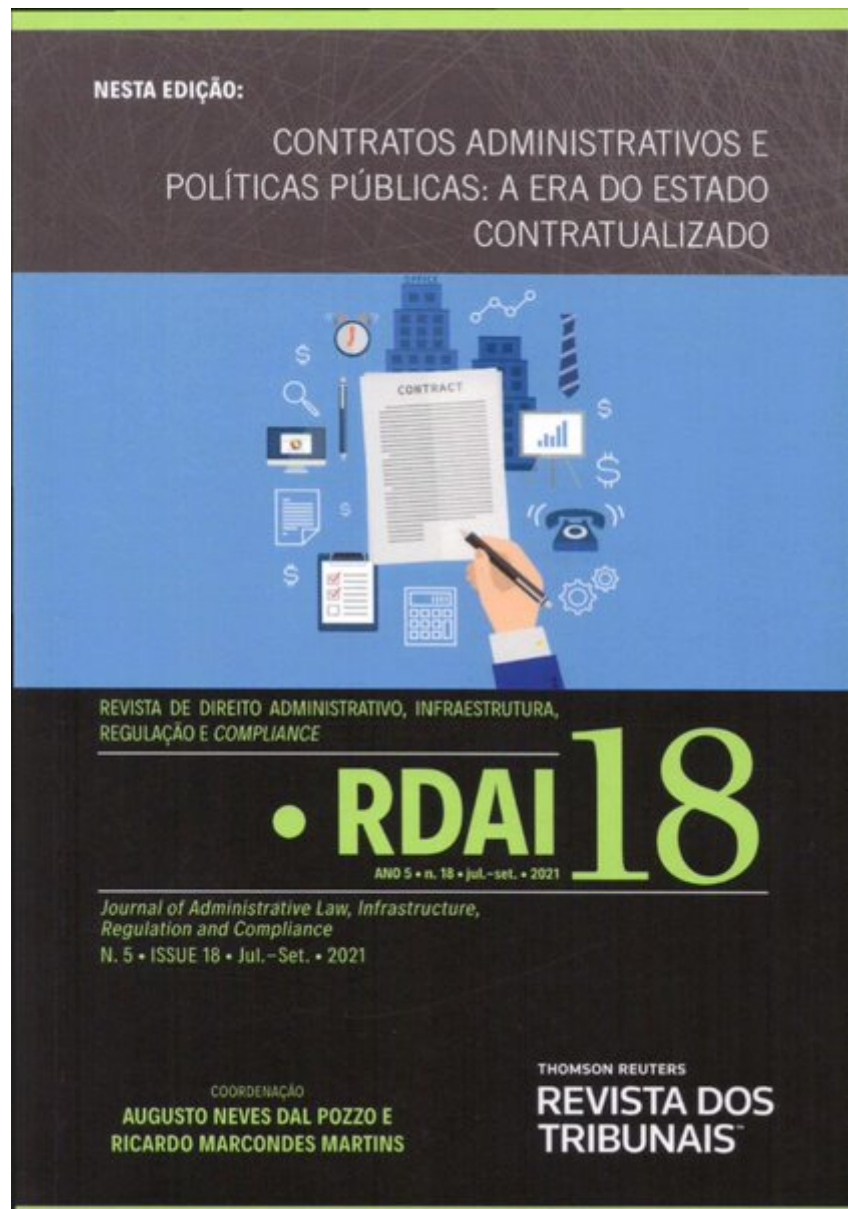
SCHIAVI, P. (2012). Control of access to public information and protection of personal data in Uruguay. Montevideo: University of Montevideo. Law School.

SCHIAVI, P. (2012). Public-private participation in the development of infrastructures and related services in Uruguay: First reflections on Law No. 18,786. *Journal of Law and Courts*, (18), 119-147. Presented in 4th. Ibero-American Administrative Law Conference (La Coruña: May 30-June 3, 2011).

SCHIAVI P. (2011). Access to public information in Uruguay. *Administrative Law Studies*, (3), 391- 434.

VÁZQUEZ, C. and SCHIAVI, P. (2013). Administrative procedures: Decree 500/991 of September 27, 1991. Montevideo: The Uruguay Law. T.1

VÁZQUEZ, C. (2011). The legal regime of access to public information and the protection of personal data. *Journal of Law and Courts*, (15), 59-109.



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