

Compliance to EU law in a local context

The influence of legitimacy perceptions of civil servants on their propensities to comply to the General Data Protection Regulation

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Acknowledgements

Dear reader,

Before you lies my master thesis, which marks the end of my master in European Union Governance and Politics and the end of my time as a student. Reflecting on the process of writing this thesis, I look back on an interesting and academically challenging period.

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Enjoy reading my thesis.

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1. Introduction

1.1 Research problem

Over time, the European Union has expanded its powers and has grown into a complex polity (Newman, 1996, p. 109). At the same time, with this expansion, more and more shortcomings concerning the legitimacy of the polity came to light. Schmidt (2020, p. 25) describes that there has been an increasing democratic deficit in the EU. This deficit is for instance caused by the shortcomings in representation that Norris (1997, p. 275) describes: indirect representation is not transparent enough and there are weak links between voters and political parties in the EU.

Furthermore, the Union faces a persistent problem of non-compliance with EU law (Angelova et al., 2012, p. 1269; Mastenbroek, 2005, p. 1104; Falkner et al., 2005; Toshkov et al., 2010). When looking at the timely transposition there might not seem a lot of issues, however at the stage of practical implementation, which is most important for achieving the goals of legislation, non-compliance gets more serious (Zhelyazkova et al., 2017, p. 225). Besides this, differences in compliance between member states are also present across the Union (Falkner & Treib, 2008, p. 309).

Non-compliance is undesirable because it can lead to differences between member states. This is problematic because the purpose of a Union of member states is to develop shared legislation to realize common goals. This means non-compliance undermines the purpose of the European Union (Egeberg & Trondal, 2009, p. 779-780).

Key players in the practical implementation of EU legislation, and thus important for compliance, are national actors, specifically civil servants (Egeberg & Trondal, 2009, p. 779). Since they are responsible for the implementation of EU law in practice, the decisions they make are decisive in whether a member state complies to EU law or not.

So far, there have been multiple studies on explanations for non-compliance. Beach (2005) has for instance studied instrumental and normative explanations for non-compliance, while Wikström et al. (2011) have addressed rational perspectives on non-compliance. Tyler (1990, p. 6) explains that another motivation for compliance could be legitimacy. Individuals might feel an obligation to comply because they feel the rule or institution is just or appropriate (Tyler, 2006). Feeling this propensity to comply is not just restricted to the individual level but can also be towards a polity or community (Føllesdal, 2006, p. 450). So, a feeling of legitimacy of the EU might be a motivation to comply to its legislation. Despite this, little research into this has been done. This thesis addresses that research gap.

1.2 Aim and research question

The objective of this research is to gain insights into how civil servants feel their motivations to comply to EU law are influenced, specifically whether they feel their motivations are related to their legitimacy perceptions of the EU. This thesis aims to find information about legitimacy perceptions of

the EU of civil servants and gain knowledge about the underlying mechanisms that lead to a possible relation between these perceptions and civil servants compliance propensities.

In practice, the insights this thesis provides can be used to better understand the underlying reasons for non-compliance. Insights into these motivations for compliance could provide a starting point for practical recommendations municipalities can use to enhance the compliance of their civil servants. These insights provide information about what should be focused on in improving motivations to comply. In practice, this serves the objective of improving municipalities compliance to EU law.

Treib (2014, p. 9) explains that the way the EU is organized, consequentially means it must rely on national administrations to implement EU law. The member states themselves are responsible for the implementation of EU law and usually enjoy some discretion to achieve the goals of EU law (Angelova et al., 2012, p. 1269). This means that national administrations have an important role in the implementation of law and are decisive in the compliance of member states.

The implementation process can be seen as composed of three different stages: transposition, legal implementation, and practical implementation (Zhelyazkova et al., 2017, p. 217). Transposition is the incorporation of EU law into the member states legal system, while legal implementation also composes adjustment of domestic law to the new legislation. Practical implementation encompasses the efforts of member states in terms of resources, knowledge and investments that are necessary to comply to the legislation in practice. Since practical implementation is most important for compliance, as it ensures the results that the legislation aims for, it will be the focus of this thesis. In this regard, civil servants are important actors, as they are the people executing the practical implementation. Therefore, this thesis will focus on civil servants.

To be able to understand a possible relation between legitimacy perceptions and compliance, this thesis will focus on the General Data Protection Regulation. The General Data Protection Regulation (GDPR) ensures the protection of the privacy of natural persons when their data is collected (Wolford, 2024; EUR-Lex, 2016). It entered into force in 2018 and requires organizations to adhere to certain standards, such as fairness, accuracy, and data minimization, to ensure data security and privacy across the Union. The reason to focus on the GDPR is that municipalities process a lot of personal data and thus have to make many decisions on compliance to the GDPR (AP, n.d.-d).

There are multiple actors in relation to the GDPR. The data subject, firstly, refers to the person to which the data belongs, while the data controller refers to the person that controls the use of the data (Wolford, 2024). This controller decides the reasons for allowing data processing and how these data will be processed, and they are the people that work with the data in practice. A third party is also included in the role of a data processor: they process on behalf of the controller. A fourth possible actor is the data protection officer. Data protection officers are mandatory in cases of large-scale data processing, for government bodies and if they fall under special categories of data processing

(Lassche, n.d.). And finally, Member States are required to establish an authority at the national level that supervises the correct application of this regulation (EUR-Lex, 2016).

For this thesis, interviews will mainly be conducted with civil servants who have the role of controller. Since controllers are the people responsible for the choices concerning the use and processing of personal information, they are most relevant: they are the people who decide on the application of EU law.

However, whether civil servants base their compliance on legitimacy perceptions is only a relevant question if these civil servants are able to make different decisions in practice. This is the case because civil servants have discretion, they have a certain autonomy (Tummers & Bekkers, 2014, p. 530). Discretion refers to “the extent of freedom a worker can exercise in a specific context” (Evans, 2010, p. 2). Tummers and Bekkers (2014, p. 532) explain that civil servants having some discretion is inevitable because there is a gap between general laws and their application to practical situations, which is where the discretion of civil servants lies. Further, Evans (2010, p. 3) argues that public organizations, such as municipalities, are complex and have goals that are sometimes contradictory, whilst their resources are also limited, making discretion necessary. Besides this, civil servants are especially relevant since there is evidence that they are important actors during the implementation of laws on a subnational level (Niederhauser & Maggetti, 2023, p. 399).

To understand a possible relation, and the underlying mechanisms, between the legitimacy perception of the EU and how civil servants feel it influences their compliance propensities, in this thesis, the following research question is formulated:

To what extent do civil servants who are responsible for the implementation of the GDPR feel their compliance propensity is influenced by their legitimacy perceptions of the European Union?

This question can be divided in the following sub-questions:

1. How can compliance propensity to the GDPR be defined?
2. What possible legitimacy perceptions of civil servants can be derived from the literature?
3. In what way do these perceptions influence the compliance propensity of civil servants, according to the literature, if at all?
4. How do civil servants feel these perceptions influence their compliance propensity in practice, if at all?
5. How do civil servants feel their compliance to the GDPR is influenced by explanations other than legitimacy perceptions?

1.3 Academic and societal relevance

Research into compliance to EU law is not new. Over time, there have been studies on explanations for compliance and non-compliance on the member state level (see for instance Tallberg, 2002; Zhelyazkova et al., 2016; Chayes & Chayes, 1993; Börzel et al., 2010). Specifically, studies have focused on instrumental explanations for non-compliance (Beach, 2005), domestic factors influencing compliance (Falkner & Treib, 2008) and rational perspectives on compliance (Wikström et al., 2011).

Another perspective on compliance is legitimacy (see for instance Hurd, 1999). Even though there has been some research into the relation between legitimacy and compliance (see for instance Zhelyazkova et al., 2016; Börzel et al., 2010), it has so far been understudied. However, legitimacy might prove to be an important factor worth researching in relation to compliance. There is for instance evidence that legitimacy can influence whether an actor will obey a rule (Hurd, 1999, p. 379). On the individual level, there is also evidence that legitimacy increases an individual's willingness to comply (Tyler, 2006). And, as stated before, the EU faces a democratic deficit, making research into legitimacy even more relevant. To address this important research gap, this thesis will therefore focus on legitimacy as an explanation for non-compliance.

A research gap also remains concerning the non-compliance by civil servants who are tasked with the implementation of EU law, even though they are important actors in the implementation phase of EU legislation (Treib, 2014, p. 9). Besides this, Treib (2014, p. 19) concludes that there have been more studies on the transposition stage of EU legislation, while there has been less of a focus on the practical implementation of EU law. This thesis will address this research gap and contribute to the current body of research by trying to explain how the perceived legitimacy among civil servants of the EU influences compliance behavior of civil servants, specifically concerning the practical implementation.

As mentioned before, civil servants play an important role in ensuring compliance to EU law by the member states (Treib, 2014, p. 9). Conducting research into the motivations they have for compliance or non-compliance will provide insights in how to motivate them to comply. This is important because of the effect compliance has on the legitimacy and effectiveness of EU law, as described before. Higher compliance will be beneficial to the effectiveness of EU policies and to the legitimacy of the EU.

1.4 Preview of the theoretical approach

The theoretical framework of this thesis starts with a distinction between compliance and compliance propensity. Compliance refers to conformation to legislation or decisions that are made by authorities with a legal basis (Levi et al., 2009, p. 355) or as consent to some authority or conformity and adherence (Grimes, 2006, p. 285; Brosig, 2012, p. 391-393). Specifically, compliance propensity refers to a certain willingness instead of necessarily direct deterrence (Grimes, 2006, p. 286).

Legitimacy is defined as a feeling of an obligation to comply that people might experience because they feel a rule or institution is just or appropriate (Tyler, 2006, p. 375). The theoretical basis for the independent variable of this thesis, legitimacy perceptions, consists of a combination of two strands of literature, from which different types of legitimacy perceptions are derived: the social psychology literature and the EU governance literature. The EU governance literature, first, makes a distinction between institutional legitimacy, input legitimacy, throughput legitimacy and output legitimacy (Schmidt, 2013; Gibson et al., 2005). The social psychology literature, on the other hand, distinguishes institutional legitimacy, procedural justice, and performance legitimacy (Tyler, 1990, 2004; Levi et al., 2009; Tankebe, 2009; Grimes, 2006; Sunshine & Tyler, 2003; Føllesdal, 2006). These insights are taken together to form a framework of legitimacy perceptions. The distinction that Schmidt (2013) makes, namely between input, throughput and output legitimacy, will serve as a basis for this framework. Another dimension will be added to this framework by including two levels to which these perceptions can apply as described by Føllesdal (2006, p. 450), namely the political decision and the regime level.

Finally, the theoretical framework includes some alternative explanations for compliance propensity as derived from both strands of literature, namely: normative motivations, managerialist motivations and rational motivations (Winter & May, 2001, p. 677; Börzel et al., 2010, p. 1363; Hurd, 1999, p. 379; Tallberg, 2002, p. 609).

1.5 Preview of the methodological approach

This thesis will follow a qualitative approach to research the possible relation between legitimacy perceptions and compliance propensity. A qualitative approach is suitable because it is focused on getting a better understanding of behavior and beliefs using for instance texts (Guest et al., 2013, p. 3, 27). Beside this, an interpretive perspective will be used. Interpretive research aims to make meaning of practices or phenomena and reveal the underlying reasons for them, it is focused on understanding (Quinlan, 2017, p. 1; Haverland & Yanow, 2012, p. 404; Given, 2008, p. 464). This fits the aim of this thesis since the objective is to get a deeper understanding of the motives of civil servants to comply with EU law.

Since this thesis uses insights from two strands of literature an abductive approach will be employed. An abductive approach is somewhere between the deductive and inductive approach, it “aims to find the most logical solution and useful explanation for phenomena”, and uses both theory and data (Thompson, 2022, p. 1411; Kennedy, 2018, p. 52).

The method of data collection is semi-structured interviews. This fits with the interpretive approach of this thesis since they provide the necessary space for participants to share their experience, while there is still a theoretical basis that provides some structure (Kallio et al., 2016, p. 2955).

A thematic analysis is used to analyze the data, following the eight-step approach of Thompson (2022). Municipalities that are included in this thesis are selected based on diverse selection. A diverse selection of cases aims to facilitate appropriate variation (Seawright & Gerring, 2008, p. 300). Based on this, twelve municipalities are included in this thesis.

1.6 Structure of the thesis

This thesis will proceed as follows. In the second chapter, the policy framework will be set out. This provides information about the GDPR. The third chapter contains the theoretical framework, which includes an understanding of compliance propensity and the different types of legitimacy that can be distinguished based on the literature. Some alternative explanations for compliance propensities are also set out. A final framework that combines insights on legitimacy from both the EU governance literature and the social psychology literature is included. A similar framework containing the alternative explanations is presented. The fourth chapter is concerned with the methodological framework of this thesis, in which the choices for the methodological approach are explained. The fifth chapter presents the results of this thesis, structured based on the theoretical framework. Finally, the sixth chapter includes the conclusion and discussion of this thesis. In this chapter, the main question of this thesis is answered.

2. Policy framework

In this chapter, the policy framework of the General Data Protection Regulation will be provided. It starts with an explanation of the coming into being of the GDPR. A description of the GDPR follows and after that the main responsibilities and obligations are set out. After that, an explanation of the implementation of this regulation in the Netherlands is provided. The chapter concludes with a summary.

2.1 The establishment of the GDPR

The foundations of the General Data Protection Regulation (GDPR) can be found in the data protection directive, its precursor (European Council, 2024). This directive followed from the right to privacy that is captured in the European Convention on Human Rights of 1950 (EDPS, n.d.-b; AP, n.d.-b). However, the enormous technological developments of the past decades required a review of the data protection legislation which resulted in the GDPR (EDPS, n.d.-b).

A first step in the modernization of the data protection legislation was made by the European Commission, which held a conference about personal data and privacy (Wilhelm, 2016). What followed were reactions and opinion pieces by relevant stakeholders, such as the European Data Protection Supervisor (EDPS) and the Article 29 Working Party (EDPS, n.d.-b; Wilhelm, 2016; EDPB, n.d.-b). Following this, the European Commission issued a proposal that was aimed at a strengthening of privacy rights and that encompassed a reform of the data protection rules (EDPS, n.d.-b). The European Data Protection Supervisor explains how, in the years following, consecutively the European Parliament adopted the GDPR, and the Council also reached an approach. Finally, the European Parliament, the European Commission and the Council came to an agreement (Wilhelm, 2016). This resulted in the adoption of the GDPR in 2016 (European Council, 2024). To ensure correct implementation, the member states had two years to implement the GDPR, after which, the GDPR officially entered into force (EDPS, n.d.-b).

2.2 The content of the General Data Protection Regulation

The GDPR is concerned with the processing and transferring of personal data of EU citizens (European Council, 2024). Personal data refers to any data or information that is related to an individual in which that individual either is identified or could be identified based on the data (European Commission, n.d.-b). The regulation was adopted by the European Parliament and the Council on the 27th of April 2016, and it entered into force, after a two-year adoption period (EDPS, n.d.-b). It is currently the strictest privacy and security legislation worldwide (European Council, 2024), with fines for violation that go up to dozens of millions of euros (GDPR.eu, 2024). The scope

of the GDPR goes beyond the borders of the European Union: organizations around the world are bound by it if they handle data that is related to citizens of the European Union (Wolford, 2024).

Four main cornerstones of the GDPR can be distinguished (European Council, 2024). First, the EC describes that the GDPR sets out the rights of EU citizens concerning the use of their data. Second, requirements for those who process the data are formulated and third, the methods which they should use to comply to the GDPR are also defined (Regulation 2016/679, 2016). Finally, in case of a breach of the rules and requirements that are set out in the regulation, sanctions are also formulated (European Council, 2024).

The GDPR defines four different roles that individuals can have regarding the processing of data (Regulation 2016/679, 2016). First, the person whose data is collected and processed is called the data subject, while the data controller is the person in the organization who handles the personal data and makes decisions about how that data is processed (GDPR.eu, 2024). The data processor is a third party, an individual or organization outside of the original organization, that processes the data on behalf of the controller (Wolford, 2024). Finally, the GDPR distinguishes a fourth role, namely the role of Data Protection Officer (DPO) (Regulation 2016/679, 2016). A DPO is mandatory in cases of large-scale data processing, for governments or government bodies and if they fall under special categories of data processing (Lassche, n.d.). The DPO is responsible for the monitoring of the organization's compliance to the GDPR but is also tasked with advising about compliance and giving for instance trainings (Wolford, 2024).

2.3 Important responsibilities that are included in the GDPR

2.3.1 Member state responsibilities

Regarding the member states, the GDPR formulates some obligations for the correct implementation. An important obligation for the member states is to call a supervisory authority that is independent into being (European Council, 2024). The European Council explains that this authority should operate at the national level and is responsible for the consistent application of the GDPR across the Union. To ensure a uniform and full application of the GDPR across the EU, the supervisory authorities of all 27 member states are united and represented in the European Data Protection Board (European Council, 2024).

2.3.2 Responsibilities of organizations

Regarding the data collection by organizations, some rules apply. One of the most important requirements for organizations is that they obtain the consent of the data subject to collect and process their data (Regulation 2016/679, 2016). There are however also some requirements when it comes to getting consent from data subjects. Organizations or people that collect data should for instance have prove of the consent of the data subject, the consent should be requested clearly, and data subjects

should be able to revoke their consent at any given time (Wolford, 2024). Wolford explains that other legitimate reasons to collect data are for instance a legal obligation, an obligation to the public interest or to save somebody's life. The GDPR obliges governments and organizations that serve the public interest to appoint a data protection officer (Regulation 2016/679, 2016, AP; n.d.-e).

The GDPR also expresses some key responsibilities when organizations process or transfer personal data (European Commission, n.d.-a). Seven main principles that should be adhered to during data processing are included in the regulation, which are depicted in figure 1 (Regulation 2016/679, 2016).

The first principle is '*lawfulness, fairness and transparency*' (Regulation 2016/679, 2016). This principle is related to the person whose data is processed, also called the data subject, and aims to ensure a fair treatment of that person (European Commission, n.d.-a). The second principle is described as '*purpose limitation*' (Regulation 2016/679, 2016). The data an organization processes should only be processed for the intended purposes, not for any other purpose (GDPR.eu, 2024). These purposes should be clearly indicated to the data subject when their data is collected (European Commission, n.d.-a). The third principle holds '*data minimisation*' (Regulation 2016/679, 2016). The data an organization processes and collects should be no more than is strictly necessary for the goals that the organization has defined for the processing of data (GDPR.eu, 2024). The fourth principle is '*accuracy*' (Regulation 2016/679, 2016), which entails a responsibility to keep the personal data that is processed up to date. If there are indications that they are not up to date, this should be either corrected or the data should be erased (European Commission, 2024; Regulation 2016/679, 2016). The fifth principle entails '*storage limitation*' (Regulation 2016/679, 2016). Data should only be stored as it serves the initial purposes (European Commission, 2024). There are some exceptions to this, for instance if the storage of the data serves the public interest (Regulation 2016/679, 2016). The sixth principle demands '*integrity and confidentiality*', central to this principle is the security of the data that is being processed (Regulation 2016/679, 2016). An organization should ensure the protection of the subject's data against illegitimate processing and data loss should be prevented (European Commission, 2024). Finally, the seventh principle is '*accountability*' (Regulation 2016/679, 2016). This principle is focused on the person in the organization who processes the data: the controller (Regulation 2016/679, 2016; Wolford, 2024). This final principle entails that this person bears the responsibility for the compliance to the six other principles and should also be able to provide evidence for compliance (Regulation 2016/679, 2016).

The seven principles the GDPR obliges for the processing of personal data	
1.	Lawfulness, fairness, and transparency
2.	Purpose limitation
3.	Minimisation
4.	Accuracy
5.	Storage limitation
6.	Integrity and confidentiality
7.	Accountability

Figure 1: The key principles of the GDPR.

2.4 Dutch implementation

2.4.1 The GDPR

In Dutch the General Data Protection Regulation is known as the *Algemene Verordening Gegevensbescherming* (AVG) (AP, n.d.-a). Even though the GDPR as a regulation does not require transposition, some parts of the regulation require additional legislation, namely when the national implementation is concerned (AP, n.d.-b). The AP explains that, in the Netherlands, this has mainly been formalized in the “*Uitvoeringswet Algemene verordening gegevensbescherming*”, or in short, the UAVG. The UAVG mainly regulates the establishment of the independent supervisory body that is mandatory for the member states, in the Dutch context the “*Autoriteit Persoonsgegevens*”, which is discussed below, and the sanctions this body can issue in case of a breach of the law (*Eerste Kamer der Staten-Generaal*, 2018).

2.4.2 The Autoriteit Persoonsgegevens

The independent national authority that is obligatory for member states and that was mentioned before, has taken the form of the *Autoriteit Persoonsgegevens* (AP) in the Netherlands (AP, n.d.-b). The AP describes how it is responsible for the supervision of compliance to the AVG by organizations. However, the AP also assists organizations in ensuring they are capable of complying, for instance by providing information about the legislation and by answering questions (AP, n.d.-a). The AP explains that, in case of a violation of the rules, it can sanction organizations, for instance by warning them or by fining up to dozens of millions of euros.

Besides this, the AP is also tasked with advising the Dutch government on new legislation when it concerns the processing of personal data (AP, n.d.-c). Finally, the AP also has some international tasks. These tasks include working together with the European Data Protection Board and other member states to ensure a consequent application of the GDPR and working together with and assisting supervisory boards from other member states (AP, n.d.-c; Regulation 2016/679, 2016). Included in the international task of the AP is supervising some European institutions such as Europol

and European information systems together with the supervisory boards of the other member states (AP, n.d.-c).

2.4.3 Dutch municipalities and the GDPR

For this thesis, civil servants who handle personal data and who work for Dutch municipalities will be interviewed. Therefore, this section takes Dutch municipalities and their relation to the GDPR into account.

The AP (n.d.-d) explains that municipalities are per definition organizations that handle a lot of personal data since they have responsibilities that require the collection of this data and often it is mandatory for municipalities to collect data from citizens. The prime responsibility of the correct application of the GDPR in a municipality lies with the municipal executive, the local council having a supervisory role (VNG, 2024). The GDPR obliges governments and organizations that serve the public interest to appoint a data protection officer (DPO), so that includes municipalities as they are local governments (Regulation 2016/679, 2016, AP; n.d.-e). The prime responsibility of the DPO is ensuring compliance of the organization to the GDPR (EDPS, n.d.-b). A DPO should be able to work independently, should be provided the right resources to carry out their responsibility, a conflict of interests should be prevented, they should have investigative authority and a clear term and conditions of appointment (EDPB, n.d.-a). Besides the mandatory DPO, in the Netherlands, most municipalities also have other employees that implement the GDPR and bear responsibility for privacy protection, such as privacy officers and ambassadors (VNG, 2024).

Municipalities seem to struggle to comply to the GDPR: Bits of Freedom (2022) concluded in 2022 that the 10 largest municipalities in the Netherlands failed to comply to the GDPR, even though they did not lack ambition. However, the GDPR has caused increased attention for privacy security at municipalities in the Netherlands (WODC, 2023).

2.5 Summary

In this chapter, it was explained that the General Data Protection Regulation is concerned with the processing of personal data (European Council, 2024). It was adopted as a modernization of the data protection directive after great technological developments required more up to date legislation (European Council, 2024). The GDPR contains some responsibilities. The GDPR requires member states to call a national, independent supervisory body into being to oversee compliance (European Council, 2024). Organizations who collect data also have certain responsibilities, mainly getting consent from the data subject (Regulation 2016/679, 2016). Finally, the GDPR also formulates seven responsibilities for organizations that process data (Regulation 2016/679, 2016; European Commission, n.d.-a). Besides this, the GDPR distinguishes different roles in relation to personal data.

In Dutch, the GDPR is referred to as the *Algemene Verordening Gegevensbescherming* (AP, n.d.-a). Some parts of the GDPR require further legislation, which has taken the form of the *Uitvoeringswet Algemene Verordening Gegevensbescherming* in the Netherlands (AP, n.d.-b). This legislation calls the *Autoriteit Persoonsgegevens* into being, which is the independent board that supervises compliance to the GDPR and can issue sanctions in case of a breach (*Eerste Kamer der Staten-Generaal*, 2018). The AP supervises compliance, advises organizations, and works together with supervisory boards from other member states (AP, n.d.-c). Because municipalities are a local government, they are obligated to appoint a data protection officer (Regulation 2016/679, 2016, AP; n.d.-e).

3. Theoretical framework

In this chapter, the theoretical foundation of this thesis is presented. First, a description of compliance and compliance propensity is provided. After this, different types of legitimacy derived from the social psychology literature and from EU studies will be explained. The insights from these types of literature will be combined to form a framework. Next, some levels to which these perceptions might apply are explained. These levels are then added to the framework to complete the overview. Besides legitimacy perceptions, both strands of literature also identify alternative explanations for compliance propensities. The next section will discuss these alternative explanations. Finally, a summary of this chapter will be provided.

3.1 Compliance

Since the research question of this thesis focusses on what influences compliance propensity and actual compliance, a definition of these terms is necessary. In general, compliance can be seen as conformation to legislation or decisions that are made by authorities with a legal basis (Levi et al., 2009, p. 355). Compliance can be seen as consent to some authority or conformity and adherence (Grimes, 2006, p. 285; Brosig, 2012, p. 391-393). Levi et al. (2009, p. 355) explain compliance as “voluntary deference to the directives of authorities and rules” or “obedience”. They also explain that compliance entails cooperative behavior. Raustiala and Slaughter (2002, p. 539) define compliance as “a state of conformity or identity between an actor’s behavior and a specified rule”. Grimes (2006, p. 286) formulates a similar distinction: she states that after a decision is made, people can either choose to contest or defer, the latter referring to compliance.

Since motivations are more aligned with propensities, compliance propensity is more relevant. Van den Berg et al. (2016, p. 17) describe that compliance propensity essentially entails feeling a certain duty to law or lawmakers, which motivates compliance. Grimes (2006, p. 286) explains that propensity in this case refers to a certain willingness instead of necessarily direct deterrence. Tallberg (2002, p. 613) explains that this refers to wanting to comply, regardless of for instance being able to comply.

Existing literature shows that people who believe an institution or system is legitimate, are more likely to comply (Tyler, 1990, p. 26; Tyler, 2006, p. 379; Levi et al., 2009, p. 354). Low legitimacy has an opposite effect: if people are less supportive of laws or institutions, it has a negative effect on their compliance (Tyler, 1990, p. 26). Therefore, in the next section, different types of legitimacy will be derived from the literature.

3.2 Legitimacy perceptions from the EU governance literature

Tyler (2006, p. 375) explains that legitimacy entails the feeling of an obligation to comply that citizens might experience because they feel a certain rule or institution is just or appropriate. There are different types of legitimacy perceptions that can be derived from the literature. These different types of legitimacy perceptions can be found in both the social psychology and EU studies. The EU governance literature, firstly, makes a clear distinction between input, throughput, and output legitimacy (Schmidt, 2013, p. 2). Schmidt (2013, p. 1) describes that this is a normative distinction since they are focused at evaluating legitimacy, they can be seen as normative standards. Although this is a useful start which provides a clear distinction and some conditions for legitimacy, a more empirical approach that complements the more theoretical EU governance literature is missing. An empirical approach is useful to gain insights in the practical reality of legitimacy, which is why this will be derived from the more empirical social psychology literature. These more empirical types of legitimacy from the social psychology literature will be taken together with the types from the EU governance literature to formulate a framework of legitimacy perceptions.

As stated, the literature on EU governance distinguishes some types of legitimacy perceptions. According to Schmidt (2013, p. 2) types of legitimacy can be distinguished based on the policy process of the EU. She makes a clear distinction between input, throughput, and output legitimacy.

3.2.1 Input legitimacy

Input legitimacy refers to legitimacy based on participation of people in the policy process (Schmidt, 2013, p. 4). Specifically, input legitimacy refers to the support of the people for the system (Easton, 1965, p. 144). This type of legitimacy can be obtained through elections which ensure representation (Schmidt, 2013, p. 4), but also through the feeling of collective identity (Scharpf, 1999, p. 8). Direct participation of citizens themselves in the policy making process can also be a form of input legitimacy (Strebel et al., 2019, p. 489). Wimmel (2009, p. 190) explains that for participation as a condition of input legitimacy, this should happen early in the policy process, for instance through democratic elections or referenda. Central to this type of legitimacy is whether an actor represents what citizens want (Schmidt, 2020, p. 25), or, in other words, whether that actor has the demands of the citizens in mind (Schmidt, 2013, p.4). To summarize, important conditions for input legitimacy are a feeling of collective identity, representation, and participation at the beginning of the policy process.

Interestingly, when the EU is concerned, Scharpf (1999) identifies a problem with this type of legitimacy. In line with what is set out before, Scharpf (1999, p. 7) argues that input legitimacy can be measured by conditions such as participation and consensus, and refers to “government by the people” (p. 2). However, additionally, he explains that a collective identity is vital for this type of legitimacy (p. 9). He argues that these conditions of participation and consensus indeed apply if a common agreement among the people who are concerned can be reached. He also explains that this is

increasingly less likely if the distance between decision-makers and whom they represent becomes larger. Scharpf (1999, p. 2) explains that this distance is particularly large in the EU and that input legitimacy is therefore lacking. Scharpf (1999, p. 9) explains that the European Union lacks for instance a common language, history, and culture, which is why there is no collective identity. In other words, if decisions are taken based on majority instead of in agreement with everyone, input legitimacy will be lower (Scharpf, 1999, p. 7). In conclusion, input legitimacy is particularly challenging in the context of the EU.

3.2.2 Throughput legitimacy

Throughput legitimacy refers to legitimacy derived from the process between the input and output of the policy process (Schmidt & Wood, 2019, p. 728). This is also important for other legitimacy types, since throughput legitimacy relates to the process that translates input into output (Navarro et al., 2022). Different aspects of the process can be seen as conditions of this type of legitimacy (Schmidt, 2020, p. 25). The first aspect that can be distinguished is accountability, which is openness about information, justifying behavior and adhering to sanctions in the case of a violations or good performance (Wille, 2016, p. 695). Inclusiveness, or participation, is also one of the conditions of throughput legitimacy, which entails including citizens and interest groups in discussions about the policy process (Caby & Frehen, 2021, p. 232). Other conditions include transparency and openness (Schmidt & Wood, 2019, p. 728). To sum it up, accountability, participation, and transparency are the main conditions for throughput legitimacy.

3.2.3 Output legitimacy

Output legitimacy concerns the last part of the policy process. It can be described as “government for the people” (Scharpf, 1999, p. 11), and is measured by the effectiveness of the decision-making process in the end, it is about the outcomes of the policy process (Strebel et al., 2019, p. 489; Schmidt, 2013, p. 1). It is about the performance of the policy in practice and its ability to solve problems (Schmidt & Wood, 2019, p. 728). Specifically, Scharpf (1999, p. 11) explains that this concerns collective problems: problems that cannot be solved by individuals alone but instead require some form of cooperation. He also explains that these problems usually affect a great number of people and consequentially requires some institutional form or government that provides the necessary collective action. Another condition for output legitimacy is the efficiency of the policy (Lindgren & Persson, 2010, p. 451). Scharpf (1999, p. 11-12) explains that this type of legitimacy might be particularly important in the case of the European Union because in his opinion the EU lacks input legitimacy, as set out earlier. On the contrary, he argues that output legitimacy might be more plausible since the institutional structures that are necessary for this are in place in the EU. In conclusion, effectiveness and efficiency are two important conditions for output legitimacy.

3.2.4 Institutional legitimacy

A final type of legitimacy that is distinguished in the EU governance literature is institutional legitimacy (Gibson et al., 2005). Independently from the outputs the institution produces in the present, institutional legitimacy is based on trust in that institution (Gibson et al., 2005, p. 189). This type of legitimacy can be described as deriving from trust, goodwill, or loyalty towards an institution (p. 188-189). Central is the confidence in an institutions ability to deliver in the long run.

Hough et al. (2010, p. 205) add moral alignment to this. This means that institutional legitimacy also entails that people and institutions should generally share the same moral positions. The authors argue, that if people belief an institution acts in line with their own ethical framework and values, they are more likely to perceive the institution as legitimate (p. 205). So, institutional legitimacy concerns whether people trust an institution and feel loyal towards it.

However, as stated, institutional legitimacy stems from loyalty or trust in an institution (Gibson et al., 2005, 189). It can be argued that because input, throughput, and output legitimacy can enhance loyalty or trust in an institution because of for instance favorable outcomes or a feeling of being included in the process, institutional legitimacy is not necessarily its own source of legitimacy but more a consequence of those three types of legitimacy. Therefore, in the final framework, it will not be seen as a distinct type of legitimacy but rather as a consequence of the types of legitimacy.

3.3 Legitimacy perceptions from the social psychology literature

When looking at the social psychology literature, on an individual level, legitimacy refers to a feeling of appropriateness or fairness towards an authority or institution (Tyler, 2006, p. 376). Tyler explains that believing an institution or authority is legitimate, creates a feeling of personal obligation towards those authorities. It can be described as feeling an authority is valid, proper, and desirable (Tyler, 2006, p. 377). The social psychology literature mainly distinguishes types of legitimacy: institutional legitimacy, procedural justice and legitimacy based on performance (Tyler, 1990, 2006; Levi et al., 2009; Tankebe, 2009; Grimes, 2006; Sunshine & Tyler, 2003; Føllesdal, 2006).

3.3.1 Institutional legitimacy

A first type of legitimacy is institutional legitimacy (Tyler, 1990). This type of legitimacy is described as support for or loyalty to an institution, authority, or system (Tyler, 1990, p. 28). It can be derived from a feeling of citizens that it is reasonable to obey to an authority (Easton, 1958, p. 180). Trust and a belief in the good intentions of an authority can also be important for legitimacy (Levi et al., 2009, p. 356), which also entails the motivations that leaders have for making decisions. Tyler (1990, p. 25) explains that a person's own morality may also enhance institutional legitimacy. He states that if people feel like an authority acts in accordance with their beliefs and values, this may increase the

perceived legitimacy of an institution. Kelman (2006, p. 4) also states that shared values can be a source of legitimacy.

Because this type of legitimacy is based on loyalty, the authority that has this type of legitimacy has some freedom in making unpopular decisions in the short run (Tyler, 2006, p. 381).

3.3.2 Procedural justice

A second type of legitimacy is procedural justice. Procedural justice is concerned with the way people are treated by an authority and how they experience the process (Tyler, 1990, p. 7). Tyler (1990, p. 7) has shown that people are more likely to view legal authorities as legitimate if they feel like they have been treated fairly. He describes how a respectful, neutral, and polite treatment can increase feelings of legitimacy. Jackson et al. (2012, p. 1054) explain that procedural justice is important because it causes moral alignment between an institution and individuals. They explain (p. 1053) that a fair treatment confirms a feeling of sharing a group with the authority and can influence someone's self-worth, which is why it enhances legitimacy.

In the case of government policies, Levi et al. (2009, p. 360) have shown that an important condition for procedural justice is for people to feel like they were able to influence the policy for them to believe that the process was legitimate. Tankebe (2009, p. 10) also stated that participation in the process is an important aspect of procedural justice. He elaborates that getting the chance to participate and feeling heard are of importance for procedural justice. It is also important that people believe a government acts in line with the rule of law (Levi et al., 2009, p. 360).

Another important aspect of procedural justice is neutrality (Tyler, 2004, p. 94). Objective decisions and feeling that a decision or treatment was not based on biases, are important to perceive a process as just. Tyler (2004, p. 94) also adds interpersonal treatment as an important aspect of procedural justice: a respectful and polite treatment. Finally, which motives the decision makers have also plays a role (Tyler, 2004, p. 94). Citizens will experience higher procedural justice if they trust these motives.

This type of legitimacy might be particularly important for understanding EU-related compliance propensities. Earlier studies have shown that procedural justice might enhance legitimacy, regardless of whether the outcomes are perceived to be desirable or not (Tyler, 2004, p. 91; Tyler, 1990). As Tyler (2004, p. 89) explains an institution may not always be able to influence outcomes exactly how they intend to, however, they are able to influence how they treat people. In other words, while legitimacy derived from performance may not always be easily influenced, procedural justice can be achieved more easily. What is more, procedural justice is even more influential for legitimacy perceptions than the performance of these institutions (Tyler, 1990, 2004). Sunshine and Tyler (2003, p. 535) even refer to procedural justice as "clearly the primary factor shaping legitimacy". However, Grimes (2006, p. 306) finds that procedural justice is not vital for compliance and the trust in an institution.

In sum, conditions for procedural justice are a fair treatment, participation in the process, feeling like a government acts in line with the law (fairness), neutrality, interpersonal treatment and alignment with the motives of decisionmakers.

3.3.3 Performance legitimacy

The third type of legitimacy is performance. Legitimacy based on performance is based on the effectiveness of the outcome of an authority (Sunshine & Tyler, 2003, p. 518). This type of legitimacy may be enhanced if people experience that a government is able to provide services and deliver effective policies (Levi et al., 2009, p. 356). Another important aspect of performance is what Tyler (1990, p. 5) calls distributive justice. This type of justice entails that people believe an outcome is fair and just, regardless of whether they perceive the outcome as desirable. In other words, not only the quality of the outcome itself is important for legitimacy, also whether people perceive it as being fair. In summary, conditions for performance legitimacy are effectiveness of the outcome and fairness of the outcome.

3.4 A framework of legitimacy perceptions

To establish a framework of legitimacy perceptions, the insights of both types of literatures will be integrated. Before these insights can be taken together, a reflection on the similarities and differences is necessary.

Some similarities can be found between the types of legitimacy from both literatures: as described earlier, they both distinguish types of legitimacy that are concerned with the process (procedural justice and throughput legitimacy), types of legitimacy that are concerned with some form of outcome (performance or output legitimacy) and institutional legitimacy.

However, there are also distinctions between the two strands of literature. A first clear distinction is the normative nature of the EU governance literature opposed to the more empirical nature of the social psychology literature (Schmidt, 2013, p. 1). Therefore, the more empirical insights from the social psychology literature are useful to gain insights in the practical reality of legitimacy in addition to the theoretical contributions of the EU governance literature. Another distinction is that the social psychology is focused more on the experiences of individuals, for instance on how they experience treatment in the case of procedural justice (Tyler, 1990, p. 7). This is one of the advantages of combining these two literatures: the social psychology literature provides the basis about individuals' perceptions which is necessary since this thesis focusses on individuals' experiences. A final distinction is that the EU governance literature more specifically includes aspects related to democracy when legitimacy is concerned, for instance representation as a condition for input legitimacy, opposed to the social psychology literature (Schmidt, 2013, p. 4). This proves the added value of the EU governance literature: since this thesis is set in the context of the European Union, theories that consider aspects that are related to democracy are useful.

To establish a framework, the work of Schmidt (2013) will be used as a basis. Schmidt (2013) provides a clear structure with her distinction between input, throughput, and output legitimacy. As explained earlier on, input legitimacy is ensuring representation and a feeling of collective identity. Conditions for this type of legitimacy are a feeling of collective identity, representation, and participation at the beginning of the policy process. The social psychology literature explains a similar condition, namely an alignment of individuals values with the motives of decisionmakers but ascribes this to either procedural justice or institutional legitimacy. Since representation also means a representation of interests and values, this will be treated as corresponding with representation.

Throughput legitimacy was explained to be concerned with the process between input and output legitimacy (Schmidt & Wood, 2019, p. 728). From the EU literature, the following underlying conditions were derived: accountability, participation, and transparency. Similarly, procedural justice, as derived from the social psychology literature, also describes participation as a condition. The procedural justice literature also adds fair and interpersonal treatment as conditions. However, since these conditions focus specifically on the individual setting, they will not be included in the framework. This is because the main question of this thesis is concerned with legitimacy perceptions in relation to EU law. Neutrality will also not be included because it is less relevant in the political reality of the European Union: the policy process is inherently a political process making neutrality an irrelevant condition. In contrast, the condition of fairness is a good addition to the conditions as derived from the EU governance literature, since it is applicable in the context of EU law, which is why it will be included as a condition for throughput legitimacy.

As described before, output legitimacy refers to the performance of a policy or polity and effectiveness and efficiency are two important conditions. As performance legitimacy as derived from the social psychology literature also focusses on the performance of a policy or polity, it will be considered as corresponding to output legitimacy. However, the social psychology literature also adds fairness of the outcome as a condition of output legitimacy.

Taking this together, the types of legitimacy and the underlying conditions are depicted in a framework in figure 2.

Type of legitimacy	Underlying conditions
Input legitimacy	A feeling of collective identity
	Representation
	Participation at the beginning of the policy process
Throughput legitimacy	Accountability
	Participation
	Transparency
	Fairness, respect for the rule of law
Output legitimacy	Effectiveness
	Efficiency
	Fairness of the outcome

Figure 2: A first framework of the types of legitimacy perceptions

In the final framework as depicted in figure 3, institutional legitimacy is put with the institutional level exclusively on the regime level. The reason for this is that it was argued that this is not necessarily a distinct type of legitimacy, but rather a consequence of the types that were derived from the literature.

3.5 Institutional levels

According to Føllesdal (2006, p. 450) there are different objects or levels that are subject to these legitimacy perceptions. He explains that people can have legitimacy perceptions of for instance a public institution or a regime. Føllesdal (2006, p. 450-451) names six different objects or levels that people can perceive as legitimate or not legitimate, namely: the political decision, authorities, public institutions, the regime as a whole, the principles of a regime, and the political community (referring to the citizens in such a community). However, he (2006, p. 451) also recognizes that these objects are interrelated. Therefore, and to fit the case selection and research aim of this thesis, a selection of objects is made.

In the case of the GDPR and to research the relation between legitimacy perceptions and compliance, two objects are particularly important: the political decision and the regime. Føllesdal (2006, p. 451) explains that the political decision is for instance a piece of legislation, such as the GDPR. Since the GDPR is central in this thesis, the political decision should be included in the framework. He also explains that a whole political order, such as the EU, can be subject to different legitimacy perceptions (Føllesdal, 2006, p. 451). Since this thesis is concerned with a piece of EU law, namely the GDPR, specifically the political order is relevant. Taking these different levels to which legitimacy perceptions can apply into account, the final framework is presented in figure 3.

Level	Type of legitimacy	Underlying conditions
Policy	Input legitimacy	A feeling of collective identity
		Representation
		Participation at the beginning of the policy process
	Throughput legitimacy	Accountability
		Participation
		Transparency
		Fairness, respect for the rule of law
	Output legitimacy	Effectiveness
		Efficiency
Fairness of the outcome		
Regime <i>Institutional legitimacy</i>	Input legitimacy	A feeling of collective identity
		Representation
		Participation at the beginning of the policy process
	Throughput legitimacy	Accountability
		Participation
		Transparency
		Fairness, respect for the rule of law
	Output legitimacy	Effectiveness
		Efficiency
Fairness of the outcome		

Figure 3: The final framework

3.6 Alternative explanations

As set out in the introduction of this thesis, there have been multiple studies on non-compliance (see for instance Beach, 2005; Börzel et al., 2010; Wikström et al., 2011). These studies show that legitimacy perceptions are not the only possible influence on compliance propensities of civil servants, there are alternative motivations for compliance. To remain open to the data and keep a broad theoretical perspective these alternative explanations will be explained in the next sections.

3.6.1 Alternative explanations from the EU governance literature

The EU governance literature distinguishes a managerialist and an enforcement approach to explain compliance, besides the earlier set out legitimacy approach (Börzel et al., 2010, p. 1363; Hurd, 1999, p. 379; Tallberg, 2002, p. 609). First, the enforcement approach finds its roots in a rational, realist tradition (Börzel et al., 2010, p. 1364; Keohane, 1988, p. 386). Börzel et al. (2010, p. 1367) explain that the enforcement approach assumes that actors make a rational choice between compliance and non-compliance based on the benefits and costs of that choice. In other words, if the costs of compliance outweigh the benefits according to the actor, that actor will choose not to comply and vice versa (Tallberg, 2002, p. 611). Thus, compliance or non-compliance is a voluntary choice (Chayes & Chayes, 1993, p. 187). Or as Hurd (1999, p. 379) puts it, compliance might stem from the fear of an actor for punishment. He refers to this approach as coercion. Downs et al. (1996, p. 386) explain that the costs of non-compliance should therefore be severe enough to motivate compliance. Hurd (1999, p. 380) adds to this that an actor might also comply because a rule is in line with their self-interest, making compliance more beneficial which leads to a different calculation of interests.

There are four conditions of enforcement as a motivation for compliance. First, Börzel et al. (2010, p. 1367) explain that monitoring might enhance the costs of non-compliance because of the higher chance of detection. Second, sanctions in the form of material costs in case of non-compliance are also a condition for enforcement as a motivation for compliance (Börzel et al., 2010, p. 1368). Third, Keohane and Nye (1977, p. 289) add to this and explain that actors value their own reputation because it can be an important asset in relation to others. They set out that a reputation of non-compliance can be harmful in relation to other actors because they will be seen as less reliable. Therefore, reputational costs are also a condition. Fourth, Hurd (1999, p. 380) explains that self-interest might motivate compliance. To summarize, material costs, fear of detection, reputational costs, and self-interest are conditions for enforcement as a motivation for compliance.

The managerialist approach, on the contrary, does not necessarily assume that non-compliance is always a voluntary act and a rational calculation, but rather a consequence of inability to comply (Börzel et al., 2010, p. 1369). This approach assumes that actors, in general, will voluntarily comply if they are able to (Tallberg, 2002, p. 613). In the literature, three main reasons for the inability to comply are identified. First, Chayes and Chayes (1993, p. 193) explain that an actor might lack the necessary technical knowledge to comply. Second, Simmons (1998, p. 83) explains that actors might not comply because they lack the necessary material or economic resources to comply. Third, actors might be unable to comply because rules are ambiguous or norms that must be met are not clearly defined (Börzel et al., 2010, p. 1369). Rule ambiguity is almost inevitable because during the formulation of law and rules not everything can be foreseen, not all contexts can be taken into account, and not all specific situations can be considered (Chayes & Chayes, 1993, p. 188). Besides this, sometimes actors might simply not understand a rule correctly (Chayes, Chayes & Mitchell, 1998, p. 40). So, a lack of technical knowledge, a lack of economic resources or rule ambiguity might hinder

compliance, even if an actor is willing to comply. Providing assistance to actors, for instance through financial or administrative aid, or ensuring enough transparency to prevent confusion about the obligations of rules, on the other hand, might improve compliance (Chayes & Chayes, 1993, p. 204).

Based on these causes of the inability of actors to comply, three conditions for managerialism as a motivation of non-compliance can be identified: a lack of technical knowledge, a lack of material resources and rule ambiguity (Chayes & Chayes, 1993, p. 193; Simmons, 1998, p. 83; Tallberg, 2002, p. 613).

3.6.2 Alternative explanations from the social psychology literature

Besides the earlier explained legitimacy perceptions as a motivation for compliance, the social psychology literature also identifies instrumental and normative motivations for compliance (Sunshine & Tyler, 2003; Burby & Paterson, 1993; Winter & May, 2001).

Instrumental motivations, first, assume that actors make a cost-benefit calculation when deciding on whether to comply or not, similar to the enforcement approach (Winter & May, 2001, p. 676). Central in this approach is the self-interest of the actor (Beach, 2005, p. 114). An actor will choose to comply if they believe the costs of non-compliance are higher than the benefits (Burby & Paterson, 1993, p. 755). The instrumental approach assumes that non-compliance might be prevented when it comes with a certain risk, or in the words of Sunshine and Tyler (2003, p. 514) when there are “credible sanctioning threats”. These sanctions could for instance be fines (Beach, 2005, p. 118) but sanctions or risk calculations could also include reputational damage or an increased workload (Dörrenbächer, 2017, p. 1331). Sunshine and Tyler (2003, p. 514) explain that instrumental motivations also relate to whether someone feels another actor or rule is effective and performs well because this affects whether compliance is beneficial to an actor. Winter and May (2001, p. 676) identify two conditions for instrumental motivations for compliance. They state that the chance of detection, or in other words, risk, and the speed and severity of the sanctions influence the calculation that the actor makes on whether to comply or not. To summarize, the instrumental approach also assumes a calculation of costs and benefits, with risk and sanctioning as two conditions that motivate compliance.

Besides instrumental motivations, normative motivations also provide alternative explanations for compliance propensities. Normative motivations are based on people’s values, they are about feeling a certain moral duty to comply in general (Winter and May, 2001, p. 677). These normative motivations have their basis in personal ideology and what a person experiences as their civic duty and how that relates to obeying the law (Winter and May, 2001, p. 677). Similarly, Burby and Paterson (1993, p. 756) explain that normative motivations stem from a person’s norm of what it is to be a good citizen and from internal values of what is lawful behavior. So, a condition for normative motivations to comply is a feeling of general moral duty to comply (Winter & May, 2011, p. 677). Another

condition for normative motivations to comply is the shame that people experience if they do not comply because it goes against their own conscience and values (Grasmick et al., 1991, p. 236). In sum, conditions for normative motivations to comply are a moral duty to comply to law in general and shame about non-compliant behavior.

3.6.3 Alternative explanations taken together

Again, there are some similarities and differences that can be found between the two strands of literature. One of the differences is that the social psychology literature focusses on the individual level, while the EU governance literature finds explanations for non-compliance on a governmental or national level. However, the main difference is that the social psychology differentiates normative motivations, which are about a general moral duty to comply, as a distinct motivation for compliance propensities, which the EU governance literature does not do. Conditions for this approach are shame and a general moral duty to comply. Similarly, the EU governance literature distinguishes managerialist motivations, which focus on material resources, technical knowledge and rule ambiguity, which the social psychology literature does not do.

There is, however, also one similarity: both the EU governance literature and the social psychology literature distinguish a rationalist approach to compliance propensity. In the EU governance literature this is referred to as the enforcement approach, while the social psychology literature calls it instrumentalism. Both approaches understand compliance as a rational calculation of costs and benefits, which is why they will be taken together and referred to as rationalist motivations. The social psychology literature distinguishes sanctions and risk as conditions. The EU governance literature, on the other hand, adds self-interest as a condition for rational motivations as an explanation for non-compliance. The EU governance literature, like the social psychology literature, also distinguishes a fear of detection, or risk, and refers to sanctions, but is more specific. Therefore, material costs and reputational costs will be considered as underlying conditions for the general condition of sanctions.

Taking these insights from both strands of literature together, the following alternative explanations and conditions, depicted in figure 4, can be derived.

Alternative explanation	Conditions	
Rational motivations	Risk/fear of detection	
	Self-interest	
	Sanctions	Material costs
		Reputational costs
Managerialist motivations	A lack of technical knowledge	
	A lack of material resources	
	Rule ambiguity	
Normative motivations	A general moral duty to comply	
	Shame	

Figure 4: The alternative explanations and indicators

3.7 Summary

In conclusion, compliance propensity entails feeling a certain duty to law or lawmakers, which motivates compliance (Van den Berg et al., 2016, p. 17). People who believe an institution or system is legitimate, are more likely to comply (Tyler, 1990, p. 26; Tyler, 2006, p. 379; Levi et al., 2009, p. 354).

Legitimacy entails the feeling of an obligation to comply that citizens might experience because they feel a certain rule or institution is just or appropriate (Tyler, 2006, p. 375). Different types of legitimacy can be derived from the literature, specifically from the social psychology literature and from the EU governance literature.

In the EU governance literature, a distinction is made between input, throughput, and output legitimacy based on the policy process (Schmidt, 2013, p. 2). Input legitimacy, firstly, stems from a representation of interests and a feeling of collective identity and is mainly focused on the beginning of the policy process (Schmidt, 2013, p. 4; Scharpf, 1999, p. 8; Wimmel, 2009, p. 190). Throughput legitimacy, secondly, is concerned with the process between input and output legitimacy (Schmidt & Wood, 2019, p. 728). Output legitimacy, thirdly, concerns the last part of the policy process and has effectiveness and efficiency as underlying conditions (Scharpf, 1999, p. 11; Strebel et al., 2019, p. 489; Lindgren & Persson, 2010, p. 451). Finally, in this strand of literature institutional legitimacy is also mentioned (Gibson et al., 2005 p. 189). This is based on trust and loyalty towards an institution.

From the social psychology literature, mainly three types of legitimacy can be derived: institutional legitimacy, procedural justice and legitimacy based on performance. First, institutional legitimacy entails support for or loyalty to an institution, authority, or system (Tyler, 1990, p. 28). Trust and morality are important for this type of legitimacy (Levi et al., 2009, p. 356; Tyler, 1990, p. 25). Second, procedural justice is concerned with the way people are treated and how they experience the process (Tyler, 1990, p. 7). Third, legitimacy based on performance is based on the effectiveness of the outcome of a policy or an authority (Sunshine & Tyler, 2003, p. 518). These types of legitimacy

can apply to multiple institutional levels (Føllesdal, 2006, p. 450). In this thesis, the level of the policy and of the regime as a whole are considered. Combining these insights, three main types of legitimacy, input, throughput, and output legitimacy, together with the underlying conditions, form the final framework.

Finally, some alternative explanations for compliance propensities can be derived from the two strands of literature. These were also taken together to form a framework of alternative explanations. The three alternative explanations that form this framework are compliance propensities stemming from: rational motivations, managerialist motivations and normative motivations. Rational motivations assume that actors make a rational choice between compliance and non-compliance based on the benefits and costs of that choice (Börzel et al., 2010, p. 1367). Managerialist motivations, on the other hand, do not necessarily assume that non-compliance is always a voluntary act and a rational calculation, but rather a consequence of inability to comply (Börzel et al., 2010, p. 1369). An actor might not comply because it lacks the technical knowledge to comply, because they lack the material resources to comply or because of rule ambiguity (Chayes & Chayes, 1993, p. 193; Simmons, 1998, p. 83; Börzel et al., 2010, p. 1369). Normative motivations, finally, are based on people's values, they are about feeling a certain moral duty to comply in general (Winter and May, 2001, p. 677).

4. Methodological framework

This chapter discusses the methodological framework of this thesis. First, the research strategy is set out and the choice for a qualitative, interpretive, and abductive approach is explained. After this, the methods of data collection are discussed. The data analysis follows, in which the choice for thematic analysis is explained. An explanation of the case selection is given. Next is an operationalization of the theoretical conditions and an explanation why they will be used as sensitizing concepts follows. Then, the quality criteria of interpretive research are discussed and, finally, a summary of the chapter is provided.

4.1 Research strategy

To answer the research question of this thesis, a qualitative research strategy will be used. First, a distinction between a quantitative and a qualitative research approach can be made (Namey & Trotter, 2011, p. 444). Quantitative research focusses on studying larger sets of cases than qualitative research to make causal inferences, or as Franklin (2008, p. 240) explains “to be able to abstract general features”. It is concerned with revealing patterns (Jamieson et al., 2023, p. 3).

Qualitative research distinguishes itself from quantitative research by focusing on data that are nonnumerical (Namey & Trotter, 2011, p. 444). Qualitative methods are useful for research into people’s behavior or beliefs (Guest et al., 2013, p. 27). Guest et al. explain how these methods provide the means to get a deeper, better understanding of mechanisms behind this because they allow the researcher to ask progressive questions. This type of research includes using sounds, texts, or images for research (Guest et al., 2013, p. 3). Another feature of qualitative research is that it is sensitive to the natural context of the topic of interest (Namey & Trotter, 2011, p. 445). Jamieson et al. (2023, p. 1) describe that one of the most important ways in which qualitative research distinguishes itself from quantitative research is that it considers the position of the researcher and its engagement with their research. Or, as Bauböck (2008, p. 55-56) summarizes it, quantitative research is more suitable for research that aims for high generalizability and thus studies a higher number of cases, while qualitative research is more suitable for research aimed at a deeper understanding of a phenomenon, with room for interpretation.

Since this thesis aims to reveal underlying reasons and mechanisms behind compliance, qualitative methods are more suitable. Qualitative methods include the use of texts and are focused on getting a better understanding of behavior and beliefs, because of this, they fit the objective of this thesis (Guest et al., 2013, p. 3). On the other hand, a quantitative approach does not leave room for a description of how a phenomenon is experienced and what beliefs are held by civil servants since it uses numerical data, thus making it not suitable for the research question of this thesis (Namey & Trotter, 2011, p. 444).

Second, in qualitative research, a distinction is often made between two paradigms: interpretivism and positivism (Schwartz-Shea & Yanow, 2012, p. 26). Positivism assumes that there is one objective reality, independent from the researcher that observes it (Haverland & Yanow, 2012, p. 403-404). In this tradition, theories that have been researched and found to be supported are believed to be an exact representation of reality (Schwartz-Shea & Yanow, 2012, p. 40). The authors also explain that this entails that the position of the researcher is independent from the research situation. Central in this tradition is the notion of objectivity, which entails value-free researchers that use methods which can be reproduced if the research were to be repeated (Hesse-Biber & Leavy, 2006, p.14).

In this thesis, interpretive research will be conducted. Interpretive research a subset from qualitative research: interpretive research is specifically based on the assumption of a socially constructed reality, while qualitative research is somewhat broader as it can have other underlying philosophical assumptions, such as critical or positivist assumptions, as well (Klein & Myers, 1999, p. 69).

Interpretive research essentially aims to make meaning of practices or phenomena and reveal the underlying reasons for them (Quinlan, 2017, p. 1; Haverland & Yanow, 2012, p. 404). Interpretive research does not necessarily assume the existence of laws of nature, but rather in knowledge that is subjective and contextual (Bauböck, 2008, p. 24). The focus in interpretive research is understanding (Given, 2008, p. 464). This type of research aims to answer ‘how’ questions in addition to the more traditional ‘why’ questions, that aim to reveal the reasons for a phenomenon (Wiesner, 2022, p. 2). This how question relates to aspects like underlying arguments and motives, but also to the language that participants use (p. 3). The underlying belief behind interpretive research is that we live in a socially constructed reality (Diaz Adrade, 2009, p. 43). Central to this is the exchange between the researcher and the people participating in the research and how the researcher interprets this exchange (Garcia & Quek, 1997, p. 459). Wiesner (2022, p. 4) explains that including the context in which the research takes place is important in interpretive research, because this can provide certain underlying interests or reasons that interpretive research aims to uncover. Additionally, the interpretive tradition, in contrast to the positivist tradition, assumes that the researcher is part of and interacts with the reality they research (Schwartz-Shea & Yanow, 2012, p. 40). Because the researcher is part of the research, interpretive research distinguishes different quality measures than positivism, which has objectivity as the main standard (Devers, 1999, p. 1157). These will be discussed in section 4.6.

This thesis is aimed at getting a deeper understanding of the motives of civil servants to comply with EU law. To reveal these motives, the experience and context of the respondents should be considered. An interpretive approach allows space to include the context and insights of participants. This is necessary to answer the fourth sub-question of this thesis, which is about how civil servants experience legitimacy perceptions and their influence on compliance propensity. So, because this thesis aims to get a deeper understanding of compliance propensities and handles a question about the

behavior and beliefs of civil servants, an interpretive approach is appropriate. Besides this, a positivist approach is not suitable since there is not one dominant theory that can be used to test a possible relation between legitimacy perceptions and compliance propensity.

Third, in scientific research, a distinction is often made between two ways of conducting research: through an inductive or through a deductive approach (Hesse-Biber & Leavy, 2006, p. 17). Research that starts from the theory is in accordance with a deductive research approach, as it uses theory to form certain hypotheses; it works top-down (Soiferman, 2010, p. 3). Hesse-Biber and Leavy (2006, p. 17) explain that a deductive logic is more common in quantitative research, where data is collected in order to test a certain theory. This is also more consistent with a positivist approach, as described before. An inductive logic, on the other hand, is a bottom-up approach that is focused on generating theory from the collected data and is more common in qualitative research (Soiferman, 2010, p. 3; Hesse-Biber & Leavy, 2006, p. 18).

A third approach, that lies somewhere between the inductive and deductive approach, is an abductive approach (Thompson, 2022, p. 1411). An abductive research approach is different from deductive research in the sense that it does not test a hypothesis as derived from theory and it is different from inductive research as it also does not develop completely new theory derived from practical data (Conaty, 2021, p. 3). Rather, the abductive approach is somewhere in between deductive and inductive research and “aims to find the most logical solution and useful explanation for phenomena” (Thompson, 2022, p. 1411). An abductive approach may also be used to so “that an existing theory may be further developed” (Conaty, 2021, p. 3). Important in this approach is the search for adjustments that should be made to existing theories based on data (Thornberg, 2012, p. 247). This includes combining and adjusting old theories to explain data (Kennedy, 2018, p. 52). In a more practical sense, this approach includes a repeated interaction of the researcher between the data and the theory, in other words, in practice, it uses an iterative approach (Thornberg, 2012, p. 247). To do so, the researcher should remain open to the data but also use theory as a basis to interpret emerging patterns (Kennedy, 2018, p. 52). A theoretical framework can be used in combination with an abductive approach, but this framework is used not to test theory but in a more explanatory fashion (Conaty, 2021, p. 3).

Since this thesis is interpretive research, neither a deductive nor an inductive approach is suitable, which is why an abductive approach is applied instead. Besides this, there is not one dominant theory that explains legitimacy perceptions and their influence on compliance that can be tested in a deductive manner. Instead, in the theoretical framework of this thesis two strands of literature have been combined, the EU governance literature and literature from the social psychology. This provides some theoretical basis, but in order to develop the theory further, an abductive approach is most appropriate (Conaty, 2021, p. 3).

Wiesner (2022, p. 4-5) explains that in interpretive research, the data should be prioritized, but at the same time, the data do not speak for themselves and should be interpreted with the use of theory.

As set out in the theoretical framework of this thesis, there are two strands of literature that have formulated theories on legitimacy perceptions. Since there is some basis in the theory, this should be considered. Besides this, this thesis poses a question that is concerned with the experience of civil servants and should thus leave room for their interpretations and new patterns in the data. Because of these reasons, an abductive approach, which lies somewhere in between an inductive and deductive approach and uses both theory and data, is employed (Kennedy, 2018, p. 52; Thompson, 2022, p. 1411).

4.2 Methods of data collection

To research a possible relation between legitimacy perceptions and civil servants' willingness to comply with EU law, in-depth interviews will be held. In-depth interviews are conversations a researcher has with people with knowledge of the relevant topic, aimed at deepening the understanding of that topic (Guest et al., 2013, p. 113). They are especially well equipped to gain detailed information (Rutledge & Hogg, 2020, p. 1). Since in-depth interviews focus on gaining a deeper understanding of social phenomena, it fits well with interpretive research. One of the advantages of in-depth interviews is that they provide more in-depth knowledge and insights on top of more simple facts that can be acquired through quantitative analysis (Guest et al., 2013, p. 116). Another advantage over other forms of data collection, such as surveys, is that an interview allows for clarification by the interviewer if an interviewee does not understand a question (Guest et al., 2013, p. 116). In-depth interviews are also a useful method to gather information about individuals' opinions instead of public values or the opinion that is expected from them (Namey & Trotter, 2011, p. 454). Finally, in-depth interviews provide a favorable setting for more sensitive topics since these interviews are mainly held one-on-one, which prevents interviewees from feeling constrained by other people (Guest et al., 2013, p. 117).

More specifically, semi-structured interviews will be conducted. This type of interview includes topics that are formulated beforehand and follow-up questions during the interview, and thus includes both aspects that fit with an abductive approach (Roulston & Choi, 2018, p. 233). Semi-structured interviews have a structure which provides consistency through the different interviews, but also leaves room to be tailored to the situation (Adams, 2015, p. 493). This is necessary for comparison (Guest et al., 2013, p. 39). At the same time, it leaves room for further questions based on the answers of the interviewees (Guest et al., 2013, p. 144). Adeoye-Olatunde and Olenik (2021, p. 1360) explain that semi-structured interviews are especially useful when the aim of the research is to understand the perspective of the participant, instead of a general experience. The advantage of semi-structured interviews is that there is room for interaction between the interviewer and the interviewees, which allows for follow-up questions and room for the interviewees own input (Kallio et al., 2016, p. 2955). This is why semi-structured interviewees are suitable for the interpretive approach of this

thesis: it provides the necessary space for participants to share their experience, while there is still a theoretical basis that provides some structure (Kallio et al., 2016, p. 2955). Consequentially, semi-structured interviews fit with the abductive approach of this thesis, which uses both theoretical aspects that are formulated beforehand but is also open to new aspects that can emerge in the data (Kennedy, 2018, p. 52). Another reason why semi-structured interviews are suitable for this thesis, is because compliance can be a sensitive topic to talk about. Adams (2015, p. 494) explains that this type of interview is suitable for these topics because they allow the researcher to ask open questions whilst also offering more privacy than for instance focus groups, which allows the participant to be open.

Concerning the interviews in practice, in line with what Roulston & Choi (2018, p. 238-239) describe, before the interview, the contents of this thesis are explained, and the consent¹ of the interviewees for the recording is asked. A transcript of the recording will be made, after which the recording is deleted. The transcripts of the interviews of this thesis will be stored in *Research Information Service for Students* (in short RIS), which is a service of Radboud University that allows internal data storage and that ensures integrity and confidentiality (RU, n.d.). These transcripts will be saved for seven years, after which they will be deleted. The respondents will be anonymized to ensure confidentiality. The respondents are also informed that they can refuse to answer any questions they do not feel comfortable answering. Finally, a final version of this thesis will be sent to the respondents.

4.3 Methods of data analysis

The data analysis is a process during the research that includes the organization and investigation of the data, in this case the transcripts of the interviews, to come to results and conclusions (Boeije & Bleijenberg, 2019, p. 75). In this thesis, a thematic analysis is employed. A thematic analysis is “a research method used to identify and interpret patterns or themes in a data set” (Naeem et al., 2023, p. 2). Braun and Clarke (2012, p. 57) explain that ‘themes’ refer to “patterns of meaning” that are present in the data. It is suitable for interpretive research, since thematic analysis can lead to a new understanding of a phenomenon (Naeem et al., 2023, p. 2). This is because this type of analysis includes meaning making of experiences by the researcher as it includes the context of the research and “writing up” the story (Braun & Clarke, 2012, p. 57; Thompson, 2022, p. 1411-1415).

To structure the analysis of this thesis, the 8-step approach to thematic analysis as explained by Thompson (2022, p. 1412-1418) will be used. Thompson (2022, p. 1412) describes that it is an approach that is “a guide for researchers who wish to engage in empirical discovery while being guided by theoretical understanding”, which is why it fits with the abductive approach of this thesis. In the next section, the eight steps of this approach are explained.

¹ All respondents except for respondent A have signed a consent form. In line with the guideline of Radboud University (RU, 2024), the consent of respondent A was obtained verbally and on the recording.

Step one is called *transcription and familiarization*. This means that after the data collection has taken place, the recordings of the interviews should be transcribed (Thompson, 2022, p. 1412). Besides transcription, the researcher should also read the transcripts and listen to the recordings to get familiar with the data (Vaismoradi et al., 2016, p. 103).

Step two is *coding* (Thompson, 2022, p. 1412), or as Braun and Clarke (2012, p. 61) put it, ‘generating initial codes’. Codes are words or short phrases that represent a certain aspect of your data that has some relevance to your research (Naeem et al., 2023, p. 4; Braun & Clarke, 2012, p. 61). Coding introduces categories which organize and reduce the data (Thompson, 2022, p. 1413; Naeem et al., 2023, p. 4). Since it is not possible to recognize all codes in one round of coding, this step will be repeated two or three times (Thompson, 2022, p. 1413).

Step three includes the development of a *codebook*. Thompson (2022, p. 1413) explains that in this codebook, all codes are covered and a name, definition, and some criteria for the use of the code are provided. Codebooks are especially useful because they structure and clarify the analyzing and coding of the data and because they can help prevent overlap (Thompson, 2022, p. 1413-1414).

Step four consists of the *development of themes*. A theme reflects a certain pattern in the data (Neuendorf, 2019, p. 213). It “captures something important about the data in relation to the research question” (Braun & Clarke, 2006, p. 82). Thompson (2022, p. 1414) explains that this is different from a code, which is more specific. Themes are usually a collection of similar codes taken together (Vaismoradi et al., 2016, p. 101), but can also consist of just one code if it is particularly important (Thompson, 2022, p. 1415). Thompson (2022, p. 1415) explains that concepts that were derived from the literature earlier on can serve as a basis for the development of themes. This is how the sensitizing concepts as they are operationalized in this thesis will be used, as a basis for the development of themes. However, in line with the abductive approach of this thesis, the development of themes is a combination of “going beyond the data” by using the concepts from the theory whilst also deriving themes more directly from the data (Thompson, 2022, p. 1415).

Step five is *theorising*. During this step, a connection is made between the theory and the themes as derived from the data (Thompson, 2022, p. 1415). This should include a combination of looking at the earlier theoretical basis and looking at what can and cannot be explained by this theoretical basis.

Step six is concerned with the *comparison of datasets* (Thompson, 2022, p. 1416). However, since this thesis handles only one dataset, this step is not relevant.

Step seven is the *data display*, which entails a literal, visual display of your data (Thompson, 2022, p. 1416). This can aid the researcher in determining whether the themes are a good representation of the codes and the data.

The final step, step 8, is *writing up*. This entails a reporting of the data that is structured based on the different themes and that both includes the theory and the empirical evidence (Thompson, 2022, p. 1418). This should include connections between different themes and provide a complete review of

the data, or in other words, it should be a “compelling story about your data based on your analysis” (Vaismoradi, 2016, p. 107; Braun & Clarke, 2012, p. 69). Finally, Thompson (2022, p. 1418) describes that it is also important to provide context for your readers during this step, which is in line with the interpretive approach of this thesis. This type of analysis, thematic analysis, includes meaning making of experiences by the researcher as it includes the context of the research and “writing up” the story (Braun & Clarke, 2012, p. 57; Thompson, 2022, p. 1411-1415). As explained, including the context in which the research takes place is important in interpretive research, because this can provide certain underlying interests or reasons that interpretive research aims to uncover (Wiesner, 2022, p. 4).

4.4 Operationalization

To carry out the analysis of the interviews, the aspects that were derived from the literature should be operationalized. A strict operationalization is not in line with the interpretive approach of this thesis. As Haverland and Yanow (2012, p. 405) explain it, an interpretive approach aims to reveal how participants define and understand certain concepts. The authors explain, that to do so, concepts derived from the theory can be used as a guide for what to look for in their research, instead of predefined, strictly operationalized concepts. Therefore, it is not suitable to operationalize the aspects that were derived from the literature into strict indicators. Instead, so ‘called sensitizing; concepts will be used.

Bowen (2006, p. 13) explains that sensitizing concepts can be seen as a signal for the researcher that something is an important aspect of the subject at hand. Instead of a specified definition, they indicate a direction for the researcher to go in based on the theory (Flemmen, 2017, p. 80, 85). However, the author also explains that sensitizing concepts are not definitive: they can be altered, replaced, or disregarded if they do not fit the reality in which the research takes place or if they are not in line with the concepts of the participants (Haverland & Yanow, 2012, p. 405). Flemmen (2017, p. 80, 86) explains, that sensitizing concepts leave room for new insights as they emerge from the data. She explains that the advantage of sensitizing concepts is that even though they provide researchers with guidance, they do not force a certain understanding on the researcher, which is why it fits with the abductive approach.

As set out in the theoretical framework of this chapter, the dependent variable of this thesis is *compliance propensity*. This is operationalized as the “willingness to defer to” rules or authority (Grimes, 2006, p. 286; Levi et al., 2009, p. 355). An indicator for this is actual compliance, which is defined as “obedience” (Levi et al., 2009, p. 355). A second indicator is an intention to comply.

4.4.1 Operationalization of legitimacy perceptions

The independent variables of this thesis are the different types of legitimacy that were included in the final framework, which are *input, throughput, and output legitimacy*. *Input legitimacy*, first, is defined

as representation of the people and what they want (Schmidt, 2020, p. 25). It is support of the people for the system (Easton, 1965, p. 144). Indicators for this variable are a feeling of collective identity, representation of the people, participation in elections, consensus, support for the system, and participation of the people at the beginning of the policy process.

The second independent variable is *throughput legitimacy*, which is concerned with the process between input and output legitimacy (Schmidt & Wood, 2019, p. 728). It is operationalized as a fair, inclusive, and open policy process or, in the case of individuals, a fair treatment (Wille, 2016, p. 695; Caby & Frehen, 2021, p. 232; Tyler, 1990, p. 7). Indicators are accountability, participation during the process, inclusiveness, transparency of the process, and fairness, or respect for the rule of law.

The third independent variable is *output legitimacy*. This variable is defined as the performance of the policy or polity in practice or the ability to solve collective problems (Schmidt & Wood, 2019, p. 728; Scharpf, 1999, p. 11). Indicators for this variable are effectiveness, efficiency, fairness of the outcome and problem-solving ability.

The operationalization is summarized in a table, which contains the variables, their definitions, the distinguished indicators, and the corresponding questions in the interviewguide, as represented below in figure 5. The interview guide, based on the operationalization, can be found in the first appendix.

Variable	Definition	Indicators	Corresponding question in interviewguide
Compliance propensity	The willingness to defer to rules or authority (Grimes, 2006, p. 286; Levi et al., 2009, p. 355).	Obedience	4, 5, 9
		The intention to comply	
Input legitimacy	Representation of the people and what they want (Schmidt, 2020, p. 25).	A feeling of collective identity	6
		Support for the system	
		Representation of the people	
		Consensus	
		Participation at the beginning of the policy process by people	
		Participation in elections	
Throughput legitimacy	A fair, inclusive, and open policy process or, in the case of individuals, a fair treatment (Wille, 2016, p. 695; Caby & Frehen, 2021, p. 232; Tyler, 1990, p. 7).	Accountability	7
		Inclusiveness	
		Participation of people during the process	
		Transparency of the process	
		Fairness, respect for the rule of law	
Output legitimacy	The performance of the policy or polity in practice (Schmidt & Wood, 2019, p. 728)	Effectiveness	8
		Efficiency	
		Fairness of the outcome	
		Problem solving	

Figure 5: The operationalization of legitimacy perceptions

4.4.2 Operationalization of alternative explanations

Other independent variables that are included in this thesis are the alternative explanations as derived from the theory. The alternative explanations that were derived are *rational motivations*, *managerial motivations*, and *normative motivations*.

Rational motivations are defined to stem from a calculation between the costs and benefits of compliance: when the benefits outweigh the costs, actors will be motivated to comply (Winter & May, 2001, p. 676). Three main indicators can be defined for this variable, namely risk (or fear of detection), self-interest, and sanctions (Sunshine & Tyler, 2003, p. 514; Winter and May, 2001, p. 676; Hurd, 1999, p. 380). The last indicator, sanctions, can be further taken apart by distinguishing two different kinds: reputational costs and material costs (Beach, 2005, p. 118; Keohane and Nye, 1977, p. 289). In conclusion, risk or fear of detection, reputational costs, material costs, and self-interest are indicators for this variable.

Managerial motivations in general do not refer to voluntary non-compliance (Tallberg, 2002, p. 613). Rather it is defined as an inability to comply (Börzel et al., 2010, p. 1369), with different distinguishable causes for this inability. Indicators for this variable are a lack of technical knowledge, a lack of material resources, and rule ambiguity (Chayes & Chayes, 1993, p. 193; Simmons 1998, p. 83; Börzel et al., 2010, p. 1369).

Normative motivations stem from people’s values and have their basis in personal ideology (Winter & May, 2001, p. 677). This variable is defined as a personal norm of what it is to be a good citizen and internal values of what is lawful behavior (Burby & Paterson, 1993, p. 756). Indicators for this variable are shame and a feeling of moral duty to comply to law in general (Grasmick et al., 1991, p. 236; Winter & May, 2001, p. 677). Normative motivations are distinct from legitimacy perceptions in the sense that normative motivations stem from a general moral duty that is inherent to a person, independent from a specific law, lawmaker or government (Winter & May, 2001, p. 677). In other words, normative motivations drive people to comply because they feel like it is what they should do. Legitimacy perceptions, on the other hand, actually apply to something, for instance a specific piece of legislation or a specific government (Føllesdal, 2006, p. 445-449).

Again, the operationalization is summarized in figure 6 below, which contains the variables, their definitions and the distinguished indicators. The alternative explanations have been included in the interviewguide via question five and ten.

Variable	Definition	Indicators	Corresponding question in interviewguide	
Rational motivations	A calculation between the costs and benefits of compliance: when the benefits outweigh the costs, actors will be motivated to comply (Winter & May, 2001, p. 676).	Risk/fear of detection	5, 10	
		Sanctions		Material costs
				Reputational costs
	Self-interest			
Managerialist motivations	An inability to comply (Börzel et al., 2010, p. 1369).	A lack of technical knowledge	5, 10	
		A lack of material resources		
		Rule ambiguity		
Normative motivations	A personal norm of what it is to be a good citizen and internal values of what is lawful behavior (Burby & Paterson, 1993, p. 756).	A general moral duty to comply	5, 10	
		Shame		

Figure 6: The operationalization of the alternative explanations

4.5 Case selection

In determining the case selection of this thesis, the aim is to attain a certain level of variation in the cases that are selected that is relevant to the research (Gerring, 2009, p. 646). In the literature, many distinctions between different strategies for case selection are made. Seawright and Gerring (2008) distinguish seven different types: “typical, diverse, extreme, deviant, influential, most similar and most different”. In this thesis, a diverse selection is made. The reason for this, is that a diverse selection of cases aims to facilitate appropriate variation (Seawright & Gerring, 2008, p. 300). Another reason is that there is not one dominant theory explaining compliance propensities of civil servants, as set out in the theoretical framework. Instead, in this thesis, two strands of literature have been combined. So, this thesis does not aim to test one, dominant theory, but rather develop a better understanding of this phenomenon. Seawright and Gerring (2008, p. 300) explain that a diverse selection fits with a more exploratory approach such as in this thesis. This also fits with the abductive approach of this thesis, which aims to advance the theory (Conaty, 2021, p. 3) and the interpretive approach that is aimed at getting a deeper understanding of social phenomena (Quinlan, 2017, p. 1; Haverland & Yanow, 2012, p. 404). So, to get a rich understanding of this phenomenon and get insights into multiple perspectives and experiences, a variation of cases is suitable, and the use of diverse selection is appropriate.

As stated before, this thesis focusses on civil servants working for municipalities. Municipalities are suitable for this thesis since they handle a lot of personal data and have responsibilities that require data collection (AP, n.d.-d). As stated in the policy framework, the ten largest municipalities in the Netherlands failed to comply to the GDPR in 2022 (Bits of Freedom, 2022), also making them interesting cases to include.

Regarding the municipalities that are included in this thesis, the size of the municipality was considered for variation. In the case of Dutch municipalities, a distinction can be made between large municipalities, medium municipalities, and small municipalities (CBS, 2000). The municipality size with their respective numbers of citizens is depicted in figure 7.

Municipality size	Number of citizens
Small municipality	<50.000
Medium municipality	50.000-100.000
Large municipality	>100.000

Figure 7 Municipality sizes (Ministerie SZW, 2019)

A difference in resources is a reason to include different sized municipalities. As explained in the introduction, an explanation for the discretionary room civil servants have, is the tension between scarce resources and complex goals (Evans, 2010, p. 3). Terpstra and Megens (2024, April 9th) state that small municipalities usually have fewer resources than larger municipalities. This might indicate

more discretionary room, as this gap will become larger with less resources. Therefore, different sized municipalities also account for variation.

Another reason to include different sizes of municipalities is that this is expected to provide more of a variety of political ideologies. Frieling (2009, p. 404) explains that people who have a more socialist ideology live in larger cities, and similarly, liberal people mainly live in the four largest cities in the Netherlands, while Christian democratic people are more concentrated in the countryside. The Dutch *Sociaal en Cultureel Planbureau* makes a similar distinction in municipality size and also concludes that there is a relation between municipality size and political preference (SCP, 2021). A distinction based on political ideology is useful for the variation because this thesis handles a question of perceptions of the EU which might be influenced by political ideology. Time constraints also have to be kept in mind for the case selection. Finally, to determine the number of selected cases, the point of saturation is considered. The point of saturation refers to the point during the data collection at which no or very little new information is found in the extra obtained data (Weller et al., 2018, p. 1). In this case, the point of saturation was reached when twelve interviews were held. No significant new insights were gained during the last interviews. For these reasons, four civil servants per size municipality will be included in this thesis, from different municipalities to maximize variety, with a total of twelve municipalities. Which municipalities were selected specifically can be found in the overview of the respondents, which is in the second appendix.

Within municipalities, different roles can be distinguished. As explained in the policy framework, four roles can be distinguished in relation to the GDPR, namely data subjects, data controllers, data processors and data protection officers (Wolford, 2024). Since the data subject and data processors do not make decisions on complying to the GDPR, they are not relevant for the question of this thesis. Data protection officers are also not completely suitable. Boeije and Bleijenberg (2019, p. 92) explain that the case selection should not only include confirmatory cases but should also include cases that may be critical or negative to be able to research the expectations that are derived from the theory. Since the prime responsibility of the Data Protection Officer is to monitor compliance to the GDPR, it is likely they will have high compliance propensities independent from their perceptions of the legitimacy of the EU, since they will see it as their prime responsibility to comply (EDPS, n.d.-b). However, in line with the diverse data collection as described before, one Data Protection Officer is still included. This is because the DPO that is selected works for four municipalities and can therefore provide rich information and experiences of the civil servants that work for these municipalities and seek their advice. Data controllers, finally, are civil servants that decide on the reasons for data processing, they are the people that handle the data in practice (Wolford, 2024). Since they handle the data in practice, they have to make a consideration concerning compliance to the GDPR, which is why they will be interviewed. By including one DPO and several data controllers, some expected confirmatory and critical cases are included, in line with what Boeije and Bleijenberg (2019, p. 92) explain.

4.6 Quality criteria in interpretive research

As stated before, because the researcher is part of the research, interpretive research distinguishes different quality measures than positivism, that has objectivity as the main standard (Devers, 1999, p. 1157). Where positivist research is concerned with the validity, reliability, and objectivity of research (Devers, 1999, p. 1157), interpretive research focusses on credibility, transferability, dependability, and confirmability (Pozzebon, 2004, p. 10; Frambach, van der Vleuten & Durning, 2013, p. 552; Devers, 1999, p. 1165; Grant & Lincoln, 2021, p. 6). Wiesner (2022, p. 4) explains, that because the researcher is part of the research, reflexivity is also necessary. In the next section, each criterium that is used to measure the quality of interpretive research will be discussed.

First, the *credibility* of interpretive research refers to the “truth” of the results, as Devers (1999, p. 1165) puts it. Also referred to as plausibility (Grant & Lincoln, 2021, p. 6), credibility is about whether the participants of the research believe the findings are true and whether the findings are coherent with the research context (Pozzebon, 2004, p. 10). Or as Frambach et al. (2013, p. 552) put it, this entails whether research is “trustworthy and believable to others”. Frambach et al. (2013, p. 552) explain that the credibility can be increased by so called ‘member checking’, which is “feedback from participants on the data or interpretation of the data”. Consulting with the interviewees whether they feel like the translation of the interview in the research was a correct representation of the interview allows the researcher to prevent gaps and unclarities, which also enhances the credibility (Namey & Trotter, 2011, p. 462). As described in the section on the methods of data collection, the respondents will receive a final version of this thesis, which is beneficial to the credibility of this thesis. Devers (1999, p. 1169) adds to this that the credibility can be increased by giving a description of the context in which the research took place. Context is provided in the policy framework and analysis of this thesis, as described in the section on the methods of data analysis.

Second, the *transferability* of interpretive research is, as Frambach et al. (2013, p. 552) put it, “the extent to which the findings can be transferred or applied in different settings”. Pozzebon (2004, p. 10) explains that this criterium is similar to generalizability, or external validity: one of the criteria of positivist research which is concerned with the degree of generalizability of the research (Jiménez-Buedo & Miller, 2010, p. 302). Rutledge and Hodge (2020, p. 5) explain that a small number of interviews limits the transferability of the research. However, transferability of qualitative research can be regarded as a little less relevant, since the aim of this type of research is usually not generalizability but a deeper understanding of social phenomena (Namey & Trotter, 2011, p. 448). Besides, the limited time of the researcher is a constraint on the number of interviews.

Third, *dependability* is similar to what is known as reliability in the positivist tradition (Pozzebon, 2004, p. 10). The dependability of interpretive research refers to whether the research could be repeated based on how the researcher has described it and if, in the case of repetition, it would produce the same or similar outcomes (Devers, 1999, p. 1165). Even if the research cannot be

completely reproduced, transparency about the research process and the results and traceability indicate a proper dependability of research (Grant & Lincoln, 2021, p. 11). The fact that this thesis uses semi-structured interview guides is a limitation for the dependability of this thesis, since the interviewee might deviate from the guide to adjust to the context instead of using the same structure each time (Guest et al., 2013, p. 28). However, the authors also explain that this lack of structure that gives the researcher space to ask progressive questions enhances the credibility of the research, because the researcher can adjust the questions to the context. Frambach et al. (2013, p. 552) explain that saturation and an iterative way of data collection are ways of increasing dependability. Kennedy (2018, p. 49) explains that an iterative approach is an approach where “researchers move back and forth between data collection and analysis during this research process”. As explained in the section on the methods of data analysis, multiple rounds of coding are used which increases the dependability.

Fourth, *confirmability* entails that the researcher must present proof, as derived from the participants of their research and the context directly, for their findings (Devers, 1999, p. 1165). In other words, confirmability prescribes an independence of the research and its findings from the biases of the researcher (Frambach et al., 2013, p. 552). Frambach et al. (2013, p. 552) explain that the confirmability can be increased with a reflexive attitude of the researcher: they should reflect on their own role and influence on the research process. The researchers set out that a report of this reflection can provide an insight in the biases of the researcher and thus enhances the confirmability. To advance the confirmability of this thesis, reflexivity will be set out in the next section. Frambach et al. (2013, p. 552) also explain that proper documentation of the research increases the confirmability of research. Finally, Thompson (2022, p. 1418) explains that quotations can be convincing evidence, so to increase the confirmability, they will be included during the analysis.

A point of critique that is often raised when qualitative research is concerned, is that it is not objective, however, Jamieson et al. (2023, p. 3) argue that objectivity is not per definition guaranteed by using quantitative research methods. As Farran (1990, p. 101) explains it “statistics are then divorced from the context of their construction and thus lose the meanings they had for the people involved”. This illustrates the added value interpretive research, as this is not the case: in interpretive research there is specific attention for the context of actors.

Finally, besides the four quality criteria as set out before, reflexivity should also be considered when conducting interpretive research. Reflexivity refers to a reflection of the researcher on their own position in relation to the research they are conducting (Wiesner, 2022, p. 4). This includes reflecting on biases or knowledge of the researcher that might influence their interpretation (Hecker & Kalpokas, 2024). Reflexivity in interpretive research is important because in this tradition, it is believed the researcher is part of and interacts with the reality they research (Schwartz-Shea & Yanow, 2012, p. 40). The researcher is a 23-year-old master student and since she is not a civil servant, she is relatively independent from the research. This is beneficial for the research, since this means that there are no power dynamics that should be considered (Olmos-Vega et al., 2023, p. 244). Moreover, the researcher

does not have any prior experience with research in the behavior of civil servants or research concerning data protection. This allows her to keep an open mind to the data, leaving more room for the experience of civil servants and providing some objectivity on the part of the researcher. However, her background in European Union Governance and Politics might provide her with a bias that is more positive about the EU. This should be considered during the analysis of the data. Thompson (2022, p. 1418) explains that reflexivity can also be advanced through the use of quotations from respondents. He explains that they are an example of the language of the respondent, independent from any bias of the researcher. Because of this, quotes will be used to support the results.

4.7 Summary

In this chapter, the methodological framework of this thesis has been set out. First, in the research strategy, it was explained that a qualitative approach best fits this thesis because this includes the use of texts and is focused on getting a better understanding of behavior and beliefs, which is in line with the objective of this thesis (Guest et al., 2013, p. 3). After this, interpretive research was explained to essentially be about the aim to make meaning of practices or phenomena and reveal the underlying reasons for them (Quinlan, 2017, p. 1; Haverland & Yanow, 2012, p. 404). This approach fits this thesis because it aims to get a deeper understanding of compliance propensities and handles a question about the behavior and beliefs of civil servants. An abductive approach was explained to be somewhere in between deductive and inductive research, it “aims to find the most logical solution and useful explanation for phenomena”, it uses both theory and data (Thompson, 2022, p. 1411; Kennedy, 2018, p. 52). This fits with this thesis since there is not one dominant theory that explains legitimacy perceptions and their influence on compliance. This provides some theoretical basis, but to develop the theory further, an abductive approach is most appropriate (Conaty, 2021, p. 3). The choice for semi-structured interviews as the data collection method was explained because they provide the necessary space for participants to share their experience, while there is still a theoretical basis that provides some structure (Kallio et al., 2016, p. 2955). Regarding the data analysis, the use of thematic analysis following the eight-step approach of Thompson (2022) was explained. The variables were operationalized, and it was explained that they will be used as sensitizing concepts: a signal for the researcher that something is an important aspect of the subject at hand, instead of a strict indicator (Bowen, 2006, p. 13; Flemmen, 2017, p. 80, 85). After this, the choice for a diverse case selection was explained: this facilitates the appropriate variation (Seawright & Gerring, 2008, p. 300). Finally, the quality criteria for interpretive research, credibility, transferability, dependability, and confirmability, were set out (Frambach, van der Vleuten & Durning, 2013, p. 552). Some attention was also given to reflexivity: a reflection of the researcher on their own position in relation to the research they are conducting (Wiesner, 2022, p. 4).

5. Results

This chapter presents the results of this thesis. It starts with a description of the respondents, including their positions and tasks. After this, the findings concerning the dependent variable of this thesis, compliance propensities, will be presented. Next, following the structure of the theoretical framework, an analysis of the legitimacy perceptions of civil servants is provided. What follows, is an analysis of the alternative explanations. In spite of this having an abductive approach, no factors were found inductively: the motivations that are found in the data are all either concerned with legitimacy or with one of the alternative explanations. Finally, a summary of the chapter is provided.

5.1 Description of the respondents

To better understand the results, to be able to place them in the right context, and, at the same time, to still ensure the anonymity of the respondents, first, a description of the respondents is provided, including their position and tasks. An anonymized overview of all the respondents that were interviewed can be found in the second appendix.

In the overview of the respondent, it is not indicated which respondent has which position. This is necessary to ensure anonymity. Besides this, the respondents shared similar experiences, independent from their position, making it less important to indicate which respondent has which position. Wherever there are different findings for different positions, it is indicated in that section. Starting with the positions of the respondents, one of the respondents is a Data Protection Officer. They are responsible for monitoring compliance to the GDPR in the municipality they work for, and their tasks include giving trainings and giving advice. Five respondents that are included in this thesis are privacy officers. Their job is to create policy on privacy within the municipality but also to advise other civil servants working for the municipality on any issues that come up in their work in which privacy plays a role, and specifically, also when the GDPR should be taken into consideration. This includes creating awareness about compliance to the GDPR, for instance through trainings. Two of the respondents work as legal advisors focusing on privacy. They are responsible for advising different departments in the municipality on any legal questions people might have concerning the GDPR. Their role is slightly different from privacy officers: legal advisors focus more on advising on the legal issues while privacy officers focus more on the whole process. Two respondents are policy advisors that work in the social domain. Their job focusses on policies in the social domain and working on improving the implementation processes in this domain. This means that the GDPR in their position plays a role whenever any personal cases come up that are relevant for their work or whenever they are in contact with relevant parties which share personal data. One of the respondents is a manager social support act. They are responsible for multiple teams in the municipality and therefore also responsible for compliance to the GDPR in those teams, which process quite a lot of personal data. Finally, one respondent is a social welfare consultant. This is a more executive position: in their work

they guide people who are in social welfare in their reintegration process to a job. In doing so, they use personal data to make assessments of a person's situation and what help they might be eligible for. In this way, they are constantly making assessments of whether and how to comply to the GDPR.

5.2 Analysis of compliance propensities

Compliance propensities were defined in the theoretical framework as a feeling of having a duty to law or lawmakers or a certain willingness in relation to compliance to legislation (Van den Berg et al., 2016, p. 17; Grimes, 2006, p. 286). Almost all respondents indicated that they, in general, feel the propensity to comply to the GDPR (respondent A; B; C; D; E; F; G; H; K; J; L). As respondent D puts it: "compliance is definitely a priority" (respondent D). Other civil servants make similar remarks, for instance: "of course, we always have to comply" (respondent F). Only respondent I indicated that they did not see compliance as their primary goal and that they did not necessarily feel inclined to comply, but rather that they see helping citizens as their primary goal, regardless of whether this was in line with the GDPR or not (respondent I). They did however say they feel like most of the civil servants working for their municipality see it as their duty to comply to the GDPR and feel a propensity to comply (respondent I). Situations which the respondents described in which compliance was more difficult, were mainly involuntary: due to a lack of knowledge, resources or because they felt the GDPR was unclear or incomplete, this will be explained in the next section.

5.3 Analysis of legitimacy perceptions

In this paragraph an analysis of the legitimacy perceptions of civil servants is provided, following the order of the theoretical framework, namely first input legitimacy, then throughput legitimacy, and finally output legitimacy. Since the results do not necessarily show a relation between legitimacy perceptions of the EU and compliance propensities, what follows is an explanation for this as derived from the data.

5.3.1 Input legitimacy

Input legitimacy was defined in the theoretical framework as a representation of the people and their interests (Schmidt, 2020, p. 25). Overall, respondents are only limitedly positive about the input legitimacy of the European Union. Some respondents express that they support the European democracy or the system of the European Union (respondent B; C; D; E; J; K; L). Some of them are for instance positive about European elections and how the system has been designed (respondent B; D). Or they stress the importance to vote in European elections (respondent B; C).

At the same time, however, respondent B is critical of the input legitimacy of the EU. They believe the EU is not really a representation of the people, because of the size of the Union: "the EU is very large, so that makes it difficult to state like, 'I really feel like my voice is heard'. And you know,

my voice. Yeah, I am only just one small figure” (respondent B). However, respondents also stated that these perceptions of the input legitimacy of the EU do not seem to play a role in their propensity to comply to the GDPR (respondent B; C; D; F; G; H; I; J; K; L). Explanations for this lack of a relation between legitimacy perceptions and compliance propensities will be given after in section 5.3.4.

5.3.2 Throughput legitimacy

Respondents are somewhat positive about the throughput legitimacy of the EU. It is believed that the policy process of the EU is a long process but that is a good thing because many interests are at stake (respondent J). Respondent B feels like the policy process of the EU consists of experts and has some degree of accountability: “there definitely is a system of checks and balances” (respondent B). Besides this, a respondent feels like the process includes careful deliberation: “this legislation has been carefully negotiated, it has been formulated with the utmost care” (respondent A). Throughput legitimacy is even more important in the context of the European Union: “I actually believe it is even more important in the case of European legislation than in the case of national legislation that it is preceded by a good process of course. Because it concerns many more people and many more interests, in that regard” (respondent J). In other words, civil servants working for municipalities are somewhat positive about the throughput legitimacy of the EU.

However, there are also critical remarks on the policy process of the EU. The policy process takes a long time, and legislation often comes long after it was necessary (respondent C; J). Because of this, legislation is slow and is only implemented when it is too late: “in this sector, legislation is often too late. Almost all of it is a few years behind on what people need in reality. And that makes it really difficult. And decreases the support for the legislation” (respondent J). Besides this, respondent B feels the EU policy process is not understandable for EU citizens and that the process is not transparent enough for the ‘normal’ EU citizen (respondent B). To summarize, besides some positive feelings about the throughput legitimacy, some respondents are also quite critical, decreasing the perceptions of throughput legitimacy of the EU and ultimately, decreasing the output legitimacy perceptions of the EU. These perceptions also do not, however, seem to play a role in the compliance propensities of civil servants (respondent B; C; D; F; G; H; I; J; K; L). The reason for this is explained in section 5.3.4.

5.3.3 Output legitimacy

Regarding output legitimacy, in the data, some perceptions that applied to the EU were found, and some perceptions that applied to the GDPR specifically were found. This reflects what Føllesdal (2006) explains about the different levels that legitimacy perceptions can apply to, as set out in the theoretical framework.

First, there are some output legitimacy perceptions that apply to the European Union as a whole, or as Føllesdal (2006, p. 451) puts it, to the regime level. Some respondents believe the EU

produces effective and useful outcomes and that it is more effective than the separate member states (respondent C; D). It is also believed that European legislation is more influential than national legislation, making it more effective (respondent D; J). Besides this, some respondents believe the EU produces fair outcomes, since their legislation is equal across the member states (respondent K; J). This is also the case for the GDPR: because this is European law, EU citizens enjoy the same level of data protection across the member states (K; J; L).

Besides this, the fact that this is European law, helps solve at least some of the rule ambiguity of the GDPR (respondent H; K; J). This is because the European Court of Justice answers legal questions of member states which can be used by civil servants to better understand the legislation. Besides this, European jurisprudence can be useful for civil servants as well (respondent L). In other words, this is a positive indicator of the problem-solving capacity of the EU, as it solves some of the rule ambiguity of the GDPR that causes practical issues, and thus its output legitimacy.

The fact that the GDPR is European legislation also helps with the efficiency: “it ensures that the entire Union works within the same framework. So, it is uniform for the entire European Union, for that matter. That makes it easier to work with” (respondent J). Some civil servants also indicate that implementing this on the European level provides a fair outcome as it ensures equal protection of data across the member states and as it makes enforcing this legislation easier, also indicating output legitimacy of the EU (respondent J; K). However, the civil servants that state this also note that this is not something that plays a role in their decision on compliance (respondent B; C; D; F; G; H; I; J; K; L). The reason for this is explained in section 5.3.4.

There were also some output legitimacy perceptions that applied specifically to the GDPR, or as Føllesdal (2006, p. 451) puts it, to the piece of legislation. Respondent L indicated that in their opinion the GDPR solves the problem of the former inequality of data protection across the member states: “the whole GDPR has been formulated because there were too many variations in the way that member states explained the previous legislation ... So, in this way, we have more homogeneity in the way that we deal with the protection of personal data across Europe. And I definitely believe that is important” (respondent L). In other words, the GDPR is solving the problem of inequality across the member states by harmonization, which indicates output legitimacy (respondent, J; K; L). Besides this, the GDPR is also seen as an efficient law (respondent A). With the GDPR, the personal data of EU citizens is better protected than before: it is effective (respondent I). In other words, there are some indications for output legitimacy of the GDPR.

However, there are also some issues with the output legitimacy of the GDPR, especially when it comes to the problem-solving capacities of the GDPR. One problem many municipalities run into is the problem of cross domain information sharing (respondent C; D; I; J; K). Many citizens that come to a municipality for help, need more than just one of the services a municipality provides. However, due to the GDPR, civil servants are not always allowed to share information internally. This limits civil servants in their work (respondent I). In order to help the citizen best, they need to be able to

share this: “what I really want to know is all of the service my citizens uses from the municipality ... In the end, solely to use that information so that we can increase the quality of the service that we deliver as a municipality” (respondent I). This would be more effective, more efficient, and would ultimately increase the quality of the service delivery of the municipality (respondent C; D; I; J; K). So, in that sense, the GDPR has limited output legitimacy.

5.3.4 Explanation relation EU legitimacy perceptions and compliance propensities

As stated earlier, respondents indicate that the fact that the GDPR is European legislation, overall, was not found to necessarily play a role in their decision on compliance (respondent B; C; D; F; G; H; I; J; K; L). The main reason for this is that many civil servants working for municipalities are not aware that the GDPR has a European origin (respondent B; C; D; F; G; H; I; L). Respondent D explains: “If I may put it so bluntly, I think almost nobody knows that the GDPR is originally European law” (respondent D). Another reason is that municipalities are focused on local issues: “You know, a municipality is so terribly locally oriented, so oriented on the Netherlands, that [the fact that it is European legislation] is absolutely not something we consider” (respondent I). Besides this, some respondents feel like it is not really necessary to consider it is EU law in their use of the GDPR, what is more important is how it is related to national law and guidelines of the *AP* (respondent J; L). Respondents also stress the national implementation of the GDPR and the national context they work in (respondent C; G; I; J). Respondent L explains why the focus is not so much on the GDPR being European law, but why the municipality rather has a more national approach: “look, in the end, it is the *Autoriteit Persoonsgegevens* that is the watchdog. So yeah, we want to make sure that the way we deal with personal data is in line with how they prefer to see it. They are the authority” (respondent L). What’s more, municipalities do not really deal with the processing of data outside of the EU (respondent L). There is a distinction between the different positions of respondents regarding their knowledge of the GDPR and its European origin. Overall, respondents with a legal background are more aware of the European origin than respondents in different positions.

What does play a role in the compliance propensities of civil servants in relation to the European Union is that some of them express the importance they ascribe to the hierarchy of EU law in relation to national law (respondents A; E; H; J; K; L). They see European law as higher in relation to national law, for instance referring to the European Court of Justice as the “highest judge in Europe” (respondent L) and European law as “the most severe and highest legislation” (respondent A). In this sense, respondents are loyal to European law, even more so than to national legislation. Overall, respondents who have a legal position or background are more prone to hold importance to the hierarchy of law than respondents that have other positions. Because of their legal knowledge, they are familiar with the status of European legislation and its hierarchy in relation to national law, which is why they ascribe more importance to it.

In the theoretical framework, institutional legitimacy was described to be stemming from loyalty to an institution (Gibson et al., 2005, p. 189). There, it was argued that this is a consequence of input, throughput and output legitimacy instead of a distinct type of legitimacy. However, the data contradicts this: civil servants are loyal to European legislation and its hierarchy in general. They state that they are loyal to this hierarchy independent from which legislation is concerned and independent from other legitimacy perceptions (respondent H; J). Therefore, it can be concluded that institutional legitimacy increases a civil servant's propensity to comply.

Finally, it is important to note that one respondent, respondent E, did express that legitimacy perceptions might play a role, just in combination with other considerations: "Of course it complements each other. If I would have thought the GDPR, what kind of bullshit is that? And what are they even doing in Europe? Of course, I would be less inclined to call in the help from legal experts to ensure compliance ... And of course, if I more intrinsically find that we have to comply, I would take that step more easily of course" (respondent E). Since this is only one respondent, it cannot be concluded that legitimacy perceptions about the EU, other than institutional legitimacy, play a role in the compliance propensities of civil servants.

5.4 Analysis of alternative explanations

This paragraph provides the findings of the alternative explanations, following the order that was set out in the theoretical framework, namely first the rational motivations, then the managerialist motivations, and finally normative motivations.

5.4.1 Rational motivations

The first alternative explanation set out in the theoretical framework was compliance propensities stemming from rational motivations. The rational approach assumes that people make a rational calculation between the costs and benefits of compliance on which they base their decision to comply (Winter & May, 2001, p. 676). For the majority of the municipalities that were interviewed, rational motivations played some role in their compliance propensity (respondent A; B; D; F; G; H; I; J). This was expressed through the fear of getting detected or being sanctioned in case of non-compliance.

Some respondents indicated that the risk of detection in case of non-compliance plays a role in their GDPR-related compliance propensities (respondent B; H; I; J; L). The fear of detection is mainly a consequence of the watchdog, the *AP*, (respondent B; H; I; L), but sometimes also related to internal detection, for instance through a supervisor or a Court of Audit: "on one hand there is the fear for the *Autoriteit Persoonsgegevens*, in case it really escalates. And on the other hand, there is the organization, in which case people think, 'oh, I have made a mistake, I will not report it because I will be reprimanded', you know" (respondent J). The latter connects to the fear of sanctions.

Respondent B attributes the fact that a fear of detection is present to the national supervisory authority of the Netherlands: “of course, that is also because of the *Autoriteit Persoonsgegevens*, which really tries to exert its influence. And I also think that is a good thing. You can say all sorts of things about the *AP*, but there are also a lot of things that they do well. And this also means, they really try to exercise their watchdog position. And because of that, the GDPR is in the picture for everyone, you know” (respondent B). Finally, the media also seem to play a, small, role in the risk of detection (respondent H; L).

What also plays a role is the fear for sanctions (B; D; F; H; I; J). These are for instance sanctions in the organization: “people are afraid that they will get told of by their team manager, because the team manager gets the *Autoriteit Persoonsgegevens* on their back. That is what they are afraid of” (respondent I). Respondent I explains that some civil servants are also afraid of other sanctions, in the form of fines in case of non-compliance: “In that case, we will be in big trouble, we will get fines” (respondent I). These motivations already became apparent right after the coming into force of the GDPR: “I have experienced the hysteria, like ‘Oh god those fines, oh help!’” (respondent B). In other words, material costs also play a role, although a smaller role, in civil servant’s propensities to comply to the GDPR.

Besides these fines that are material costs, wanting to prevent reputational costs also plays a role (D; F; H; I). This for instance plays a role in relation to the citizen: “Compliance definitely is a priority. Simply because we cannot have one of our citizens saying they cannot trust it anymore” (respondent D). Regarding the fear of reputational costs, data breaches have served as wake-up calls or warning signals. This is illustrated by respondent F: “We hear more and more stories from data breaches or something like that or breaches of the GDPR that have caused reputation damage. We do not want to be badly portrayed in the news, you know” (respondent F). Municipalities are particularly sensitive to reputational damage because of the importance they ascribe to their relation with citizens: “then your relation with the citizen is broken” (respondent H).

However, the rational approach also assumes that people or municipalities act out of self-interest (Hurd, 1999, p. 380). Some municipalities indicate that the GDPR is limiting their other responsibilities, for instance because it takes time to comply to the GDPR and because it complicates their work (A; G; H; J; K). However, a connection to actual compliance propensities is not found in the data: municipalities mainly focus on helping the citizen, instead of acting out of self-interest.

Besides the fear of detection or sanctions, another important rational motivation also became apparent from the data: a choice between different priorities motivating compliance. A municipality has many responsibilities and priorities, one of which is compliance to the GDPR. However, in the data, it was found that civil servants might be less inclined to comply to the GDPR if there are other issues that get prioritized (C; G; I; K; L). This is not necessarily because municipalities lack the material resources to be able to carry out all these priorities, but because there are instances in which

other priorities clash with the GDPR. Since this is a different choice of priorities, it is a rational motivation.

There is a variety of different priorities that might influence these decisions. Important in this regard are other important policy goals of the municipality that are more substantive (respondent B; C; F; G; I; J; K; L). Especially in the case of more policy oriented civil servants: “that is often where it clashes. They [policy officers] have certain goals. ... The coalition has come to an agreement. There they have made a number of commitments. And all of that of course on a high level, with flashy language. And then the policy officers have to go work that out and start executing it” (respondent B). Non-compliance is not a decision that is made immediately, but if there are more important policy goals that are really stressed to be vital, they are prioritized (respondent L). Besides other policy goals, different priorities for municipalities might include preventing more serious issues and escalation (respondent D; G; H; I). There are also situations with great urgency that might incline non-compliance (respondent I; L).

Another important priority for municipalities that might motivate someone to non-compliance is the safety of citizens or other civil servants (respondent C; G; I; K). In practice, there are situations in which the safety of citizens or of other employees that work of the municipality might get threatened in case of compliance to the GDPR, which can be a reason to violate the GDPR.

Whenever civil servants have dilemmas between compliance and other priorities as described before, proportionality plays an important role (respondent B; G; I; J; K; L). Interests are weighed and a decision on compliance or other priorities is made based on proportionality: “what we are constantly considering is, is this in the interest of our citizen or not? And what can and what can’t we do with this information?” (respondent I).

5.4.2 Managerialist motivations

In the data, managerialist motivations were the most dominant for explaining compliance propensities of civil servants. A managerialist approach to compliance assumes that people, in general, want to comply and that non-compliance is thus the consequence of a lack of resources, technical knowledge or a consequence of rule ambiguity (Börzel et al., 2010, p. 1364). In line with this approach, and as explained in the section on compliance propensities, almost all respondents indicated that they, in general, wanted to comply to the GDPR (respondent A; B; C; D; E; F; G; H; K; J; L).

According to the respondents, the main explanation for involuntary non-compliance can be found in a lack of expertise or technical knowledge (respondent B; C; E; F; G; H; I; J; K; L). The data shows that problems with compliance arise whenever civil servants do not know what the GDPR exactly entails or when they are not aware of certain responsibilities. Not having the proper knowledge can have serious consequences, such as a data breach (respondent H). A lack of knowledge is more likely when civil servants do not have to comply to the GDPR often, but just sporadically. Because of a lack of experience, they might lack the knowledge to comply (respondent L). In other cases, civil

servants might lack technical knowledge of more specific aspects of the GDPR, such as making risk assessments (so called Data Protection Impact Assessments, or DPIAs). Respondent F gives a clear example of this when it comes to DPIAs: “I do not think they are hesitant to comply. It is more ignorance, like, ‘what is this? And why are we doing this?’” (respondent F). Because many civil servants do not have a good understanding of the GDPR, they have misconceptions of what they can and cannot do (respondent A). Because of this, they tend to be more cautious because they feel like the GDPR is very restrictive, to the point where they feel like it limits their work, especially in the social domain: “In that domain, I really notice a clash with the GDPR. Because on one hand you really want to help the citizen, and then the GDPR really says ‘no, restriction, restriction’. ... So, within that domain, it can be though.” (respondent K). However, once civil servants get a better understanding of the GDPR and gain experience, usually, they appreciate it more, instead of solely seeing it as restrictive legislation. For instance, because it helps them optimize their work processes or because it helps them to better protect the citizens (respondent J). To summarize, because of their lack of knowledge of the GDPR, civil servants tend to believe the GDPR is restrictive and limits them in their work, meanwhile, civil servants with a better understanding of the GDPR contradict this and feel like the GDPR is also helpful. Municipalities that have experience and that have compliance imbedded in their organization, feel like this is beneficial to the knowledge of civil servants on the GDPR, which ultimately helps with compliance (F; G; H; J; L). Respondents explain that providing trainings on compliance with the GDPR also motivates compliance (B; C; F; G; H; J; K; L).

Besides a lack of knowledge, rule ambiguity also plays a role. Many civil servants do not understand the GDPR correctly: “I often call it the most misunderstood law in the Netherlands” (respondent A). Civil servants for instance believe the GDPR is stricter than it actually is or that fines are higher than they actually are (respondent A; I). Besides this, there are vague norms in the GDPR that are only explained years after the GDPR has entered into force (respondent J).

Chayes and Chayes (1993, p. 188-189) explain that rule ambiguity is also a result of the fact that legislation can never cover everything that might come up in practice. Multiple municipalities signal that this is the case for the GDPR, specifically in the social domain. Two respondents explain that additional legislation is due in the Netherlands, but as long as that has not entered into force, practical problems persist (respondent C & D). As respondent C puts it: “I really notice a gap between the legislation and what actually happens in practice. And that gap needs to be filled” (respondent C). Multiple municipalities experience trouble whenever there are any cross-domain issues (respondent C; D; J; K). However, what should be noted, is that this is not the case for all municipalities. Respondent E, working for a small municipality in South-Holland, states that this is not an issue as “most of it is covered legally” (respondent E).

Respondents also state that solving this problem of rule ambiguity, and thus in increasing compliance, there is an important role for the *Autoriteit Persoonsgegevens* and the European Data Protection Board. Civil servants signal that the EDPB and the *AP* could play an important role in

explaining the GDPR and its norms but are only moderately positive about how well they do to this. Respondent L explains why specifically the AP is important in this regard: “In the end, they are the authority. And it provides clarity, so less of a discussion on what we should or should not do. Because, if the authority says something on their website like ‘you should do something so and so’, then there is no discussion. So, it really helps us to end any discussions.” (respondent L).

Finally, a few respondents indicate that a lack of material resources might also complicate compliance (H, J). In relation to a lack of material resources, a lack of time also plays a role according to few respondents (H, J, L), as one respondent explains: “It also depends on how much time and space they have” (respondent J). This is especially the case in relation to their other responsibilities: “I feel like it also has something to do with all the different tasks of the municipality has to execute, all the different responsibilities” (respondent H).

5.4.3 Normative motivations

In the data, normative motivations were also found as an explanation for compliance propensities. In the theoretical framework of this thesis, normative motivations were explained to come from a personal norm of what it is to be a good citizen and internal values of what is lawful behavior (Burby & Paterson, 1993, p. 756).

All the respondents that were interviewed for this thesis express a general moral duty to comply to the law (respondent A; B; C; D; E; F; G; H; I; J; K; L). Civil servants feel inclined to comply to the law in general, either simply because complying to the law is the right thing to do or because they work for a government organization such as the municipality which makes them feel even more responsible for compliance because of the power position the municipality has towards the citizen (respondent H; L). This is illustrated by respondent L: “look, we are dealing with legislation. That is not optional. So, we have to make sure everyone is compliant” (respondent L). The other way around, civil servants also believe it is morally wrong to not comply: “we believe it is simply wrong” (respondent I).

Some respondents also underline the importance of complying to the law in general, by referring to the oath civil servants have taken (respondent G; K; L). A good example of how civil servants feel this influences their compliance propensities is given by respondent G: “Well, yes we want to comply because it is the law. But we are civil servants so all of us have also taken an oath that we will comply to the law.” (respondent G). Respondent L makes a similar statement: “In general, civil servants are loyal to the law. You have to realize that. We have taken an oath to deal with personal data with integrity” (respondent L). In other words, the oath is another commitment of civil servants to complying with the law in general. With this, they emphasize the special position of civil servants and their commitment to complying to law, stressing the importance of normative motivations for civil servants.

Another type of normative motivations for compliance that is found in the data is citizens interests as a motivation (respondent A; B; C; D; E; F; G; I; J; H; K; L). Citizens interests are crucial in compliance propensities of civil servants. Municipalities feel like this is their main job, to work for the citizen (respondent C; I; J; L). It is the core of what is it to be a municipality: “from the perspective of the municipality, you really want to be of service to your citizen. That is what the municipality is known for.” (respondent K). Helping the citizen and making decisions that are ultimately good for the citizen are their priorities. As respondent B explains it: “What we are doing is, we are just looking at, really down to earth, what can we do for the citizens?” (respondent B). Other arguments for why this is so important is that citizens do not have the choice whether they want to share personal data with the municipality (respondent F; L). Like this, the fact that citizens are not able to influence this themselves plays a role as well (respondent B). Besides this, protecting the safety of citizens might be a reason not to comply to the GDPR (respondent C; G). Whenever civil servants feel that it is vital to share information for the safety of citizens, in spite of the GDPR, they are willing to do so to protect the citizen. In the theoretical framework, it was explained that normative motivations may stem from personal ideology and what a person experiences as their civic duty (Winter & May, 2001, p. 677). Since respondents indicate that citizens interests are important to them, this is also a normative motivation to comply to the GDPR.

Finally, a strong motivating factor for many civil servants was that they agree with the contents of the GDPR and that the protection of personal data of citizens is an important value (respondent A; B; D; E; F; G; H; I; J; K; L). In other words, the GDPR is in line with their personal values making this a normative motivation to comply to the GDPR.

Respondent A explains that civil servants support the purpose and the GDPR contains core values that they want to contribute to (respondent A). They believe it was drafted with the right intention and agree with its values: “it is mostly, you really see the idea behind the law. And I believe that it is important to act in line with that, to be able to realize that idea” (respondent J). Another respondent really stresses the importance of the rights the GDPR ensures: “well, of course it serves an important cause and that is the protection of the rights we have as individuals which can even be traced back to the constitution” (respondent H). Protecting these rights is a strong motivation to comply to the GDPR.

5.5 Summary

In this chapter, the findings of this thesis were presented. Some input legitimacy of the European Union was found in the data. There is, for instance, some support for the EU as a system. Regarding the throughput legitimacy, there are mixed findings. On one hand, civil servants believe the policy process of the EU consists of experts and has some degree of accountability. On the other hand, they believe it is too slow and not transparent. Regarding the output legitimacy, civil servants do indicate

moderately positive feelings. In their opinion, the EU is effective and creates unity across the member states. However, they also indicate that these legitimacy perceptions do not influence their compliance propensities. The fact that these legitimacy perceptions do not play a role in determining the compliance propensities of civil servants, is due to the fact that they work in a local context and associate the GDPR with national instead of European law. Besides this, many civil servants do not know the GDPR is originally European law to begin with. An exception is that civil servants are loyal to the hierarchy of European law, which can be seen as a form of institutional legitimacy. Regarding the output legitimacy of the GDPR specifically, there were some mixed perceptions. On the one hand, civil servants believe it is effective and efficient, but on the other hand, they criticize the problem-solving capacity of the GDPR.

After this, the findings relating to the alternative explanations were discussed. Rational motivations play an important role in the compliance propensities of civil servants, with reasons such as a fear of detection and the fear for sanctions as motivations to comply. The choice for different priorities, for instance urgency, prevention, other policy goals and the safety of employees and citizens, are also rational motivations that influence compliance. Managerialist motivations are very important in explaining civil servants' propensities: in general, municipalities want to comply, non-compliance is often involuntary. Reasons for non-compliance are a lack of knowledge or rule ambiguity of the GDPR. Experience also plays a role in this regard. Finally, normative motivations also play an important role: many respondents believe it is their general moral duty to comply to the law. For civil servants, this is even more important since they have taken an oath to comply. Besides this, at their core, civil servants feel like they should work and make decisions in the citizens interest, they feel like that is their civic duty. Finally, many respondents agree with the content and the intention of the GDPR. Because they agree with the value of the GDPR, the rights it ensures and care about the protection of personal data, they are more likely to comply.

Taken together, the findings concerning the factors are summarized in figure 8.

Factor	Presence in the data	Effect on compliance propensities
<i>Legitimacy perceptions</i>		
Input legitimacy	Low	No
Throughput legitimacy	Mixed, moderately positive but also negative criticism	No
Output legitimacy of the EU	Moderate	No
Output legitimacy of the GDPR	Mixed, moderately positive but also negative feelings	Yes
<i>Alternative explanations</i>		
Rational motivations	High	Yes
Managerialist motivations	High	Yes
Normative motivations	High	Yes

Figure 8: A summary of the findings

6. Conclusion & discussion

This chapter described the conclusion and discussion of this thesis. First, the main findings of this thesis will be discussed, and some conclusions will be formulated. The main question of this thesis will also be answered. After this, a reflection on this thesis follows. Next, some recommendations for further research will be made. Finally, this chapter concludes with some practical recommendations.

6.1 Conclusion

Overall, in this thesis, legitimacy perceptions were not found to be very influential on the compliance propensities of civil servants working for Dutch municipalities. Some input legitimacy is ascribed to the European Union. There is some support for the system and the importance of elections is emphasized. However, civil servants indicate that, for them, this does not play a role in their considerations on compliance. Concerning throughput legitimacy, there are some mixed findings. On one hand, civil servants feel like the process consists of careful deliberation and experts and that it is accountable. However, there are also some critical remarks, for instance stating that the EU policy process is not understandable for citizens and that the process takes too long, creating practical problems. Civil servants agree that throughput legitimacy does not play a role in their compliance propensities. Output legitimacy, finally, was found in two forms: in relation to the EU and specifically to the GDPR. Concerning the EU, output legitimacy was moderately high. Civil servants feel like the EU is effective, provides useful and fair outcomes and is more influential than the separate member states. However, again, civil servants do not believe this influences their compliance propensities. There are mixed beliefs about the output legitimacy of the GDPR specifically. On one hand, civil servants are positive about the problem-solving capacities of the GDPR. They also feel it creates more unity across the EU and that it is effective and efficient. On the other hand, civil servants are not positive about the problem-solving capacities of the GDPR as practical problems persist, for instance in the case of cross domain information sharing. This might decrease their motivation to comply.

Civil servants explain that legitimacy perceptions about the EU do not influence their compliance propensities because they operate in such a local context. Many civil servants are not even aware that the GDPR has a European origin. They also associate the GDPR with national legislation, rather than European legislation. Because of this, legitimacy perceptions of the EU do not really play a role for them. One exception was, however, found: civil servants are loyal to the hierarchy of European law, which can be seen as a form of institutional legitimacy of the European Union. This positively influences their propensity to comply to the GDPR.

The alternative explanations were found to strongly influence the compliance propensities of civil servants. Rational motivations, firstly, have a relatively high influence on compliance propensities. The respondents indicated that they take the risk of detection and the risk of sanctions,

whether it be through fines or reputational costs, into consideration when it comes to compliance to the GDPR. Besides this, different priorities might be chosen over compliance to the GDPR. This includes the safety of employees and citizens, urgency and other policy goals. Managerialist motivations, secondly, were found to have a very strong influence on compliance propensities. In general, the interviewed civil servants expressed that they feel inclined to comply to the GDPR. Difficulties arise when they lack the knowledge to comply or in case of rule ambiguity. Normative motivations are also a strong influence on the compliance propensities of civil servants: many of them feel like it is their general moral duty to comply to the law. This is emphasized by the oath all of them have taken. Besides this, citizens interests proved to be an important value influencing compliance propensities. Municipalities and civil servants see it as their core task to serve the citizen's interest. If compliance to the GDPR compromises this, they might consider non-compliance. Support for the content of the GDPR was also found to be a motivation for compliance to the GDPR. If the goal of the protection of personal data aligns with personal values of civil servants, they are more likely to comply to the GDPR.

In short, the main question that was posed in this thesis can be answered by stating that civil servants feel that legitimacy perceptions of the EU play a very limited role in their compliance to the GDPR. This is mainly due to the local context they work in and their association of the GDPR with national legislation. There is however one exception: institutional legitimacy is an important motivation for civil servants to comply. Civil servants hold the hierarchy of European legislation in high regard. This is an important motivation for them and increases their compliance propensities in relation to the GDPR. Alternative explanations, on the other hand, play a much more important role.

During their work, civil servants make rational considerations when it comes to compliance to the GDPR. The risk of detection and the risk of costs, material or reputational costs, play a role in the considerations civil servants make. Self-interest does not play a role. Besides this, different priorities of the municipality, such as other policy goals, the safety of the citizen or the safety of employees also play a role whenever civil servants consider compliance to the GDPR, making rational motivations quite influential on compliance propensities. Even more important are managerialist and normative motivations. In general, civil servants indicate that they feel a high propensity to comply to the GDPR. A lack of expertise, or technical knowledge, and rule ambiguity are important explanations for non-compliance. A few civil servants also experience a lack of material resources as a reason for non-compliance to the GDPR. The fact that civil servants feel a high propensity to comply in general, stems from normative motivations. All respondents express a general moral duty to comply to the law. Serving the citizens interests is a core value to them that aligns with their personal values. Besides this, their personal values also align with the content of the GDPR, motivating compliance.

Interestingly, their role as civil servant might underline the importance of compliance to the law in general, as some of the respondents refer to the oath they have taken and the responsibility that comes with it. To summarize, civil servants feel a moral duty to comply, in general and specifically to

the GDPR. This is due to personal values and the importance of serving the citizens interests. Non-compliance is mainly due to a lack of expertise and rule ambiguity. Rational considerations such as the fear of detection and sanctions and different priorities also play a role.

However, the fact that legitimacy perceptions of the EU were not found to have a strong influence on compliance propensities of civil servants, does not necessarily mean that there is no relation between these variables. Earlier research has shown that civil servants are overall not as positive about the EU as the respondents included in this thesis (Van den Berg et al., 2016, p. 10). Besides this, earlier research has in fact shown that legitimacy does play a role in compliance (Tyler, 1990, p. 26; Tyler, 2006, p. 379; Levi et al., 2009, p. 354). What should also be considered is that this thesis includes only twelve respondents, which limits the dependability of this thesis. Finally, the findings of this thesis are based on the experiences of the respondents. It might for instance be that civil servants are not fully aware of how these perceptions shape their decision-making. Therefore, it cannot be concluded that there is no relation between legitimacy perceptions and compliance propensity, only that such a mechanism was not found in this thesis. Further research is thus necessary, suggestions for this will be done in section 6.3.

6.2 Reflection

This section provides a reflection on this thesis, based on the quality criteria of interpretive research (Frambach et al., 2013, p. 552; Devers 1999, p. 1165).

A first remark that should be made, concerns the case selection of this thesis. Even though this thesis includes a diversity of municipalities and positions of respondents, there is a possible bias. During the search for respondents for this thesis, there were some municipalities that refused to be interviewed. Some had understandable reasons such as a lack of time, but other municipalities stated compliance was no issue for them or that they did not make very clear decisions on compliance in practice. This is unlikely: as explained before, legislation cannot foresee all practical situations beforehand, leaving room for civil servants to make decisions (Chayes & Chayes, 1993, p. 188-189). Besides this, the respondents that were interviewed for this thesis did indicate that compliance to the GDPR is not always easy and that they make considerations about this in practice. This raises the question why these municipalities were so hesitant to talk about this topic. Because of this, there might be a bias: municipalities that did not want to be interviewed might make different considerations in their decision to comply to the GDPR.

A second issue that requires reflection is the fact that only twelve municipalities were included in the case selection of this thesis, due to time constraints of the researcher. The point of saturation was reached which is why it was argued twelve municipalities are sufficient. However, such a small number of cases limits the transferability of the research. This is also a problem because other research suggests that not all civil servants working for municipalities are as positive about the European Union

as the respondents that are included in this thesis (Van den Berg et al., p.26). This suggests that interviewing different civil servants than the respondents of this thesis, might result in less positive perceptions of the EU, which might indicate problems with the dependability of this thesis.

A third issue concerns the credibility of this thesis, which was explained to be about whether research is “trustworthy and believable to others” (Frambach et al., 2013, p. 552). There might be an issue with the trustworthiness of the findings because they are based on a respondent’s own judgement of how legitimacy perceptions influence their motivations. Can people make assessments about the role of legitimacy perceptions or do these play a role subconsciously? In other words, can people really distinguish underlying motivations for their compliance propensity? However, the credibility of this thesis is also somewhat improved by providing a description of the respondents and their positions, thereby providing context, in line with what Devers (1999, p. 1169) explains about improving the credibility of interpretive research.

A fourth issue that should be reflected on, is the sensitive nature of the topic. Municipalities have to comply to EU law and civil servants have taken an oath that they will do so. Therefore, asking about situations in which compliance is difficult and inquiring into their motivations to comply might be a sensitive topic. Callegro (2008, p. 825) explains that this might lead to social desirable answers: “to report an answer in a way they deem to be more socially acceptable than would be their ‘true’ answer.” Because the interviews were held one on one, this risk is somewhat limited (Guest et al., 2013, p. 117). However, it is still something to consider.

Finally, returning to the theory, there are some points that need reflection. Firstly, even though the literature on rational motivations generally corresponds with the findings, it is too much focused on actors acting out of self-interest, specifically in the case of civil servants. While civil servants make calculated choices, it is not so much their self-interest that is decisive, but rather the interest of the citizens they serve. The literature on rational motivations lacks this consideration. Secondly, the distinction in the literature between normative and managerialist motivations should be reflected on. Normative motivations, such as a general moral duty to comply, are closely related to managerialist motivations that hold the assumption that people generally want to comply as a basis. In other words, in case of normative motivations, it is likely that reasons for non-compliance can be found in the managerialist literature.

6.3 Recommendations for future research

In the introduction it was explained that not much research has been done into the influence of legitimacy perceptions on compliance propensity, especially on the local level. This thesis provides a starting point to close this research gap by providing insights on the legitimacy perceptions of civil servants and their influence on compliance propensities to the GDPR, as experienced by civil servants working at the local level. However more research is necessary. As set out in the reflection, the

question remains whether civil servants' compliance propensities may also be influenced by legitimacy perceptions more subconsciously, quantitative research might be useful to understand this. It might also be useful to choose different legislation: many civil servants agree with the content of the GDPR, motivating compliance. Selecting legislation that is less in accordance with the values of civil servants might uncover situations in which the decision to comply is more complex to make.

As explained in the previous chapter, some municipalities were hesitant to be interviewed on this topic. This might be a selection bias: Henderson and Page (2007, p. 67) describe there is a selection bias when the cases that are included in research are different from the ones that are not included. These municipalities might be interesting to research, because they might display different compliance propensities and behaviors than municipalities that agreed to an interview. Are the municipalities for instance not open to an interview because they have a higher rate of non-compliance? Or, instead, because non-compliance is no issue for them at all? Instead of using interviews like this thesis, it would probably be more useful to use surveys to research this. The reason for this is that this type of municipality is apparently hesitant to talk about the subject. This means that there is a risk that they will give social desirable answers. Callegaro (2008, p. 826) explains that a different type of data collection than interviews, such as surveys, reduces the risk of social desirable answers, which ensures more accurate results.

Another interesting starting point for future research might be other member states. Falkner and Treib (2008) have found that there are differences between member states in compliance propensities based on national features. However, due to practical reasons, this thesis has only included Dutch municipalities. For future research, it might be interesting to take municipalities from different member states into account.

Finally, in this thesis, no clear relation between legitimacy perceptions of the EU and compliance propensities of civil servants working for municipalities was found. This is partially explained because many civil servants are not aware that the GDPR is European law and because municipalities are locally oriented. It might therefore be interesting to research a piece of legislation of which people are aware that it has a European origin. Especially since several respondents have indicated that they believe the EU is legitimate to some extent. By choosing legislation that is associated with the EU more, a possible relation between legitimacy perceptions and compliance propensities can be studied more easily.

6.4 Practical recommendations

Based on the findings of this thesis, some practical recommendations can be made.

First, since managerialist explanations were found to be the strongest explanation for compliance propensities, municipalities should focus on capacity building. This would solve the issues of a lack of technical knowledge and rule ambiguity that were found to be causing problems with

compliance. They should work on embedding compliance in their organization and providing regular trainings. Since civil servants generally want to comply and feel that is the right thing to do, but sometimes fail to do so because they lack the necessary knowledge or because rules are unclear, focusing on this should be a priority. Providing trainings does not only help with increasing the knowledge on the GDPR, it increases the experience of civil servants with the GDPR that proved necessary and it ensures that employees know where to get advice in case they are not sure how to comply.

Second, because it was found in the data that rule ambiguity plays a major role in explaining compliance propensities of civil servants, a practical recommendation to the *Autoriteit Persoonsgegevens* and to the European Data Protection Board is to pay more attention to the interpretation and explanation of the GDPR, according to where the issues are for municipalities. This is especially relevant for the AP because respondents indicate that they are keen on the advice of the AP because they are the main watchdog on a national level. An interpretation of how to comply with the GDPR or explanation of certain vague norms that are stated in the GDPR can help prevent this ambiguity which will increase compliance. Respondents also indicated that this is something that is missing or that comes too late and could be improved.

7. References

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Appendices

Appendix 1: Interview guide

Note: the interviews were held in Dutch. Therefore, the guide below is the English translation from the Dutch version.

Introduction:

- Thank you for participating in this interview.
- Introduction of the researcher: Anna Bosch, master student European Union Governance and Politics.
- Thesis on compliance propensities of civil servants working for municipalities.
- Interview: what motivates compliance propensity?
- Feel free to ask any questions during the interview. You do not have to answer a question if you do not want to answer.
- The interviewees will be included anonymously in this thesis.
- A transcript of the recording will be made, after which the recording is deleted. This transcript will be saved for seven years, after which it will be deleted. Do you consent to the recording of this interview?

General questions:

1. Could you give a description of your day-to-day work?
2. Could you explain the role of the GDPR in your day-to-day work?
3. What do you know about the origin of the GDPR?

Questions on compliance:

4. Can you name examples of problems you have had with the decision on complying to the GDPR?
5. What considerations influence your propensity to comply to the GDPR?

Questions on legitimacy:

6. Could you explain to me what your judgment of how democratic the European Union is?
7. Could you explain to me what your judgment of policy processes in the EU is?
8. Could you explain to me what your judgement of the performance of the EU is?
9. Could you explain whether you feel like these topics play a role in your propensity to comply to the GDPR? Could you give any examples of this?

Additional questions:

10. Do you feel like there are other important motivations that influence your propensity to comply to the GDPR?
11. Do you recognize similar experiences and considerations by your colleagues?

Closing remarks:

- Thank you.
- Are there any additions you would like to make? Is there anything missing in your opinion?
- A final version of this thesis will be sent to you.

Appendix 2: Overview of respondents

Respondent	Municipality	Date of interview
Respondent A	Zeist	29-10-2024
Respondent B	Amersfoort	1-11-2024
Respondent C	Groningen	4-11-2024
Respondent D	Oss	6-11-2024
Respondent E	Small municipality in Zuid-Holland, prefers anonymity of municipality	6-11-2024
Respondent F	Meppel	7-11-2024
Respondent G	Den Bosch	8-11-2024
Respondent H	Smallerland	8-11-2024
Respondent I	Nijmegen	11-11-2024
Respondent J	Groningen	12-11-2024
Respondent K	Overbetuwe	13-11-2024
Respondent L	Houten	14-11-2024