

(H. B. 749)

(No. 75-2019)

(Approved July 25, 2019)

AN ACT

To create the Puerto Rico Innovation and Technology Service (PRITS) in order to establish and promote the public policy on effective interagency creation, management, development, coordination, and integration of innovation and information and technology infrastructure of the Government of Puerto Rico, as well as develop, in an orderly and integrated manner, timely technology projects as are necessary to promote the effective integration of technology into government operations; define the duties and powers of the Chief Innovation and Information Officer of the Government of Puerto Rico and the Chief Technology Officer of the Government of Puerto Rico; amend Sections 4, 5, 6, 7, 8, and 9 of Act No. 151-2004, as amended, known as the “Electronic Government Act”; repeal subsection (b)(5) of Section 3 of Act No. 147 of June 18, 1980, as amended, known as the “Management and Budget Office Organic Act”; amend Sections 17, 18, 19, and 20 of Act No. 148-2006, as amended, known as the “Electronic Transactions Act”; amend Sections 2, 5, 6, 7, and 9 of Act No. 229-2003, known as the “Act to Guarantee Access of Information to Disabled Persons”; and for other related purposes.

STATEMENT OF MOTIVES

It is the public policy of this Administration to create a new and innovative government framework consistent with the demands of the 21st century and capable of availing itself of state-of-the-art technology to meet the expectations of citizens and adhere to the modern standards of effective governance. Our public policy is based on evidence which shows that innovation in technological developments and information technologies programming promotes government efficiency and a better management of human and physical resources, which translates into positive economic development for Puerto Rico.

Hence, our Government has recognized that innovation is a pillar of economic development and that its structure must be constantly evolving at par with technological developments and use it to achieve efficiencies in the administration of the government apparatus, render services more expeditiously, and improve service quality. In order to further the integration of the government's technology systems, the administration of the current Governor of Puerto Rico, the Hon. Ricardo A. Roselló-Nevarés created the Puerto Rico Innovation and Technology Service attached to the Office of the Governor through executive Order (OE-2017-015), as amended. PRITS was created to develop in an orderly and integrated manner timely technology projects as are necessary to promote the effective integration of technology into government operations in order to render the Government swifter and more efficient as well as to save money and resources. However, PRITS currently lacks statutory provisions that enable it to contribute to fulfilling this mission in an efficient and consistent manner.

To promote the proper use of technological services as well as government efficiency, it is necessary to provide PRITS with resources and powers as are necessary to establish an integrated and permanent administrative structure that promotes and fosters innovation as well as the use of information and communication technologies in every government entity thus allowing for said resources to be used efficiently to properly assess performance and effectively disseminate government efforts and programs. In addition, the initiatives to be implemented shall foster the people's trust in government institutions which is part of the vision and mission of this Legislative Assembly. For all of the foregoing, the Puerto Rico Innovation and Technology Service (PRITS) is hereby created.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Title.

This Act shall be known as the “Puerto Rico Innovation and Technology Service Act.”

Section 2.- Declaration of Public Policy.

It is the public policy of the Government of Puerto Rico to administer information and communication technologies in order to achieve an optimum level of efficiency, solve the information and communication technologies integration issue among the various government agencies, facilitate information sharing, foster transparency in Government information and operations, broaden the availability and access to government services, promote the people’s interaction with information and communication technologies, and foster public and private initiatives that further close the digital gap in our society. The public policy hereby adopted and promulgated is consistent with the objective of further integrating technology and the use thereof into the daily lives of our citizens. Moreover, fostering the integration of the information technology industry into the Government as an entity of economic development and growth is of the utmost importance. Therefore, this Act creates a new and innovative government framework consistent with the demands of the 21st century and capable of availing itself of technology in order to meet the citizens’ expectations and adhere to modern standards of effective governance.

Section 3.- Definitions

For purposes of this Act, the following terms shall have the meaning stated below:

(a) Agency.- Means any board, body, examination board, commission, public corporation, office, division, administration, bureau, department, authority,

official, employee, person, entity, or any instrumentality of the Executive Branch of the Government of Puerto Rico.

(b) Equipment.- Means any tangible and durable personal property relevant or related to information or communication technologies which is useful to discharge communications-related duties or to manage the information of an agency.

(c) Innovation.- Means a collaborative, creative, and applied process of discussing and analyzing ideas and solutions to challenges. Innovation supposes the creation of something new or improved through services, processes, technologies, products, or models. The involvement of citizens and different sectors represents a great variety of experiences that allows ideas to connect differently thus bringing about the development of innovative solutions. Innovation yields results that have a direct impact on citizens, transforms and empowers communities, promotes the creation of new knowledge, optimizes human capital development, and furthers Puerto Rico's economic growth. Technology is the main enabler of innovation, however, it is not limited to technological innovation.

(d) Governor.- Means the Governor of Puerto Rico.

(e) Government.- Means the Government of Puerto Rico.

(f) Municipality.- Means the municipalities of the Government of Puerto Rico.

(g) CIO.- Means the Chief Innovation and Information Officer of the Government of Puerto Rico.

(h) CTO.- Means the Chief Technology Officer who shall be PRITS Deputy Director.

(i) Strategic Plan.- Means the Innovation and Technology Strategic Plan for the Government of Puerto Rico to be established by the Puerto Rico Innovation and Technology Service.

(j) PRITS.- Means the Puerto Rico Innovation and Technology Service.

(k) ICT.- Means Information and Communication Technologies.

Section 4.- Creation.

The Puerto Rico Innovation and Technology Service of the Government of Puerto Rico (PRITS) is hereby created within the Office of the Governor.

Section 5.- Appointment and Administration.

The Puerto Rico Innovation and Technology Service shall be directed and supervised by the Chief Innovation and Information Officer (CIO) of the Government who shall be appointed by the Governor with the advice and consent of the Senate. PRITS Deputy Director shall be the Chief Technology Officer (CTO) to be designated by the CIO. The Chief Innovation and Information Officer (CIO) and the Chief Technology Officer (CTO) shall be of recognized professional capacity. The Chief Innovation and Information Officer (CIO) may delegate to the Chief Technology Officer (CTO) those powers as are necessary to effectively discharge the functions, duties, and responsibilities delegated by this Act.

The Governor shall fix the salary of the Chief Innovation and Information Officer (CIO) taking into account the salary fixed for the Secretaries of the Executive Departments.

Section 6.- Functions, Powers, and Duties of the Puerto Rico Innovation and Technology Service and the Chief Innovation and Information Officer (CIO) of the Government.

a) To be the Office of the Executive Branch in charge of implementing, developing, and coordinating the public policy of the Government on innovation, information, and technology;

b) To offer services to the departments, agencies, public corporations, municipalities, and any other instrumentality or entity of the Government related to

the integration of technology into government operations and the offering of services to the people;

c) To promote the development of projects funded in conjunction with the private sector, academia, and government for students, professors, and professionals of the technology field to develop state-of-the-art technology;

d) To create a digital platform to enable the different Government components to communicate among each other and share information about financial assistance services and programs for citizens. The platform's medium-term goals include the integration of the Integrated Services Centers and the various welfare platforms so as to enable the trained personnel to determine an applicant's eligibility and to process applications promptly. In the long-term, a new interface shall be implemented to create citizen profiles to determine which and how many services a person is eligible for and electronically redirect citizens to where they may apply for the benefits or update their information;

e) To establish and direct the Upgradepr.gov project whereby the main website of the Government shall be drastically improved to render it accessible and integrated both for the people and for the government. Most services should be made available on the Internet in a secure, swift, and easy manner as part of this project;

f) To implement accountability systems that promote continuous improvement and innovation by aligning the organization with the expectations and goals. In turn, these systems must contribute to a more efficient use of the government resources and transparency in government operations;

g) To develop and implement any other timely technology project entrusted thereto by the Governor or his representative;

h) To act as the representative of the Governor in all matters related to innovation, information, and technology;

- i) To lead Puerto Rico's innovation and transformation strategy and process;
- j) To advise the Governor of Puerto Rico in matters of innovation, technology, and information technologies;
- k) To make recommendations to the Governor and the Legislative Assembly as to the formulation of public policy on innovation and related topics;
- l) To implement modern and collaborative methodologies for the presentation of ideas and the evaluation of data-based solutions;
- m) To ensure transformation strategies from a holistic perspective;
- n) To facilitate and maintain global partnerships, including the public and private sectors, academia, and nonprofit and community organizations with expertise in different topics;
- o) To lead the implementation of innovation and transformation initiatives as assigned by the Governor;
- p) To solicit and administer federal, state, or private funds by itself, in conjunction with, or in lieu of government agencies;
- q) To enter into collaboration agreements, memorandums of understanding, and/or interagency agreements with any public or private entity;
- r) To execute and/or procure professional and consulting services contracts and/or contracts related to the innovation, technology, and information technologies agenda of the Government of Puerto Rico;
- s) To work in conjunction with the agencies of the Government of Puerto Rico, municipal governments, the federal government, and the private sector to develop initiatives that promote the innovation, information, and technology agenda;
- t) To oversee Puerto Rico's digital transformation and the creation of a data-, accountability-, transparency-, and proactive decision-making-oriented culture;

u) To evaluate and recommend service agreements, and other types of information and communication technology (ICT) agreements for the Government and all of its instrumentalities that guarantee timely and cost-effective service rendering;

v) To make a general inventory of existing Government ICTs; ICT processes, plans, and strategic projects of the Government and agencies to develop a comprehensive plan on how to use and unify existing Government ICTs that are available as administrative tools to assess, follow up, and monitor execution and satisfaction relating to the direct services rendered by the Government;

w) To establish and implement strategic plans, policies, standards, and integrated infrastructure of Government ICTs;

x) To establish and implement the Government's security policies and applications for the use of the Internet and the interagency network;

y) To direct reengineering efforts for government processes and ICTs to achieve the necessary efficiencies in the services rendered to citizens;

z) To serve as promoter of the implementation of discipline in the best practices for project management as well as publish guidelines and standards to such effects;

aa) To achieve organizational maturity and capacity in the administration of ICTs;

bb) To establish an administration based on productivity and ensure that services are effective and efficient;

cc) To reduce redundancy and duplication of costs related to Government ICTs' operations, projects, and efforts;

dd) To coordinate and direct efforts in conjunction with the information technology directors of government entities and the CIO of the Government to achieve resource integration and savings in the agencies;

ee) To evaluate and issue a final recommendation regarding the appointments of the Agencies' Chief Information Officers;

ff) To review, evaluate, and approve the creation, implementation, modification, migration, and update of databases, innovation, information, and technology projects to be adopted by the agencies.

Section 7.- Additional Powers and Duties of the Chief Innovation and Information Officer (CIO)

The Chief Innovation and Information Officer (CIO) shall also have the following powers and duties:

1) The CIO shall be empowered to establish the Office's organizational structure as deemed necessary to achieve the purposes of this Act.

2) The CIO shall select and appoint professional, technical, clerical, and office personnel as deemed necessary to achieve the purposes of this Act; and establish the qualifications, requirements, functions, and duties in accordance with the "Public Service Personnel Act." The CIO may contract the services of firms, professionals, technicians, consultants, and others as deemed necessary to discharge its duties and conduct studies, research, and analyses as deemed necessary, or entrusted thereto, or requested by the Governor or the Legislative Assembly.

3) To issue administrative orders and opinions requested in relation to compliance with this Act, the regulations adopted thereunder, or any other Act the implementation of which is entrusted to the Chief Innovation and Information Officer (CIO) of the Government. The Chief Innovation and Information Officer (CIO) of the Government may issue opinions and circular letters upon request or *motu proprio* when deemed necessary.

4) To adopt a job classification and compensation plan. The job classification and compensation plan of the Puerto Rico Innovation and

Technology Service shall be developed independently from those of the Office of the Governor, taking into account the particularities of the Puerto Rico Innovation and Technology Service.

5) To accept and receive any donations or funds on account of appropriations, advances, or any other type of assistance or benefit when made by government bodies or nonprofit institutions, subject to the provisions of Act No. 1-2012, known as the “Puerto Rico Government Ethics Act of 2011,” the regulations thereunder, and other applicable laws, according to the specific circumstances.

6) To investigate potential violations of the provisions of this Act and the regulations adopted thereunder.

Section 8.- Rulemaking Authority

In order to discharge the duties imposed and exercise the powers conferred under this Act, the Puerto Rico Innovation and Technology Service is hereby empowered to, in accordance with the rulemaking provisions of Act No. 38-2017, as amended, known as the “Uniform Administrative Procedure Act of the Government of Puerto Rico,” adopt, amend, and repeal regulations for the structuring and operation of the Puerto Rico Innovation and Technology Service, in accordance with the provisions of this Act and any other applicable law.

Section 9.- Innovation and Technology Strategic Plan for the Government of Puerto Rico.

The Puerto Innovation and Technology Service shall create a Strategic Plan that establishes a thorough, coherent, comprehensive, and lasting vision on the use of the Government’s information and communication technologies. The Strategic Plan shall include an effective mechanism that allows for the integration of the various information and communication technologies used by the different agencies; be based on the best practices identified in state, federal, and

international agencies as well as the in the private sector; and establish priorities for current and future technology projects.

Furthermore, the Puerto Rico Innovation and Technology Service shall annually evaluate and analyze the work plans of all agencies for the administration, use, analysis, and deployment of and investment in the Government's information and communication technologies. In addition, the Puerto Rico Innovation and Technology Service shall develop and implement a technology disaster or emergency plan in conjunction with the agencies.

Section 10.- Studies and Research.

The Puerto Rico Innovation and Technology Service may conduct studies and research on matters that are of concern thereto and, to such ends, may require Agencies to provide it with the necessary, pertinent, and essential information to achieve such purposes, and approve rules and regulations as are necessary. Moreover, it may enter into collaboration agreements with any State of the United States of America and with the research centers of the top universities of Puerto Rico or the United States.

Section 11.- Reports.

The Puerto Rico Innovation and Technology Service shall prepare and submit an annual report to the Governor and the Legislative Assembly not later than ninety (90) days after the close of each fiscal year. The report shall include, but shall not be limited to, the status and results of the purposes of this Act, the obstacles identified, and the recommendations to improve efficiency in the implementation of the Strategic Plan. The report shall also include the operations and fiscal situation of the Puerto Rico Innovation and Technology Service, as well as any pertinent recommendations for the effective operations thereof. After the first annual report, the Chief Innovation and Information Officer of the Government of Puerto Rico (CIO) shall include in subsequent annual reports, a

summary of the recommendations made in previous reports and a description of the action taken on such recommendations.

Section 12.- Duties and Responsibilities of Agencies.

To fully comply with the objectives and public policy established in this Act, agencies shall also comply with the following duties and responsibilities:

(a) To establish an effective coordination and prioritization with the Puerto Rico Innovation and Technology Service in order to maximize the Government's technology resources and address innovation in the Government.

(b) To provide and disclose to the Puerto Rico Innovation and Technology Service, within the required time period, any necessary and essential information, data, documents, and services required by the Puerto Rico Innovation and Technology Service, unless the required disclosure is expressly prohibited by law or regulation.

(c) To prepare and submit to the Puerto Rico Innovation and Technology Service the agencies' strategic plans and budgets related solely to information and communication technologies within the period established by the Puerto Rico Innovation and Technology Service.

(d) To comply with the provisions of this Act, the information management policies and technology standards related to the information and communication technologies adopted and promulgated by the Puerto Rico Innovation and Technology Service.

(e) To ensure that the set of websites and other telematics services is limited and centralized. The Puerto Rico Innovation and Technology Service shall prescribe by regulations the manner in which agencies shall contribute to the attainment of this objective.

(f) To consider the impact that the development of electronic services shall have on persons who have no Internet access and take the necessary steps

through programs and partnerships with the private sector and nonprofit organizations to ensure that all sectors of society have access to the Government's services through telematics channels.

(g) To ensure that their databases comply and are consistent with the open access policies, as these are established and defined in the regulations adopted by the Puerto Rico Innovation and Technology Service for such purposes.

(h) To develop and take measures as are necessary to ensure faithful and strict compliance with this Act. Likewise, the heads of agency shall promptly and effectively communicate to the appropriate personnel the information management policies and the information and communication technology use and maintenance guidelines issued by the Puerto Rico Innovation and Technology Service.

(i) To identify a liaison for each innovation project in the Agency who shall provide assistance and answer to both the Head of Agency and the CIO for the execution of such projects.

(j) To notify the appointment of every Chief Technology Officer to the CIO for evaluation and final recommendation.

(k) To provide PRITS with operational assistance to attain the purposes of this Act, as required by PRITS.

Section 13.- Agency Chief Technology Officer.

To fully comply with the objectives and public policy set forth in this Act, the Chief Technology Officer of each Agency, or in lieu thereof, the information technology director or directors of every agency shall comply with the policies, protocols, and operational guidelines established by the CIO and with the following duties and responsibilities.

(a) To establish a strategic and functional plan to develop, implement, and maintain the agency's information technology system.

(b) To formulate the concept and set long-term objectives for the information and communication technologies in accordance with this Act and the regulations adopted thereunder to attain the purposes thereof.

(c) To identify how information and communication technologies may reduce Government expenditures and improve the services rendered to the citizenry.

(d) To evaluate annually the development and implementation of information and communication technology strategic plan adopted, as well as establish mechanisms and processes for revising and modifying the plan, if necessary.

(e) To develop the policies, guidelines, regulations, and processes that shall govern the agency's efforts in the use and implementation of its information technology system.

(f) To advise and provide the head of the agency with technical and procedural support in his efforts to facilitate and attain the goals and objectives set forth in the information and communication technology strategic plan adopted by the agency.

(g) To develop, maintain, and facilitate the implementation of a safe and integrated information and communication technology structure.

(h) To promote the design as well as the efficient and effective operation of the information and communication technology systems, including improvements thereto.

(i) To follow up on the programs' operations and the development of the agencies' information and communication technology projects; as well as evaluate the performance thereof in accordance with the established standards and provide advice or recommendations on the continuation, progress, modification, or cancellation of adopted programs.

(j) To evaluate any information and communication technologies service contract to be entered into by the agency in all that pertains to compliance with the provisions and purposes of this Act, as well as the regulations adopted thereunder. This evaluation process shall be carried out before forwarding the contract in question to the Puerto Rico Innovation and Technology Service for further evaluation and analysis. The Chief Technology Officer of each agency, or in lieu thereof, the information technology director or directors of every agency, shall be responsible for notifying the Puerto Rico Innovation and Technology Service of any matter of interest identified in the evaluation of an information and communication technology contract, including, but not limited to, inconsistencies or provisions that are or may be in contravention of this Act or the regulations thereunder.

(k) To serve as a liaison between the agency and the Puerto Rico Innovation and Technology Service, provide operational assistance to PRITS, and furnish reliable, complete, and consistent information on electronic information systems and information and communication technologies in a timely manner, as required by the Puerto Rico Innovation and Technology Service.

Section 14.- Collaboration with the Office of Management and Budget.

The Puerto Rico Innovation and Technology Service shall assist the Office of Management and Budget in the development and approval of the agencies' information and communication technology budgets. The Puerto Rico Innovation and Technology Service in conjunction with the Office of Management and Budget shall review and make recommendations for the allocation of funds only to those information and communication technology development proposals that are consistent with the purposes of this Act and the Strategic Plan, and which yield a reasonable return and profit.

Consistent with PRITS' integration efforts, all heads of agencies shall submit their information and communication technology development plans to the Puerto Rico Innovation and Technology Service, for the latter to evaluate such plans and make recommendations as appropriate. No Agency information and communication technology development proposal or information and communication technology service contract shall be authorized without prior review and comments of the Puerto Rico Innovation and Technology Service.

Section 15.- Agency Database, Innovation, Information, and Technology Projects.

The Puerto Rico Innovation and Technology Service shall be empowered to review, evaluate, and approve the creation, implementation, modification, migration, and update of database, innovation, information, and technology projects to be adopted by the agencies. The Puerto Rico Innovation and Technology Service shall issue, in writing, the corresponding recommendations and standards, as the case may be, to ensure that the agencies' database, innovation, information, and technology projects achieve the purpose of this Act and shall deliver the same to the head and the Chief Technology Officer of the agency. Agencies shall design, develop, adopt, and implement their database, innovation, information, and technology projects in accordance with the parameters and specifications of the Puerto Rico Innovation and Technology Service. Likewise, said Office shall evaluate and approve any service to be contracted or equipment to be acquired by agencies to be used by or devoted to a database, innovation, information, and technology project.

PRITS and the Institute of Puerto Rican Culture shall work in conjunction and enter into an interagency agreement to establish the digitization process protocol for all that pertains to the Institute of Puerto Rican Culture's duty

provided in Act No. 5 of December 1955, as amended, known as the “Puerto Rico Public Document Administration Act.”

Section 16.- Budget.

The appropriation for the operating expenses of PRITS shall be included annually in the annual budget submitted to the Legislative Assembly. The current year’s Budget appropriated to the Office of Management and Budget for the PRITS office created by Executive Order shall be transferred to the PRITS office created by this Act. The budget appropriated to the Office of Management and Budget for carrying out the functions transferred herein to PRITS office shall be transferred to PRITS.

Section 17.- Transfer.

The Governor of Puerto Rico is hereby empowered to transfer to the Puerto Rico Innovation and Technology Service the personnel, funds, accounts, appropriations and fund balances, documents, records, equipment, materials and files of the Central Information Technology Area of the Office of Management and Budget or any other operational area of any agency, to be used to achieve the ends and purposes of this Act. The transfer includes, but is not limited to, licenses and other authorizations required by law for the proper management of information and communication technologies in the Government, as these may have been administered by the Office of Management and Budget or the agency concerned up to the present, pursuant to Act No. 151-2004, as amended, known as the “Electronic Government Act,” and any other applicable law. Upon the approval of this Act, the Chief Innovation and Information Officer of the Government of Puerto Rico (CIO) shall become an appointing entity with contracting authority and the budgetary responsibilities inherent to his office. To achieve an orderly and swift transition, the Office of Management and Budget shall coordinate all efforts as are necessary with the Puerto Rico Innovation and Technology Service. The

Office of Management and Budget shall provide the Puerto Rico Innovation and Technology Service with administrative support for a period of one hundred and twenty (120) days from the approval of this Act. After said period, the Puerto Rico Innovation and Technology Service shall fully assume its administrative and operational powers. The Chief Innovation and Information Officer of the Government of Puerto Rico (CIO) and the Director of the Office of Management and Budget shall adopt such measures and processes as are necessary to ensure compliance with all the provisions of this Act.

Section 18.- Other Temporary Measures.

The Governor is hereby authorized to adopt temporary measures and make determinations as appropriate to make the transfers directed herein without interrupting the administrative processes and functions of the Agencies.

Section 19.- Section 4 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“Pursuant to the public policy set forth in this Act, the Puerto Rico Innovation and Technology Service shall be responsible for administering the information systems and implementing the standards and procedures on the use of information technologies at the government level. Moreover, it shall provide advice to agencies, and update and develop electronic government transactions, and ensure they operate correctly.”

Section 20.- Section 5 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“Pursuant to this Act, the Puerto Rico Innovation and Technology Service shall have the following duties:

(a) To achieve, through the application of the new working methods offered by information technologies, a more accessible, effective, and transparent government for citizens.

(b) To promote a coordinated approach to the issues posed by the new information and communication technologies.

(c) To direct and administer the Electronic Government Program and establish the strategic plan thereof.

(d) To develop performance benchmarks to measure how the electronic government and the different service components further the proposed objectives.

(e) To evaluate the impact that the implementation at the government level of information technologies and electronic government shall have on the different statutes in effect and to ensure the compatibility thereof.

(f) To encourage the development of innovative solutions leading to the optimization of the services and procedures of the electronic government and the use of information technologies at the government level.

(g) To develop and maintain, whether directly or by contract, an infrastructure capable of satisfying the technology needs of the Government and that allows for the adequate offering of services and information to the citizens.

(h) To incorporate the best practices of the technology sector into government operations through global licensing and training or other advantageous schemes at the government level.

(i) To develop a framework that guarantees effective controls regarding the security of the information systems that support the government operations and assets.

(j) To facilitate communication between the various technologies that exist in Government institutions in order to achieve the cooperation and coordination necessary to ensure the success of the electronic government.

(k) To develop, promote, collaborate, manage, and direct technology projects at the interagency level which are aimed at improving government operations and expanding services to citizens and businesspersons.

(l) To provide technical support, data storage and Internet access services to government agencies.

(m) To project the usefulness of information technologies in preventing accidents, and prepare contingency plans that allow the government to properly react during a crisis and promptly reestablish systems and data in the event of a disaster.

(n) To evaluate and provide advice with regard to the Government's electronic processing and interconnection systems in accordance with the criteria previously adopted in order to promote, facilitate, and streamline interagency processes.”

Section 21.- Section 6 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“Pursuant to this Act, the Puerto Rico Innovation and Technology Service shall have the following powers:

(a) To require information and documents as deemed necessary to incorporate government processes and services into the electronic government.

(b) To make efforts as are necessary to advertise and promote among citizens the services available through the electronic government, the advantages they entail, and how to use them. Likewise, it may sponsor activities to involve the public in the development and implementation of information technologies.

(c) To contract services, programs, and equipment as are necessary to comply with the public policy set forth in this Act, and for the operations of the electronic government, including global licensing and training programs.

(d) To require the administrative participation of Government agencies in the development of collaborative projects.

(e) To establish security policies at the government level on the access, use, classification, and custody of information systems.

(f) To establish policies on Internet use geared to guaranteeing the privacy and protection of personal information.

(g) To carry out transactions as are necessary in connection with developing and updating the central government's website and the communications and information infrastructure.

(h) To serve as a coordinating entity between the information technology areas of the various agencies and instrumentalities to effectively incorporate the best practices of the technology sector.

(i) To promote technology projects with an interagency impact.

(j) To encourage Government employees to pursue careers in the information technology field.

(k) To administer and hire services as are necessary to further the electronic government including, but not limited to, Internet services, as well as a technical support center and a databank at the government level.

(l) To carry out the following functions in connection with the Government's electronic processing and interconnection systems:

i. To formulate the public policy to be observed and the guidelines that shall govern the acquisition and implementation of information technology systems, equipment, and programs for government bodies for the primary goal of interconnecting them, thus facilitating and streamlining the services offered to the people.

ii. To commission studies as are necessary to identify the parameters and strategies to adopt a public policy on the development of the Government's information systems.

iii. To establish and issue by means of policies, the guidelines or parameters indicated in subsection (1) of this Section.

Notwithstanding the provisions contained herein, the Puerto Rico Innovation and Technology Service shall oversee and supervise that agencies' compliance with the provisions of this Act, and that the documents and information whose publication on the Internet is directed herein are available for inspection and examination by the general public, including the press and any person with interest in the bidding and contracting processes of government agencies.”

Section 22.- Subsections (g), (h), (i), and (k) of Section 7 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“...

(g) To comply with the provisions of this Act, the information management policies, and the technology standards relating to information technology issued by the Puerto Rico Innovation and Technology Service.

(h) To provide instructions as are necessary to ensure compliance with this Act and the rules to be adopted thereunder, ensuring that the information management policies and guidelines issued by the Puerto Rico Innovation and Technology Service under this Act are promptly and effectively notified to the appropriate personnel.

(i) To organize the information systems area of each agency, in order to entrust them with the implementation of the information management policies and guidelines to be issued by the Puerto Rico Innovation and Technology Service for such purposes.

(j) ...

(k) The Puerto Rico Innovation and Technology Service shall be responsible for publishing in a single website all documents related to the bid publication, holding, and award processes carried out by every government agencies for public works and procurement of goods and services. Said website

shall be known as the Exclusive Government Bids Database and shall include, without it being construed as a limitation, the bid notices, a description thereof, participating bidders, the bid award or cancellation dates, the successful bidders, and any other information that the Puerto Rico Innovation and Technology Service deems necessary and convenient. Every agency of the Executive Branch and every public corporation shall be required to electronically submit to the Puerto Rico Innovation and Technology Service all information pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services. Every agency of the Executive Branch and every public corporation shall use said database to officially disclose said information, and for purposes of all legal deadlines calculations, the date of publication thereof shall be taken into account regardless of any other website used for the same purposes. For purposes of this Section, the disbursement of public funds to publish the documents required by this Act in media outlets is hereby prohibited, except for those authorized and justified by the Chief Innovation and Information Officer (CIO) of the Puerto Rico Innovation and Technology Service.”

Section 23.- Section 8 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“The Puerto Rico Innovation and Technology Service shall be required to develop educational campaigns through the different media outlets to educate the citizens on the services available through the electronic government, its advantages, and how to use them.”

Section 24.- Section 9 of Act No. 151-2004, as amended, known as the “Electronic Government Act,” is hereby amended to read as follows:

“The Puerto Rico Innovation and Technology Service shall submit an annual report to the Legislative Assembly and the Government of the Commonwealth of Puerto Rico on the concrete actions taken to enforce the public policy herein

established and on the progress of the electronic government. Such report shall also include an analysis of the Electronic Government Program's impact on human resources administration. Said report shall be available to the public through a Government website."

Section 25.- Subsection (b)(5) of Section 3, entitled "Powers Relative to the Government's Electronic Processing and Interconnection Systems," of Act No. 147 of June 18, 1980, as amended, known as the "Management and Budget Organic Act," is hereby repealed.

Section 26.- Section 17 of Act No. 148-2006, as amended, known as the "Electronic Transactions Act," is hereby amended to read as follows:

"The Puerto Rico Innovation and Technology Service shall approve regulations as are necessary to evaluate the agencies' functions and capacity to partake in electronic transactions. Likewise, the Puerto Rico Innovation and Technology Service shall promulgate regulations in order to organize and coordinate with agencies the citizens' access to the services offered by the Government through electronic transactions, as well as the use of electronic signatures, while guaranteeing the security of the transactions. Furthermore, it shall draft regulations as are necessary to establish the eligibility requirements to offer the services to be provided by Certification Authorities and Registration Authorities."

Section 27.- Section 18 of Act No. 148-2006, as amended, known as the "Electronic Transactions Act," is hereby amended to read as follows:

"The Puerto Rico Innovation and Technology Service shall set the necessary standards to be used by each government agency for the creation and preservation of electronic records and for the digitization of records."

Section 28.- Section 19 of Act No. 148-2006, as amended, known as the “Electronic Transactions Act,” is hereby amended to read as follows:

“(a) Except as otherwise provided in Section 11(f) of this Act, the Puerto Rico Innovation and Technology Service shall impose the conditions or limitations whereunder a government agency may send to or accept from other persons electronic records and electronic signatures, as well as to create, generate, communicate, store, process, use, and rely on electronic records and electronic signatures.

(b) The Puerto Rico Innovation and Technology Service, within the parameters provided in accordance with subsection (a) of this Section and with a strong emphasis on security, may specify:

(1) The manner and format in which electronic records shall be created, generated, sent, communicated, received, and stored, as well as the systems established for such purposes;

(2) Whether electronic records should be signed electronically, the manner and format in which the electronic signature should be affixed to the electronic record, and the identity of or the criteria to be met by any third party used by a person who files a document in order to facilitate the process;

(3) The proper control processes and procedures to ensure the adequate preservation, disposition, integrity, security, confidentiality, and verification of electronic records; and

(4) Any other required attributes for electronic records, which shall be specified for non-electronic records as pertinent or reasonably necessary under the circumstances.

(c) This Act does not compel government agencies to use or allow the use of electronic records or electronic signatures.”

Section 29.- Section 20 of Act No. 148-2006, as amended, known as the “Electronic Transactions Act,” is hereby amended to read as follows:

“The Puerto Rico Innovation and Technology Service shall set the standards for the use of electronic records or electronic signatures by agencies, and promote consistency and interoperability with requirements similar to those adopted by the Federal Government and specialized entities recognized in other U.S. or international jurisdictions.

The Puerto Rico Innovation and Technology Service shall be required to impose stringent compliance requirements and metrics and to submit semiannual reports to the Governor and the Legislative Assembly that allow assessing the effectiveness of the implementation of this measure.”

Section 30.- Section 2 of Act No. 229-2003, as amended, known as the “Act to Guarantee Access of Information to Disabled Persons,” is hereby amended to read as follows:

“Section 2.- Definitions.

For purposes of this Act, these terms shall have the following meanings:

(A) ...

...

(F) Accessibility Guidelines.- A document created by the Puerto Rico Innovation and Technology Service in conjunction with the Puerto Rico Assistive Technology Program to establish the necessary requirements and the applicable methods for making the public entities’ websites accessible to persons with disabilities.

...

(H) Icon.- The symbol used to identify websites that comply with the accessibility requirements established by the Puerto Rico Assistive Technology Program (PRATP) and the Puerto Rico Innovation and Technology Service.

...”

Section 31.- Section 5 of Act No. 229-2003, as amended, known as the “Act to Guarantee Access of Information to Disabled Persons,” is hereby amended to read as follows:

“Section 5.- Adaptation of the Websites of the Government Entities of the Commonwealth of Puerto Rico.

...

It is hereby provided that every public entity that has a website or is in the process of designing, creating, implementing, modifying or updating its website shall be required to use the Accessibility Guidelines described in Section 6 of this Act; and the Content Management Templates prepared by the Puerto Rico Assistive Technology Program and the Puerto Rico Innovation and Technology Service. The foregoing are expert sources of information on the minimum necessary accessibility standards for persons with disabilities.

Provided, that any public entity that hires a private or external entity to build, maintain, and update its website shall include a clause ensuring compliance with the provisions of this Act as a requisite for hiring such services.

In the event that a public entity is unable to use the Content Management Templates prepared by the Puerto Rico Innovation and Technology Service, it shall ensure that its website complies with this Act and the accessibility guidelines developed by the Puerto Rico Assistive Technology Program and the Puerto Rico Innovation and Technology Service office.

...”

Section 32.- Section 6 of Act No. 229-2003, as amended, known as the “Act to Guarantee Access of Information to Disabled Persons,” is hereby amended to read as follows:

“Section 6.- Accessibility Guidelines for Persons with Disabilities, Validation Icon, and Publication of Information in the Puerto Rico Innovation and Technology Service’s Website.

(A) The Puerto Rico Innovation and Technology Service, in conjunction with the Puerto Rico Assistive Technology Program, shall develop and annually revise the accessibility guidelines for making the public entities’ websites accessible to persons with disabilities as provided in this Act and in Act No. 151-2004, as amended, known as the ‘Electronic Government Act.’

(B) The Puerto Rico Innovation and Technology Service shall be responsible for issuing an icon that validates the agency’s compliance with the accessibility guidelines, the provisions of this Act, and the applicable regulations.

(C) ...

(D) The Puerto Rico Innovation and Technology Service shall include a section in its website containing information about this Act and where it shall publish at least the following:

1....

2.The Accessibility Guidelines developed by the Puerto Rico Assistive Technology Program;

3.Links to the web accessibility evaluation tools which shall serve as a reference for the Agency Webmasters of each public entity.

4.Links to the Content Management Templates developed by Puerto Rico Innovation and Technology Service; and

...”

Section 33.- Section 7 of Act No. 229-2003, known as the “Act to Guarantee Access of Information to Disabled Persons,” is hereby amended to read as follows:

“Section 7.- Training Activities

The Puerto Rico Assistive Technology Program shall be responsible for providing the personnel of the Puerto Rico Innovation and Technology Service and the Government of Puerto Rico Ombudsman for Persons with Disabilities with training activities on web accessibility for persons with disabilities. The foregoing shall enable the personnel of these offices to discharge their responsibilities in accordance with the provisions of this Act.

The Puerto Rico Innovation and Technology Service and the Government of Puerto Rico Ombudsman for Persons with Disabilities shall be responsible for establish procedures so that the personnel of each one of these agencies benefits from the training activities offered by the Puerto Rico Assistive Technology Program.”

Section 34.- Section 9 of Act No. 229-2003, known as the “Act to Guarantee Access of Information to Disabled Persons,” is hereby amended to read as follows:

“Section 9.- Forms and Regulations.

The Puerto Rico Innovation and Technology Service of the Government of Puerto Rico is hereby empowered to establish, in conjunction and consultation with the Puerto Rico Assistive Technology Program, uniform regulations and operating procedures for adapting the websites of the public entities of the Government of Puerto Rico pursuant to the provisions of this Act. Provided, that said regulations and procedures shall be updated annually in accordance with the emerging technological advances in this field. Furthermore, it shall create standard forms to be used by all entities and municipalities as are necessary for the implementation thereof, within one hundred eighty (180) days after the approval of this Act.”

Section 35.- Repealing Clause.

Any provision of law or regulation that is incompatible with the provisions of this Act is hereby repealed to the extent of such incompatibility.

Section 36.- Severability.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 37.- Effectiveness.

This Act shall take effect immediately after its approval.