

(S. B. 2507)

**(No. 151)**

(June 22, 2004)

## **AN ACT**

To establish the public policy of the Commonwealth of Puerto Rico of incorporating information technologies into government operations and to define the powers, duties and responsibilities necessary for its implementation; to amend Act No. 147 of June 18, 1980, as amended, known as the Office of Management and Budget Organic Act, in order to incorporate said powers, duties and responsibilities, and to repeal Act No. 110 of June 27, 2000, as amended, known as the Puerto Rico Digital State Act.

### **STATEMENT OF MOTIVES**

The evolution that the new information technologies and telecommunications have undergone over the past few years has had an impact on the way in which social, economic and cultural relations used to develop traditionally. Thus, the channels of communication and the possibilities of reaching out to persons physically distant have broadened, qualitatively and quantitatively, causing an undeniable transformation in society, which has the potential of generating wealth and an exchange of information, as well as improving the quality of life of thousands of persons. Application by the government of information technologies affords the opportunity of improving the rendering of services to citizens, the performance of governmental functions, and the disclosure of government information, thus contributing to facilitating the participation of citizens in the government. The incorporation of technology to government programs

and services is a valuable tool to reduce both the processing time and the operational costs, as well as facilitating the supervision and implementation of solutions to the needs of citizens, thus allowing the government to render a better quality of services. In view of this reality, governments throughout the world have faced the challenge posed by the incorporation of new working methods offered by information technologies, with the purpose of turning into the trailblazers of a new digital culture that propitiates multi-lateral relationships among citizens, businesses and the government through the Internet. Puerto Rico is no exception.

Aware of the fact that access to information is a democratic tool of incalculable value, which imparts transparency, agility and efficiency, and facilitates the attribution of responsibility in the government effort, the Government of the Commonwealth of Puerto Rico has taken concrete actions in this direction, which are a part of the Electronic Government. Such efforts have the objective of accelerating the positive effects that the changes in the information society yields, procuring the development and maintenance of the Interagency Communications Network, the Internet portals of the Government and the agencies. At present, a solid infrastructure of information and telecommunications systems is an essential requirement to develop and maintain the necessary competitiveness within the global economy that stands before us, which has propelled the Government to invest great efforts in the updating of its communications networks. The initiatives are directed towards benefiting the relationship of the government with the citizens and with businesses, as well as inter-government relations, and promoting the making of informed decisions at the time of establishing public policies.

The efforts referred to are not susceptible to being developed individually, since they require interagency coordination and cooperation. The Electronic Government, as a critical element of government management, should be instrumented through a framework that addresses the financial aspects relative to the attainment of material and human resources, while formulating and resolving underlying matters relative to the infrastructure and safety and all other challenges that the rendering of services in the government entails. The establishment of an inter-government dynamic is pursued, to maximize the benefits corresponding to the advancements in information technologies and leading to more cordial, convenient, transparent and less costly interagency relations. With this, the improvement of the Government's performance is sought, both at the level of each agency and at the interagency level. To make the maximum use of the benefits of this initiative, forceful leadership, a solid organization and better interagency collaboration are needed, as well as an effective corroboration of the compliance from the agencies of the provisions relative to the management of information resources.

The initiative of the Electronic Government of the Commonwealth of Puerto Rico constitutes a useful tool to face up to the new challenges posed by governability. It pursues to provide individuals and the corporations with virtual offices that are open 24 hours a day, 7 days a week, 365 days a year, in which to make available information on services, forms to request services, remittance of forms online, presentation of requests online, payment of fees and vouchers, responses to requests for service, the possibility of filing complaints with regulatory bodies, and forums to express opinions about the quality of the services received. Puerto Rico has the potential of turning into a leading country in Latin America and the

Caribbean in the development of an Electronic Government and of joining to the over 23 countries of the world that have electronic government programs that are recognized by international bodies as leaders in the incorporation of computer and telecommunications technology into the public endeavor. The Office of Budget and Management, pursuant to the powers granted thereto by its enabling act regarding the information systems, methods of electronic processing and interconnection of the Government, has propelled this initiative through the Government Internet Portal, [www.gobierno.pr](http://www.gobierno.pr).

The intent of this Act is to instill will and effective leadership into the government endeavor, in order to guarantee the success of the efforts undertaken, by establishing a clear organizational structure that instruments the necessary changes and incorporates the best practices of the technological sector into government operations.

Such a task shall be carried out with the following objectives as point of reference: to promote the use of the Internet and other information technologies in order to increase the participation of citizens in the government; to promote interagency collaboration, through the integration of related functions and the use of internal procedures of the Electronic Government, in order to improve the services rendered to citizens; to reduce costs and burdens both for government entities and for natural and juridical persons that require government services; to promote digital literacy among the People and a business culture capable of supporting and developing new ideas; to ensure a socially inclusive process capable of generating trust in users and strengthening social cohesion; to develop to a maximum the potential wealth of social, cultural and commercial information contained in databases, and the efficient acquisition of property by the government.

In implementing the public policy established through this Act, the Office of Management and Budget shall be entrusted with the task of promoting a coordinated approach to the issues posed by the information society and facilitating for the access to information and government services to be offered in conformance with the applicable provisions relative to, among other things, the protection of privacy, safety, policies on the availability of information, and guaranteed access to persons with disabilities. Likewise, it shall be in charge of evaluating and updating the Guidelines issued by the Governor's Committee on Information Systems that govern the acquisition and implementation of information technology systems, equipments and programs for the bodies of the Executive Branch of the Commonwealth of Puerto Rico.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.—TITLE.—

This Act shall be known as the “Electronic Government Act.”

Section 2.—DEFINITIONS.—

The following terms and phrases contained in this Act shall have the meaning stated below:

- (a) “Electronic Government” means the incorporation of information technologies into the government endeavor, with the purpose of transforming and imparting greater agility to the relations of the Government with citizens and businesses, in addition to government relations, in order for the Government to become more accessible, effective and transparent for citizens.

- (b) “Agencies” means all bodies or instrumentalities of the Executive Branch of the Commonwealth of Puerto Rico, such as departments, boards, commissions, administrations, offices, subdivisions and public corporations under the control of said Branch.

Section 3.—PUBLIC POLICY.—

The Government of the Commonwealth of Puerto Rico adopts as public policy the incorporation of information technologies to government procedures, to the rendering of services and to the diffusion of information, through a strategy that focuses on citizens, geared toward the attainment of achievements and which actively promotes innovation.

Section 4.—IMPLEMENTATION OF THE PUBLIC POLICY.—

The Office of Management and Budget shall be responsible, pursuant to the public policy established in the present Act, for managing the information systems and for implementing the standards and procedures relative to the use of information technologies at the government level, while offering advice to agencies, updating and developing electronic government transactions, and ascertaining the proper working order thereof.

Section 5.—FUNCTIONS.—

The Office of Management and Budget, attune with the present Act, shall have the following functions:

A.—Attain, through the application of the new working methods offered by information technologies, a more accessible, effective and transparent government for citizens.

B.—Promote a coordinated approach to the issues posed by the new information and communications technologies.

C.—Direct and manage the Electronic Government Program and establish the strategic plan thereof.

D.—Develop execution measures sensitive enough to measure how the Electronic Government and the different service components further the objectives proposed.

E.—Consider the impact of the development of the use of information technologies at the government and the Electronic Government levels in various legislations in effect and seek that they are harmonious with one another.

F.—Stimulate the development of innovative solutions that lead to the optimization of the services and procedures of the Electronic Government and the use of information technologies at the government level.

G.—Develop and maintain, whether directly or through contracting, an infrastructure capable of satisfying the technological needs of the Government and which allows for the adequate offering of services and information for citizens.

H.—Incorporate the best practices of the technological sector into government operations through licensing and global trainings or other advantageous schemes at the government level.

I.—Develop a framework that guarantees effective controls regarding the safety of the information systems that support the government operations and assets.

J.—Facilitate the communication among the diverse technologies in existence in Government institutions, in order to achieve the cooperation and coordination necessary to ensure the success of the Electronic Government.

K.—Develop, promote, collaborate, procure and direct technology projects at the interagency level which lead to better government operations and the broadening of services to citizens and businesspersons.

L.—Provide technical support, data storage and Internet access services to government agencies.

M.—Project the usefulness of information technologies in preventing accidents and preparing contingency plans that allow the government to react properly in the event of a crisis for reestablishing systems and data in the least amount of time possible in the event of a disaster.

N.—Evaluate and advise, pursuant to the criteria previously adopted, the electronic processing and interconnection systems of the Government, in order for the same to propitiate, facilitate, and impart agility to interagency processes.

#### Section 6.—POWERS.—

The Office of Budget and Management, pursuant to the present Act, shall have the following powers:

A.—It may require the information and the documents it deems necessary for the incorporation of government processes and services into the Electronic Government.

B.—It may engage in the efforts necessary to advertise and promote among citizens the services available through the Electronic Government, the advantages they entail and the way to use them. Likewise, it may sponsor activities to involve the public in the development and implementation of information technologies.

C.—It may contract the services, programs and equipment necessary to comply with the public policy established by this Act and in the efforts of



the Electronic Government, including global licensing and training programs.

D.—It may require the administrative participation of Government agencies in then development of collaboration projects.

E.—It may establish safety policies at the government level on the access, use, classification and custody of information systems.

F.—It may establish policies directed to guaranteeing the privacy and protection of the personal information with regard to Internet use.

G.—It may engage in the efforts necessary in relation to the development and updating of the central government portal and the communications and information infrastructure.

H.—It may serve as a coordinating entity among the corresponding areas of the Information Systems of the various agencies and instrumentalities, in order to enable the effective incorporation of the best practices of the technological sector.

I.—It may procure technology projects with an interagency impact.

J.—It may direct the development of Government employee careers in the Computer Technology area.

K.—It may manage and contract those services necessary to further the Electronic Government, which include but are not limited to, Internet services, as well as the technical support center and the databank at the government level.

L.—In relation to the electronic processing and interconnection systems of the Government, it may carry out the following functions:

i.—Instrument the public policy to be followed and the guidelines that shall govern the acquisition and implementation of technological information systems, equipment and programs for government bodies

with the main objective of achieving the interconnection of bodies to facilitate and impart agility to the services for the people.

ii.—Entrust the conducting of the studies necessary that identify the parameters and strategic direction in order to adopt a public policy in the development of the information systems of the Government.

iii.—Establish and issue by means of policies, the guidelines or parameters indicated in clause (i) of this Section.

#### Section 7.—DUTIES OF THE AGENCIES.—

In relation to the attainment of the purposes of this Act, the heads of agencies and instrumentalities shall have the following duties:

A.—Display an electronic page that contains the information necessary for citizens to be able to know their mission, the services they offer, the geographical location of their offices, their working hours and phone numbers, which page shall be connected to the main portal, [www.gobierno.pr](http://www.gobierno.pr).

B.—Develop the necessary activities and efforts directed to the active incorporation of the use of information and telecommunications technologies in government operations, with special attention to the following areas: services to citizens, procurement and bids, orientation and disclosure of subjects of social, cultural and economic interest to citizens through the Government portal.

C.—Support, in respect to the Electronic Government, the efforts to develop, maintain and promote government services and information, as well as to focus its efforts and resources to comply with the work plans for the conversion of transactions into electronic media.

D.—Develop execution measures capable of measuring how the Electronic Government furthers the objectives of the Agency or instrumentality.

E.—Consider the impact of the development of these services on persons who do not have Internet access and engage in the efforts necessary, through programs and alliances with the private sector and with nonprofit organizations, in order to ensure that all sectors of society gain access thereto.

F.—Comply with the provisions of the present Act, the information management policies and the technological standards relative to Computer Technology issued by the Office of Management and Budget.

G.—Impart the instructions necessary to ensure compliance with this Act and the norms to be issued thereunder, ascertaining that management policies on information management and the guidelines that the Office of Management and Budget issues under this Act are communicated promptly and effectively to the corresponding personnel.

H.—Structure the respective areas of Information Systems of each Agency, in order for each of them to be in charge of implementing information management policies and Guidelines in that respect as issued by the Office of Management and Budget.

I.—Government electronic pages shall be designed in universal language pursuant to the parameters established in Act No. 229 of September 2, 2003, as amended, known as the Act to Guarantee Access to Information to Disabled Persons, in order for the technological assistance equipment of persons with disabilities to be able to recognize them and offer them access.

Section 8.—DUTY TO INFORM THE PUBLIC.—

The Office of Management and Budget shall be under the obligation of developing orientation campaigns through the different media, through which it shall inform citizens of the available services through the Electronic Government, the advantages they entail and the way to use them.

Section 9.—DUTY TO PUBLISH INFORMATION.—

The Office of Management and Budget shall render an annual report on the concrete actions taken in pursuing the public policy established by the present Act and the progress of the Electronic Government to the Legislature and the Government of the Commonwealth of Puerto Rico. This report shall also include an analysis of the impact of the Electronic Government Program in the administration of human resources. Said report shall be available to the public through the Government Portal, [www.gobierno.pr](http://www.gobierno.pr).

Section 10.—RIGHTS OF CITIZENS.—

Under the public policy established in Section 3, the citizens of the Commonwealth of Puerto Rico shall be entitled to have government information available through the Internet and to receive Government services through electronic media, including but not limited to:

- 1.—Applications for marriage and birth certificates;
- 2.—Applications for criminal history and good conduct certificates;
- 3.—Filing for corporations and trademarks;
- 4.—Loan applications with the retirement system;
- 5.—Applications for financing with the Economic Development Bank;
- 6.—Job applications in all Government agencies and instrumentalities;
- 7.—Space reservations at the Maritime Transportation Authority;
- 8.—Reservations at the Government-operated vacation centers;

9.—Inclusion in the eligible bidder registries to participate in bids at each agency or instrumentality;

10.—Electronic access to the texts of all measures introduced before the Office of the Secretary of the Senate and the Clerk of the House of Representatives, as well as the reports thereon, voting records, final approval texts and enrolled texts;

11.—Child support payments;

12.—The filing of labor or human resources administration advisory services. The filing of nominations to participate in trainings. Request to contract professional services in the preparation of employee classification and compensation plans, administration of tests, recruiting norms, evaluation systems and personnel regulations;

13.—Filing of tax returns required by law, including but not limited to income tax, withholding and excise tax returns.

14.—Application for unemployment benefits, health card, and assistance aids and benefits from social programs in effect;

15.—Use permits and other applications with the Regulations and Permits Administration;

16.—Applications not related to loans with the various retirement systems;

17.—Access to the video and audio transmission of the sessions held by the Legislative Bodies;

18.—Payment of traffic fines;

19.—Applications for driving licenses and renewal of licenses, posting of bonds;

20.—Applications for hunting, vessels and all other applications required by the Department of Natural and Environmental Resources;

21.—Participation in public hearings of legislative committees through teleconference, after having so arranged with the Secretary of the Senate or the Clerk of the House; and

22.—Electronic professional stamps.

Such services shall be rendered provided it is practicable and reasonable, and there is no legal impediment for doing so. To determine whether this right has been violated, the efforts reasonably made and the steps reasonably taken by the Government shall be taken into account, with the purpose of offering such services electronically, recognizing that it is a program in constant progress.

In addition, the citizens of the Commonwealth of Puerto Rico shall be entitled to be offered government services through electronic media, which shall be rendered in harmony with the applicable provisions relative to the protection of privacy, safety of the information, policies on the availability and guaranteed access for persons with disabilities.

Section 11.—DEROGATIONS.—

A.—Section 7 of Act No. 147 of June 18, 1980, as amended, known as the “Office of Management and Budget Organic Act,” is hereby repealed. The Guidelines issued by the Governor’s Committee on Information Systems shall remain effective until they are subsequently evaluated, updates and issued by the Office of Management and Budget.

B.—Act No. 110 of June 27, 2000, known as the “Puerto Rico Digital State Act,” as amended, is hereby repealed.

Section 12.—EFFECTIVENESS.—

This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 151 (S.B. 2507) of the 7<sup>th</sup> Session of the 14<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to establish the public policy of the Commonwealth of Puerto Rico of incorporating information technologies into government operations and to define the powers, duties and responsibilities necessary for its implementation; to amend Act No. 147 of June 18, 1980, as amended, known as the Office of Management and Budget Organic Act, in order to incorporate said powers, duties and responsibilities, and to repeal Act No. 110 of June 27, 2000, as amended, known as the Puerto Rico Digital State Act,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 4<sup>th</sup> of April of 2005.

Luis E. Fusté-Lacourt  
Director