

<español>

“Electronic Government Act”

Act No. 151 of June 22, 2004, as amended

(Contains amendments incorporated by:

[Act No. 113 of June 6, 2006](#)

[Act No. 273 of December 24, 2011](#)

[Act No. 205 of August 24, 2012](#)

[Act No. 75 of July 25, 2019](#))

[Amendments non-incorporated:

Act No. 154 of August 9, 2016 (amended Sec. 7(J))

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 multilateral 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 intergovernment 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 intergovernment 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.

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. — (3 L.P.R.A. § 991 note)

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

Section 2. — DEFINITIONS. — (3 L.P.R.A. § 991)

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.
- (c) **“Document”** means any letter, writing, form, application, contract, report, photograph, recording, official record, book, map, memorandum, microfiche, paper, electronic register and any other document, regardless of its physical form or particular characteristics, that has been prepared, utilized, received or which has been in the possession or under the custody of an agency and which is related to the matters, information or documents that this Act seeks to make available to the citizenry over the Internet.

Section 3. — PUBLIC POLICY. — (3 L.P.R.A. § 991 note)

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. — (3 L.P.R.A. § 992)

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 5. — FUNCTIONS. — (3 L.P.R.A. § 993)

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 6. — POWERS. — (3 L.P.R.A. § 994)

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 7. — DUTIES OF THE AGENCIES. — (3 L.P.R.A. § 995) [*Note: Act No.154-2016 amended this Section 7 (Subsection J) , but the official translation is not available. Please consult the Spanish version*]

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

A. — Publish an electronic page that contains the information necessary for citizens to be able to know the mission, services offered, geographical location of offices, working hours, and telephone numbers of each agency, which page shall be connected to the official web portal of the Government of Puerto Rico, as established.

B. — To publish the following on their Internet web page, as a mechanism to provide transparency to government transactions, and above all, to expedite further the access to the information held by the government for its inspection by the citizens:

1) all documents pertaining to the processes for publication, holding and awarding of all public works bids;

2) all agency contracts that entail the disbursement of public funds;

3) all documents concerning managerial transactions, except for confidential documents concerning personnel matters; and

4) any information concerning the status of public works projects, including, but not limited to, change orders and time extensions, among others.

C. — 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.

D. — 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.

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

F. — 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.

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. — 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.

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 8. — DUTY TO INFORM THE PUBLIC. — (3 L.P.R.A. § 995)

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 9. — DUTY TO PUBLISH INFORMATION. — (3 L.P.R.A. § 996)

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 10. — RIGHTS OF CITIZENS. — (3 L.P.R.A. § 998)

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. — Presentation of corporate documents and reports and trademark registrations;
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 registers of eligible bidders to participate in the bids of every agency or instrumentality;
10. — all documents pertaining to the processes for publication, holding and awarding of all public works bids; all agency contracts that entail the disbursement of public funds; all documents concerning managerial transactions, except for confidential documents concerning personnel matters; and any information concerning the status of public works projects, including, but not limited to, change orders and time extensions, among others.
11. — 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;
12. — Child support payments;
13. — the submittal of applications for labor consulting or human resources management; of nominations to participate in the trainings and applications for contracting professional services in the preparation of classification and compensation plans for employees, to administer examinations, hiring standards, evaluation systems and personnel regulations;
14. — the filing of tax returns required by law, including but not limited to income tax, withholding and excise tax returns.
15. — 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 that, they are practicable and they are not unreasonable, and that there is no legal impediment for doing so. Provided, that the agencies shall publish on the Internet all documents pertaining to the processes for the publication, holding and awarding of bids for all public works; all agency contracts that entail the disbursement of public funds; all documents pertaining to management transactions concerning the document object of the publication, except for confidential documents concerning personnel matters; and all information concerning the status of public works projects including, but not limited to, change orders and time extensions, among others.

To determine whether that right has been violated, the reasonable efforts and steps taken by the Government in order to offer such services electronically shall be taken into account, acknowledging that this is a program in constant progress.

Moreover, the citizens of the Commonwealth of Puerto Rico shall be entitled to receive government services offered by electronic media in a manner that is in accordance with the applicable provisions relative to the protection of privacy, information security, availability of information policies and access guarantees 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.

Note. This compilation was prepared by the [Puerto Rico Office of Management and Budget](#) staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text and the collection of Laws of Puerto Rico Annotated LPRC. The state links acts are property of [Legislative Services Office](#) of Puerto Rico. The federal links acts are property of [US Government Publishing Office GPO](#). Compiled by the Office of Management and Budget Library.

See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.