

REPORT

Recommendations from Regional Public Discussions on the New Amendments to Legislation on the National Program of Informatization of Ukraine



E-GOVERNANCE FOR
ACCOUNTABILITY AND
PARTICIPATION



Фонд
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ДЕРЖАВНЕ АГЕНТСТВО
З ПИТАНЬ ЕЛЕКТРОННОГО
УРЯДУВАННЯ УКРАЇНИ



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EGAP Program - Component 4 - September 2017

Introduction

Laws of Ukraine “On the Concept of the National Program of Informatization” [1] and „On the National Program of Informatization (NPI)” [2] define the conceptual framework and mechanisms for public governance and administration of public authorities’ information and communication technologies infrastructure at the national, field, regional and local levels. Prior to 2017, the aforementioned laws did not fully comply with up-to-date technical and technological requirements, processes of democratization, decentralization, deregulation, European integration and general digital progress in Ukraine.

In this context and in compliance with Clause 53 of the Medium-Term Plan of Priority Actions for the Government 2020, approved by the Order of the Cabinet of Ministers of Ukraine - № 275 in April 2017, the State Agency for E-Governance in Ukraine (hereinafter “the Agency”) is responsible for improving legislation in the area of informatization by means of developing a draft law “On amendments to the Law of Ukraine “On the National Program of Informatization” (hereinafter “the draft law”).

The Government’s initiative was supported by “E-Governance for Accountability and Participation Program” (EGAP), which is intended to apply modern ICT to help improve the quality of government, cooperation between government and citizens, and promote the development of social innovations in Ukraine. EGAP Program is funded by Swiss Confederation and implemented by East Europe and INNOVABRIDGE Foundation.

In the framework EGAP’s Component 4 that seeks to promote and facilitate systematic national and interregional policy dialogue on strategic good e-governance topics, series of events were held to support participatory and evidence-based policy formation and regional consultations on the draft law for the National Program for Informatization (NPI).

The following report is a summary of discussions and recommendation from the mentioned regional consultations in relation to relevant amendments to the draft law on the National Program of Informatization n and implementation of regional informatization programs and projects.

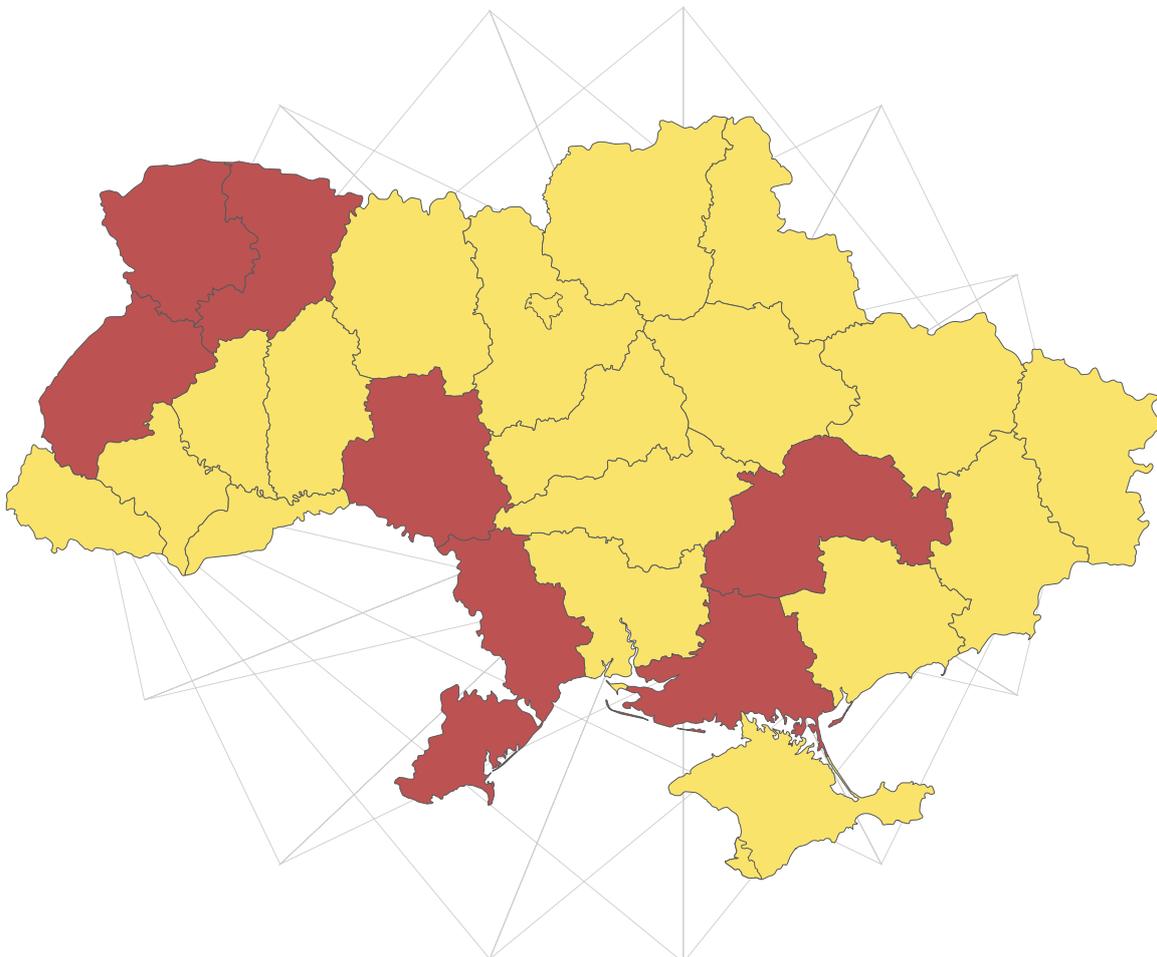


Methodology of regional public discussions organization

Regional consultations were held from 4 - 14 July, 2017 in EGAP Program's target regions: Vinnytsia (July 14), Volyn (July 4), Dnipropetrovsk (July 6) and Odessa (July 11). Prior to the consultations, EGAP Program regional coordinators sent out invitations and disseminated the draft law "On amendments to the Law of Ukraine "On the National Program of Informatization" for discussion to all relevant IT Departments in EGAP's respective regions and those responsible. Participants were selected by EGAP Program regional coordinators and regional programs of informatization leaders (officials from regional state administrations) based on their relevant expertise in the areas of regional informatization planning and its implementation.

Overall, the regional consultations were attended by representatives from a total of 7 regions of Ukraine: Vinnytsia, Volyn, Dnipropetrovsk, Lviv, Odessa, Rivne and Kherson with a total of 150 participants. Participants included representatives from the Agency, EGAP Program, staff from regional and district state administrations, regional and district councils, city councils, academic teaching staff of educational establishments in the regions, community leaders.

Format of discussions included: interregional round tables and an extended consultation session with the science and technology councils of regional informatization programs (in the respective regions).



Results of public discussions in Volyn region



The first regional consultation of the draft law was held on 4 July 2017 at the Volyn Center for Innovation Technologies and E-governance in Lutsk. The discussion was attended by representatives from Volyn, Lviv and Rivne regions with expertise in the

area of informatization and longstanding experience in the development and implementation of informatization programs and corresponding projects at the national, field, regional and local levels. The list of participants the indicated in Table 1.

List of participants of interregional draft law discussion

Table 1

№	Representation	Number of participants
1	The Agency, representatives of the working group on law drafting	3
2	International foundation “East Europe Foundation”	3
3	Volyn regional state administration	21
4	Volyn regional council	1
5	Lviv regional state administration	2
6	Rivne regional council	2
7	Lutsk city council	1
8	Volyn center for training and professional development of public officials	2
9	Lesia Ukrainka Eastern European National University	1
10	Association of open cities in Ukraine	1
11	Society. “Unified Local Petitions System”, “Open city” system	1

KEY RECOMMENDATIONS: Participants of the Volyn policy round table provided the following recommendations on the further growth of informatization at the regional level and for consideration in the draft law:

- to introduce motivational and incentive mechanisms for the implementation of regional and local informatization programs and projects on the basis of national and local co-financing of informatization projects;
- the need for donor coordination in the provision of technical assistance in the areas of informatization. It is thus advised to reinforce in the draft law the coordinating role of the General State Commissioner of the National Program of Informatization in this regard.

In general, participants supported the need for amendments to the legislation in the area of informatization and for the proposed amendments were recognized as desirable and relevant.

Results of public discussions in Dnipropetrovsk region



The second regional consultation of the draft law was held on 6 July 2017 at Dnipropetrovsk regional state administration. The discussion was held in the format of an extended session of science and technology council of Dnipropetrovsk regional pro-

gram of informatization with contributions from other regional state administration, regional and city council representatives as well as by experts in the area of informatization. The list of participants the indicated in Table 2.

List of participants of regional draft law discussion

Table 2

№	Representation	Number of participants
1	The Agency, representatives of the working group on law drafting	3
2	International foundation “East Europe Foundation”	3
3	Dnipropetrovsk regional state administration	12
4	Dnipropetrovsk regional council	6
5	Dnipro city council	1
6	Dnipropetrovsk regional institute of public administration	1
7	Society	2

KEY RECOMMENDATIONS – DNIPRO REGION: Taking into consideration the longstanding practice of implementing regional program of informatization in the Dnipropetrovsk region, participants provided the following recommendations for the amendments to the NPI legislation:

- the need to analyze terminology, ensure its correct consistent use in the entire text of the draft law, further deletion of redundant terms;
- to ensure correct separation of territorial communities from local self-governance bodies which will ensure elimination of discrepancies between different articles of the draft law;
- creation of a General State Commissioner position for the implementation of legislation, legislative acts, general orders and standards, provision of support and dissemination of relevant solutions in the area of informatization for regional and local authorities;

- to supplement the list of functions of the General State Commissioner with a function of methodological support to formation and implementation of informatization programs and projects at the national, field, regional and local levels.

In addition, it was proposed to establish, in the Dnipropetrovsk region, a support zone for the implementation of innovative mechanisms and instruments in the area of informatization, e-governance and e-democracy, including those for assisting physically disabled persons. A system of autonomous working station for a secretary of a procurement committee and dissemination of best regional and local practices in other regions of Ukraine was also proposed.

Results of public discussions in Odessa region



Regional consultation of the draft law in the Odessa region was held on 11 July 11, 2017 at the Odessa regional institute of public administration. The regional policy roundtable was attended by represen-

tatives and experts from a wide range of regional and local institutions from Odessa and Kherson regions. The participants's list in the Odessa region is indicated in Table 3 below.

Table 3

List of participants of interregional draft law discussion

No	Representation	Number of participants
1	The Agency, representatives of the working group on law drafting	2
2	International foundation "East Europe Foundation"	1
3	Odessa regional state administration	1
4	Odessa regional council	1
5	Odessa city council	1
6	Kherson regional state administration	1
7	Odessa regional institute of public administration	5
8	Odessa National Academy of Telecommunications - O.S. Popov	13
9	Society	1

KEY RECOMMENDATIONS – ODESSA REGION

Experts who took part in the interregional round table made the following recommendations and proposals as to the draft law:

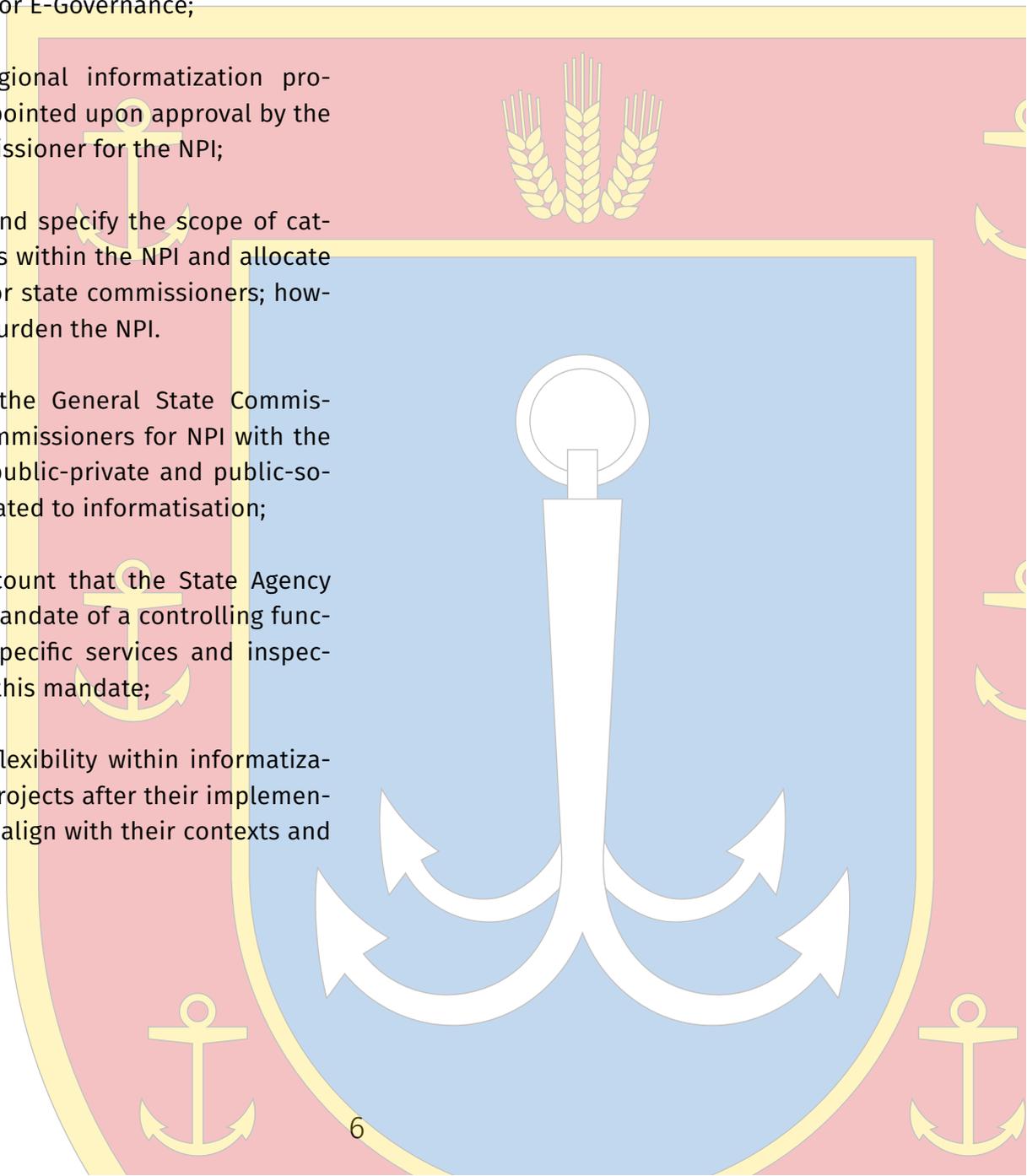
- Period for adjustment of the National Program of Informatization once in three years is too long, makes it unfavorable and inadequately responsive to necessary dynamic changes;
- Informatization programs and projects should be funded only after their approval by the General State Commissioner of the NPI;
- Best practice sharing should become one of the basic methods for enhancing efficiency and effectiveness of the NPI implementation at regional levels;

- Proposed approach to the principles of the NPI funding: for example, 1% of the state budget;
- Enhance coordination of the National Intersectoral Council to ensure effective communication and networking among departmental, intersectoral information systems and informational resources which are key for the implementation of the selected projects;
- On the basis of proposals from science and technology councils, adopt order and sequence of projects for implementation, in line with expected funding from central budget; the State Agency to define top priority tasks and specific projects;
- Central executive authority responsible for informatization (the State Agency) to provide technical and methodological assistance through

the dissemination of best practices and technical solutions related to the development of IT infrastructure in Ukraine;

- It is necessary to codify informatization standards and reference values;
- Among the responsibilities of NPI state commissioners, it is important to specify their specific functions in regards to information protection and personal data protection;
- To delegate General State Commissioner for the NPI with the task to introduce open standards in the area of informatization;
- To establish a network of regional offices of the State Agency for E-Governance;
- Heads of regional informatization programs should be appointed upon approval by the General State Commissioner for the NPI;
- To broaden and specify the scope of categories and concepts within the NPI and allocate relevant functions for state commissioners; however, as not to overburden the NPI.
- To delegate the General State Commissioner and state commissioners for NPI with the implementation of public-private and public-social partnerships related to informatisation;
- Take into account that the State Agency does not have the mandate of a controlling function, as there are specific services and inspectorates in charge of this mandate;
- To maintain flexibility within informatization programs and projects after their implementation, to effectively align with their contexts and life cycles.

Overall, participants welcomed the inter-regional policy round table discussion and considered its set out objectives as accomplished; a significant number of constructive proposals and remarks was made primarily regarding the improvement of regional and local informatisation programs and projects.



Results of public discussions in Vinnytsia region



Regional consultation in the Vinnytsia region was held on July 14, 2017 at the Vinnytsia regional state administration attended by representatives of Vinnytsia regional state administration, Vinnytsia regional council, Vinnytsia city council,

non-governmental organizations, members of science and technology council of Vinnytsia regional program of informatization, representatives of district state administrations as indicated in Table 4 below.

List of participants of regional draft law discussion

Table 4

№	Representation	Number of participants
1	The Agency, representatives of the working group on law drafting	2
2	International foundation “East Europe Foundation”	2
3	Vinnytsia regional state administration	21
4	Vinnytsia regional council	1
5	Vinnytsia city council	1
6	District state administrations	28
7	Vinnytsia center for professional development of public officials	1
8	Vinnytsia National Technical University	1

KEY RECOMMENDATIONS – VINNYTSIA REGION

- Proposed funding mechanism for the NPI: for example, to equal 1% of the state budget;
- The need to reinforce public officials’ commitment to apply e-governance and e-democracy technologies at regional and local levels more effectively;
- The duties of the General State Commissioner for the NPI should include the task of training of public officials on applied topics related to e-governance and e-democracy.
- In general, participants of the regional seminar supported the need to make amendments to the legislation in the area of informatization, the proposed amendments were recognized as desirable and relevant.

- Proposal to introduce a Law of Ukraine “On the NPI” which would bar public authorities from implementing informatization programs and projects outside the framework of this Law.

However, participants raised several issues not directly linked to informatization programs and their implementation which lead to the loss of focus, consistency and coordination of resources and efforts in the discussion.

Conclusions

Overall, general conclusions reached within the regional policy discussions on the draft law of NPI confirmed that regional representatives' strongly concur with the need to update and modernize the existing legislation in the area of the National Program of Informatization. It was also welcome that in addition to regional representatives from EGAP's target regions of Vinnytsia, Volyn, Dnipropetrovsk, and Odessa, the inter-regional policy Roundtables were also attended by representatives from other regions such as Lviv, Rivne and Kherson. Involvement of the latter enhanced prospects for greater interregional cooperation on informatization topics as well as the high need for interregional communication, experience sharing and networking at the expert level.

Comparatively speaking, among the most informative, efficient and professional discussions was held in Odessa region with the involvement of experts represented by faculty staff from specialized higher educational establishments in the areas of public administration and informatization. These experts tended to have a longstanding experience of implementing Odessa regional programs of informatization.

Contribution from regional public officials during the Dnipropetrovsk regional policy round table were also effective. During the past 10 years, specialists of of Dnipropetrovsk Department of Information Technologies and E-governance within regional state administration ensured the continuity of developing and implementing extensive regional programs for informatization. This not the case in the majority of Ukraine's regions where the low quality or complete absence of regional informatization plans contributes to asymmetric development in the areas of informatization.

This was also somewhat reflected in the regional discussions which showed that regional and local officials' awareness about basic notions, key trends and existing instruments in the sphere of informatization and its implementation were rather

modest. This supports the need for extensive introduction of national training programs for different target groups in order to integrate informatization issues into educational environment and to implement modern instruments which will ensure access to education in the area of informatization for public officials at regional level and among local self-governance authorities. Simultaneously, the training of public officials on informatization and e-governance topics need to be effectively integrated within local and regional programs of informatization.

General information on regional discussions

	Lutsk	Dnipro	Odessa	Vinnytsia
Date of discussion	July 4, 2017	July 6, 2017	July 11, 2017	July 14, 2017
Location of discussion	Volyn regional center for innovation technologies in e-governance	Dnipropetrovsk regional state administration	Odessa regional institute of public administration	Vinnytsia regional state administration
Number of discussion participants	38	25	26	57
Involved regions	Volyn, Lviv, Rivne regions	Dnipropetrovsk region	Odessa, Kherson regions	Vinnytsia region
Format of discussion	Interregional round table	Extended session of science and technology council of regional program of informatization	Interregional round table	Regional seminar on informatization
Main proposals	Introduction of motivational mechanisms on the basis of projects co-financing from state and local budgets. To reinforce the role of the NPI General State Commissioner in part of coordination of international foundations and organizations in providing technical assistance in the area of informatization.	Development and implementation by the NPI General State Commissioner of the National Program of typical solutions in the area of informatization for regional and local authorities. To supplement the list of functions of the NPI General State Commissioner with a function of methodological support to formation and implementation of informatization programs and projects at the national, field, regional and local levels.	Typical decisions should become one of the basic methods for enhancement of efficiency and effectiveness of the NPI implementation at both filed and regional levels. To codify means of informatization in order to define their reference value. To delegate the NPI General State Commissioner with the task to introduce open standards in the area of informatization. To anticipate activities to maintain informatization projects and programs after their implementation, based on their life cycle.	To delegate the General State Commissioner of the National Program of Informatization and state commissioners with a task on training of public officials with regards to application of e-governance and e-democracy.

Next steps

The next planned steps for the integration of results and proposals gained from the regional consultations include:

- I. Capture of received remarks and recommendations followed by their analysis in compliance with the legal requirements of acting legislation and the budgeting process.
- II. Following the above analysis, relevant and realistic proposals for implementation will be considered and integrated in the provisions of the draft law.
- III. Considering the final results obtained from regional discussions, the State Agency's working group on the NPI, will prepare a set of documents to submit the draft law for approval pursuant to regulation.
- IV. Results of the regional consultations (this report) and the integrated draft law will be also available to the public on the State Agency's official web-site: <http://www.e.gov.ua/content/zakon-ukrayiny-pro-vnesennya-zmin-do-zakonu-ukrayiny-pro-nacionalnu-programu-informatyzaciyi> as well as on the EGAP Program's – Component 4 website <http://egap.in.ua/natsionalna-polityka>.



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1. On the Concept of the National Program of Informatization: Law of Ukraine dd. 04.02.1998. № 75/98-BP // Vidomosti Verkhovnoi Rady Ukrainy. – 1998. – № 27–28. – Page 182. – Access mode: <http://www.rada.gov.ua>
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