

ON THE LEGAL ENTITY UNDER PUBLIC LAW CALLED
THE DIGITAL GOVERNANCE AGENCY

Chapter I – General Provisions

Article 1 – Scope of the Law

This Law determines the legal status of the Legal Entity under Public Law (LEPL) called the Digital Governance Agency ('the Agency'), the goals of its operation, its powers, forms of supervision and other related issues.

Article 2 – Legal Status of the Agency

The Agency is a legal entity under public law established on the basis of this Law and operating under the governance of the Ministry of Justice of Georgia ('the Ministry').

Article 3 – Legal basis for the operation of the Agency

The legal basis for the operation of the Agency shall be: the Constitution of Georgia, the international agreements of Georgia, this Law, the Statute of the Agency and other legal acts.

Article 4 – Definition of terms

For the purposes of this Law, the terms used herein shall have the following meanings:

- a) digital governance – public governance which is implemented by using information and communication technologies;
- b) unified portal of electronic services (My.gov.ge) – a web resource providing natural and legal persons with access to the electronic services offered by public and private sectors of Georgia;
- c) digitalisation – the creation and development of a records management process and/or service by using information and communication technologies;
- d) unified data exchange system (infrastructure) – the infrastructure that ensures data exchange between information systems by using a standard interface, and the authorised access to, and protection and interoperability of those systems;
- e) open data – public information available via the unified portal in machine-readable format;
- f) interoperability – the ability/capability of contact and communication between public institutions, as well as public institutions and entities under private law, for the purposes of achieving predetermined, common and mutually beneficial goals, including, inter alia, the exchange of knowledge and information by using information and communication technologies and by supporting business processes;
- g) index of state electronic services – a system of assessment of public sector electronic services based on established methodology and criteria;
- h) electronic information exchange system between entities engaged in international trade – a centralised, integrated, automated information system that facilitates international trade and ensures the operative and safe exchange of information and documents between entities engaged in international trade, and between such entities and state agencies;
- i) information system – a system that is used for collecting, storing, processing and disseminating information.



Article 5 – Goals of operation of the Agency

The goals of operation of the Agency shall be as follows:

- a) facilitating the introduction of digital governance principles in the process of public governance;
- b) providing natural and legal persons with tailored, available, effective and transparent electronic services;
- c) ensuring the interoperability of information systems in the process of using modern information and communication technologies;
- d) developing and ensuring information security and cyber security within the scope of authority determined by the legislation of Georgia.

Article 6 – Powers of the Agency

1. The Agency shall:

- a) develop, through interagency coordination, a unified state policy and strategy on digital governance and the digitalisation of services, and facilitate their implementation;
- b) manage and administer the unified portal of electronic services, and integrate new electronic services with the portal;
- c) via the unified portal of electronic services (My.gov.ge), provide users with electronic access to the services available within the system of the Ministry, including to the services provided by Public Service Halls and Community Centres;
- d) cooperate with other administrative bodies for the purpose of the digitalisation of their services and their integration with the unified portal of electronic services (My.gov.ge);
- e) undertake large-scale awareness-raising initiatives, including providing information to the public and training to public officers, in order to promote the use of digital governance and electronic services;
- f) develop and introduce appropriate standards in order to facilitate the development and implementation of state policy on digital governance;
- g) develop and facilitate the establishment of a uniform standard for creating and providing electronic services, in order to ensure the interoperability of electronic services and the proper and safe operation of the unified data exchange system (infrastructure), the unified portal of electronic services (My.gov.ge), and the services provided by Public Service Halls and Community Centres;
- h) administer and develop the unified data exchange system (infrastructure);
- i) establish a uniform standard in data exchange within the framework of the unified data exchange system (infrastructure);
- j) develop and facilitate the establishment of a framework for the interoperability of electronic data and electronic services;
- k) maintain the unified state registry of information, and coordinate the establishment of and compliance with a uniform standard for the databases, registries, services and information systems;
- l) establish a uniform standard for publishing open data available in the public sector, and ensure their availability via the unified portal;
- m) create and ensure the proper operation of the electronic information exchange system between entities engaged in international trade;
- n) authorise and supervise the activities of a qualified and reliable service provider in accordance with the procedures established by the Law of Georgia on Electronic Documents and Electronic Trust Service and the subordinate acts issued on the basis thereof;



- o) introduce and monitor the unified state 'cloud system';
- p) within the scope of authority determined by the legislation of Georgia, prepare draft legal acts regulating the areas of digital governance and cyber security;
- q) in accordance with the Euro-Atlantic Integration Agenda and the Agenda of the implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, examine and analyse, in the process of the approximation of the legislation of Georgia with European Union law, legal acts regulating the areas of digital governance and cyber security and, if necessary, prepare appropriate draft legislative amendments;
- r) within the scope of its competence, establish relations with local and international organisations and organisations of foreign countries, and public institutions and entities under private law operating in the areas of digital governance and cyber security;
- s) within its competence, submit to foreign partners and organisations comprehensive and up-to-date information, in a timely manner, on the reforms and projects implemented by Georgia in the process of the creation of international indexes and assessments in the areas of digital governance and cyber security;
- t) facilitate the popularisation of the achievements of Georgia in the areas of digital governance and cyber security by participating in local, regional and international programmes and projects implemented in those areas;
- u) ensure and support the introduction of information and communication technologies in public institutions and entities under private law, in order to improve digital governance and/or the provision of electronic services;
- v) develop a methodology for the index of state electronic services and create such index annually;
- w) based on agreements concluded with public institutions and entities under private law, optimise their business processes and design, introduce and develop software and provide technical support therefor, within the framework determined by said agreements;
- x) be authorised, for the performance of its functions and the achievement of its objectives, to provide electronic communications networks and means, and/or electronic communication services, in accordance with the Law of Georgia on Electronic Communications and the subordinate acts issued on the basis thereof, in order to create/improve the provision of digital governance and/or electronic services;
- y) exercise other powers determined by the legislation of Georgia in order to facilitate the development of the areas of digital governance and cyber security.

2. The Agency shall have the right to provide services in the areas falling within its competence on the basis of agreements concluded with other administrative bodies and legal persons, unless such activities contravene the legislation of Georgia.

Article 7 – Management of the Agency

1. The Agency shall be managed by the Chairperson of Agency who shall be appointed and may be dismissed by the Minister of Justice of Georgia ('the Minister') in accordance with the Law of Georgia on Legal Entities under Public Law.

2. The Chairperson of the Agency shall:

- a) represent the Agency;
- b) make decisions on issues falling within the competence of the Agency;
- c) within its competence, issue normative and individual legal acts, orders, as provided for by the legislation of Georgia;
- d) appoint and dismiss the employees of the Agency and approve their job descriptions according to the procedures established by the legislation of Georgia;
- e) make decisions on giving incentives to and applying measures of disciplinary liability against the employees of the Agency;
- f) administer the funds and the property of the Agency according to the procedures established by the legislation of Georgia;



g) exercise other powers determined by the Statute of the Agency and other normative acts.

3. The Chairperson of the Agency shall have a deputy, who shall be appointed and may be dismissed by the Chairperson of the Agency in accordance with the Law of Georgia on Legal Entities under Public Law.

4. The powers of the Deputy Chairperson of the Agency shall be determined by the Statute of the Agency.

Article 8 – Structure of the Agency

1. The Agency shall exercise its powers through its structural subdivisions.

2. The structure and the functions of the structural subdivisions of the Agency shall be determined by the Statute of the Agency. The Statute of the Agency shall be approved by the Minister.

Chapter III – Property, Funds and State Control of the Agency. Procedures for the Termination of Operation and the Liquidation of the Agency

Article 9 – Property of the Agency

1. The Agency shall have property to achieve the goals of its operation and to perform its functions. The procedure for creating the property of the Agency shall be determined by the legislation of Georgia.

2. The property of the Agency shall consist of current assets, and other material assets and financial resources, which shall be reflected in the independent balance sheet of the Agency.

Article 10 – Funds of the Agency

1. The sources of financing of the Agency shall be:

- a) targeted funds allocated from the state budget of Georgia;
- b) fees for services provided by the Agency;
- c) targeted loans and grants;
- d) revenue from the work performed on the basis of contracts;
- e) other revenues permitted by the legislation of Georgia.

2. The fees for services provided by the Agency, and the procedures for payment, exemption from payment, and the refunding of fees, shall be determined by an ordinance of the Government of Georgia, provided that:

- a) the service fee for authorisation by the Agency of persons authorised to conduct an information security audit shall not exceed GEL 1 000;
- b) the service fee for authorisation of persons conducting a penetration testing of the information system shall not exceed GEL 1 000;
- c) the service fee for authorisation of qualified reliable service providers shall not exceed GEL 20 000.

3. The fees for other services provided by the Agency, and the procedures for payment, exemption from payment, and the refunding of fees which, based on their nature, are not for services exclusively provided by the Agency, shall be determined by an ordinance of the Government of Georgia.

4. The funds provided for by paragraph 1 of this article shall be used for achieving the goals of operation and performing the functions of the Agency. If necessary, and in accordance with the legislation of Georgia, the said funds may be used for the



development of the system of the Ministry, including the service providing institutions operating under the governance of the Ministry.

Article 11 – State control of the Agency

State control of the Agency shall be carried out by the Ministry.

Article 12 – Procedures for the Termination of Operation and the Liquidation of the Agency

The operation of the Agency shall be terminated and the Agency shall be liquidated according to the procedures established by the legislation of Georgia.

Chapter IV – Transitional and Final Provisions

Article 13 – Transitional provisions

1. Before the entry into force of Articles 1-12 and Article 14 of this Law, the Legal Entity under Public Law (LEPL) called the Data Exchange Agency and the Legal Entity under Public Law (LEPL) called Smart Logic, operating under the governance of the Ministry of Justice of Georgia, shall be reorganised and, as a result of their merger, the LEPL Digital Governance Agency operating under governance of the Ministry of Justice of Georgia shall be established immediately upon the entry into force of the above articles. The LEPL Digital Governance Agency shall be a legal successor of the LEPL Data Exchange Agency and LEPL Smart Logic, including as regards the administration of the funds provided by the programme codes determined by the state budget of Georgia for the LEPL Data Exchange Agency and LEPL Smart Logic.

2. Before the entry into force of Articles 1-12 and Article 14 of this Law, the Minister of Justice of Georgia shall ensure:

a) the implementation of the measures provided for by the legislation of Georgia and this article regarding the reorganisation of the LEPL Data Exchange Agency and LEPL Smart Logic;

b) in relation to the LEPL Digital Governance Agency:

b.a) the approval of the Statute of the Agency;

b.b) the preparation of the staff list and its agreement with the Government of Georgia as provided for by the legislation of Georgia;

b.c) the appointment of the Chairperson of the Agency through a simplified public competition;

b.d) the organisation of a simplified public competition in order to select a candidate for Deputy Chairperson.

3. The Chairperson of the LEPL Digital Governance Agency shall appoint a candidate, selected through simplified public competition as provided for by paragraph 2(b.d) of this article, to the position of Deputy Chairperson of the Agency.

4. Due to the merger of the LEPL Data Exchange Agency and LEPL Smart Logic, their employees (except for the persons determined by paragraph 5 of this article), upon their consent, shall be moved to equal positions in the LEPL Digital Governance Agency without competition, taking into account their competences, and in the case of the absence of such positions, they shall be moved to lower positions.

5. The labour and legal relations of the persons employed in the LEPL Data Exchange Agency/LEPL Smart Logic, on the basis of employment agreements, shall be continued with the LEPL Digital Governance Agency for the term of validity of their employment agreements concluded with the respective LEPL, unless otherwise provided for by the Organic Law of Georgia – the Labour Code of Georgia, and after the expiration of the terms of validity of said employment agreements, issues related to the above labour and legal relations shall be resolved in accordance with the Organic Law of Georgia – the Labour Code of Georgia.

6. Upon the recommendation of the Ministry of Justice of Georgia, before the entry into force of Articles 1-12 and Article 14 of this Law, the Government of Georgia shall determine the fees of services provided by the LEPL Digital Governance Agency, and the procedures for payment, exemption from payment, and the refunding of such fees, in accordance with Article 10 of this Law.



7. The Government of Georgia, the Minister of Justice of Georgia and the Chairperson of the LEPL Digital Governance Agency shall ensure the compliance of respective legal acts with this Law and the adoption/issuance of new legal acts within a period of three months.

8. Orders of the Minister of Justice of Georgia/the Chairperson of the LEPL Digital Governance Agency issued on the basis of the Law of Georgia on the Legal Entity under Public Law Called the Digital Governance Agency, shall maintain legal force until they are issued again by an appropriate authorised official. The authority to make amendments to the said orders and to declare those orders invalid shall be granted to the Minister of Justice of Georgia/the Chairperson of the LEPL Digital Governance Agency.

9. Unless otherwise provided for by this Law, individual administrative acts issued by the Heads of the LEPL Data Exchange Agency and LEPL Smart Logic shall maintain legal force until they are issued again by the Chairperson of the LEPL Digital Governance Agency. The authority to make amendments to the said individual administrative acts and to declare them invalid shall be granted to the Chairperson of the LEPL Digital Governance Agency.

Article 14 – Invalidated normative acts

The Law of Georgia of 17 July 2009 on the Establishment of the Legal Entity under Public Law (LEPL) Called the Data Exchange Agency shall be declared invalid (Legislative Herald of Georgia No 21, 3.8.2009, Art. 121).

Article 15 – Entry into force of this Law

1. This Law, except for Articles 1-12 and Article 14 thereof, shall enter into force upon its promulgation.
2. Articles 1-12 and Article 14 of this Law shall enter into force on the 15th day after the promulgation of this Law.

President of Georgia

Salome Zourabichvili

Tbilisi

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