

Law of Georgia

On the Creation of the Legal Entity of Public Law (LEPL) - Data Exchange Agency

Chapter 1

General Provisions

Article 1. Purpose of the Law

The purpose of this Law is the establishment of the LEPL - Data Exchange Agency (hereinafter "Agency") under the Ministry of Justice (MOJ) of Georgia, and the determination of main principles of its functioning, organizational-legal setup, powers and main functional directions.

Article 2. Legal basis of the Agency Functioning

The legal basis for the functioning of the Agency is the Constitution of Georgia, the present Law, legislation of Georgia and the Regulations of the Agency approved by the Minister of Justice of Georgia (hereinafter "Minister").

Article 3. Definition of the Terms

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

- a) Information technologies (IT) (systems) - management, support or development of IT (systems) carried out through unified use of computer, software and communication technologies;
- b) Electronic (digital) governance - carrying out public administration through the use of informational and communication technologies;
- c) Information security - protection of information and IT (systems) from unauthorized use and access, as well as from destruction and modification;
- d) Security of IT (systems) - ensuring the safety and smooth functioning of computer, software and communication technologies. Security does not apply to the information that is utilized or generated by these technologies;
- e) Integrated data exchange system - special-purpose infrastructure that ensures standard independent interface among the databases and IT (systems) within a protected platform (technology). Its main function is the linking of the databases and IT (systems) within the public sector, as well as ensuring authorized external (civil society sector) access to these information resources;
- f) Electronic document - electronic document as set forth in the Law of Georgia on Electronic Signature and Electronic document;

g) Electronic signature - electronic signature as set forth in the Law of Georgia on Electronic Signature and Electronic Document;

h) Integrated Governmental Network - integrated government network as set forth in the relevant decree of the GoG;

i) IT (systems) audit - verification of the security and efficiency of systems set up within the IT (systems);

Chapter 2

Main provisions

Article 4. Legal Status of the Agency

The Agency is a LEPL established under the present Law that operates under the Ministry of Justice of Georgia.

Article 5. Agency Scope of Activities, Subject of Activities and Purpose

1. The scope of activities of the Agency is the elaboration of relevant standards for the support and coordination of the development of IT (systems) and the implementation of a unified state policy.

2. The subject of activities of the Agency is the establishment of an integrated system based on the principle of e-governance, development of IT (systems) and information security policy and the support of their implementation;

3. The objective of the Agency is the establishment of new types of services, determination of standards of data storage and supply, establishment of an integrated system of electronic documents exchange and the increase of the efficiency of governance through the use of IT (systems).

Article 6. Powers of the Agency

The powers of the Agency are as follows:

a) Develop IT (systems) and state policy on e-governance;

b) Ensure information security, including implementation of awareness raising activities in public, as well as the civil sector;

c) Perform monitoring of the functioning of the integrated government network;

d) Establish the integrated data exchange system and ensure access to information resources;

e) Facilitate the development of IT (systems);

f) Develop the standards necessary for the development of IT (systems);

- g) Perform the monitoring of the matters related to the security of the officer issuing the electronic signature certificate;
- h) Support development of innovative technologies;
- I) perform audit of IT (systems) in order to identify the risks of information security;
- j) Establish relations with local, international and foreign organizations, public institutions and subjects of private law that operate in the field of IT (systems);
- k) Take part in local, regional and international programs in the IT (system) field;
- l) Develop drafts of the legislative acts that govern the IT (systems) field;
- m) Exercise other powers envisaged by the Legislation of Georgia aimed at the support of the development of IT (systems).

Article 7. Management and Representation of the Agency

1. The Agency is headed by the Chairman, who is appointed and dismissed by the Minister.
2. The Chairman of the Agency:
 - a) represents the Agency;
 - b) takes decision (issues a legislative act) on the issues assigned under the Agency competence;
 - c) appoints and dismisses Agency employees;
 - d) disposes the funds and property of the Agency pursuant to the rule established by Georgian legislation;
 - e) exercises other powers set forth in the Regulations of the Agency;
3. The head of the Agency has deputies that are appointed and dismissed by the Chairman.
4. The number of and the powers of the deputies of the Agency are set forth in the Agency regulations.

Article 8. Agency Structure

1. The Agency exercises its powers through the structural units.
2. The structure of the Agency and the competencies of its structural units shall be set forth in the Agency regulations.

Article 9. Property of the Agency

1. To realize its goals and functions, the Agency has the assets the rule of establishing of which shall be prescribed by the legislation of Georgia.

2. The property of the Agency is comprised of basic assets, as well as other material valuables and financial resources that are recorded on the independent balance sheet of the Agency.

Article 10. Funding of the Agency

1. The following represent the sources of funding of the Agency:

- a) targeted funds allocated from the State budget of Georgia;
- b) fees for the services established by the Agency;
- c) targeted credits and grants;
- d) revenues received from the works performed under contract;
- e) revenues received in the form of gifts and donations and contributions;
- f) other revenues permissible under the Legislation of Georgia.

2. The funds and revenues envisaged under the Paragraph 1 of the present Article are fully used for the realization of the goals of the Agency and the implementation of its functions.

Article 11. State Control over the Agency

The MoJ of Georgia performs state control over the Agency.

Article 12. Rule of Termination of Activities and the Liquidation of the Agency

The termination of the functioning of the Agency and liquidation thereof shall be performed pursuant to the rule established by the Legislation of Georgia.

Chapter 3

Transitional and Final Provisions

Article 13. Transitional provisions

1. By January 1, 2010 the Minister of Justice of Georgia shall:

- a) approve the regulations of the LEPL - Data Exchange Agency;
- b) appoint the chairman of the LEPL - Data Exchange Agency.

2. By January 1, 2010 the Ministry of Economic Development of Georgia, under the rule established by Georgian legislation, shall ensure the transferring of the property to the LEPL- Data Exchange Agency necessary for the functioning thereof.

Article 14. Effective Date of the Law

1. The present Law shall become effective upon publication, with the exception of Articles 1-12.

2. Articles 1-12 of the Present law shall become effective from 1 January 2010.

M. Saakashvili,
President of Georgia