

ELECTRONIC GOVERNMENT ACT

In Force from 13.06.2008

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Chapter one. GENERAL PROVISIONS

Subject-matter

Art. 1. (1) This Act shall regulate the activity of the administrative authorities in respect of work with electronic documents, provision of administrative services in electronic way and exchange of electronic documents between the administrative authorities.

(2) This Act shall apply also to the activity of persons performing public functions and of organisations providing public services as far as not otherwise provided in an Act.

(3) (amend. – SG 50/16, in force from 01.07.2016) This Act shall not apply to the electronic documents, automated information systems or networks, containing or used for handling of classified information.

(4) This Act shall not revoke the rules for work with documents on paper carrier, where an Act provides for a specific form or specific order of performing certain actions.

One-time data collection and creation

Art. 2. (1) The administrative authorities, the persons performing public functions and the organisations providing public services may not request from the citizens and the organisations the provision or proof of data already collected or created, but shall be obliged to collect it ex officio from the primary data administrator.

(2) The primary data administrator shall be an administrative authority, which by virtue of an Act collects or creates data about a citizen or organisation for the first time or amends or deletes this data. It shall grant access to the citizens and organisations to the entire information collected about them.

Ex-officio notification

Art. 3. (Suppl. – SG 40/14, in force from 01.07.2014) The primary data administrator shall send ex officio and free of charge the data to all administrative authorities, to the persons performing public functions and to the organisations providing public services, which on the basis of an Act also process this data and have requested to receive it.

Automated provision

Art. 4. (1) Any notification or request for provision of the data under this Chapter shall be carried out automatically in electronic way as an internal electronic administrative service.

(2) (new – SG 50/16, in force from 01.07.2016) As an internal electronic administrative service shall also be carried out another exchange of electronic documents with which information is exchanged between administrative authorities, the persons carrying out public functions and the organizations

providing public service.

(3) (prev. par. 2, amend. – SG 50/16, in force from 01.07.2016) In cases where an Act provides for registers to be kept manually, the data shall be requested, respectively sent, as an electronic document in unstructured content format or shall be provided on a hard copy.

(4) (new – SG 50/16, in force from 01.07.2016) Primary data administrator shall not have the right to put further requirements or to set a different data exchange procedure other than those provided in the act.

(5) (new – SG 50/16, in force from 01.07.2016) The data exchange history under par. 1 shall be kept for a period of 10 years. The persons shall be entitled to free access to the data history related thereto.

Obligations in case of identification

Art. 5. (amend. - SG 38/16, in force from 21.05.2017) (1) The obligations under this Chapter shall arise, if the citizen, respectively the organisation, has identified themselves in a manner established by law when a law requires identification in order to provide administrative service.

(2) When requesting a certain electronic administrative service, the administrative authorities, the persons performing public functions and the organizations providing public services shall be obliged to make it possible for the citizens and organizations to identify themselves in an order, established by law.

Uniform time

Art. 6. (1) The administrative authorities, the persons performing public functions and the organisations providing public services shall be obliged to use information systems following uniform time in a standard laid down in an ordinance of the Council of Ministers.

(2) (suppl. – SG 50/16, in force from 01.07.2016) The time of occurrence of facts of legal and technical importance shall be measured and certified in year, date, hour, minute and second accuracy, taking into consideration the time zone.

Sector rules

Art. 7. (1) (suppl. – SG 50/16, in force from 01.07.2016) The Ministers may approve in ordinances specific rules for provision of electronic services in the relevant sector, exchange of electronic documents between the persons and organisations in the sector and internal exchange of electronic documents within the offices of the sector. These ordinances shall be issued where the work and processes organisation require specific rules, higher criteria for network and information security or special standards for interoperability.

(2) The rules under Para 1 shall not contradict to the general rules established under this Act.

(3) The introduction of specific rules shall not discharge the persons obliged under this Act from observing the established general rules.

(4) (suppl. – SG 82/09; amend. – SG 50/16, in force from 01.07.2016) The Council of Ministers shall adopt by a decision Strategy of electronic government in Republic of Bulgaria upon a proposal of the Chairman of Electronic Government State Agency.

(5) (amend. – SG 50/16, in force from 01.07.2016) The Deputy Prime Ministers and the Ministers shall propose to the Council of Ministers for adoption sector strategies for electronic government development following their approval by the Chairman of Electronic Government State Agency.

MANAGEMENT OF ACTIVITIES IN THE FIELD OF ELECTRONIC GOVERNMENT (NEW – SG 50/16, IN FORCE FROM 01.07.2016)

Section I.

Electronic Government State Agency (new – SG 50/16, in force from 01.06.2016)

Status

Art. 7a. (new - SG 50/16, in force from 01.07.2016) (1) Electronic Government State Agency shall be established to the Council of Ministers, herein after referred to as “Agency”.

(2) The Agency is a budget-funded legal entity with a seat in Sofia city.

(3) Agency activity, structure and organization shall be regulated by rules adopted by the Council of Ministers upon proposal of the Chairman of the Agency.

(4) The Agency carries out cooperation and support in the field of electronic government with the competent authorities of the European Union Member States, with the European Union institutions and with other international organizations.

Chair of Electronic Government State Agency

Art. 7b. (new - SG 50/16, in force from 01.07.2016) (1) The Agency is managed and represented by a Chair which is nominated by a decision of the Council of Ministers and is appointed by the Prime Minister for a period of 5 years.

(2) As a Chair of the Agency can be appointed a person with higher education degree and education and qualification Master degree and minimum 5 years of experience in management and coordination of projects in the field of information technologies or electronic government,

(3) The Chair of the Agency is a primary budget administrator.

(4) For the fulfilment of their functions the Agency Chair shall be supported by the Deputy Chairs, nominated by a decision of the Council of Ministers upon proposal of the Agency Chair and meeting the requirements of par. 2.

(5) Agency Chair can be discharged before the expiration of the mandate:

1. upon their request;

2. in case of incompatibility;

3. in case of decease or lunacy;

4. in case of actual incapacity to fulfil their duties for a period exceeding 6 months;

5. where they are sentenced to imprisonment for a culpable offence of a general nature by an enforced sentence;

6. for severe violation or systematic failure to fulfil their duties;

7. in case of an enforced act establishing conflict of interest under the Act of prevention and establishment of conflict of interest.

(6) In case of decease or premature dismissal of the Agency Chair, the Council of Ministers within one month shall nominated a new Chair to finalize the mandate.

(7) The Chair and the Deputy Chairs of the Agency cannot occupy a position or to carry out activity under Art. 19, par. 6 of the Administration Act.

(8) Within 10 days after the appointment the Agency Chair shall publish on the Internet site of the Agency and shall arrange public presentation of their concept of electronic government development and for the provision of integrity and sustainability of the governmental policy in this field.

Powers of Agency Chair

Art. 7c. (new - SG 50/16, in force from 01.07.2016) (1) Agency Chair shall:

1. implement governmental policy in the following fields:

a) electronic government;

b) electronic certification services;

c) electronic identification;

- d) network and information security;
- e) space information infrastructure;
- f) information from the public sector in a machine-readable open format;
2. draw up and propose for adoption by the Council of Ministers draft regulatory acts in the field of electronic government and application of information and communication technologies in the practice of administrative authorities and their administrations;
3. draw up and propose for adoption by the Council of Ministers Development Strategy of Electronic government in Republic of Bulgaria;
4. approve sector strategies of electronic government development and approve and monitor the implementation of plans of their fulfillment;
5. draw up and propose for adoption by the Council of Ministers a single policy of information resources, issue methodological instructions and coordinate their implementation;
6. issue methodological instructions and coordinate the fulfillment of network and information security policies, related to electronic government functioning;
7. carry out methodological management, coordination and monitoring of the activities for the application of the requirements for internal turnover of electronic documents and their subsequent archiving, and also of documents on a hard copy in administrations;
8. carry out coordination between administrative authorities, the persons under Art. 1, par. 2 and other persons regarding the electronic government;
9. carry out revision of compliance with the approved policies, strategic documents and programs and issue directions and agree upon the documents Art. 7d, par. 2, items 1 and 2 in the field of electronic government, information and communication technologies of all administrations according to a procedure, determined by the ordinance under Art. 7d, par. 6;
10. participate in the prioritizing, coordinate and monitor the implementation and maintenance of electronic administrative services and information systems in administrations;
11. support the development and approve project proposals, coordinate and control projects implementation, coordinate and monitor the implementation of projects for electronic government, information and communication technologies in administrations, financed with funds from the state budget, from the European Union structural and investment funds and from other sources;
12. certify the compliance of information systems with the requirements for interoperability, network and information safety and carry out control over administrations for compliance with these requirements;
13. coordinate and support the integration of information systems for electronic government of administrative authorities with these of the European Union Member States;
14. implement electronic government projects of particular importance for all administrations;
15. produce, develop and maintain electronic government shared resources;
16. produce, keep and maintain registers under this act;
17. set up and maintain a single portal for access to electronic administrative services;
18. set up and maintain a public national storage and a control system of the versions of the input program code and technical documentation of information systems in administrations;
19. issue methodological instructions and support administrations in defining the structure and the content of the data sets for publication in the open data portal under the Access to public information act;
20. carry out methodological guidance, coordination and control over the activities for setting up, maintenance and use of national infrastructure for 3D information and exercise the power under Access to 3D data act;
21. set up and maintain a national Electronic Identification Center and carry out functions connected with electronic identification, following a procedure determined by the Electronic identification act;

22. exercise the powers under Regulation (EU) No. 910/2014 of the European Parliament on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014) herein after referred to as “Regulation (EU) No. 910/2014”;

23. exercise the powers under the Electronic Communication Act;

24. adopt a program for attraction of highly qualified experts in the field of information and communication technologies in order to support electronic government development;

25. carry out control over the fulfillment of the obligations by the primary data administrators under Art. 3;

26. control the compliance with the requirements of Art. 28b.

Control within the frame of budget process

Art. 7d. (new – SG 50/16, in force from 01.07.2016) (1) The Chair of the Agency shall generate, keep and maintain an information system for preliminary, current and follow-up expediency control in the field of electronic government and application of information and communication technologies in the activity of administrative authorities and their administrations.

(2) Within the frame of budget process, all administrative authorities shall be obliged to agree upon in advance with the Agency Chair the expenses in the field of electronic government and for the used thereby information and communication technologies, by providing information about:

1. three-year budget forecasts;
2. draft budgets for the next year;
3. the approved annual budgets and the amendments to their budget in this field;
4. current and annual statements.

(3) The information under par. 2 must include break-downs as per the Single Budget Classification (SBC) and according to the Common Procurement Vocabulary (CPV).

(4) The information under par. 2 shall be filed electronically by employees, nominated by the administrative authority. Employees shall be responsible for the accuracy of the entered information, and also for its timely entry.

(5) The access to data in the information system under par. 1 shall be unrestricted and free of charge.

(6) The terms and conditions and the procedure of presentation of the information under par. 2, and also the coordination processes under Art. 7c, item 9 shall be determined by an ordinance adopted by the Council of Ministers.

Register of projects and works

Art. 7e. (new – SG 50/16, in force from 01.07.2016) (1) The Agency Chair shall generate, keep and maintain a public electronic register of projects and works in the field of electronic government, information and communication technologies in administrations, containing information about:

1. proposals for projects and works, agency opinions, approved and rejected projects and works;

2. general and specific objectives of projects and works, anticipated results and measurable performance indicators;

3. key works with indicative budgets and performance time schedule;

4. terms of reference for the projects;

5. the implementation of projects and works

and the achieved results, including financial effect and performance quality assessment.

(2) The information under par. 1 must include a break down as per the Single Budget Classification (SBC) and according to the Common Procurement Vocabulary (CPV).

(3) The register under par. 1 shall be maintained as an electronic information system, where employees, nominated by the administrative authority shall enter the information. Employees shall be responsible for the accuracy of the entered information, and also for its timely entry.

(5) The access to data in the register under par. 1 shall be unrestricted and free of charge.

(6) The particulars subject to entry, the terms and conditions and the procedure of the keeping, maintenance and use of the register under par. 1, shall be determined by the ordinance under Art. 7d, par. 6.

Register of information resources

Art. 7f. (new – SG 50/16, in force from 01.07.2016) (1) The Agency Chair shall generate, keep and maintain a register of information resources, containing information about:

1. information resources available to the administrative authorities, except for those, the purpose of which is to be used for work and storage of classified information;

2. information resources of the Single Electronic Communication Network (SECN) of the state administration and for national security purposes;

3. annual programs of updating of information resources of administrations.

(2) The information under par. 1 must include a break down as per the Single Budget Classification (SBC) and according to the Common Procurement Vocabulary (CPV).

(3) The register under par. 1 shall be maintained as an electronic information system, where employees, nominated by the administrative authority shall enter the information. Employees shall be responsible for the accuracy of the entered information, and also for its timely entry.

(4) Administrative bodies shall be obliged to enter into the register under par. 1 data about the information resources within one month after the entry, respectively after their decommissioning.

(5) The particulars subject to entry, the terms and conditions and the procedure of the keeping, maintenance and use of the register under par. 1, shall be determined by the ordinance under Art. 7d, par. 6

Planning mechanism of information resources in administrations

Art. 7g. (new – SG 50/16, in force from 01.07.2016) (1) Every administrative authority within the frame of the approved budget shall prepare and enter into the information system under Art. 7f, par. 3 an annual program of updating of information resources in their administration, indicative values and the terms, within which they shall be implemented.

(2) The Agency Chair shall issue methodological directives to the authorities under par. 1 regarding the compliance of the program with the requirements of the act, the effective use of the existing information resources, entered into the register of the information resources in the administration, strategies and programs in the field of electronic government.

(3) The Agency Chair shall draw up on an annual basis and by 30 August shall submit to the Council of Ministers for approval a status report and an annual plan for the development and updating of information resources in the administration and information resources of the Single Electronic Communication Network of state administration and for national security purposes. The report and the annual plan shall be published on the Internet site of the Agency.

Agreeing upon of draft regulatory acts

Art. 7h. (new – SG 50/16, in force from 01.07.2016) (1) All drafts of regulatory acts, regulating relationships related to electronic government shall be subject to obligatory agreeing upon by the Agency.

(2) The Agency shall coordinate the adoption and application of state standards in the field of electronic government.

Binding power of provisions

Art. 7i. (new – SG 50/16, in force from 01.07.2016) The Agency Chair shall issue obligatory orders to the administrative authorities and the persons under Art. 1, par. 2 regarding the compliance with the provisions of this act.

Section II.

State Enterprise "Single System Operator" (new – SG 50/16, in force from 01.07.2016)

Status

Art. 7j. (new – SG 50/16, in force from 01.07.2016) (1) A state enterprise shall be established as per Art. 62, par. 3 of the Act of Commerce with a name State Enterprise “Single System Operator” (SE “SSO”). The State enterprise “Single System Operator” shall be a legal entity with a main office in Sofia city.

(2) The State Enterprise “Single System Operator” shall be a person fulfilling public functions. The State Enterprise “Single System Operator” shall support the Agency Chair as:

1. an information contact center for services to residents and the businesses in the field of electronic government;
2. a support contact center for services to governmental authorities, using electronic government shared information resources;
3. national action center in case of accidents regarding information safety;
4. by generating and maintaining a National 3D data portal, through which the connection with the geo-portal of the infrastructure for 3D information of the European Union (INSPIRE) takes place.

(3) For supporting administrations to carry out their functions, SE “SSO” shall provide upon request the following internal services:

1. electronic government continuous monitoring, recording of incidents, diagnostic of problems and management of shared information resources maintenance;
2. recording of incidents, diagnostic of problems, maintenance management and control of system and application software, information systems and electronic services, allocated over electronic government shared information resources;
3. management of the capacity and allocation of resources between all governmental authorities using electronic government shared information resources;
4. initial configuration and introduction of new services over electronic government shared information resources;
5. building up, development and maintenance of an environment for testing of electronic administrative services over electronic government shared information resources;
6. control for the implementation of contracts for the development and maintenance of electronic government shared information resources;
7. carrying out of specialized audits and analysis in the field of electronic government, information and communication technologies, and also of the network and information safety;
8. consultations and development of projects of system and application architectures for information systems and electronic services;
9. drawing up of technical specifications under programs, projects and orders of all administrative authorities in the field of electronic government, information and communication technologies for assigned public procurement order for supplies and services the value of which is above the thresholds under Art. 20, par. 1, item 1, sub-item “b” and par. 2, item 2 of the Public Procurement Act;
10. management of the implementation of electronic government, information and communication technologies;
11. control and involvement upon acceptance to carry out works of contractors under public procurement contracts for supplies and services in the field of electronic government, information and communication technologies;
12. management and control of interoperability and support for processes and carrying out works for the integration of information systems and electronic administrative services.

(4) In addition to the functions referred to in par. 2 and 3, SE “SSO” shall carry out the following scope of activities only in Republic of Bulgaria:

1. provision of services in the field of electronic government and information and communication technologies;

2. provision of services for analyses of business and technological processes, project management and quality control;
3. provision of services in the field of interoperability;
4. provision of services in the field of network and information safety;
5. carrying out other activities providing for or supplementing the key subject of the activity.

(5) State enterprise "Single System Operator" can be a contractor under public procurement contracts, the subject of which includes the carried out thereby works under par. 4, except for public procurement under which they carry out functions referred to in par. 3, items 9, 10, 11 or 12.

Property and financing of State Enterprise "Single System Operator"

Art. 7k. (new – SG 50/16, in force from 01.07.2016) (1) The property of SE "SSO" comprises the property provided thereto by the Council of Ministers and by the Agency, and also the property, acquired by the SE "SSO" as a result of their activity.

(2) The property of SE "SSO" cannot be used to secure third persons' debts.

(3) No insolvency proceedings can be opened regarding the State Enterprise "Single System Operator".

(4) No compulsory execution can be arranged against the property of SE "SSO".

(5) The activity of SE "SSO" for the fulfillment of tasks related to the main scope of activities shall be financed with:

1. revenue from activities referred to in Art. 7j, par. 3 and 4;
2. donations by local and foreign natural persons and legal entities;
3. revenue from interest on deposits;
4. resources from international programs and financial instruments.

(6) The revenue under Art. 7j, par. 4 must be less than 20 per cent of the total amount of the enterprise revenue on an annual basis.

(7) Separate analytical bookkeeping shall be kept for the activities under Art. 7j, par. 3 for the activities under Art. 7j, par. 4 subject to compliance with the accountancy laws.

(8) The funds under par. 5 shall be spent for:

1. carrying out the scope of activities and functions by SE "SSO";
2. operating expenses of SE "SSO";
3. investment expenses related to the scope of activity and functions of SE "SSO".

(9) (new – SG 98/16, in force from 01.01.2017) The funds and operations of State Enterprise "Single System Operator" shall be included in the consolidated fiscal programme as funds and operations of other economically differentiated persons and structure units under the Art. 13, para 4 of the Act on the Public Finances and they are not part of the state budget.

Governing bodies

Art. 7l. (new – SG 50/16, in force from 01.07.2016) (1) Governing bodies of SE "SSO" shall be:

1. Agency Chair;
2. Managing Board;
3. General Director.

(2) Agency Chair shall:

1. exercise the state rights of ownership in SE "SSO";
2. propose for adoption by the Council of Ministers Regulation on the activity, structure and organization of SE "SSO";
3. propose for adoption by the Council of Ministers a Development program of SE "SSO";
4. propose to the Council of Ministers to appoint and release members of the Managing board of SE "SSO";
5. appoint and discharge the General Director which by right is a member of the Managing board of SE "SSO";

6. approve the decisions of the Managing board regarding the participation of SE “SSO” in civil and in business companies and non-profit legal entities;

7. approve the decisions of the Managing board regarding the participation of SE “SSO” in international organizations and projects;

8. approve the decisions of the Managing board regarding the establishment of real rights and for leasing of real estate owned by SE “SSO”;

9. produce a classifier of activities and services of SE “SSO” under Art. 7j, par. 2 and 3 and methodology for determination of their production cost based on analysis of eligible and related costs for each activity and service;

10. on an annual basis, make an assessment of the production costs of activities and services of SE “SSO” under Art. 7j, par. 2 and 3, registered in the classifier and according to the methodology referred to in item 9;

11. on an annual basis, make an analysis of the usual market profit rates for services, provided by SE “SSO” under Art. 7j, par. 3, registered in the classifier under item 9;

12. on an annual basis, issue a tariff of end prices of services provided by SE “SSO” under Art. 7j, par. 3 setting the cost-center principle based on the production cost according to the assessment under item 10 and a profit, which cannot exceed the half of the usual profit for the respective service, established by the analysis under item 11;

13. propose for adoption by the Council of Ministers the classifier, methodology and tariffs under items 9 and 12.

Managing board

Art. 7m. (new – SG 50/16, in force from 01.07.2016) (1) The Managing board consists of three members, including the General Director, all of them being appointed by the Council of Ministers upon proposal of the Agency Chair for a period of five years.

(2) Agency Chair shall conclude a management agreement with every member of the Managing board.

(3) No person can be a member of the Managing board who:

1. has been convicted for a general offense, established by an enforced sentence;

2. Is a spouse or relative in a straight line, collateral line, or marriage to a third degree, including to another member of the Managing board;

3. occupies a position in managing bodies of another enterprise, company or association, carrying out a competitive activity to the SE “SSO”, except for business companies with prevailing state participation or other state enterprises;

4. has got contractual relations with another enterprise, company or association carrying out competitive activity to the SE “SSO”, except for business companies with prevailing state participation or other state enterprises;

5. is a partner in a general partnership, limited partnership or a limited liability company carrying out business similar to the activity of SE “SSO”;

6. on their own behalf or on behalf of someone else carries out business transactions, similar to the activity of SE “SSO”;

7. is a civil servant.

(4) The Managing board hold sessions minimum once every two months.

(5) The decisions of the Managing board shall be adopted by an open vote and by ordinary majority.

(6) Control over the implementation of the decisions of the Managing board shall be carried out by the Chair of the Managing board.

(7) Agency Chair shall propose to the Council of Ministers to discharge before the expiration of the term of validity of a management agreement of a member of the Managing board who:

1. does not meet the requirements of par. 3;

2. fails to comply with their obligations provided in the management agreement;
3. has filed a written application to be released.

(8) The Managing board shall:

1. select a Chair amongst the members;
2. draw up a draft Regulation of the activity, structure and organization of SE “SSO”;
3. draw up a draft development programs of SE “SSO”;
4. adopt the annual financial plan of SE “SSO”;
5. adopt the structure, payroll schedule and salaries and wages fund of SE “SSP” in compliance with the annual financial plan;
6. adopt the annual financial statement of SE “SSO”;
7. take decisions for administration, rejection or liquidation of long-term tangible assets, for the institution of real rights and for leasing of properties owned by the SE “SSO”.

(9) Managing board shall hold a session if minimum two members thereof are attending it. Each member of the Board of directors can authorize another board member by an exclusive power of attorney for each particular case. An attending member cannot represent more than one absent member.

(10) Managing board can take decisions also in absentia, if all members have stated in writing their consent to the decision.

General Director

Art. 7n. (new – SG 50/16, in force from 01.07.2016) General Director of SE “SSO” shall:

1. represent SE “SSO” before governmental authorities, courts of justice and before third persons in the country and abroad;
2. organize, manage and monitor the overall activity of SE “SSO”;
3. conclude agreements for the activities carried out by SE “SSO”;
4. conclude and terminate employment legal relationships with the employees and officers in SE “SSO”;
5. report on their activity before the Managing board.

Section III.

Open government (new – SG 50/16, in force from 01.07.2016)

Obligation of Electronic Government State Agency for publishing of information

Art. 7o. (new – SG 50/16, in force from 01.07.2016) The Agency shall publish on a monthly basis updated information about their activity in a machine-readable open format, including through the open data portal, except for the data under item 1 to be published on a daily basis, subject to compliance with the provisions of the Access to public information Act. The information shall contain minimum the following data:

1. data from the register under Art. 7e, par. 1;
2. summarized statistical data from the register under Art. 7f, par. 1;
3. data about the acts under Art. 63 and 64;
4. other data sets, determined by the ordinance under Art. 7d, par. 6.

Obligation of State Enterprise “Single System Operator” for publication of information

Art. 7p. (new – SG 50/16, in force from 01.07.2016) State Enterprise “Single System Operator” shall publish on a monthly basis updated information about their activity in a machine-readable open format, including through the open data portal, subject to compliance with the provisions of the Access to public information Act. The information shall contain minimum the following data:

1. statistical data about the activities and services under Art. 7j;
2. the amounts of provided services and the revenues therefrom with a breakdown by employers and services as per the classified of services under Art. 7l, par. 2, item 9;
3. costs by economic items with a breakdown by employers and suppliers.

Chapter two.
PROVISION OF ELECTRONIC ADMINISTRATIVE SERVICES

Section I.
General Requirements

Electronic administrative services

Art. 8. (1) Electronic administrative services shall be the administrative services provided to citizens and organisations by the administrative authorities, the services provided by the persons assigned to perform public functions, as well as the public services which can be requested and/or provided from distance by electronic means.

(2) The administrative authorities, the persons performing public functions and the organisations providing public services shall be obliged to provide all services within their competence also in electronic way unless an Act provides for a specific form for carrying out certain actions or issuing certain acts.

(3) When the specific form prescribed by the law is legally binding but a part of the service can be requested or provided in electronic way, the administrative authorities, the persons performing public functions and the organisations providing public services shall arrange the conditions therefore.

Provider and recipient of electronic administrative services

Art. 9. (1) Provider of electronic administrative services shall be any administrative authority, person performing public functions or organisation providing public services, which provide electronic administrative services to citizens and organisations within their competence.

(2) Recipient of electronic administrative services shall be any citizen or organisation, which use electronic administrative services.

Obligation for announcement of the provided services

Art. 10. (1) The provider of electronic administrative services shall announce the services provided by him in a comprehensible and accessible way.

(2) The provider shall make available open and free detailed information about every electronic administrative service offered by him, including in his territorial units and in the municipalities. This information shall be provided also in the official internet site of the provider.

(3) The providers shall announce to the public their official internet sites.

Obligation for acceptance and issuance of electronic documents (Title amend. – SG 50/16, in force from 01.07.2016)

Art. 11. (amend. – SG 50/16, in force from 01.07.2016) The providers of electronic administrative services may not refuse to accept electronic documents, statements, issued and signed as electronic documents according to the requirements of this present Act, neither to refuse to issue electronic documents.

Accessibility of the services

Art. 12. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall establish and maintain a single portal for access to the electronic administrative services.

(2) (amend. – SG 50/16, in force from 01.07.2016) The electronic administrative services shall be provided in an accessible way, including people with disabilities.

(3) The provider of electronic administrative services shall grant access to the current state of the provided service.

(4) The general requirements for providing the services shall be determined in an ordinance on the electronic administrative services, adopted by the Council of Ministers.

(5) The methods for electronic payments related to the provision of electronic administrative services shall be determined in the ordinance under Para 4.

(6) (new – SG 50/16, in force from 01.07.2016) The Council of Ministers shall be entitled to use the domain name “gov.bg”.

Obligation for providing information

Art. 13. (1) The provider of electronic administrative services shall provide the service recipients with unimpeded, direct and permanent access to the following information:

1. name;
2. seat and address;
3. addresses of the territorial units, if available and if different from the address under Item 2;
4. (amend. – SG 50/16, in force from 01.07.2016) correspondence data, including telephone, email address and internet site with interface for electronic correspondence;
5. current and active telephone line, on which the users can receive information about the provided service, consultation and help for the necessary actions he has to take in order to be provided the service;
6. unique identifier;
7. information about the authority exercising control on its activity;
8. information about filing proposals, signals and applications;
9. information about the order of appealing his actions and the acts issued by him;
10. other information stipulated in a normative act.

(2) Where for receiving an electronic administrative service fees are due, they shall be indicated clearly, comprehensibly and unambiguously by announcing the price of the whole service and the methods of payment.

(3) Before providing an electronic administrative service the provider shall inform the recipient of the service in a clear, comprehensible and unambiguous manner about:

1. the technical steps for providing the service, their legal effect and the time limit for providing it;
2. the possibility for the provider to store the issued act in electronic form and the way of accessing it;
3. the technical means for finding and eliminating errors during entry of information, prior to making the statements related to the service;
4. the languages in which the service can be used.

Possibility to eliminate errors and omissions

Art. 14. The provider of electronic administrative services shall arrange suitable, effective and accessible technical means for establishment and correction of errors during entry of information before the recipient of the service has made the relevant statements.

Access to the issued acts and statements

Art. 15. (1) The provider of electronic administrative services shall grant the recipient access to his acts and to all statements and data collected about the recipient in relation to the provision of the service in a manner allowing their saving and copying.

(2) The providers of electronic administrative services shall grant access to their general administrative acts and statements in electronic way.

Obligation for collection, processing and provision of personal data

Art. 16. (1) (amend. and suppl. – SG 50/16, in force from 01.07.2016) The providers of electronic administrative services shall be obliged to collect, process and provide only personal data which are necessary for providing electronic services in the sense of this Act.

(2) The collected data may not be used for purposes other than those referred to in Para 1 except with the explicit consent of the persons they are related to.

Technical standards and policies

Art. 17. (1) The technical requirements for granting access to the electronic administrative services and the administrative policies of the providers of electronic administrative services about the used graphical and other interfaces of the information systems shall be determined in the ordinance referred to in Art. 12, Para 4.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. and suppl. – SG 50/16, in force from 01.07.2016) The technical requirements for granting access to the electronic administrative services and the policies for the used graphical and other interfaces, as well as the types of electronic documents accepted by the providers of electronic administrative services, shall be published, including in machine-readable format, on the internet site of the Electronic Government State Agency and on the single portal for access to electronic administrative services and shall be binding to all persons in case of receiving, respectively sending, electronic documents from and to the providers.

Applicability of the obligations to the persons performing public functions and to the organisations providing public services

Art. 18. The provisions of this Chapter regarding the obligations of the administrative authorities, except for the obligations under Art. 37 and 38, shall apply also to the persons performing public functions and to the organisations providing public services.

Section II.

Filing Electronic Documents

Using electronic administrative services

Art. 19. (amend. and suppl. – SG 50/16, in force from 01.07.2016) The recipients of electronic administrative services may make electronic statements and send them electronically subject to compliance with the requirements, determined by an act.

Sending of electronic documents (Title amend. – SG 50/16, in force from 01.07.2016)

Art. 20. (amend. – SG 50/16, in force from 01.07.2016) The filing of electronic documents by citizens and organisations shall be carried out:

1. through a user interface;

2. through an interface for automated data exchange;
3. in other ways for filing electronic documents determined in the ordinance referred to in Art. 12, Para 4.

Format and requisites

Art. 21. The Council of Minister shall determine in the ordinance referred to in Art. 12, Para 4 the formats and the obligatory requisites the electronic documents shall meet.

Identification, integrity and authorship

Art. 22. (1) (amend. - SG 38/16, in force from 21.05.2017) The Bulgarian citizens and the long-term foreign residents - recipients of electronic administrative services and authors of electronic statements shall identify by order established by law, unless the law allows the provision of administrative service without identification. The recipients of electronic administrative services - legal entities shall identify through their unique identifier.

(3) (prev. para. 2 - SG 38/16, in force from 21.05.2017; amend. – SG 50/16, in force from 01.07.2016) The integrity and authorship of the electronically submitted statements relating to electronic administrative services shall be determined by an electronic signature in compliance with the current legislation in this area, unless otherwise provided by law.

(4) (prev. para. 3, amend. - SG 38/16, in force from 21.05.2017) Cases under para. 3 aside, determining the integrity and authorship of electronically submitted statements shall be settled by the ordinance under Art. 12, para. 4 for the respective mode of access.

(5) (new – SG 50/16, in force from 01.07.2016) when filing applications for electronic administrative services by natural persons, having identified themselves electronically subject to compliance with the provisions of the Electronic Identification Act, the electronic statements can be signed by an enhanced electronic signature.

Requirement to the electronic signature certificates

Art. 23. For the use of electronic administrative services the electronic signature certificates shall be issued with an exact indication of the name of the author of the electronic signature, and where the certificate contains information about a right holder - also his name or firm.

Representation (Title amend. - SG 38/16, in force from 21.11.2017)

Art. 24. (amend. - SG 38/16, in force from 21.11.2017) To use electronic administrative services through a representative, the principal must authorize them according to the Electronic Identification Act.

Agent for application for electronic administrative services

Art. 24a. (new – SG 50/16, in force from 01.07.2016) Residents can apply for electronic administrative services also through an agent. The activity of agents shall be regulated by the ordinance under Art. 12, par. 4.

Automatic establishment of legal representative power

Art. 24b. (new – SG 50/16, in force from 01.07.2016) Primary data administrators shall provide to all administrative authorities and to the persons under Art. 1, par. 2 internal electronic administrative service for verification of their representative power, where such arises out of or can be established from the records in registers or data bases maintained thereby.

Obligation for accepting electronic statements

Art. 25. (1) The recipient of an electronic administrative service shall be obliged to accept the electronic statements of the provider concerning the confirmation of the receipt and the result of the

check for validity of the documents filed.

(2) The recipient of the electronic administrative service may agree to accept the electronic statements related to the requested service or all electronic statements from the specified provider.

Obligation for supplying an electronic address

Art. 26. (amend. – SG 50/16, in force from 01.07.2016) (1) The recipient of an electronic administrative service shall be obliged to provide email address for notification according to the requirements laid down in the ordinance under Art. 12, par. 4.

(2) Handing over of electronic statements by electronic administrative service providers can be arranged by sending a message to the email address containing information about downloading of the executed document from the information system for secure handing over of from the single portal under Art. 12, par. 1. Documents shall be deemed duly handed over upon their downloading.

(3) Where the recipient has not downloaded a document within 7 days after sending the message under par. 2, the document shall be handed over following a procedure determined by an act.

(4) Handing over of documents electronically shall be confirmed by a copy of the electronic record of the sending, respectively downloading, saved in the information system of secure handing over or in the single portal under Art. 12, par. 1. Handing over can be confirmed also by a qualified service provider of electronic registered mail within the meaning of Regulation (EU) No. 810/2014.

Change of the circumstances indicated in the application

Art. 27. (amend. – SG 50/16, in force from 01.07.2016) The recipient of the electronic administrative service shall be obliged to notify the provider of all changes of the circumstances indicated in the application regarding the representation power, the agreement to accept electronic statements and the email address. The change shall be in force from the moment of notification.

Verification of legal entities' identity (Title amend. - SG 38/16, in force from 21.05.2017)

Art. 28. (amend. - SG 38/16, in force from 21.05.2017) The identity of legal entities shall be verified through an automated check of their status in the respective registers where they are listed when there are technical means to perform the check.

Provision of electronic administrative service without verification of identity

Art. 29. (revoked - SG 38/16, in force from 21.05.2017)

Transformation of applications and acts accepted on a paper carrier

Art. 30. (1) (amend. – SG 50/16, in force from 01.07.2016) When applications of citizens and organisations, acts of the courts, as well as acts of administrative and other authorities are filed on a paper carrier, they shall be imported into the information system of the relevant administrative authority by taking an electronic image thereof and of the documents attached thereto by means of a suitable device in a way and manner ensuring their readability. The full and exact correspondence between the taken electronic image and the document being copied shall be certified by an electronic signature of the official who has performed the copy.

(2) (amend. – SG 50/16, in force from 01.07.2016) The documents under Para 1 shall be sent back to the applicant by the administrative authority.

(3) (amend. – SG 50/16, in force from 01.07.2016) The documents under Para 1 may be exchanged between the administrative authorities only in electronic form.

Section III.

Acceptance of Electronic Documents

Persons accepting the electronic statements

Art. 31. The documents filed electronically shall be accepted by persons authorised by the relevant providers of electronic services.

Time for receiving the electronic statements

Art. 32. (1) (amend. – SG 50/16, in force from 01.07.2016) The electronic statement shall be deemed to be received by the provider of electronic administrative services with its delivery into his information system or into another system, following a procedure, determined by the ordinance under Art. 12, par. 4.

(2) The risk of errors during the transfer of the statement to the service provider shall be for the applicant.

Conformity check

Art. 33. (1) Where the electronically sent documents are in format different from the one established pursuant to Art. 22 or the applicant cannot be identified when required by an Act, the applicant shall be sent a notification that the delivery is not confirmed and stating the reasons thereof.

(2) The check under Para 1 shall be automated where it is technologically possible.

Confirmation of delivery

Art. 34. (1) After registration of an incoming electronic document delivered to the administration of the administrative authority a confirmation of its delivery shall be generated and sent to the applicant.

(2) The confirmation shall be an electronic document containing:

1. (amend. – SG 50/16, in force from 01.07.2016) unique register identifier of the received document;
2. time of delivery of the electronic document;
3. (amend. – SG 50/16, in force from 01.07.2016) information required to access the electronic document and all documents attached thereto.

(3) The text in the confirmation shall be written in Bulgarian, in cyrillic and also transliterated. In the cases of Art. 13, Para 3, Item 4 the confirmation can be made also in any of the official languages, established in the European Union.

(4) (amend. – SG 50/16, in force from 01.07.2016) The confirmation shall be sent signed to the sender email address under Art. 26, unless the application was filed in any other way required by the respective access method established in the ordinance under Art. 12, Para 4.

Validity check

Art. 35. The provider of the electronic administrative service shall make a check for the validity of the application and for the completeness and accuracy of the provided information. In case flaws are discovered the applicant shall be sent an electronic message containing instructions and time limit for correction.

Section IV.

Sending and Storage of Electronic Documents

Sending electronic documents to the recipients

Art. 36. (1) (amend. – SG 50/16, in force from 01.07.2016) The electronic statements of the providers addressed to the recipients of electronic administrative services shall be sent by the methods, determined in Art. 26.

(2) The Council of Ministers may determine in the ordinance under Art. 12, Para 4 also other methods for sending electronic statements to the providers.

Rules for using electronic signatures

Art. 37. (amend. – SG 50/16, in force from 01.07.2016) The rules for acquiring, use, renewal and termination of electronic signature certificates, electronic seal certificates, electronic temporary seals certificates and Internet site authenticity certificates of the administrations shall be determined in an ordinance of the Council of Ministers.

Storage of electronic documents

Art. 38. (1) All received and sent electronic documents shall be stored in the information system of each administration.

(2) The storage of the electronic documents shall be determined in the ordinance under Art. 42, Para 1.

Chapter three.

EXCHANGE OF ELECTRONIC DOCUMENTS

Internal electronic administrative services

Art. 39. (1) The internal electronic administrative services shall be internal administrative services which may be requested and/or provided from distance by using electronic means.

(2) Internal electronic administrative services shall be also the services which may be requested and/or provided from distance by using electronic means, offered by the persons performing public functions and by the organisations providing public services to each other, as well as to administrative authorities.

(3) The internal electronic administrative services may be provided also by the administrative authorities to the persons performing public functions and to the organisations providing public services.

Obligation for exchange in electronic way

Art. 40. (1) The administrative authorities shall be obliged to provide to each other internal electronic administrative services related to the exercise of their competencies and to the provision of electronic administrative services to the citizens and organisations.

(2) The obligations under Para 1 shall apply also to the persons performing public functions and to the persons providing public services, unless otherwise provided for in an Act.

Terms and conditions for electronic documents exchange (Title amend. – SG 50/16, in force from 01.07.2016)

Art. 41. (amend. – SG 50/16, in force from 01.07.2016) The terms and conditions for

automated electronic documents exchange as internal electronic administrative services shall be determined by the ordinance under Art. 43, par. 2.

Internal flow of electronic and paper documents

Art. 42. (1) The general rules on the internal flow of electronic documents and documents on paper carrier within the administrations shall be regulated in an ordinance of the Council of Ministers.

(2) On the basis of the general rules each administration shall develop its own rules for internal flow of electronic and paper documents corresponding to the specifics and characteristics of its activity and structure.

Chapter four.

TECHNICAL INFRASTRUCTURE, NETWORKS AND INFORMATION SYSTEMS (TITLE AMEND. – SG 50/16, IN FORCE FROM 01.07.2016)

Section I.

Interoperability

Requirement for interoperability

Art. 43. (1) The provision of internal electronic administrative services and the exchange of electronic documents between the administrative authorities shall be carried out under the conditions of interoperability.

(2) (suppl. – SG 50/16, in force from 01.07.2016) The general requirements for operating and network interoperability and information security shall be determined in an ordinance of the Council of Ministers.

(3) (amend. and suppl. – SG 82/09, in force from 16.10.2009; amend. – SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall ensure integration of information systems of administrative bodies with those of the Member States of the European Union for the purpose of making possible the provision of trans-border electronic administrative services.

Requirement for single standards and rules

Art. 44. The administrative authorities shall be obliged to use the single standards and rules determined on the basis of the present Act, which establish technological and functional parameters supported by their information systems for achieving interoperability.

Semantic interoperability

Art. 45. (1) The semantic interoperability of the exchange of electronic documents between the administrative authorities shall be achieved by:

1. unification of the names of the data stored in databases and registers;
2. formalisation of the data and the administrative services for making the automated exchange between the administrative authorities and the data processing technologically possible.

(2) (amend. – SG 50/16, in force from 01.07.2016) The formalised data and the formalised description of the electronic administrative services shall be entered into the register of information objects, respectively into the administrative register under Art. 61 of the Administration Act.

Applicability to the persons performing public functions and to the organisations providing public services

Art. 46. During provision of electronic administrative services the obligations of the administrative authorities under this Chapter shall apply also to the persons performing public functions and to the organisations providing public services, unless otherwise stipulated in an Act.

Section II. Interoperability Registers

Register of standards

Art. 47. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 50/16, in force from 01.07.2016) Electronic Government State Agency shall keep a register for the standards as a single centralised electronic database managed by an operating system containing technical standards and their applicability.

(2) In the register of standards shall be entered the technical standards which must be applied by the administrative authorities for providing electronic administrative services and for ensuring interoperability, information security and automated exchange of information and documents between the administrative authorities.

(3) Keeping, storage and access to the register of standards shall be regulated in the ordinance referred to in Art. 43, Para 2.

Register of the information objects

Art. 48. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall keep a register of the information objects as a single centralised electronic database managed by an operating system containing description of all information objects according to a certain technical standard.

(2) Information object shall mean individual or complex data, collected, created, stored or processed in performance of the competencies of an administrative authority.

(3) Keeping, storage and access to the register of information objects and the establishment of the standard under Para 1 shall be regulated in an ordinance on the registers of the information objects and electronic services adopted by the Council of Ministers.

Entry into the register of the information objects

Art. 49. (mend. – SG 50/16, in force from 01.07.2016) (1) Agency Chair shall arrange for carrying out technical description and entry into the register of each information object following a procedure, determined by the ordinance under Art. 43, par. 2.

Register of the electronic services

Art. 50. (revoked – SG 50/16, in force from 01.07.2016)

Entry into the register of the electronic services

Art. 51. (revoked – SG 50/16, in force from 01.07.2016)

Standardised request and provision of services

Art. 52. (1) (amend. – SG 50/16, in force from 01.07.2016) An administrative authority shall request an internal electronic administrative service from the competent administrative authority by filing a standardised request based on the technological description of the service entered into the administrative register under Art. 61 of the Administration Act.

(2) The competent administrative authority shall provide the service immediately in the standardised format under Art. 50, Para 1.

Functionality of the information systems

Art. 53. All information systems of the administrative authorities shall support functionality and interfaces for automated filing, respectively servicing, of standardised requests for administrative services in electronic way.

Section III.

Network and Information Security (Title amend. – SG 50/16, in force from 01.07.2016)

Obligation for ensuring of network and information security (Title suppl. – SG 50/16, in force from 01.07.2016)

Art. 54. (suppl. – SG 50/16, in force from 01.07.2016) The administrative authorities shall ensure the network and information security of the information systems used by them.

Standards and measures for network and information security (Title suppl. – SG 50/16, in force from 01.07.2016)

Art. 55. The security requirements and standards, which shall be met by the information systems for entry, sending, processing, access, exchange, storage and archiving of data, as well as the general security measures, which shall be taken by the administrative authorities, shall be determined in the ordinance under Art. 43, Para 2.

Accepting concerns about problems with information security

Art. 55a. (new – SG 50/16, in force from 01.07.2016) By the ordinance under Art. 43, par. 2 rules shall be determined for accepting concerns coming from individuals and organizations connected with information security problems in compliance with the recommendations of the European Union Agency for network and information security.

Section IV.

Compliance with the Requirements of Interoperability and Network and Security of Information (Title amend. – SG 20/13; suppl. – SG 50/16, in force from 01.07.2016)

Implementation of information systems

Art. 56. (1) (amend. – SG 20/13; suppl.- SG 50/16, in force from 01.07.2016) The administrative authorities shall use information systems compliant with the requirements for interoperability and of network and information security of the present Act.

(2) (amend. – SG 20/13; suppl. - SG 50/16, in force from 01.07.2016) In case of public procurement for development, upgrading or implementation of information systems the administrative authorities shall be obliged to state as requirement that the systems are compliant with the requirements for interoperability and information security.

Compliance assessment

Art. 57. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. – SG 20/13; amend. and suppl. - SG 50/16, in force from 01.07.2016) The compliance of the information systems implemented by the administrative authorities with the established normative requirements for interoperability and network and information security shall be certified by the Chair of Electronic Government State Agency.

(2) (amend. – SG 20/13) The methods and the rules for performing the compliance assessment shall be determined in the ordinance under Art. 43, Para 2.

(3) (revoked – SG 20/13)

(4) (revoked – SG 20/13)

Lists of accredited organisations and certified systems

Art. 58. (amend. – SG 82/09, in force from 16.10.2009; revoked – SG 20/13)

Section VI.

Requirements to Projects and Activities in the Field of Electronic Government (new – SG 50/16, in force from 01.07.2016)

Obligatory requirements for the preparation of terms of reference

Art. 58a. (new - SG 50/16, in force from 01.07.2016) For the preparation of technical and functional terms of reference for public procurements for development, upgrading or implementation of information systems or electronic services administrative authorities must include in the terms of reference the following requirements:

1. in cases where the subject of public procurement includes development of computer software:

a) the computer software must meet the open code software criteria;

b) all copyrights and related rights over the respective computer software, their input source code, the interface design and data bases, the development of which is subject of the public procurement, must arise for the employer in full scope, with no limitations for the use, amendment and distribution thereof;

c) for the development must be used the storage and versions control system, maintained by the Agency in compliance with Art. 7c, item 18;

2. to implement automated interfaces for the provision of free public access to electronic documents, information and data in machine-readable open format, including by publication in the open data portal according to the provisions of the Access to Public Information Act;

3. to implement technological and architectural solution for the provision of non-discriminatory installation, operation and maintenance, and also information system efficiency and fault-tolerance in a production mode over the electronic government shared resources;

4. to implement service interface for automated online data exchange and provision of internal electronic administrative services subject to compliance with the requirements of this act;

5. to implement a service interface for automated online data exchange about the history of the completed transactions for the provision of electronic services, carried out automated data exchanges and the charged fees to information systems of other public institutions and public service providers in view of provision of complex administrative service subject to compliance with the applicable requirements for interoperability and information security;

6. in case more than one administration is a potential system user, to provide technical opportunity for simultaneous use of the system by more than one administration, subject to compliance with the applicable requirements of interoperability and information security;

7. to provide functionality for electronic authentication of authorship, integrity, time, handing over and other through electronic certification services within the meaning of Regulation (EU) No. 910/2014, and also to provide continuous maintenance of the valid information security standards;

8. to have provided periodic generation of back-up copies and data archiving following a procedure determined by the ordinance under Art. 43, par. 2;

9. to provide functionalities for electronic identification according to the Electronic Identification Act;

10. to meet other specific requirements determined in the ordinance under Art. 12, par. 4.

Certification of compliance

Art. 58b. (new – SG 50/16, in force from 01.07.2016) The compliance of information systems implemented by the administrative authorities with the established regulatory requirements under Art. 58a shall be certified by the Agency Chair.

Chapter five. CONTROL AND COOPERATION

General control

Art. 59. (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall exercise complete control for observance of the present Act.

Control for interoperability and network and information security (title amend. - SG 50/16, in force from 01.07.2016)

Art. 60. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. and suppl. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall exercise control for observance of the requirements for network and information security and interoperability.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency through persons authorised by him may carry out inspections for information security and interoperability of a certain information system or of the measures taken by the administrative authority and shall give instructions for their improvement.

Co-operation and collaboration

Art. 61. (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall co-operate and collaborate on the electronic government issues with the competent authorities of the Member States of the European Union and with the European Commission.

Publication of information

Art. 62. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall organise and maintain the information required to apply the present Act, which shall be published on the official internet site of the Electronic Government State Agency and shall contain:

1. general information about the rights and obligations of the providers and recipients of

electronic administrative services, and

2. information about the authorities and persons, who may provide additional information or render practical assistance in relation to using electronic administrative services.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The Chair of Electronic Government State Agency shall ensure the possibility to establish a contact with him on the questions referred to in Para 1 by using electronic means.

Chapter six. ADMINISTRATIVE PENAL PROVISIONS

Art. 63. (1) (amend. - SG 50/16, in force from 01.07.2016) Any official who commits or allows commitment of an offence under Art. 2, 3, 4, Art. 5, Para 2, Art. 7e – 7o, 8, Art. 11, 12, 13, 14, 15, 16, 30, 40, 44, 46 and 56 and 58a shall be imposed a fine amounting to BGN 150 to 750 unless the act constitutes a crime.

(2) (amend. - SG 50/16, in force from 01.07.2016) In case of repeated offence the fine referred to in Para 1 shall amount to BGN 300 to 1500.

(3) (amend. - SG 50/16, in force from 01.07.2016) In the cases referred to in Para 1 the person performing a public function and the organisation providing public services shall be imposed a proprietary sanction amounting to BGN 1500 to 15000.

(4) (amend. - SG 50/16, in force from 01.07.2016) In case of repeated offence the proprietary sanction under Para 3 shall amount to BGN 4500 to 45000.

Art. 64. (1) (amend. - SG 50/16, in force from 01.07.2016) Any official who commits or allows the commitment of an offence under Chapter Four, Section III shall be imposed a fine amounting to BGN 500 to 3000, unless the act constitutes a crime.

(2) (amend. - SG 50/16, in force from 01.07.2016) In case of repeated offence the proprietary sanction under Para 3 shall amount to BGN 1000 to 5000.

Art. 65. (1) (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The acts establishing the offences shall be drawn up by officials determined by the Chair of Electronic Government State Agency.

(2) (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The penal decrees shall be issued by the Chair of Electronic Government State Agency or by officials empowered by them.

(3) The establishment of the offences, the issue, appealing and execution of the penal decrees shall be carried out according to the order of the Administrative Violations and Penalties Act.

Additional provisions

§ 1. In the sense of this Act:

1. "Administrative authority" means the authority belonging to the system of the executive, as well as every holder of administrative competencies, empowered on the basis of an Act.

2. "Administrative service" means:

a) the issue of individual administrative acts certifying facts with legal effect;

b) the issue of individual administrative acts admitting or denying the existence of rights or

obligations;

c) the performance of other administrative actions which are of legal interest to a natural or legal person;

d) the consultations of legal interest to a natural or legal person regarding an administrative legal regime which are issued by virtue of a normative act or which are related to the issue of an administrative act or to provision of another administrative service;

e) the examinations of legal interest to a natural or legal person, when a normative act provides for their performance as obligations for the administration of a state authority or for an authorised organisation.

3. "Internal administrative service" means an administrative service provided by one administrative authority to another in performance of its competencies.

4. "Citizen" means any natural person, who is a Bulgarian national or a foreigner.

5. (amend. - SG 50/16, in force from 01.07.2016) "Electronic document" means an electronic document within the meaning of Regulation (EU) No. 910/2014.

6. "Electronic document with non-structured contents" means an electronic document, which is not registered in the register of the information objects.

7. (revoked - SG 50/16, in force from 01.07.2016).

8. "Request and/or provision of services from distance" means requesting, respectively provision of services, where the parties are not located in the same place in the same time.

9. "Integrity" is a characteristic of the electronic document featuring the lack of violation of its integrity from the moment of drafting and/or signing by its author to the moment of check by the addressee.

10. (amend. - SG 50/16, in force from 01.07.2016) "Network and Information security" means the protection of the information from illegal or accidental access, use, making available to third parties, modification or destruction.

11. (Suppl. – SG 40/14, in force from 01.07.2014; amend. - SG 13/16, in force from 15.04.2016) "Persons performing public functions" shall be the notaries, the private bailiffs, the state and municipal educational institutions, the state and municipal health institutions, contracting authorities, according to Art. 5, Para 2 - 4 of the Public Procurement Act, who are not administrative bodies or organisations, providing public services and other persons and organisations through which the state exercises its functions and to which this is assigned by an Act;

12. (suppl. - SG 50/16, in force from 01.07.2016) "Public services" means educational, health, water supply, sewerage, health supply, electricity supply, gas supply, telecommunication, postal, bank, financial and certification within the meaning of Regulation (EU) No. 910/2014 or other similar services provided for satisfaction of social needs, including such as trade activity, in relation to provision of which administrative services may be provided;

13. "Interoperability" means the ability of the information systems to process, store and exchange electronic documents and data between each other by using single technological standards and processes.

14. (amend. - SG 50/16, in force from 01.07.2016) "Organisation providing public services" means any organisation, irrespective of the legal form of its constitution, which provides one or more services under Item 12;

15. "Special form" means a form for performing actions and acts, which naturally or by virtue of a normative act cannot be carried out in electronic way;

16. "Official internet site" is a publicly announced internet site through which an administrative authority makes available information of its activity and the services provided by it.

17. "Provision of services by electronic means" means the provision of services, where each of the parties uses devices for electronic processing, including digital compression and storage of information, where the service is entirely carried out by means of wire, radio-waves, optical or other

electromagnetic means.

18. "Repeated" shall be any offence committed within one year from entry into force of the penal decree in which the offender was imposed a penalty for the same kind of offence.

19. "Semantic interoperability" is a component of the interoperability designating the capability for identical interpretation of identical data by different information systems.

20. "Transliteration" means transformation (conversion) of letters, syllables or words from one alphabet system to another.

21. "Web based application" means an information system which through an internet site or another electronic interface makes it possible to send and/or receive electronic statements from and to the providers of electronic administrative services.

22. "Unique identifier" shall be the unified civil number of the Bulgarian citizens, the personal number of the foreigners, the unified identification code of the merchants and the branches of the foreign merchants and the BULSTAT code of any persons subject to entry into the BULSTAT register.

23. (new - SG 50/16, in force from 01.07.2016) "Email address" is information system for receiving electronic statements through a generally accepted standard.

24. (new - SG 50/16, in force from 01.07.2016) "Information resource" is information and communication environment and its component providing for the fulfilment of a national strategy of electronic government.

25. (new - SG 50/16, in force from 01.07.2016) "Electronic seal" is electronic seal within the meaning of Regulation (EU) No. 910/2014.

26. "State hybrid private cloud" is a centralized state information infrastructure (servers, data storage facilities, communication equipment, affiliated equipment and system software), divided into several locations in rooms meeting the criteria for building of protected information centers, providing physical and virtual resources for use and administration by state authorities, subject to guaranteeing of high level of security, reliability, isolation of individual users and impossible interference in the efficiency of their information systems or unauthorized access to their information resources. Isolation of resources and networks of individual sector users is guaranteed by measures for physical and logical level division.

27. (new - SG 50/16, in force from 01.07.2016) "Electronic government Shared information resources" are technical infrastructure, single electronic communication network, information centers and state hybrid private cloud, which are generated and developed by the Agency and are used by sharing by all state authorities.

28. (new - SG 50/16, in force from 01.07.2016) "Information resources policy" is a set of rules and standards, determining the allowable generic requirements to technical and functional characteristics in case of purchasing or renting of long-term tangible and intangible assets, and also rules of use and managing of assets life cycle, in the field of electronic government and application of information and communication technologies in the work of administrative authorities and their administrations.

29. (new - SG 50/16, in force from 01.07.2016) "Source code" is a set of instruction and comments issued in an understandable for humans programming language, constituting computer software.

30. (new - SG 50/16, in force from 01.07.2016) "Open code software" is a computer software, the source code of which is publicly accessible for free use, with the right to be reviewed and the right to be edited under terms and conditions, determined by the copyright bearer.

31. (new - SG 50/16, in force from 01.07.2016) "Secure delivery system" is an electronic registered mail within the meaning of the Regulation.

32. (new - SG 50/16, in force from 01.07.2016) "Single portal" is a single point of access to electronic administrative services of all administrations, implemented by means of up-to-date technological means and interfaces.

33. (new - SG 50/16, in force from 01.07.2016) "Internal service" is a service provided to SE

“SSO” administrations to support their functions determined by laws, following the procedure of exceptions applicable to public employers according to Art. 14, par. 1, item 5 and 7 of Public Procurement Act.

34. (new - SG 50/16, in force from 01.07.2016) “Fault-tolerance” is the capacity of information systems and technical infrastructure to fulfil their functions notwithstanding possible fault intolerance or missing a final result of part of their components.

35. (new - SG 50/16, in force from 01.07.2016) “Agent for application for electronic administrative services” is a person, representing under a power of attorney a recipient of electronic administrative services for application and receiving of the respective service.

§ 2. (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The ordinances referred to in Art. 6, Para 1, Art. 12, Para 4, Art. 37, Art. 42, Para 1 and Art. 48, Para 3 shall be adopted upon proposal of the Chair of Electronic Government State Agency, the ordinance referred to in Art. 43, Para 2 - upon proposal of the Chair of Electronic Government State Agency, and the ordinance referred to in Art. 41, Para 2 - upon proposal of the Chair of Electronic Government State Agency.

Transitional and concluding provisions

§ 3. In the Administration Act (prom. - SG 130/98; SG 8/99 - Decision No. 2 of the Constitutional Court from 1999; amend. - SG 67/99, SG 64 and 81/00, SG 99/01; corr. - SG 101/01; amend. - SG 95/03, SG 19/05, SG 24, 30, 69 and 102/06) in § 1 of the Additional Provision shall be made the following amendments and supplements:

1. New Item 3 shall be created:

"3. "Internal administrative service" means an administrative service provided by one administrative authority to another during performance of its competencies."

2. The current Items 3 and 4 shall become respectively Items 4 and 5.

§ 4. (In force from 12.06.2007) The acts of secondary legislation on the application of this Act shall be adopted within 6 months from its promulgation in the State Gazette.

§ 5. (In force from 12.06.2007; amend. – SG 82/09, in force from 16.10.2009) Within 6 months from promulgation of the subordinate normative acts on the application of this Act the Minister of Transport, Information Technology and Communications shall inspect the information systems used in every administration and shall give recommendations which of them shall be certified for compliance with the requirements of this Act, as well as what kind of new information systems shall be implemented.

§ 6. The administrative authorities shall bring their information systems in compliance with the requirements of this Act and the recommendations of the Chairman of the State Agency for Information Technology and Communications under § 5 within one year from promulgation of this Act.

§ 7. This Act shall enter into force one year after its promulgation in the State Gazette except the provisions of § 4 and 5, which shall enter into force from the day of its promulgation.

§ 8. (amend. – SG 82/09, in force from 16.10.2009; amend. - SG 50/16, in force from 01.07.2016) The application of this Act shall be assigned to the Chair of Electronic Government State Agency.

This Act was adopted by the 40th National Assembly on 31 May 2007 and was sealed with the official seal of the National Assembly.

Additional provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE ELECTRONIC
GOVERNMENT ACT

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 5. In the remaining provisions of the Act the words:

1. "The Minister of State Administration and Administrative Reform" and "Minister of State Administration and Administrative Reform" shall be replaced respectively with "The Minister of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications";

2. "Ministry of State Administration and Administrative Reform" shall be replaced with "Ministry of Transport, Information Technology and Communications";

3. "The Chairman of the State Agency for Information Technology and Communications" and "Chairman of the State Agency for Information Technology and Communications" shall be replaced respectively with "The Minister of Transport, Information Technology and Communications" and "Minister of Transport, Information Technology and Communications";

4. "State Agency for Information Technology and Communications" shall be replaced with "Ministry of Transport, Information Technology and Communications";

Transitional and concluding provisions
TO THE ACT ON AMENDMENT AND SUPPLEMENTATION OF THE ELECTRONIC
GOVERNMENT ACT

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 6. The acts of secondary legislation issued prior to entering of this Act into force shall remain valid, unless they contravene it.

§ 7. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT ON AMENDMENT THE ELECTRONIC GOVERNMENT ACT

(PROM. – SG 20/13)

§ 6. (1) To information systems developed or under development at the date of entry into force of this Act shall apply the provisions of this Act.

(2) Certificates for interoperability and security of information issued at the date of entry into force of this Act shall preserve their validity.

Transitional and concluding provisions TO THE PUBLIC PROCUREMENT ACT

(PROM. – SG 13/16, IN FORCE FROM 15.04.2016)

§ 29. This Act shall enter into force on April 15, 2016, with the exception of:

1. Article 39, which shall enter into force on July 1, 2017 and – regarding the central purchasing bodies - from January 1, 2017;

2. Article 40:

a) Para 1 and Para 3, item 1-4 and item 10, which shall enter into force from July 1, 2017;

b) Para 3 item 5-9, which shall enter into force from January 1, 2020;

3. Article 41, Para 1 - on technical compatibility and connectivity, and para 2, which shall enter into force from July 1, 2017;

4. Article 59, Para 4, which shall enter into force on July 1, 2018;

5. Article 67:

a) Para 4 - concerning the mandatory representation of ESPD in electronic form, which shall enter into force on April 1, 2018;

b) Para 8, item 2, which shall enter into force on June 1, 2018;

6. Article 97, which shall enter into force on January 1, 2017;

7. Article 232, which shall enter into force on September 1, 2016;

8. § 26, Para 1 and § 27, which shall enter into force from the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions TO THE ELECTRONIC IDENTIFICATION ACT

(PROM. - SG 38/16, IN FORCE FROM 21.11.2016)

§ 6. This Act shall enter into force six months after its promulgation in the State Gazette, except for:

1. Article 8, Art. 9, para. 2, Art. 10, 11 and Art. 15-17, which shall enter into force seven months after its promulgation;

2. Article 9, para. 1, 3 and 4, Art. 19-21, Art. 22, except for para. 1, item 3, Art. 23-28, § 4 and § 5, item 1, 2, 4 and 5, which shall enter into force one year after its promulgation;

3. Articles 29-33 and § 5, item 3, which shall enter into force 18 months after its promulgation;

4. Article 22, para. 1, item 3, which shall enter into force on 1 April 2017.

ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 50/16, IN FORCE FROM 01.07.2016, SUPPL. – SG 62/16, IN FORCE FROM 01.07.2016)

§ 43. In the remaining provisions of the act the words “the Minister of Transport, Information Technology and Communications”, “Minister of Transport, Information Technology and

Communications”, and “the Ministry of Transport, Information Technology and Communications” shall be replaced respectively by “the Chair of Electronic Government State Agency”, “Chair of Electronic Government State Agency” and “the Electronic Government State Agency”.

Transitional and concluding provisions

ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 50/16, IN FORCE FROM 01.07.2016, SUPPL. – SG 62/16, IN FORCE FROM 01.07.2016)

§ 44. Within three months after entering of this act into force the Council of Ministers shall adopt the ordinance under Art. 7d, par. 6.

§ 45. The Council of Ministers and the Ministers shall bring the adopted, respectively the issued thereby acts of secondary legislation into compliance with this act within 6 months after its entering into force.

§ 46. (1) The executive agency “Electronic communication networks and information systems” to the Minister of Transport, Information Technology and Communications shall be closed.

(2) Assets, liabilities, archive, and also other rights and obligations of the closed Executive agency “Electronic communication networks and information systems” shall be transferred to Electronic Government State Agency.

(3) (suppl. – SG 62/16, in force from 01.07.2016) The Council of Ministers shall adopt the regulation on the activity, structure and organization of Electronic Government State Agency and regulations on the activity, structure and organization of State Enterprise “Single System Operator” and shall regulate legal relationships in view of closing of Executive agency “Electronic communication networks and information systems” under par. 1 and the transfer under par. 2 within three months after entering of this act into force. Until the entry into force of the Rules of procedures, structure and organization of the Electronic government State Agency, the functions and activities in electronic government shall be executed by the Minister of Transport, Information Technology and Communications under the order prevailing hitherto.

(4) Employment and service legal relationships with the employees from the closed Executive agency “Electronic communication networks and information systems” servicing functions in the field of electronic government shall be transferred to the Electronic Government State Agency subject to compliance with the terms and conditions and following the procedure of Art. 123 of the Labour Code and Art. 87a of the Civil Servant Act and in compliance with the structure and number of staff determined by the regulations on the activity, structure and organization of State Enterprise “Single System Operator”.

(5) Employment and service legal relationships with the employees from the closed Executive agency “Electronic communication networks and information systems” beyond those under par. 4 shall be regulated subject to compliance with the terms and conditions and following the procedure of Art. 328, par. 1, item 1 of the Labour Code and respectively Art. 106, par. 1, item 1 of the Civil Servant Act.

§ 47. The Chair of Electronic Government State Agency shall take inventory record and shall audit all information resources in the administrations within 6 months after entering of this act into force.

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§ 59. Within two years after entering of this act into force provided that there is no technological feasibility for automatic filing according to the provision of Art. 4, the data shall be requested, respectively sent, as an electronic document in a format with unstructured content or shall be submitted on a hard copy.

§ 60. The act shall enter into force on the day of its promulgation in State Gazette, except for

the provisions of:

1. paragraph 15, which shall enter into force from 1 January 2018;
2. paragraph 18, items 2 and 3, which shall enter into force from 1 June 2017.

Concluding provisions

TO THE ACT SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT
(PROM. – SG 62/16, IN FORCE FROM 01.07.2016)

§ 2. This Act shall enter into force on July 1st, 2016.

Transitional and concluding provisions

TO THE ACT ON THE STATE BUDGET FOR 2017

(PROM. – SG 98/16, IN FORCE FROM 01.01.2017)

§ 20. This Act shall enter into force on 1 of January 2017.