

Guidance on digital-ready legislation

2018 Pixi version

New legislation must include descriptions of public implementation impacts.

See what to remember when complying with the new requirements.

Please note that this Pixi version does not replace ‘Guidance on digital-ready legislation’ issued by the Danish Agency for Digitisation. The leaflet provides a brief overview of the new requirements and is solely a supplement to the guidance.

Find Guidance on digital-ready legislation on digst.dk/dkl

Digital-ready legislation

From 1 July 2018, new legislation must be digital-ready, which means that the legislation must provide the general conditions for complete or partial digital administration and use of new technology. The purpose is to support a better and more efficient task solution in the public sector.

In order to help make the legislation digital-ready, the specific ministry must assess and describe the public implementation impacts of a bill in the explanatory notes.

Public implementation impacts include:

- Seven principles for digital-ready legislation
- Organisational conditions and administrative transitional and operating impacts
- IT support, management and risk
- Data protection and reuse of data

You must make an impact assessment of the public implementation impacts of the bill and describe these in the paragraph on '*Implementation impacts for the public sector*' in the explanatory notes to the bill. Requirements for the following items are explained in detail below.

On [digst.dk/dkl](#) you can find an optional table with control questions, which may also be used in connection with the description of the implementation impacts of a bill.

The seven principles

Administration of the legislation must be easy and simpler. You must therefore assess and describe the degree to which the bill follows the seven principles for digital-ready legislation. In cases where it is necessary to derogate from the principles or where the principles are not relevant, a reason for this must be stated.

Assess the principles and describe relevant conditions:

Principle 1: Simple and clear rules

- Have rules and concepts been worded in a clear, simple, unambiguous and consistent manner?
- Is there a clear distinction between main rules and exceptions?

- Will new data be collected from citizens or businesses?
- Has it been ensured that the same definitions of data, accruals etc. are used that exist in public registers?

Principle 2: Digital communication

- Is there a legal basis for mandatory digital communication between citizens and businesses and the public sector?
- Has this legal basis been worded so as to include future technological development, meaning that it is technology-neutral?
- Is there any possibility of receiving non-digital service?

Principle 5: Safe and secure data handling

- Does the bill propose collection or reuse of data, including data from other authorities? Does the necessary legal basis exist for any processing of data?
- Does the bill include safe and secure data handling?

Principle 3: Possibility of automated case processing

- Have the possibilities for using objective criteria been explored?
- Have the possibilities for adapting the rules to automated case processing been explored - also in relation to the relevant administrative and data protection law requirements?
- Has it been ensured that professional discretion will be exercised when dictated out of consideration for the legal rights of the citizens?

Principle 6: Use of public infrastructure

- Will any existing joint infrastructure be used such as NemID, Digital Post, eFaktura etc. instead of separate proprietary solutions?
- Will any existing joint processes be used, including processes for consultation procedure, sharing of access to large documents, receipt, notification, reporting, supervision etc.?

Principle 7: Prevention of fraud and errors

- Are digital solutions used to control case information in public registers prior to payment of benefits?
- Has the legislation been worded so that any process requirements do not hinder effective IT application in connection with control?

Principle 4: Consistency across authorities - uniform concepts and reuse of data

- Can data already collected by the public sector be reused?

Organisational impacts and transitional and operational impacts

Organisational conditions may pose significant risks to proper implementation. You must therefore assess and describe the impacts with respect to organisational conditions and any transitional and operational consequence, i.e. changes in activities and operation of the public administration.

Assess the following and provide a description if relevant:

- In your assessment, are there organisational or transitional and operational impacts for the state, regions and municipalities?
- Are these assessed to be positive or negative?
- Does the bill involve the establishment of new administrative authorities or significant changes to already existing authorities? Make an assessment of any expected additional or reduced expenses for administration, including staff, IT systems and premises etc.
- In your assessment, are there administrative advantages?

IT support, IT management and risk

The legislation must be worded so that it may easily be supported by the use of IT solutions. You must therefore assess whether the bill involves impacts in relation to existing IT systems or the development of new IT systems. You must also make a risk assessment of the IT solution, also in relation to the date of commencement and the handling thereof.

Assess the following and provide a description if relevant:

- Is the bill worded to support the use of IT solutions?
- Will the bill allow a higher degree of digital administration?
- Is it a government IT system with a value exceeding DKK 10 million? If relevant, follow the government's IT project model¹
- Make an assessment of the total IT implementation impacts. Quantify costs for IT systems/case processing systems, collection of knowledge from contact persons and IT vendors.
- What are the potential risks associated with the IT solution? Have special measures been taken to counter these?

¹ For more information, visit digst.dk/styring/projektstyring

Data protection

Public authorities must handle the citizens' data in accordance with the legislation, including the data protection legislation.

Assess the following and provide a description if relevant:

- Are the citizens' and the businesses' data handled in accordance with the legislation, including especially GDPR?
- Are any data sharing and exchange of data on citizens and businesses handled in accordance with other applicable legislation?
- Describe the legal bases for data handling, including the pooling of registers and control activities.
- Describe special risks related to data usage and sharing.

If you have already prepared a section on the provisions in the bill concerning the current data protection legislation (see clause 2.7.5 of the Guidance on Law Quality) it is not necessary to provide an independent description of data protection under the item '*Implementation impacts for the public sector*'.

Significance for citizens

It is important that the ministries pay particular attention to bills that have a direct impact on the citizens. You must therefore assess whether the bill might include administrative procedures that need to be supported by IT with a direct impact on the citizens.

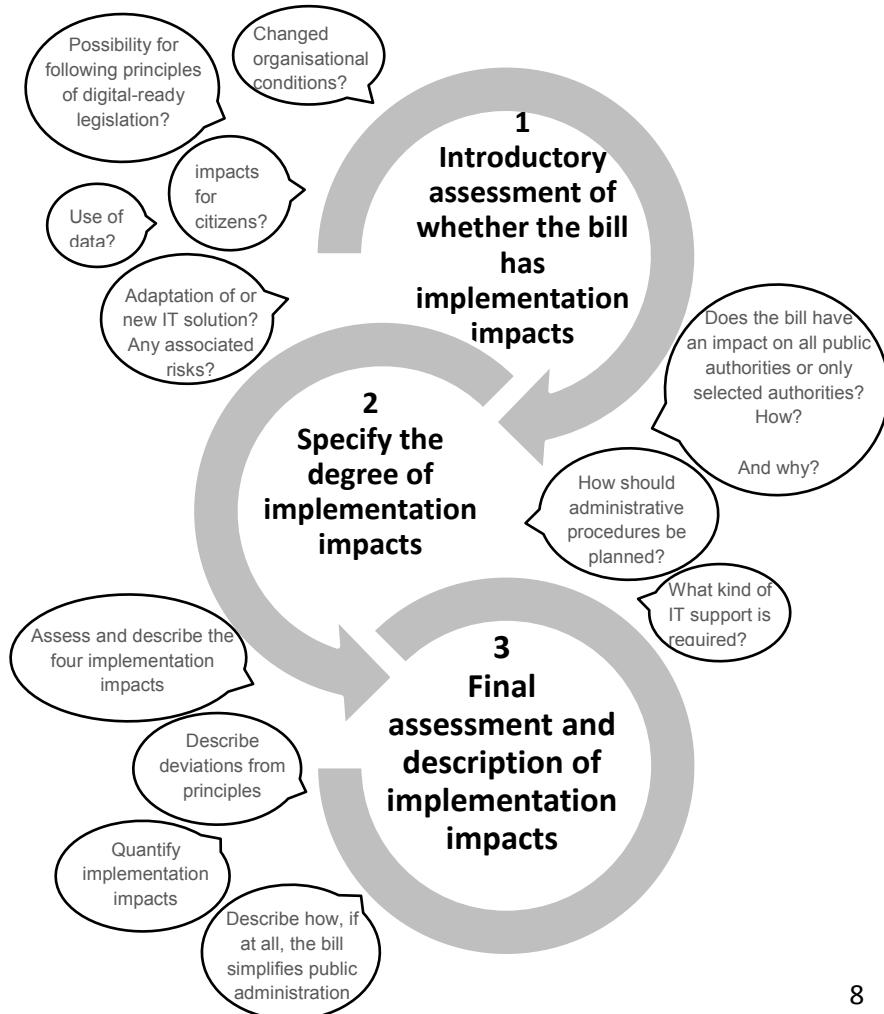
Assess the following and provide a description if relevant::

- Does the bill have a direct impact on citizens? For example within education, labour market, health care, tax or the social area.
- Areas with special considerations or exercise of judgment: Is there a need for special residual categories in connection with objective main categories to ensure, for example, the rights of marginalised citizens?
- Assess the advantages and disadvantages for the citizens of new digital procedures such as changes regarding consultation with parties, complaint procedure etc.

Please note that impacts for the citizens should not be described in the paragraph on public implementation impacts but rather in the fixed paragraph on '*administrative impacts for the citizens*' in the general comments.

Method for assessing implementation impacts

If you are not sure how to proceed you may use these three steps for assessment.



Other information and guidelines

For more information on the further work of assessing the principles for digital-ready legislation and implementation impacts, reference is made to the websites below.

- *Would you like to read more about digital-ready legislation?*

You may read more about digital-ready legislation, including the political agreement, on our website. Here, you can also find Guidance on digital-ready legislation and an optional support form for filling in implementation impacts.

You can find it all on: www.digst.dk/dkl

You may read more about assessment of implementation impacts in Guidance on impact analyses, which explains how to assess and document any implementation impacts of a bill. You may find the Guidance on: www.modst.dk/oekonomi/vejledninger/

In the Guidance on Law Quality published by the Ministry of Justice, you may find guidance on when to pay attention to the requirements for digital-ready legislation during the preparatory legislative work.

You may find the Guidance on:

www.lovkvalitet.dk/lovkvalitetsvejledningen

- *Are you dealing with a government IT project of more than DKK 10 million?*

All government authorities must use the cross-governmental ICT project model for implementation of IT projects. A risk assessment must be made by The Danish Council for ICT of a value exceeding DKK 10 million.

Read more on: www.digst.dk/styring/

Contact The Secretariat for digital-ready legislation

You may always contact the secretariat on email:

klarlovgivning@digst.dk

For more information, visit the website: digst.dk/dkl

Remember that bills with public implementation impacts must be submitted to the Secretariat for digital-ready legislation *6 weeks before a public consultation*.

