AGENCY FOR DIGITISATION
MINISTRY OF FINANCE

Evaluation of the effort to make legislation digital-ready

May 2021

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Chapter 1.
The effort to make legislation digital-ready

In January 2018, all parties in the Parliament entered into an agreement on digital-ready legislation. The agreement means that new legislation submitted after 1 July 2018 must be digitised. This means that legislation must, as far as possible, be drafted in accordance with the seven principles of digital-ready legislation.

The objectives of the agreement on digital-ready legislation is to ensure that digital opportunities, where appropriate, are used as a means to support easier everyday life for people and businesses, to ensure a more efficient public sector, and that the public sector handles data in a safe and secure manner, respecting people' legal certainty, etc.

This effort is supported by the introduction of the requirement that at an early stage in the pre-legislative work and at an early stage in the policy-making process, the implementation impacts of the legislative proposals must be described.

It is also an objective of the agreement on digital-ready legislation that the legislation in force should be reviewed on an ongoing basis in order to assess whether it can be made more digital-ready.

According to the agreement, over the course of 2020 the parties will assess whether the legislation is sufficiently digital-ready and discuss any further initiatives to support the efforts.

Evaluation of the effort to make digital-ready legislation

This evaluation focuses on assessing and discussing whether the efforts have had the desired effect. The evaluation therefore focuses in particular on identifying key benchmarks in agreement ond digital-ready legislation, including whether the efforts have contributed to digitisation
of the public sector:

• with respect to people's legal rights.

• supports a more efficient public sector which handles citizens' data safely and securely.

• supports easier everyday life for citizens and businesses.

In addition, the evaluation focuses on describing the ministries handling of the task of making the legislation digital-ready including whether cooperation with the secretariat is perceived to provide sufficient value.
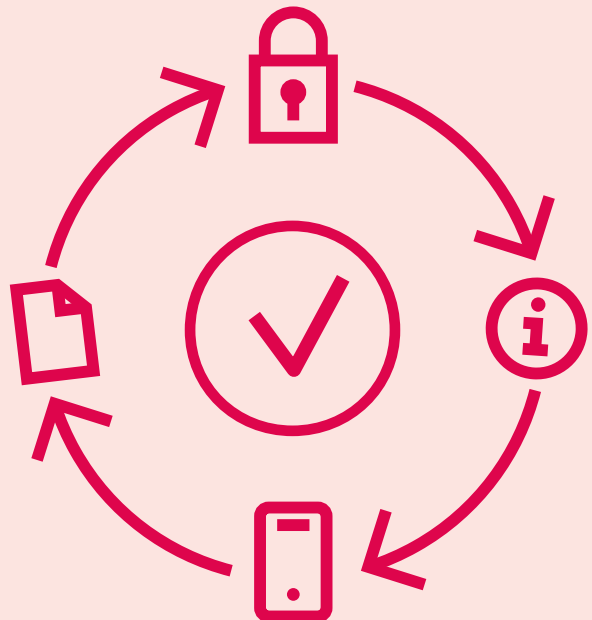
Main features of the evaluation

The evaluation is based on contributions from staff in the ministries with tasks related to the pre-legislative work. This group of employees is essential to ensure that legislation is rendered digital-ready. In addition, a wide range of stakeholder organisations and researchers have been consulted with a particular focus on whether the efforts have made a difference from the outside.

The following reading guide gives an overview of the content of the evaluation.

Chapter 2 presents a summary of the main conclusions of the evaluation, which are further elaborated and substantiated in the following chapters.

Chapter 3 takes stock of efforts including the assessment of its impact by key stakeholders as well as specific challenges to realise the full potential.

Chapter 4 sets out the cooperation between the ministries and the secretariat for digital-ready legislation to prepare the legislation for digitisation and takes stock of the organisation of the work in the ministries and the assessment of advice and guidance from the secretariat.

Chapter 5 presents a number of key figures from the legislative proposals, that have been in consultation with the secretariat for digital-ready legislation in the parliamentary session of 2019-2020

Chapter 6 presents a summary of the evaluation's main findings and recommendations in relation to the future work.

Annex A contains an explanation forming the basis of the evaluation.

Example #1

Ministry of Industry, Business and Financial Affairs: The Control Package

PROBLEM

The control package strengthens the efforts made by certain companies to deal with corporate and accounting fraud by using incorrect or falsified company and accounting information. The company and accounting laws previously in force have not been sufficient enough for the Danish Business Authority to take swift and effective action against fraud and to ensure fair accounting and company information.

SOLUTION

It is necessary for the authorities to be able to act quickly and effectively in the face of financial fraud and abuse. For example, the Danish Business Authority will have the opportunity to carry out a digitally supported ex ante control of all reports on accounting and corporate declarations. The checks are carried out in selected areas such as "hard" checks, where objective errors without doubt lead to an immediate digital decision rejecting financial reporting/notification. At the same time, the Danish Business Authority will have the opportunity to carry out a risk-based control in which companies' annual reports are compared with information and documentation from other authorities (e.g. from the Tax Administration).

WHY IS THAT EFFECTIVE?

When a random check is based on random selection, the control package allows the Danish Business Authority to carry out systematic digital checks that prevent offences by collecting accounting and corporate information. This ex ante control releases resources in the Danish Business Authority to select companies for further in-depth control.

WHAT PRINCIPLES MAKE THIS POSSIBLE?

The control package demonstrates how principle #7 on the prevention of errors and cheating enables digital-ready legislation, which gives priority to digital support, e.g. through automated control and by allowing verifification of the correctness of the information by means of relevant public registers.

It goes on to follow the principle that control and supervision are focused as soon as possible in the functioning of the authorities, e.g. already in reporting accounting and company data, so that errors can be corrected before they have any consequences – rather than ex post. This avoids long and costly pathways, which is experienced to be less administratively burdensome for the authorities and offers better services to businesses.

Secretariat for Digital-Ready legislation

With the agreement on digital-ready legislation, a secretariat was established in 1 February 2018 within the Danish Agency for Digitalisation, which carries out screening of draft legislation, assists the ministries with guidance efforts and generally supports the work of making the legislation digital-ready.

The secretariat screens the government's legislative programme and provides consultation responses to almost every bill submitted to the Parliament.

The secretariat's work is conducted in close dialogue with the ministries, and the secretariat has thus established a community of practice of senior officials with ministerial responsibility for the legislative drafting and law coordinators who are regularly involved in coordination and exchange of experience from the work of making legislation digital-ready.

To finance the secretariat's work, DKK 7 million was allocated to the Finance Act in the period from 2019 to 2021 of which DKK 3.6 million consists of staffing costs. The professional profile of the employees in the secretariat is in the intersection between digitisation, law and public administration.

The seven principles for digital-ready legislation

Assessment of principles.

Simple and clear rules

Legislation must be simple and clear in order for it to be easy to understand and administer for citizens and businesses.
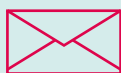
Digital communications

Legislation must support digital communication with citizens and businesses.

Enable the automated processing of the case

The legislation should support that its administration can be digitised fully or in part, taking into account the legal certainty of citizens and businesses

Coherence across goverment — homogeneous concepts and reuse of data

Concepts and data must be re-used across government bodies. If data is already available that matches the terms used in the legislation, the legislation should be designed to make it possible to use this data.

Safe and secure data handling

Technical solutions need to be constructed in such a way that all levels of the administration support secure data management and that transparency is ensured in public data management

Use of public infrastructure

Public authorities shall use existing public IT infrastructure to ensure maximum re-use and coherence across government domains.

Prevent fraud and error

The legislation must be designed to allow for the effective application of digital solutions for control purposes.

Implementation impacts

The impact of new legislation must be assessed. The assessment is comprised of the following four elements:

It-governance and risk

What are the consequences with regard to existing information systems, is development of new information systems required, and does this entail any significant risks, for example in relation to when the legislation is supposed to enter into force?

Organisational circumstances

Are any substantial changes to the organisation or the division of competences between authorities planned, and are there any risks connected with these changes?

Data protection

Is the law and the proposed administration of the law in compliance with data protection legislation? Have the right technical measures been taken with regard to the exchange of data between public authorities.

Impact on citizens

Does the legislation contribute to greater transparency, better accessibility for citizens and businesses, and a more consistent approach? Does it ensure that digitalisation respects the citizen's rights under national law?

Chapter 2.
Main findings

The evaluation shows that the efforts to make legislation digital-ready are particularly characterised by four aspects:

1 The efforts are assessed by relevant parties to have made a difference, e.g. in relation to safe and secure data management and to support easier everyday life for citizens and businesses.

2 There is increasing awareness and knowledge in the ministries about digital-ready legislation, partly as a result of consultation responses and dialogue with the secretariat.

3 Existing legislation is less digital-ready

4 Fewer and fewer barriers are being experienced to ensure digital ready legislation.

In the following sections, the main findings are presented in greater detail.

The effort is deemed to have made a difference

The agreement on digital-ready legislation underlines that the use of IT and new technology is not an end in itself. It is one of several means of achieving important policy objectives which, overall, should lead to citizens and businesses experiencing a high-quality of public service.

It has been a key focus of the evaluation to identify whether key stakeholders, including ministries and relevant stakeholder organisations, assess that the efforts have made a difference in relation to the following three sub-objectives, which have been particularly emphasised in the conclusion on the agreement on digital-ready legislation.

Stakeholders have therefore been asked to what extent they consider that the efforts have made a difference in that:

1. with respect to **citizens' legal rights.**

2. supports a more efficient public sector that **handles citizens' data safely and securely.**

3. supports **easier everyday life** for citizens and businesses.

Senior officials with ministerial responsibility for the legislative drafting at the ministries generally consider that the efforts have to some extent made a difference in these areas, but also that there are challenges in making the results of the effort visible. Among the respondents, the majority estimate that the efforts made a difference to some extent to the above objectives. Interest organisations indicate that the picture looks similar from their perspective.

Several of the senior officials interviewed also point out that if the efforts are to contribute even more to achieving the objectives, it will be appropriate to step up efforts at an earlier stage in the political decision-making process.

At the time of drafting the bill, it is often limited how ambitious ly the principles of digital-ready legislation can be incorporated into the drafting of the bill, as many of the essential decisions are already taken in connection with the prior political neogtiation of initiatives and the conclusion of political agreements.

Many bills in consultation contribute to increasing knowledge levels in ministries

The evaluation indicates that the process of allowing ministries to submit legislative proposals to the secretariat has contributed to a significant build-up of knowledge in the ministries on how to make the legislation digital-ready.

The evaluation shows that significant positive developments have taken place over the last year in terms of the ministries' attention to the need for legislation to be considered digital-ready from the beginning. Among other things, this manisfests itself in the fact that the secretariat's recommendations on how a bill can be made even more digitised to a greater extent than before are incorporated into the final bill.

The evaluation indicates that the ministries' future-oriented need for knowledge and guidance on making legislation digital-ready is increasing. Particularly, employees with legal competences require guidance at an ever higher level in the form of, concrete examples and sparring at a high professional level. Additionally, there will be other groups of staff in the ministries, including new employees and employees with policy tasks, that need a general introduction to what it means to make legislation digital-ready.

Existing legislation is less digital-ready

While senior officials and interest organisations find that the effort to make legislation digital-ready has to some extent resulted in concrete effects, it also points out that work with continuously reviewing existing legislation in general does not apply yet.

Similarly, the senior officials consider that implementation impacts are often only addressed in the bill itself as opposed to earlier in the political decision-making process.

The evaluation indicates that if existing legislation is to be made digital-ready, it will require that the ongoing review of legislation by ministries is complemented with a more targeted focus on identifying potentials and challenges of revising existing legislation. This could provide the basis for prioritising areas that could benefit from a more fundamental review.

Barriers are well known and fewer than in the past
In general, the ministries consider that it has been possible, with only a few exceptions, to comply with the requirements from the agreement on digital-ready legislation. In particular, the challenges have been to initiate an ongoing review of existing legislation and to provide the prerequisites for ensuring that digital-ready legislation is included as early as possible in the political decision-making process. An increased focus on digital-ready legislation early in the political decision-making process will increase opportunities that the legislation adopted will be simpler to implement, including to support digitally.

The evaluation shows that when legislators in the ministries are required to explain which barriers have hampered or hindered full compliance with the requirements of the agreement on digital-ready legislation, special features which are known from previous years' studies are highlighted. The barriers include a lack of time to illuminate implementation impacts or relatively bound frameworks from a political agreement or directive. It is also characteristic that the situation is less likely to constitute a barrier compared to the previous year. Similarly, the proportion of legislators who indicate that there have been no experienced challenges have increased significantly. This is therefore an overall positive development.

The evaluation thus indicates that efforts to ensure that implementation impacts and compliance with the principles are highlighted earlier in the political decision-making process, including in the EU's legislative institutions, could potentially contribute to reducing remaining barriers.

Forward-looking recommendations
The main conclusions of the evaluation point to the need to focus efforts on three specific focus areas in the future:

• Systematic mapping of the potential to revise existing legislation

• Efforts to strengthen the focus on digital-ready legislation at an earlier stage in political decision-making

• Targeted dissemination and training activities

Chapter 6 examines the concrete recommendations in more detail based on the above focus areas.

Example #2

Ministry of Environment : Digital enforcement of environmental zone initiatives

PROBLEM

In Denmark, the aim is to reduce air pollution from diesel cars further in the largest cities. Air pollution affects the health of many Danes every year. For this reason, it has long been an ambition on the political side to improve urban air quality.

This has been done, among other things, by introducing so-called environmental zones into selected urban areas and subsequently tightening them up. Environmental zones impose requirements on the age of the vehicle or the installation of particulate filters on diesel-powered trucks, buses and vans.

When the new strengthened environmental zone requirements came into force in 2019, significantly more heavy vehicles along with vans were covered by the rules. At the same time, it was a desire from the industry to move away from the physical sticker in the windshield.

Therefore, the physical characteristics of compliance were no longer present, and a manual – and relatively random – inspection of so many vehicles would not be possible to enforce satisfactorily, and it would draw huge resources from police and supervisory authorities.

SOLUTION

Following the stricter requirements for diesel-powered lorries, buses and vans, a new law was adopted to allow the use of a digital system in which vehicles operating within the environmental zone are automatically checked when the registration plate is unloaded. There are both fixed and mobile cameras.

The registration plate shall be automatically checked against the recorded vehicle information (age and/or particulate filter) in the publicly available engine register. Thus, the authorities can systematically carry out automated checks on the vehicles moving in the environmental zones and whether they comply with the requirements of the environmental zone.

However, it was expected that by digitised/automated controls far more infringements would be detected than there have been in the past – both because of automated controls, but also because far more vehicles were covered by the environmental zone requirements.

Therefore, in the event of an infringement of the digital system, the same law introduces conditional objective liability for the infringements of the environmental zone rules, which means that, as a starting point, the vehicle owner is responsible, unless the driver of the vehicle acknowledges the responsibility. This makes it an almost fully automated/digital enforcement of the rules.

WHY IS IT EFFICIENT?

Under conditional objective responsibility, on the basis of license plate recognition and the information in the engine register, the authorities can exercise automated control of environmental zones.

In this way it is expected that much greater compliance with the rules will be achieved and a markedly better opportunity to enforce the rules.

The alternative to this solution would have been to enforce the control manually, i.e. all vehicle owners would have to obtain a physical sticker for the windscreen of the vehicle which would be subject to general police control. Such a solution would lead to higher administrative costs because all vehicles complying with the rules would have to have a sticker. This would also most likely result in the level of enforcement being significantly challenged.

WHAT PRINCIPLES MAKE THIS POSSIBLE?

The Act demonstrates compliance with the principle of automatic processing, which emphasises that new legislation must, as far as possible, apply objective criteria when it makes sense and there is no need for a professional judgement.

The legislation establishes the basis for a check based on objective criteria, in particular who is responsible for the presence of a vehicle in an environmental zone. It will also be possible to obtain information on the person responsible on the vehicle register and to issue an administrative fine.

Chapter 3.
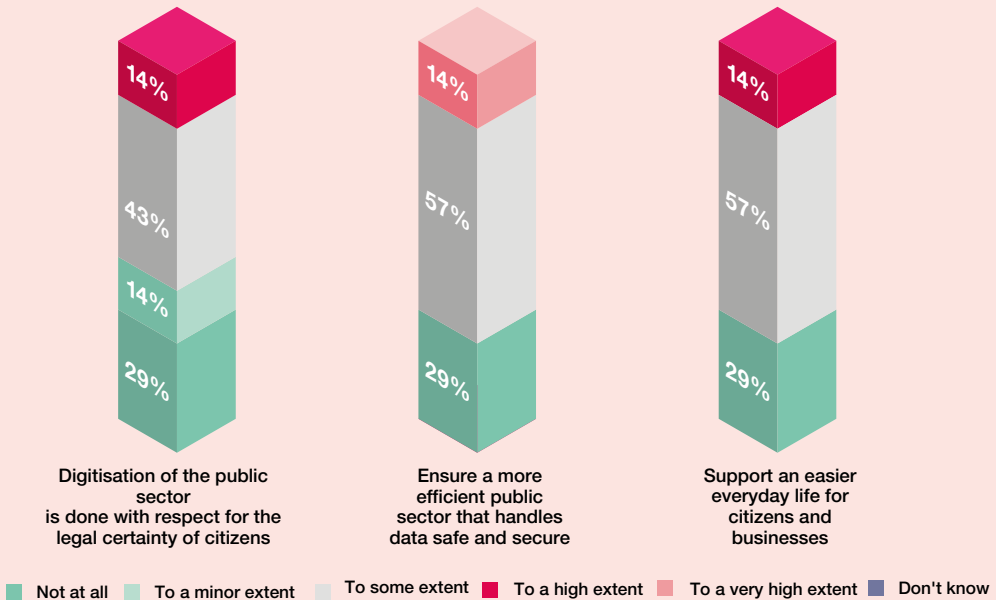# Status on the effort
– on target, but not there yet

The chapter takes stock of efforts to make legislation digital-ready. The basis of assessments given by interest organisations and researchers as well as by senior officials with ministerial responsibility for the legislative drafting in the ministries.

The overall assessment by these parties is that the efforts are well under way, but not yet fully achieved.

The effort is estimated to have had an effect

Interviews have been carried out in connection with this evaluation with a number of senior officials responsible for the preparatory work of the central administration. Among other things, the senior officials have been asked to what extent they consider that the efforts to make the legislation digital-ready have contributed to achieving the objectives set out in the agreement on digital-ready legislation, cf. figure 3.1.

Figure 3.1
Is it your experience that the efforts to make legislation more digital-ready since 1 July 2018 have contributed to...

Digitisation of the public sector is done with respect for the legal certainty of citizens	Ensure a more efficient public sector that handles data safe and secure	Support an easier everyday life for citizens and businesses

Legend: Not at all · To a minor extent · To some extent · To a high extent · To a very high extent · Don't know

Source: Interview with senior officials with ministerial responsibility for the legislative drafting
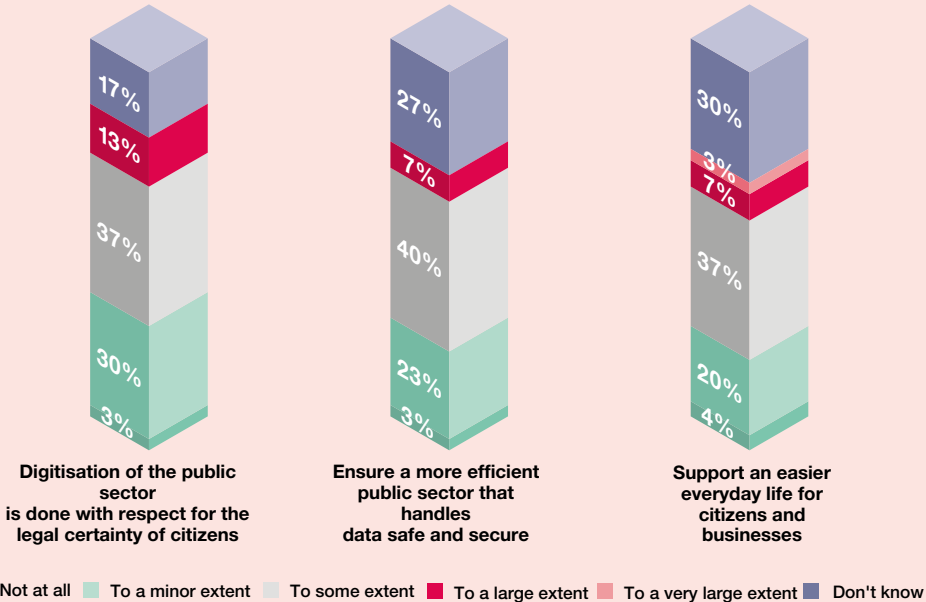
The figure shows that between 57 pct. and 71pct. of the senior officials with ministerial responsibility for the legislative drafting interviewed consider that the efforts to some extent or more have contributed to achieving the objectives of the agreement on digital-ready legislation, which, overall, should lead to citizens and businesses experiencing a better, high-quality public service.

For example, among the senior officials who have considered that this is 'not at all' the case, it is emphasised that the above objectives are already being taken into account, for example by virtue of data protection legislation and the general quality of the law.

The senior officials' assessment of the impact of the efforts has been supplemented by asking the same questions to a wide range of interest organisations and researchers, who follow the central administration's work in making legislation digital-ready within their area, cf. figure 3.2.

Figure 3.2
Is it your experience that efforts to make legislation more digital-ready since the first of July 2018 have contributed to...

Digitisation of the public sector
is done with respect for the
legal certainty of citizens

17%
13%
37%
30%
3%

Ensure a more efficient
public sector that
handles
data safe and secure

27%
7%
40%
23%
3%

Support an easier
everyday life for
citizens and
businesses

30%
3%
7%
37%
20%
4%

■ Not at all ■ To a minor extent ■ To some extent ■ To a large extent ■ To a very large extent ■ Don't know

Source: Survey with interest organisations

As can be seen from the figure, apart from the group which answers 'don't know', the majority of the interest organisations and researchers surveyed who also consider that the efforts have to some extent had an effect on the political objectives. 50 pct. of the interest organisations and researchers surveyed consider that the efforts to some extent or more have contributed to the digitisation of the public sector taking place with respect for citizens' legal certainty, while 33 pct. consider that this has been the case only to a small extent or not at all.

Compared to the question whether the efforts have helped to ensure a more efficient public sector, 47 pct. of respondents estimate to some extent or more that this has been the case, while 26 pct. consider that this has been the case to a small extent or not at all. Finally, 47 pct. estimates to some extent or more that the efforts have supported an easier everyday life for citizens and businesses, while 24 pct. consider that this has been the case to a little or no extent at all.

The assessment is subject to some uncertainty, given that between 17 pct. and 30 pct. of the respondents indicate that they feel unable to assess whether the efforts have contributed to a difference in the three areas listed. It may indicate that the efforts have certain challenges in making the results visible to relevant target groups.

Mandatory assessment of implementation impacts

The agreement on digital-ready legislation means that the implementation impacts of new legislative initiatives are assessed and described as early as possible in the policy-making process. This means that ministries are obliged to investigate and describe the implementation impacts that new laws and policy agreements are expected to have. This includes, for example, a description of whether new procedures or the adjustment of IT systems should be set up. Similarly, it is a point of attention to assess the impact of the legislative initiative in relation to the legal certainty of citizens and how data is processed safely and securely. The intention is to ensure that the consequences of new legislation, for example, on the public use of citizens' data and in relation to new IT systems are known and worked through before the legislation is finally decided by the Parliament.

The senior officials with ministerial responsibility for the legislative drafting point to the requirements to revise existing legislation and to ensure the clarification of implementation impacts at an early stage in the preparatory work.
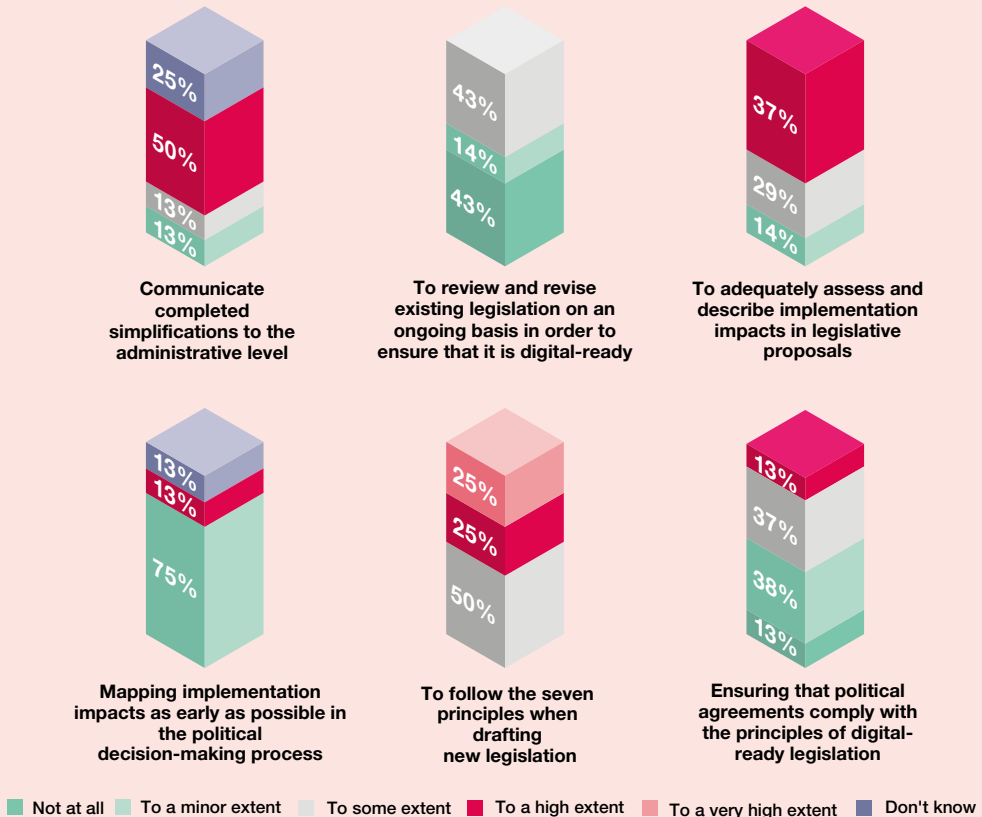
The ambition of an increased focus on early illumination of the implementation impacts of political agreements is subject to a number of framework conditions for the Ministry's preparation by means of a resolution and a negotiation proposal. These workflows are generally characterised by complex and time-pressed processes.

Special challenges

The senior officials with ministerial responsibility for the legislative drafting generally state that it has been possible to comply with the requirements of agreement on digital-ready legislation in the pre-legislative work – albeit to varying degrees, cf. figure 3.3.

Figure 3.3
To what extent do you find that it has been possible to comply with the requirements of agreement on digital-ready legislation as part of the general pre-legislative work (senior officials with ministerial responsibility for the legislative drafting)

Communicate completed simplifications to the administrative level
- 25%
- 50%
- 13%
- 13%

To review and revise existing legislation on an ongoing basis in order to ensure that it is digital-ready
- 43%
- 14%
- 43%

To adequately assess and describe implementation impacts in legislative proposals
- 37%
- 29%
- 14%

Mapping implementation impacts as early as possible in the political decision-making process
- 13%
- 13%
- 75%

To follow the seven principles when drafting new legislation
- 25%
- 25%
- 50%

Ensuring that political agreements comply with the principles of digital-ready legislation
- 13%
- 37%
- 38%
- 13%

■ Not at all ■ To a minor extent ■ To some extent ■ To a high extent ■ To a very high extent ■ Don't know

Source: Interviews with senior officials with ministerial responsibility for the legislative drafting

As can be seen from the figure, the senior officials with ministerial responsibility for the legislative drafting consider that the requirement for new legislation to follow the seven principles of digital-ready legislation have to a relatively large extent been adhered to. Overall, 50 pct. of the senior officials estimate that this has been possible to a large or very large extent.

To an almost similar degree, the senior officials consider that the requirement to assess and describe the impact of implementation fully in legislative proposals has been met. 57 pct. of the senior officials consider that it has been possible to adequately map the implementation impacts.

Conversely, the requirement to ensure that political agreements follow the principles of digital-ready legislation is assessed by the senior officials as the most difficult to apply in practice. Thus, 51 pct. of the senior officials consider that it has been only to a minor extent or decidedly impossible to ensure that political agreements follow the principles, while 75 pct. of the senior officials consider that it has not been possible to identify early implementationimpacts.
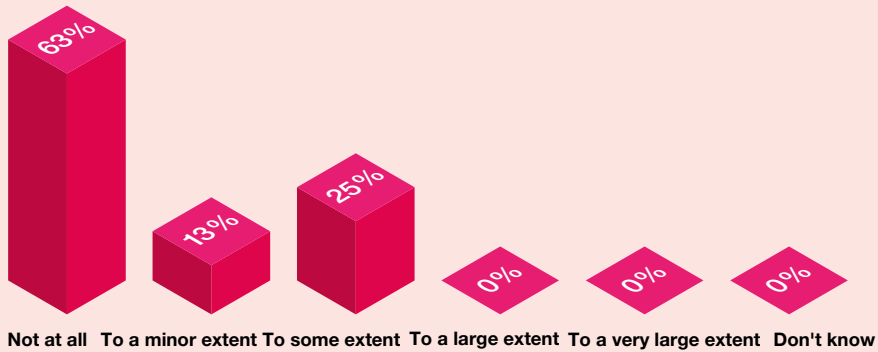
When it comes to the requirement to continuously review existing legislation and ensure that it is digital-ready, 67 pct. of the senior officials consider that it has been only to a minor extent or decidedly impossible to comply with.

The organisations and researchers interviewed also state that in their view the ministries have not sufficiently revised existing legislation to make digital-ready Similarly, the senior officials in the ministries have been asked to what extent they have systematically assessed whether their portfolio of existing legislation is digital-ready, cf. figure 3.4.

Figure 3.4
The ministries have to a very limited extent carried out a systematic assessment of whether the portfolio of existing legislation is digital-ready

Have you systematically assessed whether the Ministry's portfolio of existing legislation comply with the requirements of digital-ready legislation?

| 63% | 13% | 25% | 0% | 0% | 0% |
| Not at all | To a minor extent | To some extent | To a large extent | To a very large extent | Don't know |

Source: Interviewswith senior officials with ministerial responsibility for the legislative drafting

As the figure shows, 63 pct. of the senior officials with ministerial responsibility for the legislative drafting state that no such systematic assessment has been carried out at all, while the remaining group states that this has been the case to a small or some extent.

The evaluation thus indicates that it has been a major challenge for the ministries to meet the objectives of digital-ready legislation to continuously review existing legislation in order to ensure that it is digital-ready.

Similarly, the trend is that implementation impacts are often only highlighted in the drafting of the bill and not in connection with the conclusion of the political agreement, which was the intention of the agreement on digital-ready legislation.

Fewer barriers to making legislation digital-ready

The respondents generally state that they experience fewer barriers to making legislation digital-ready compared to the previous collection, cf. figure 3.5.

Figure shows bars for the following categories with values for 2018-2019 and 2019-2020:

- Lack of time to uncover implementation impacts: 36% / 16%
- Lack of knowledge to uncover implementation impacts: 23% / 8%
- Non-involvement of relevant stakeholders: 9% / 0%
- Non-involvement of specialists/professionals in the preparation of legislative proposals: 9% / 0%
- The bill is part by existing legal complex and thus dependent on this: 27% / 16%
- Bound framework from political agreement or directive: 46% / 21%
- No experienced challenges: 46% / 61%
- Other relevant factors: 5% / 8%

Legend: 2018-2019, 2019-2020

Source: Interviews with senior officials with ministerial responsibility for the legislative drafting

If you compare the response in the 2019-2020 parliamentary session with the parliamentary session 2018-2019, it is clear that fewer barriers are generally identified to meet the requirements of digital-ready legislation. Thus, as can be seen from Table 3.6, 61 pct. of the respondents express that they have not experienced any particular challenges to meet the requirements of digital-ready legislation. By comparison, only 46% pct. of the legislative drafters expressed this for the parliamentary session 2018-2019.

The proportion of legislative drafters expressing that limitations in scope from a prior political agreement or a directive constituted a barrier to meeting the requirements from the agreement on digital-ready legislation has fallen significantly from the 2018-2019 parliamentary session to the parliamentary session 2019-2020.

The evaluation generally seems to indicate that the same types of barriers pose a challenge in terms of making legislation digital-ready, but also that these barriers are much less a challenge compared to last year.

Part of the reason seems to be that the 2019-2020 parliamentary session was the first cycle where the requirements for digital-ready legislation were applied and thus known at the initial stages of the political decision-making process, which has made it easier for the ministries to ensure that proposals for decisions and negotiations are drafted accordingly.

Example #3

Ministry of Taxation:
Handling of the Restance Recovery Authority of claims with data problems, obsolescence, etc. (Data law package I)

PROBLEM

The work to ensure that people pay their public debts in Denmark has been hampered by the fact that data on people's debts by different authorities have been recorded after divergent and sometimes deficient practices.

The purpose of Data Law Package 1 is to support the work to clean up data on public debt. Among other things, the rules must render as many debts as possible convertible so that they can be transferred to and recovered more effectively through the new recovery system, PSRM. The clean-up work is quite significant and includes millions of debts totalling billions. More work is being done under the auspices of the Ministry of Taxation to carry out this clean-up, both for the benefit of public finances and for people's legal awareness. However, the overall clean-up task remains administratively burdensome as it includes data on several million debts of varying data quality and with different limitation periods.

SOLUTION

The Act gives the Ministry of Taxation the power to base some harmonised assumptions on the recovery of claims in cases where there is reasonable doubt about the data recorded in the systems of the recovery authority. At the same time, the time limit for the limitation of those claims is postponed so that the authorities can continue to enforce the claim.

WHY IS THAT EFFECTIVE?

By allowing the Parliament to adopt legislation providing a clear framework for how data on debts are to be used in cases of doubt, a clear legal basis is created for dealing with people's debts to the public. This makes it possible, inter alia, to take more far-reaching recovery measures, in particular automatic pay retention, which is an administratively effective way of carrying out recovery. The alternative to legislation would have been either to lose the possibility of recovering a considerable amount of people's unpaid public debt to the detriment of legal awareness or to use disproportionate administrative resources for a manual review of data on several millions of debts.

WHAT PRINCIPLES MAKE THIS POSSIBLE?

The law demonstrates how principle #4 of uniform concepts enables an authority to carry out efficient data-driven administration with due regard for the legal certainty of people by harmonising the use of incorrect data caused by the heterogeneity of the practices of different authorities.

Chapter 4.
Status on the cooperation to make digital-ready legislation

When making legislation digital-ready in a given ministerial area, it is the individual Ministry and the authorities below that have the best conditions to make the professional assessments and neccesary balancing of concerns. The work on the individual bill requires the involvement of a number of other authorities and interested parties with knowledge of the administration of the bill in practice.

In order to ensure cross-cutting experience and knowledge sharing, a central government secretariat for digital-ready legislation has been established, which assists the ministries with guidance and professional sparring. This includes screening of relevant legislative proposals and drawing up consultation responses to legislative proposals.

Overall, the secretariat prepared consultation responses to 218 of the 519 legislative proposals submitted to the Parliament in the parliamentary sessions 2018-19 and 2019-20.

The evaluation has focused in particular on the perception by the Mmnistries and legislatvie drafters of whether or not they experience the ability to carry out the task of making the legislation digital-ready. In addition, the focus has been on whether the current division of labour between the ministries and the secretariat provides the best framework for cooperation.

Overall, the evaluation shows that there is a high level of knowledge in the ministries on how to make the legislation digital-ready. The secretariat is in frequent contact with the ministries in order to provide guidance and assistance. The established procedure for the screening of legislative proposals by the secretariat and the preparation of consultation responses ensure regular and continuous contact between the secretariat and the legislators of the ministries. Frequent contact also helps to raise awareness of how legislation is made digital-ready.

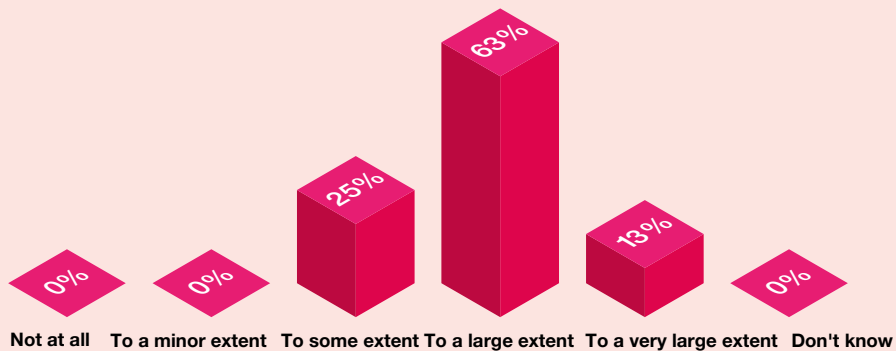**The use and the satisfaction of the Secretariat's guidance and advice**

A survey has been carried out among staff in the ministries with pre-legislative tasks. In this context, questions have been asked about which forms of guidance and sparring from the secretariat for digital-ready legislation are considered to be most valuable. In general, employees state that both consultation responses and early dialogue with the secretariat on the design and description of legislative proposals are valuable in making legislation digital-ready.

The senior officials with ministerial responsibility for the legislative drafting state that early dialogue on legislative proposals can be a good addition to the more formal consultation procedure, as the early dialogue can help to guide employees in the ministry in the direction of important points of attention in a specific legislative proposal at an early stage.

The senior officials with ministerial responsibility for the legislative drafting have also been asked to assess the degree of satisfaction with the guidance and advice provided to the ministries to support the work of making legislation digital-ready:

Source: Interviews with senior officials with ministerial responsibility for the legislative drafting
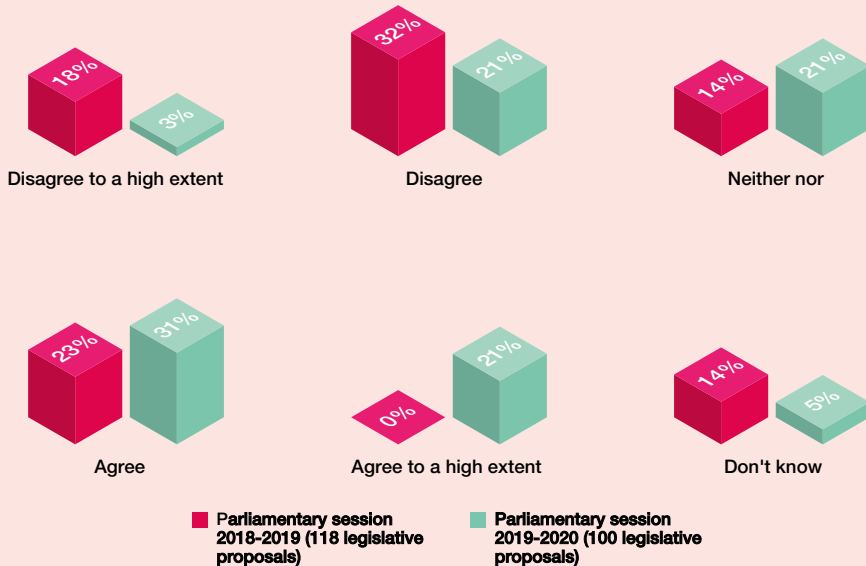
As the figure shows, 76 pct. of the respondents find to a high or very high extent that guidance and advice from the secretariat is satisfactory. The senior officials with ministerial responsibility for the legislative drafting state that the secretariat has been good at adapting the effort so that it gives value to an often compressed process for preparing legislation. It is therefore not only the consultation responses but also the prior informal dialogue with advice and process coordination that the senior officials consider valuable.

The ministries use of the secretariat's consultation response

In addition to the above, the legislators in the ministries have been asked to what extent they have made changes to a bill based on the feedback in the Secretariat's consultation response, cf. figure 4.2. The answer to that question is, of course, a concrete indication of the extent to which the concept of digital-ready legislation leads to concrete changes to the draft legislative proposals submitted for consideration in the Parliament.

Figure 4.2

Proportion of legislative drafters who indicate that the response to the hearing has given rise to amendments to their bills

Disagree to a high extent — 18% / 3%

Disagree — 32% / 21%

Neither nor — 14% / 21%

Agree — 23% / 31%

Agree to a high extent — 0% / 21%

Don't know — 14% / 5%

■ Parliamentary session 2018-2019 (118 legislative proposals)

■ Parliamentary session 2019-2020 (100 legislative proposals)

Source: Interviews with senior officials with ministerial responsibility for the legislative drafting

As can be seen from the figure, in the 2019-20 parliamentary session more than half of the respondents indicate that they have made concrete changes to the bill on the basis of recommendations in the consultation response. The proportion has increased markedly compared to the previous collection, where the proportion was closer to one in four.

This view is supported by the legislative proposals for which the secretariat has drawn up consultation responses.
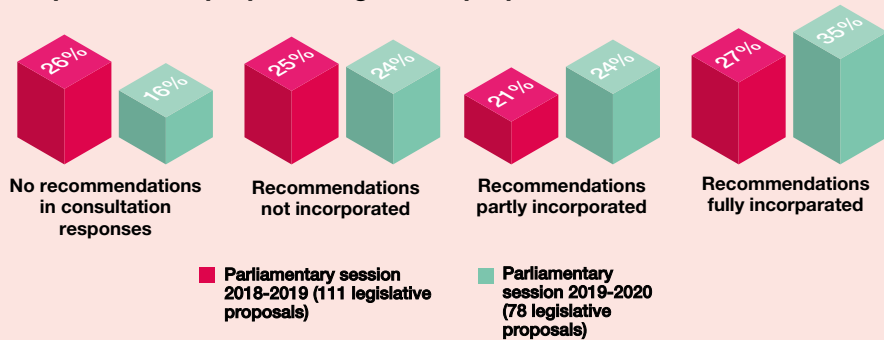
The secretariat examined all legislative proposals which were subject to consultation in the secretariat in the parliamentary session 2018-19 and 2019-20 and subsequently presented to Parliament.

During the review, the secretariat compared the draft bill received by the secretariat in consultation with the final version subsequently submitted to Parliament. The purpose of the review has been to determine whether the secretariat's concrete recommendations from the consultation response are reflected in the bill subsequently submitted to the Parliament.

The secretariat's review shows that the ministries largely incorporate the concrete recommendations from the Secretariat's consultation response into the final legislative proposal. The review also shows that the proportion is increasing over time, cf. figure 4.3.

Figure 4.3
The secretariat's assessment of whether the ministries incorporate concrete recommendations from consultation responses into proposed legislative proposals

26%	16%		
No recommendations in consultation responses			
25%	24%		
Recommendations not incorporated			
21%	24%		
Recommendations partly incorporated			
27%	35%		
Recommendations fully incorparated			

■ Parliamentary session 2018-2019 (111 legislative proposals)

■ Parliamentary session 2019-2020 (78 legislative proposals)

Source: In-house survey

As can be seen from the graph, in more than one third of the cases where the secretariat submits a consultation response, the ministries fully incorporate the recommendations, while only one in four cases do not incorporate the Secretariat's recommendations. Compared to the previous session, the recommendations in the Secretariat's consultation responses are increasingly incorporated into the legislative proposals submitted to the Parliament.
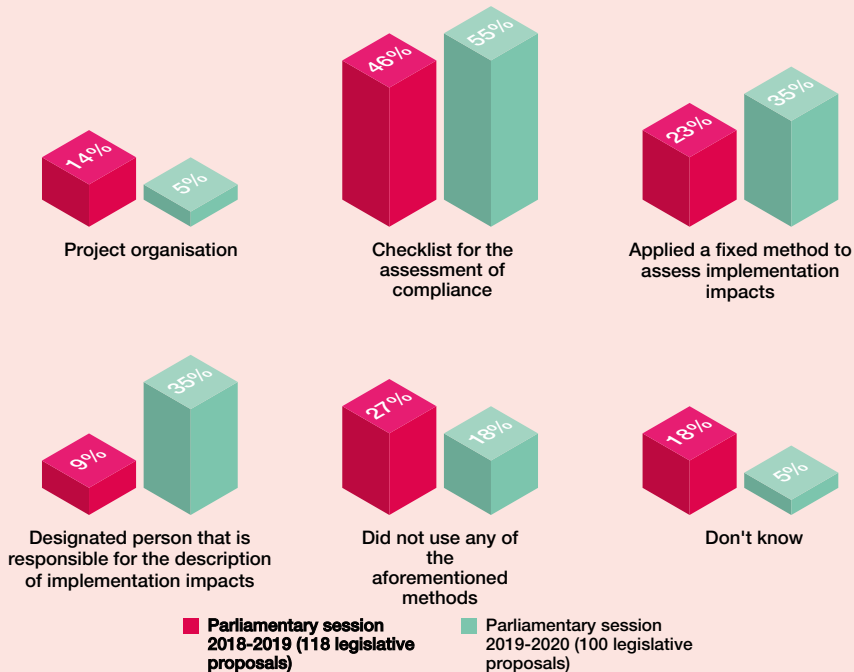
Following the statements made by the legislative drafters that the consultation response often gives rise to amendments to the bill, the above figures show that the changes often involve the incorporation of the concrete recommendations from the consultation response. The evaluation thus indicates that the process of submitting consultation answers gives value to the ministries in their work to make the legislation digital-ready.

Organisation and structuring the activities in the Ministries

Another important aspect of the evaluation has been how the ministries organise internally to make the legislation digital-ready, and to what extent the ministries' staff feel professionally qualified to carry out the work. The evaluation shows that the ministries are increasingly working on common and centralised processes and approaches to ensure that the legislation is rendered digital-ready, cf. figure 4.4.

Figure 4.4

When preparing a legislative proposal, the ministry has applied the following methods

- Project organisation — 14%, 5%
- Checklist for the assessment of compliance — 46%, 55%
- Applied a fixed method to assess implementation impacts — 23%, 35%
- Designated person that is responsible for the description of implementation impacts — 9%, 35%
- Did not use any of the aforementioned methods — 27%, 18%
- Don't know — 18%, 5%

■ Parliamentary session 2018-2019 (118 legislative proposals)
■ Parliamentary session 2019-2020 (100 legislative proposals)
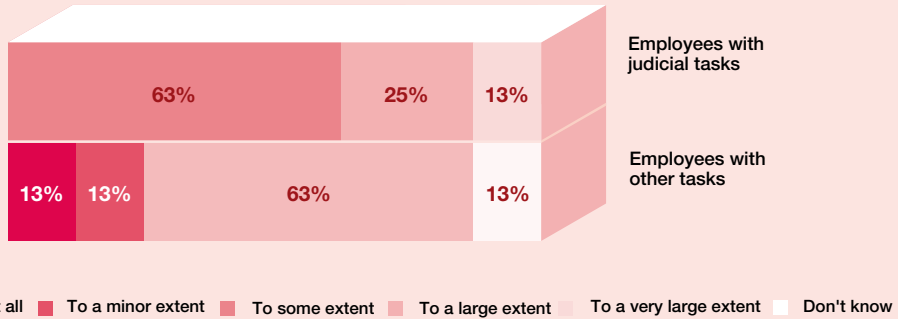
Source: Survey with legislators in ministries

As can be seen from the figure, there is an increasing proportion of legislators who express the fact that the ministries use methods to ensure that the bill is made digital-ready. It is significant that more than half of them express the use of a checklist to assess the legislative proposal's compliance with the principles of digital-ready legislation, and more than one in three use a fixed method for assessing the implementation impacts of the proposed legislation.

It is also true that the ministries are increasingly working on centrally anchoring the work to ensure that legislation is digital-ready, as well as sharing knowledge and experience across ministries on effective instruments and forms of organisation. Among other things, the cooperation has led to the preparation and publication of a number of case examples, as well as a community of practice for senior officials and legislative drafters in the ministries.

The senior officials in the ministries state that especially employees with legal and legislative tasks generally feel well prepared to carry out the task of making the legislation digital-ready.

Figure 4.5
To what extent do the senior officials with ministerial responsibility for the legislative drafting assess that the ministry's employees are technically prepared to meet the objectives of the agreement on digital-ready legislation

Employees with judicial tasks: 63% | 25% | 13%

Employees with other tasks: 13% | 13% | 63% | 13%

Legend: Not at all | To a minor extent | To some extent | To a large extent | To a very large extent | Don't know

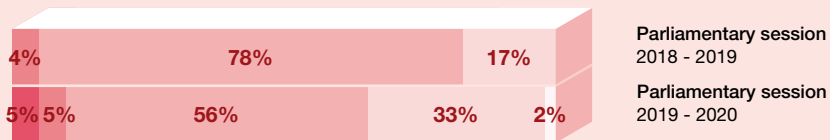Source: Survey with legislators in ministries

The figure shows that more than one in three of the senior officials with ministerial responsibility for the legislative drafting indicate that the ministries' staff with legal duties are highly or highly prepared to carry out the fulfilment of the objectives, while the remaining two-thirds state that this is to some extent the case.

Among other things, the senior officials highlight the great correlation between the seven principles and the ideals of the general quality of legislation work as the reason why it is relatively easy for employees with legal competence to understand and comply with the principles for digital-ready legislation.
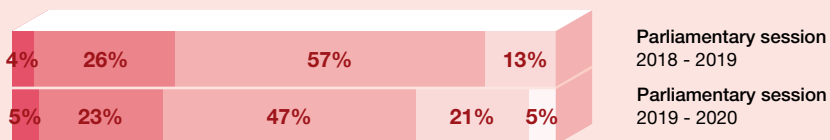
The senior officials generally point to the assessment and description of the implementation impacts of the bill as the area that poses the greatest challenges. Here it is often the case that the legal specialists need to involve colleagues with specialisation in other disciplines such as economics, digitisation or case processing.

In connection with the evaluation, the legislative drafters in the ministries have been asked to which extent they agree with a number of statements about whether they feel professonally qualified to ensure that legislation is digital-ready, cf. figure 4.6.
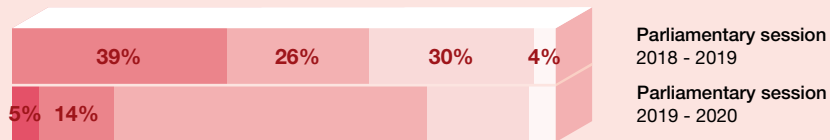
Figure 4.6
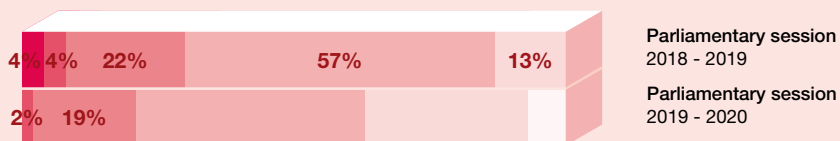## Legislative drafters ability to make legislation digital-ready

4%	78%	17%	Parliamentary session 2018 - 2019
5% 5%	56%	33% 2%	Parliamentary session 2019 - 2020

I'm familiar with the concept

4% 26%	57%	13%	Parliamentary session 2018 - 2019
5% 23%	47%	21% 5%	Parliamentary session 2019 - 2020

I am professionally qualified to
work with digital-ready legislation

39%	26%	30% 4%	Parliamentary session 2018 - 2019
5% 14%			Parliamentary session 2019 - 2020

I have access to sufficient information

4% 4% 22%	57%	13%	Parliamentary session 2018 - 2019
2% 19%			Parliamentary session 2019 - 2020

My authority has worked actively to think opportunities for
digitisation into early preparation of legislative proposals

■ Disagree to high extent ■ Disagree ■ Neither nor ■ Agree ■ Agree to high extent ■ Don't know

Source: Survey with legislators in ministries

As the figure shows, there is generally a positive development in the degree to which legislative drafters indicate that they have sufficient knowledge and professional qualifications to ensure that legislation is digital-ready.

It is therefore significant that the proportion of legislative drafters who agree very much with the above statements is generally increasing. Thus, the proportion of legislative drafters who very much agree that they are professionally qualified to work with digital-ready legislation has increased from 13 pct. to 21 pct., and the share, which agrees very much that their authority has worked actively to pay attention to opportunities for digitisation at an early stage in the preparation of legislative acts has increased from 13 pct. to 30 pct..

The exception to the above is the statement as to whether the legislative drafters have access to adequate information. Here, the proportion of legislative drafters who declare themselves very agreeable has fallen from 30 pct. to 19 pct. On the other hand, the share that agrees has increased from 26 pct. to 58 pct. in the same period.

Example #4

Ministry of Employment:
Payment of a lump sum allowance to beneficiaries

PROBLEM

As part of the economic recovery in the wake of the Covid19 crisis on August 17th in 2020, a majority in the parliament decided that the state should pay a one-off grant of DKK 1,000 to recipients of public benefits such as old-age pensions, early retirement, daily benefits, cash benefits and student grants.

SOLUTION

The Act gives the administrative entity in charge of the Labour Market Supplementary Pension the possibility to draw on relevant public registers in order to draw up, on the basis of objective criteria concerning the beneficiaries, a list of all people who in April 2020 received one or more of the public benefits covered. The list makes it possible to automatically disburse the amount to the NemKonto of the people concerned without further prior processing.

The Act also provides for the Labour Market Supplementary Pension to decide, upon prior application, whether a person is eligible for the lump-sum allowance, even if the person has not received an automatic payment from the Labour Market Supplementary Pension. This applies, for example, to situations where due to regulatory errors there are mistakes in register data relating to the person, including, for example, that the person does not appear as recipient of benefits for the month of April. This is also true in situations where the person is covered by the eligible person but has not received the payment because he has still not assigned a NemKonto.

WHY IS THAT EFFECTIVE?

As a starting point, by organising disbursement fully automatically and without prior procedure, while retaining the possibility that people who have not initially received the grant can apply for it, it is ensured that a very large-scale task of disbursing funds of approximately 2.2 million people can be carried out quickly and with a minimum of administrative burden without compromising people's rights.

WHAT PRINCIPLES MAKE THIS POSSIBLE?

The Act demonstrates how principle #3 on the use of objective criteria enables legislation which makes it more flexible for public authorities to carry out very large-scale administrative tasks in a sound manner which ensures legal certainty.

Chapter 5.
Key figures from legislative proposals in consultation

The present chapter examines a number of relevant key figures concerning the bills from the ministries, which the secretariat has received in consultation in connection with the preparation of legislative proposals for the 2019-2020 parliamentary session. The key figures will be compared with the corresponding key figures of the previous collection in order to assess whether developments are moving in the right direction.

ministries compliance with the six-week deadline

For the 2019-2020 parliamentary session, the ministries have to a lesser extent followed the recommendation to submit bills to the secretariat at least six weeks before the bill is submitted in public consultation, cf. table 5.1.

<div>

Table 5.1
Share of bills in consultation received in due time at the secretariat for digital-ready legislation

Session	Share of bills in consulation	Share of bills received in due time	Share in pct.
2018/19	118	26	22
2019/20	100	10	10

</div>

Note: The timely submission of bills in pre-hearing is six weeks before the consultation

As can be seen from the table, only one in ten bills received by the secretariat for consultation in the 2019-2020 parliamentary assembly were received in compliance with the requirement that draft bills be submitted for consulation no later than six weeks before the legislative proposal is published in public consultation.

It is important that the secretariat receives the bills for consultation in due time as it gives the ministries better time to incorporate amendments into the bill on the basis of recommendations in the consultation response.

However, this development must be seen in the light of the fact that the time available for pre-legislative work in the 2019-2020 parliamentary assembly was impacted adversely by the holding of parliamentary elections in June 2019.

The secretariat has intensified its efforts to initiate an early dialogue with ministries in order to provide targeted input for the digital-ready drafting of legislative proposals in order to compensate for the failure to comply with the deadline for the transmission of legislative proposals.

Relevance of the principles to legislative proposals in consultation

The seven principles of digital-ready legislation set out in the agreement on digital-ready legislation will, to varying degrees, be relevant to the individual legislative proposals received by the secretariat in consultation. It is very much the concrete content of the bill that determines whether it is appropriate to comply with the individual principles.

It is generally true that both principles and implementation impacts have increasingly been relevant in relation to the legislative proposals received by the secretariat in consultation in the parliamentary assembly 2019-2020, cf. table 5.2.

Table 5.2

The relevance of the principles of digital-ready legislation and implementation impacts for legislative proposals received in consultation

Principle	2018/19	2019/20	Change in pct.
Simple and clear rules	42 pct.	51 pct.	+9
Digital communications	26 pct.	44 pct.	+18
Automatic processing of cases	46 pct.	52 pct.	+6
Coherence across goverment — homogeneous concepts and reuse of data	32 pct.	44 pct.	+12
Safe and secure data handling	38 pct.	44 pct.	+6
Use of public infrastructure	19 pct.	38 pct.	+19
Prevent fraud and error	18 pct.	34 pct.	+16
Implementation impcats			
It-governance and risk	71 pct.	62 pct.	-9
Organisational circumstances	50 pct.	50 pct.	0
Data protection	6 pct.	35 pct.	+29
Impact on people	3 pct.	30 pct.	+27

Source: In-house compilation of operating statistics.

As can be seen from the table, there has generally been an increase in the shares according to which the individual principles have been assessed to be relevant in relation to the legislative proposals received in consultation. The biggest increase has been in relation to the principles regarding the use of public infrastructure, digital communication and the prevention of fraud and error.

The development also shows that implementation consequences are increasingly being addressed by legislative proposals received in consultation. The only exception is 'It-governance and risk', where the frequency of the relationship's relevance to the amount of legislative proposals received in consultation has decreased by 9 pct.

However, data protection issues and the importance for people are becoming increasingly frequent. Thus, as can be seen from the table, there have been large increases of 29 pct. and 27 percentage points in the frequency with which these rimplementation impacts are adressed between the parliamentary sessions in 2018-2019 and 2019-2020. However, the increase must be seen in the light of a relatively low starting point in the 2018-2019 parliamentary session.

The proportion of bills that comply with the principles of digital-ready legislation have also increased in the parliamentary session 2019-2020, cf. table 5.3.

Table 5.3
Share of bills received in consultation that comply with the principles of digital-ready legislation

Principle	2018/19	2019/20	Change in pct.
Simple and clear rules	24 pct.	31 pct.	+7
Digital Communications	8 pct.	26 pct.	+18
Automatic processing of cases	9 pct.	31 pct.	+22
Coherence across goverment — homogeneous concepts and reuse of data	14 pct.	26 pct.	+12
Safe and secure data handling	13 pct.	17 pct.	+4
Use of public infrastructure	6 pct.	16 pct.	+10
Prevent fraud and error	8 pct.	23 pct.	+15

Source: In-house compilation of operating statistics.

The table shows that more and more legislative proposals comply with the principles of digital-ready legislation. The biggest increase has been made in relation to the principle of enabling automatic processing of cases. This is, among other things, about assessing whether there are considerations that argue against the possibility of applying objective criteria in legislation. Objective criteria help to ensure that the legislation is clear and easy to understand for the citizen and easier to administer, but also supports the possibility of full or partial automation of case processing in areas where it makes sense, and where there is no need for a professional judgement.

The share of of bills with implementation impacts and recommendations

The proportion of legislative proposals submitted, which the secretariat has assessed to have implementation impacts for public authorities, and therefore requested in consultation prior to the submission, is at approximately the same level in 2019-2020 as in the parliamentary session 2018-2019, cf. table 5.4.

Table 5.4
Share of bills with implementation impacts per ministry, parliamentary sesssion 2019-2020

Ministry	Share of legislative proposals	Share that is assessed to have implementa- tion impacts	Share in pct.	Share in pct. (session 2018/19)
Ministry of Taxation	49	13	27 pct.	32 pct.
Ministry of Employment	26	10	38 pct.	80 pct.
Ministry of Industry, Business and Financial Affairs	26	8	31 pct.	38 pct.
Ministry of Justice	22	3	14 pct.	24 pct.
Ministry of Social Affairs and the Interior	20	9	45 pct.	-
Ministry of Transport and Housing	18	8	44 pct.	21 pct.
Ministry of Environment and Food	16	16	100 pct.	9 pct.
Ministry of Immigration and Integration	16	4	25 pct.	57 pct.
Ministry of Health and Senior Citizens	13	4	31 pct.	30 pct.
Ministry of Climate, Energy and Utilities	11	7	64 pct.	25 pct.
Ministry of Children and Education	10	6	60 pct.	-
Ministry of Higher Education and Science	6	2	33 pct.	40 pct.
Ministry of Finance	4	0	0 pct.	33 pct.
Ministry of Culture	3	2	67 pct.	50 pct.
Ministry of Defence	2	1	50 pct.	25 pct.
Ministry of Ecclesiastical Affairs	2	1	50 pct.	0 pct.
Ministry of Foreign Affairs	0	0	0 pct.	20 pct.
Ministry of Education	-	-	-	40 pct.
Ministry for Children and Social Affairs	-	-	-	38 pct.
Ministry for Economic Affairs and the Interior	-	-	-	0 pct.
In total	**244**	**94**	**39 pct.**	**34 pct.**

Source: In-house compilation of operating statistics.

As can be seen from the table, the secretariat has estimated that 39 pct. of the proposed legislative proposals resulted in implementation impacts for public authorities. This should be seen in the light of the fact that the corresponding share in the 2018-2019 parliamentary session was 34 pct.

Table 5.5
Share of consultation responses with recommendations, parliamentary session 2019-2020

Ministry	Share of legislative proposals that is assessed to have implementation impacts	Share of consultation responses with recommendations	Share in pct.	Share in pct. (session 2018/19)
Ministry of Taxation	13	11	85 pct.	52 pct.
Ministry of Employment	10	9	90 pct.	81 pct.
Ministry of Industry, Business & Financial Affairs	8	8	100 pct.	60 pct.
Ministry of Justice	3	3	100 pct.	83 pct.
Ministry of Social Affairs and the Interior	9	9	100 pct.	-
Ministry of Transport and Housing	8	6	75 pct.	75 pct.
Ministry of Environment and Food	16	14	88 pct.	66 pct.
Ministry of Immigration and Integration	4	3	75 pct.	13 pct.
Ministry of Health and Senior Citizens	4	4	100 pct.	70 pct.
Ministry of Climate, Energy and Utilities	7	5	71 pct.	100 pct.
Ministry of Children and Education	6	6	100 pct.	-
Ministry of Higher Education and Science	2	1	50 pct.	50 pct.
Ministry of Finance	0	0	0 pct.	50 pct.
Ministry of Culture	2	2	100 pct.	66 pct.
Ministry of Defence	1	1	100 pct.	0 pct.
Ministry of Ecclesiastical Affairs	1	1	100 pct.	0 pct.
Ministry of Foreign Affairs	0	0	0 pct.	100 pct.
Ministry of Education	-	-	-	83 pct.
Ministry for Children and Social Affairs	-	-	-	100 pct.
Ministry for Economic Affairs and the Interior	-	-	-	0 pct.
In total	**94**	**83**	**88 pct.**	**87 pct.**

Source: In-house compilation of operating statistics.

Finally, at the same frequency as in the last session, the ministries are recommended to adjust or expand the description of the implementation impacts of the legislative proposals submitted for consultation in the secretariat, cf. Table 5.5.

As can be seen from the table, the secretariat has made recommendations on the adjustment of legislative proposals in 88 pct. of the consultation responses submitted, while the figure for the previous session was 87 pct..

The statistics seem to indicate that a significant proportion of bills from the ministries lead to implementation impacts.

Statistics also show that the fact that the secretariat on average has had fewer days to review the individual bill has not affected how often the secretariat makes recommendations for adjustments to legislative proposals in their consultation responses.

Similarly, it was documented in Chapter 2 that the ministries are making significant and increasingly frequent changes to the draft legislative proposal on the basis of the recommendations from the secretariat for digital-ready legislation.

Example #5

Digital-ready legislation and accessibility

The agreement on digital-ready legislation states that the digitisation of the public sector must take account of the legal certainty of individuals.

Digitisation should contribute to greater transparency, improved accessibility and greater legal certainty – not the opposite. Therefore, everybody must have equal opportunities to communicate with the public authorities or gain insight into their own affairs.

When public authorities provide digital solutions, many will benefit from the authorities becoming more accessible because they can be accessed without having to go to a specific place during opening hours.

However, it is important that the that the public sector's switch to digital solutions does not cut off people who are less able to serve themselves digitally.

This means, among other things, that new digital solutions must be organised to take account of people who, for example, because of disability, lack of digital skills, etc., cannot use the digital communication channels offered or public infrastructure. Offering help and guidance, personal case processing and the possibility of using alternative analogue communication channels ensure that no citizen is left behind in the digital development.

The principles of digital-ready legislation state that new legislation must take into account the general availability of public authorities for the people. This must be ensured, among other things, by drafting legislation so that it is simple to understand for people and businesses, and so that it considers how to best include people who are not as able use digital tools and that digital solutions meet international web accessibility guidelines.

Thus, it follows from principle #2 on digital communication that people with special conditions should have the possibility to use alternative communication channels in place of mandatory digital solutions for e.g. receiving digital mail.

When legislation is digital-ready it also means that the impacts for the accessibility of public authorities' services through digitisation have been actively considered.

For instance, the law on a new procedure for collecting voters' declarations created a digital portal solution that makes it easier for people to make a voter's declaration for a party using NemID. The law also ensures that it is made available as a paper-based procedure for making electoral declarations to people who cannot use Digital Post but who must continue to exercise their democratic rights.

Example #6

The Content of the Secretariat's consultation response

When the secretariat for digital-ready legislation receives a bill in consultation from a ministry, the secretariat will typically prepare a consultation response with one or more recommendations.

The recommendations are based on an assessment of the legislative proposal's compliance with the principles of digital-ready legislation and in the assessment and description of the implementation impacts of the bill.

It is the responsibility of the ministries to ensure that the bill complies with the principles of digital-ready legislation, just as it is the ministries that decide in cases where there may be a need to balance compliance with the principles against any other considerations.

The secretariat will typically point out in a consultation response, how the ministry can to a greater extent explain the compliance of the bill with the principles and make visible to Parliament any specific trade-offs that may have taken place during the pre-legislative work.

In addition, the secretariat will point out in the consultation response areas in which the ministry's assessment and description of the implementation impacts of the bill can be usefully elaborated.

The following are a few examples of concrete recommendations which can be found in the secretariat's consultation response:

Impacts on people

"The secretariat notes the ministry's assessment that the bill does not have significant public implementation impacts.

However, the secretariat recommends that, in accordance with the requirement to assess and describe the impact of the bill on citizens rights the ministry may consider explaining in more detail whether people whose application is declared invalid will be informed accordingly. Such information could, for example, make use of Digital Post and serve to ensure that people do not inadvertently miss the opportunity to exercise their right to reapply within the period on the basis of an erroneous perception that their application remains valid".

Data protection

"The secretariat recommends that the ministry may consider elaborating further on the technical measures envisaged to ensure that any personal data, including statements made under the proposed Section X, are processed safely and securely. This is particularly in the context of the Board's examination of the grounds for the annulment of the declarations made".

Principle #5 on safe and secure data handling

"The secretariat welcomes the fact that in Section X of the bill, the ministry has given consideration of the compatibility of the bill with data protection legislation. It is also positive that the ministry has dealt with the proportionality of the processing of sensitive personal data in particular against the objectives pursued by the bill."

Principle #7 on preventing fraud and error

"The secretariat notes that among a number of specific facts, which may give rise to justified suspicions of a breach of law, the ministry lists disproportionate fluctuations for key parameters of the collection. This wording is suitable for automatic identification by setting up the appropriate digital control mechanisms".

A concrete example of the secretariat's consultation response can be found at the website of the Danish Parliament:

Consultation note with consultation responses given by the secretariat for digital-ready legislation (pp. 3-5) https://www.ft.dk/samling/20182/lovforslag/L1/bilag/1/2065625/index.htm

Chapter 6. Recommendations

The evaluation paints a picture of an effort that has gotten off to a good start with a positive development from year to year. However, the evaluation also shows that in some areas there are still significant challenges in making legislation digital-ready.

It is particularly important to:
• ensure an ongoing review of existing legislation

• ensure that implementation impacts and the need for compliance are highlighted at an early stage in the policy-making process

• supplement ministries' specific knowledge and experience with training and guidance services tailored to relevant target groups

In the following chapter, a number of recommendations on concrete actions are presented that has the potential to be implemented in order to follow up on the main conclusions of the evaluation. The recommendations are reviewed under the above focus areas.

Mapping the potential for revising existing legislation

The agreement on digital-ready legislation states that existing legislation needs to be continuously revised in order to ensure that it is digital-ready. The evaluation indicates that the ministries have have only to a very minor extent carried out out an ongoing review and an assesment of existing legislation to ensure that it is digital-ready. This renders it important to decide whether or not to apply an additional effort to review existing legislation.

There are several advantages – both from the citizen's perspective and from an administrative perspective – associated with a more systematic revision of existing legislation. In the field of employment, for example, the review of the Act on Active Employment has led to more transparency in legislation for the citizen. For instance, in the area of the former Ministry of the Environment and Food, the work with The Law Compass has significantly reduced the amount of laws in the area of jurisdiction.

By revising existing legislation more systematically, it will be possible to harmonise the use of concepts and data across areas, and existing rules will be simplified and streamlined to facilitate digital management. Existing legislation is often characterised by patch work revision and often end up being comprised of many complex layers. A systematic review can ensure that the legislation becomes simpler and clearer allowing for a decision as to whether resources can be released and prioritised toward the improvement of service delivery by eliminating ambiguities or superfluous steps in the proceedings. Such reviews will often be resource-intensive exercises and they can therefore be focused on areas where there is expected to be a particular potential.

Strengthened focus on digital-ready legislation at an early stage of the political decision-making process

The agreement on digital-ready legislation states that implementation impacts must be highlighted as early as possible in the policy-making process.

The evaluation indicates that there will be potential to strengthen the focus on digital-ready legislation at earlier stages of the decision-making process, including in the context of political negotiations. Digital-ready political agreements will mean that contexts for individual citizens' groups, issues of data protection law, organisational and IT related issues, etc., are thoroughly illuminated and described in the agreement. This will increase the transparency of the policy negotiation process and make visible the implementation-related impacts of, for example, addressing individual target groups that seldom harmonise with easy and digital implementation. It is therefore possible to consider what measures could promote this objective from drawing up checklists to more structural measures.

Similarly, consideration may be given to preparing material that ensures guidelines and available guidance when the ministries prepare basic and closeness notes from proposed EU legislation. This will ensure that the necessary consideration is given at an early stage so that the proposed provisions can be implemented as digital-ready legislation in a Danish context.

Targeted dissemination and training activities

The agreement on digital-ready legislation states that the ministries will continuously be offered guidance to support work on digital-ready legislation.

The evaluation indicates that the ministries are satisfied with the ongoing guidance. The evaluation also identifies areas where further efforts may be needed.

Specifically, targeted training services for selected central government groups may be considered in order to ensure that the relevant knowledge is present when the need arises. The training services can be provided either as a frequently offered general introduction to a broad audience or as a more tailor-made offer that teaches selected group with more experience with digital-ready legislation.

Continued training and knowledge-building in ministries should also support the fact that the ideas of digital-ready legislation are also included in the drafting of other regulatory acts, including, in particular, statutatory orders, which often regulate concrete issues in the interface between legal matters and technical measures. The secretariat of digital-ready legislation does not at present provide a consultation response to draft statutatory orders.

Example #7
Several countries are inspired by Denmark

A number of countries and international institutions show interest in learning more about Danish experiences in this area.

A number of presentations have been held for other countries on the ideas behind digital-ready legislation. For instance, the German Presidency of the EU's Council of Ministers invited the Danish Agency for Digitalisation to present the Danish experience to the other Member States at a conference in November 2020.

In the OECD, there has also been interest in the Danish experiences. For instance, on the 21st of September 2020, Norway launched a national resource centre, reminiscent of the Danish Digitisation Agency's secretariat for digital-ready legislation. The Agency for Digitalisation is also mentioned as a new internal regulatory authority for the OECD's regulatory policy report, which will be published in 2021.

Danish experiences has also attracted interest in the European context. For instance, the Danish Agency for Digitalisation presented at a webinar in cooperation with the European Commission in October 2020. In the webinar, representatives from the Commission's Directorate-General for Informatics (DG DIGIT) presented a soon forthcoming tool inspired by the Danish experiences. The tool allows the Commission to perform a "digital quality check" of new policy initiatives under the auspices of the Commission's "Better Regulation" legislative quality efforts.

With the Berlin Declaration on digital society and value-based public digitisation on the 8th of December 2020, the EU Council of Ministers called on the Commission to ensure that future directives and regulations proposed by the Commission are made digital-ready under the auspices of the Better Regulation initiative.

Annex A
Declaration of methods

Methods

The evaluation has been divided into the following phases:

- Data collection
- Qualification
- Analysis
- Production
- Verification

During the initial phase of the evaluation, data have been collected from a number of sources, including respondents with interfaces to make legislation digital-ready. Desk research in the form of quantitative deepdives have also been carried out to clarify the impact of the secretariat's response to consultation.

The understanding of the data collected has then been sought to be qualified via informal dialogue with a number of respondents.

On the basis of the data collected and the qualified understanding of this by the secretariat, a proper analysis of data with a number of preliminary conclusions have been carried out.

At the production stage, each analytical conclusion has then been sought to be linked, as documented in a draft evaluation report. The draft evaluation report was subsequently submitted and discussed by a number of key stakeholders in a series of focus group interviews with representatives from the Danish Digitalisation Agency's Advisory Board on the legal framework for e-government, members of the Danish Data Ethics Council, a group of central government senior officials with ministerial responsibility for the legislative drafting and municipal authorities for the validation of the conclusions presented.

Based on the feedback in the validation, the evaluation report was then adapted and clarified. In support of the evaluation, the following data collections have been carried out:

- Interviews with senior officials with ministerial responsibility for the legislative drafting
- Survey with interest organisations and researchers
- Survey with legislators
- Mapping the effect of the secretariat's consultation responses

Details of the individual data collections are described in the following section:

Interviews with senior officials with ministerial responsibility for the legislative drafting

Interviews were carried out between the 23rd of March and the 24th of April with 8 out of the 16 senior officials with ministerial responsibility for the legislative drafting invited from the central government. All ministries, with the exception of the Prime Minister's Office and the Ministry of Finance, have received an invitation to participate in the study.

However, due to the COVID-19 crisis and the resulting need for the preparation of urgent legislation in a number of ministries, the number of participants have fallen short of the implementation of a similar interview in 2019, which involved 10 participants.

The interviews have been conducted as a mix of written and Skype-based interviews, as the secretariat, taking into account the specific working conditions of the Covid19-conditional home working scheme, wanted to show maximum flexibility in relation to respondents' prerequisites. Thus, some of the replies were submitted only in writing.

The ministries represented in the Senior Officals Survey are shown in Table 1.

Table 1
Overview of the ministries participating in the interviews.

Ministry	Share of legislative proposals in consultation in 2019/20	Share of legislative proposals presented to parliament in 2019/20
Ministry of Children and Education	8	10
Ministry of Defence	1	2
Ministry of Justice	4	22
Ministry of the Environment and Food (formerly)	16	16
Ministry of Taxation	13	49
Ministry of Social Affairs and the Interior	9	20
Ministry of Health and Senior Citizens	4	13
Ministry of Transport and Housing	9	18
In total	**64 out of 100**	**150 out of 244**

Source: In-house compilation of operating statistics.

As can be seen from the overview, the survey has been attended by ministries representing just under 2/3 of the legislative proposals that were submitted for consultation to the secretariat for digital-ready legislation in the previous parliamentary session.

Surveywith interest organisations and researchers

Between the 17th of March and the 21st of April, the secretariat conducted an online survey of 60 interest organisations and researchers related to digital-ready legislation.

The participants were asked to assess the results of the action on a number of parameters and were also invited to identify concrete examples of where legislation is already digital-ready today as well as areas where there is a potential for improvement.

The secretariat received a total of 30 replies, which is a response rate of 50 pct..

Survey with legislative drafters

From the 17th of March to the 31st of March 2020, the secretariat sent an invitation to 87 legislators to participate in the survey.

The legislators have been identified on the basis of the persons in the ministries with whom the secretariat has been in dialogue in response to the consultation. As a result, several legislators from each ministry have received and replied to the survey.

Out of the 87 recipients of the survey, 36 have fully completed the questionnaire. This corresponds to a response rate of 41 pct. However, several of the survey questions have up to 40 respondents, which is why the response rate for some questions will be even higher.

Respondents are divided into 16 out of a total of 18 ministries. Of the ministries which have been consulted by the secretariat, only the Ministry of Foreign Affairs is not represented in the study. The results of the survey therefore represent relevant ministries on a broad scale.

Mapping the impact of the secretariat's consultation responses

The secretariat has carried out an analysis of all the responses to the legislative proposals received in parliamentary sessions 2018-19 and 2019-20.

The purpose of the analysis was to determine to what extent the specific recommendations in the Secretariat's consultation responses were subsequently incorporated, in whole or in part, in the legislative proposal subsequently submitted to the Danish Parliament.

The assessment of whether the specific recommendations in the response to the consultation have been taken into account has been carried out as a discretionary assessment by the individual desk officer responsible in the secretariat, comparing the draft legislative proposal received with the following version.

Find out more

The secretariat for digital-ready legislation is available for further guidance on digital-ready legislation. We provide guidance as both dialogue meetings and formal presentations.

Contact secretariat for digital-ready legislation at klarlovgivning@digst.dk