

LAW ON ELECTRONIC GOVERNANCE

In force as of 13 June 2008

Promulgated in SG No 46 of 12 June 2007

Chapter One GENERAL PROVISIONS

Subject-matter

Article 1

(1) This Law lays down the activity of the administrative bodies related to work with electronic documents, provision of administrative services electronically and exchange of electronic documents between the administrative bodies.

(2) This Law shall apply also to the activities of persons charged with public functions and of the organizations providing public services, unless otherwise provided by the Law.

(3) This Law shall not apply to handling of electronic documents containing classified information.

(4) This Law shall not repeal the rules for work with paper documents, when a law provides for a special form or a special procedure for conducting certain actions.

Single collection and creation of data

Article 2

(1) The administrative bodies, the persons charged with public functions and the organisations providing public services cannot require from the citizens and organizations to produce or to prove data, which have already been collected or created; they must collect such data *ex officio* from the initial data administrator.

(2) The initial data administrator shall be the administrative body, which by virtue of law collects or creates data about a citizen or an organisation for the first time, and amends or deletes such data. He shall provide access for the citizens and the organizations to all the information collected about them.

Notification *ex officio*

Article 3

The initial data administrator must send *ex officio* the data to all administrative bodies, to persons charged with public functions and to organisations providing public services, which are charged by virtue of a law to keep these data and have expressed will to obtain them.

Automatic transmission

Article 4

(1) The notification and the request for data transmission under this Chapter shall be processed automatically by electronic means as an internal administrative service.

(2) In case of lack of technological possibility for automatic submission and in cases, when a law provides for manual keeping of registers, the data shall be requested, respectively transmitted, as an electronic document in unstructured content format or shall be provided in paper copy.

Obligations in case of identification

Article 5

(1) The obligations under this Chapter shall arise, if the citizen, respectively the organisation, has provided a unique identifier established by virtue of law.

(2) The administrative bodies, the persons charged with public functions and the organisations providing public services shall be obliged to provide an opportunity to the citizens and the organisations to indicate unique identifier, when the latter request the respective administrative service.

Uniform time

Article 6

(1) The administrative bodies, the persons charged with public functions and the organisations providing public services shall be obliged to use information systems, which operate under uniform time, in accordance with a standard laid down in an ordinance of the Council of Ministers.

(2) The time of occurrence of facts with legal or technical relevance shall be recoded with precision of year, date, hour, minute and second.

Sectoral rules

Article 7

(1) The ministers shall approve by ordinances special rules for provision of electronic services in the respective sector, for exchange of electronic documents between the persons and organisations in the sector and the internal exchange of electronic documents within the separate departments in the sector. Such ordinances shall be issued when the organisation of work and the processes impose special rules, increased criteria for information security or established special standards for interoperability.

(2) The rules under (1) cannot be contrary to the general rules established by this Law.

(3) Introduction of special rules shall not relieve the persons, which have obligations under this Law, to comply with the established general rules.

(4) The Council of Ministers shall adopt general strategy for e-Governance.

(5) The ministers shall propose to the Council of Ministers the approval of sectoral strategies for e-Governance and shall adopt programmes for their implementation.

Chapter Two

PROVISION OF ELECTRONIC ADMINISTRATIVE SERVICES

Section I

General requirements

Electronic administrative services

Article 8

(1) The electronic administrative services shall be the administrative services provided to citizens and organisations by the administrative bodies; the services provided by the persons charged with public functions, as well as the public services, which can be requested and/or provided remotely by using electronic means.

(2) The administrative bodies, the persons charged with public functions and the organisations providing public services shall be obliged to provide all services within their competence also electronically, unless a law provides for a special form for conducting separate actions or issuance of relevant acts.

(3) When the special form prescribed by law has a legal relevance, but part of the service may be requested or provided electronically, the administrative bodies, the persons charged with public functions and the organisations providing public services must provide such an opportunity.

Provider and recipient of electronic administrative services

Article 9

(1) Provider of electronic administrative services shall be an administrative body, a person charged with public functions or an organisation providing public services, which or who provides electronic administrative service to citizens and organisations within their competence.

(2) Recipient of electronic administrative services shall be a citizen or an organisation, who or which uses electronic administrative services.

Obligation for announcement of services provided

Article 10

(1) The provider of electronic administrative services shall make public the services provided by it in a comprehensible and accessible way.

(2) The provider shall provide detailed information regarding each electronic administrative service provided free of charge, including by its territorial units and the municipalities. This information shall be provided also through the official website of the provider.

(3) The providers shall announce publicly their official website.

Obligation for receiving and issuing electronic documents and for provision of electronic administrative services

Article 11

The providers of electronic administrative services cannot refuse accepting electronic administrative documents, which have been issued and signed in accordance with the Law on Electronic Documents and Electronic Signatures and with this Law, as well as to refuse issuing electronic documents and providing electronic administrative services.

Accessibility of the services

Article 12

- (1) The Minister of the State Administration and the Administrative Reform shall establish and maintain an integrated portal for access to the electronic administrative services.
- (2) The electronic administrative services shall be provided in accessible way and in dialogue regime comfortable for the users, including for persons with disabilities.
- (3) The provider of electronic administrative services ensures access to the actual state of the provided service.
- (4) The general requirements for provision of services shall be laid down in an ordinance on the electronic administrative services adopted by the Council of Ministers.
- (5) The ways for electronic payment related to the provision of electronic administrative services shall be laid down in the ordinance referred to in paragraph 4.

Obligation for provision of information

Article 13

(1) The provider of electronic administrative services shall provide unrestricted, direct and constant access to the service recipients to the following information:

1. name;
2. registered office and address;
3. addresses of the territorial units, if such have been established if they are different from the address referred to in point 2;
4. correspondence details, including phone, e-mail address and website with interface for electronic correspondence;
5. current and operative phone on which the user could receive information on the service provided, consultation and help for the necessary actions to be undertaken for receipt of the service.
6. unique identifier;
7. information about the body, which controls its activities;
8. information about submission of proposals, signals and complaints;
9. information about the procedure for appealing its actions and the acts issued;
10. other information provided for in a normative act.

(2) When fees are due for receiving the electronic administrative service, such fees must be indicated clearly, comprehensively and unambiguously, while the price of the total service and the ways for its payment should be made evident.

(3) When providing electronic administrative service, the provider shall inform the service recipient in advance clearly, comprehensively and unambiguously regarding:

1. the technical steps on provision of the service, their legal relevance and the deadline for its provision;
2. the opportunity for the issued act to be kept in electronic form by the provider and the way for accessing it;
3. the technical means for ascertaining and rectifying errors made during the information entry before the submission of the statement related to the service is effected;
4. the languages, on which the service can be used.

Possibility for rectifying errors and omissions

Article 14

The provider of electronic administrative services shall ensure appropriate, effective and accessible technical means for ascertaining and rectifying errors during information input before the service recipient submits the respective statements.

Access to the issued acts and statements

Article 15

- (1) The provider of electronic administrative services shall provide the recipient with access to its acts and other statements and data, collected for the recipient, related to the service provision in a way that allows their saving and reproduction.
- (2) The providers of electronic administrative services shall provide access electronically to their common administrative acts and statements.

Obligation for collection, processing and provision of personal data

Article 16

- (1) The providers of electronic administrative services shall be obliged to collect, process and provide personal data insofar they are necessary for the provision of electronic services within the meaning of this Law.
- (2) The collected data cannot be used for purposes different from those referred to paragraph 1, except for with the explicit consent of the person, to whom they are related, or if this is allowed by the Law.

Technical standards and policies

Article 17

- (1) The technical requirements for provision of access to electronic administrative services and the electronic administrative service providers' policies for graphic and other interfaces of the information systems used shall be laid down in the ordinance referred to in Article 12, paragraph 4.
- (2) The technical requirements for provision of access to electronic administrative services and the electronic administrative service providers' policies for graphic and other interfaces of the information systems used, as well as the types of electronic documents accepted by the providers of electronic administrative services shall be published on the website of the Ministry of State Administration and Administrative Reform and on the integrated portal for access to electronic

administrative services and shall be compulsory for all persons during receiving, respectively transmitting electronic documents from and to the providers.

Applicability of the statutory obligations to the persons charged with public functions and to the organisations providing public services

Article 18

The provisions of this Chapter related to obligations of administrative bodies, except for the obligations referred to Articles 37 and 38 shall apply respectively to the persons charged with public functions and to the organisations providing public services.

Section II

Electronic documents submission

Use of electronic administrative services

Article 19

The recipients of electronic administrative services may perform electronic statements and transmit them electronically, if the submitted documents have been issued and signed in accordance with the Law on Electronic Documents and Electronic Signatures, and if the requirements of this Law have been complied with.

Interfaces for electronic documents transmission

Article 20

(1) The electronic documents submission by citizens and organisations shall be done:

1. on-line by using standard protocol by the means of publicly accessible web-based application;
2. through the integrated environment for documents exchange;
3. by other means for electronic documents submission, as specified in the ordinance referred to in Article 12, paragraph 4.

(2) The interfaces must ensure the performance of the electronic statements and the creation of the electronic documents in accordance with the requirements of the Law on Electronic Documents and Electronic Signatures in simple and comprehensible way for operation by the users, including persons with disabilities.

Format and requisites

Article 21

The Council of Ministers shall lay down in the ordinance referred to in Article 12, paragraph 4, the formats and the compulsory requisites, with which the electronic documents must comply.

Identification, integrity and authorship

Article 22

(1) The recipients of electronic administrative services and the authors of electronic statements shall identify themselves by means of the unique identifier, unless it is permitted by law that no identification verification shall be required for a certain administrative service.

(2) The integrity and the authorship of statements submitted electronically with regard to electronic administrative services shall be ascertained by means of an electronic signature created in accordance with the Law on Electronic Documents and Electronic Signatures and in compliance with the legislation in force in this field, unless otherwise provided by a law.

(3) Apart from the cases referred to in paragraph 2, the ascertainment of the integrity and the authorship of the electronic statements shall be laid down in the ordinance referred to in Article 12, paragraph 4 for the respective way of access.

Requirement for the electronic signature certificates

Article 23

For the purposes of provision of electronic administrative services, the electronic signature certificates issued must indicate the exact full name of the author of the electronic signature and when the certificate contains data about the principal – also his full name.

Empowerment

Article 24

(1) When the electronic signature certificate indicates that the applicant – “author” is acting on behalf of another person – “principal”, the grounds of the empowerment must be indicated in the certificate. If the empowerment ensues from other empowered persons, the certificate must contain data about these persons.

(2) When a certificate, which does not contain the circumstances referred to in paragraph 1, is used, the applicant must indicate in the electronic statement that she/he acts on behalf of the recipient of the administrative service. When the representative powers do not ensue from a law, their scope shall be established from the text of the electronic statement. The applicant shall be subject to penal liability for declaring untrue circumstances.

(3) The providers of electronic administrative services shall ensure the opportunity for the authors to indicate in the electronic statements in what capacity they are acting.

Obligation for acceptance of electronic statements

Article 25

(1) The recipient of the electronic administrative service must accept electronic statements made by the provider on the confirmation of the receipt and on the verification result on the validity of the submitted documents.

(2) The recipient of the electronic administrative service may agree to receive the electronic statements related to the particular service required or to all electronic statements made by the respective provider.

Obligation for indication of electronic address

Article 26

(1) The recipient of the electronic administrative service shall be obliged to indicate an e-mail address for receiving electronic statements by the provider or another e-mail address, laid down in the ordinance referred to in Article 12, paragraph 4.

(2) If the recipient has altered his/her address without notifying the provider, or if wrong or non-existent e-mail address, respectively another e-mail address, laid down in the ordinance referred to in Article 12, paragraph 4, has been indicated, all messages sent to the indicated address shall be deemed duly received.

(3) By the ordinance referred to in Article 12, paragraph 4, the Council of Ministers may provide for the needs of the e-Governance the use of a special electronic mail box created for each citizen and organisation in an information system for exchange of electronic statements by e-mail maintained by the Ministry of State Administration and Administrative Reform. In such a case, all messages sent to the recipient by the administrative bodies shall be deemed received as from the moment of their receipt in the e-mail box maintained in the system.

Change of the stated circumstances

Article 27

The recipient of electronic administrative service shall be obliged to notify the provider about all changes in the stated circumstances related to the representative powers, to the consent to receive electronic statements and to the e-mail address. The change shall be valid from the moment of the notification.

Verification of the applicant's identity

Article 28

(1) When a request is submitted electronically, the provider shall verify forthwith the applicant's identity by:

1. comparing the name of the applicant indicated in the request and the name of the author indicated in the electronic signature certificate, and

2. verification in the respective administration responsible for the personal registration of citizens, whether the established in accordance with point 1 name of a citizen corresponds to the unique identifier of the applicant, indicated in the application.

(2) The verification of the identity shall be carried out for all citizens, in respect of which circumstances are being stated and which are identified with the unique identifier. The verification of the identity of organizations shall be carried out through verification in the respective registers of the organizations.

(3) If the technology allows so, the verifications referred to in paragraphs 1 and 2 shall be carried out automatically.

(4) When the applicant does not have a unique identifier, the verification referred to in paragraph 1, point 2 shall not be carried out.

(5) When the access for use of the electronic administrative service is carried out through the integrated environment for exchange of documents, or when the ordinance referred to in Article 12, paragraph 4 provides for another way for identification of the respective type of access, the verification referred to in paragraph 1 shall not be carried out.

Provision of electronic administrative services without verification of identity

Article 29

When a law permits the use of administrative service to be carried out without identification of the applicant, verification of identity shall not be carried out.

Transformation of statements and acts accepted in paper copy

Article 30

(1) When statements of citizens and organizations, court acts, as well as acts of administrative and other bodies have been submitted in paper copy, they shall be entered in the information system of the respective administrative body by taking an electronic image of them and of the documents attached thereto by a scanning device, in a form and in a way allowing their readability. The complete and exact conformity of the created electronic image with the document of which it was taken shall be certified with the electronic signature of the official who has taken the electronic image.

(2) The documents referred to in paragraph 1 shall be kept by the administrative body.

(3) The documents referred to in paragraph 1 may be exchanged between the administrative bodies only in electronic form.

Section III

Receipt of electronic documents

Persons receiving electronic statements

Article 31

Documents submitted electronically shall be received by persons empowered by the respective providers of electronic administrative services.

Time of receipt of electronic statements

Article 32

(1) Electronic statement shall be deemed received by the provider of electronic administrative services from the moment of its entry in the information system of the provider or in the integrated environment for exchange of documents.

(2) The risk of errors occurred during the transmission of the statement to the service provider shall be borne by the applicant.

Conformity verification

Article 33

(1) When the documents sent electronically are in a format different from the established under Article 22 or when the applicant cannot identify himself/herself when this is required by law, a message shall be sent to the latter that the receipt is not confirmed and the reasons thereof.

(2) The verification referred to in paragraph 1 shall be carried out automatically, if this is technologically possible.

Receipt confirmation

Article 34

(1) After the registration of received in the administration of the administrative body incoming electronic document, a receipt confirmation shall be generated and sent to the applicant.

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

1. registration number;

2. time of receipt of the electronic document;

3. information for access to the received electronic document and to all documents attached thereto, and, if the applicant has expressed will for that, the original electronic document together with the attached documents shall also be sent.

(3) The text in the confirmation shall be written in Bulgarian language, in Cyrillic alphabet and followed by transliteration. In cases referred to in Article 13, paragraph 3, point 4, the confirmation may be also made in one of the official languages of the European Union.

(4) The confirmation shall be signed and sent to the e-mail address of the applicant referred to in Article 26, unless the statement is submitted through the integrated environment for exchange of documents or by other means for the respective access, as laid down in the ordinance referred to in Article 12, paragraph 4.

Verification of regularity

Article 35

The provider of electronic administrative services shall verify the validity of the request and the completeness and correctness of the provided data. In case of establishment of irregularities, an electronic message shall be sent to the applicant with instructions for their removal in a prescribed deadline.

Section IV

Sending and keeping electronic documents

Sending electronic documents to the recipients

Article 36

(1) The electronic statements of the providers addressed to the recipients of electronic administrative services shall be sent to the e-mail address referred to in Article 26.

(2) The Council of Ministers may lay down in the ordinance referred to in Article 12, paragraph 4 also other ways for sending of electronic statements by the providers.

Rules for using electronic signatures

Article 37

The rules for acquisition, use, renewal and withdrawal of electronic signature certificates in the administrations shall be laid down in an ordinance of the Council of Ministers.

Keeping of electronic documents

Article 38

- (1) All received and sent electronic documents shall be kept in the information system of each administration.
- (2) The keeping of the electronic documents shall be laid down in the ordinance referred to in Article 42, paragraph 1.

Chapter Three **Exchange of electronic documents**

Internal electronic administrative services *Article 39*

- (1) Internal electronic administrative services shall be internal administrative services, which may be requested and/or provided remotely by using electronic means.
- (2) Internal electronic administrative services shall be also the services, which may be requested and/or provided remotely by electronic means, offered by the persons charged with public functions and by the organisations providing public services, between each other, as well as to the administrative bodies.
- (3) Internal electronic administrative services may be provided also by the administrative bodies to the persons charged with public functions and to the organisations providing public services.

Obligation for exchange by electronic means *Article 40*

- (1) The administrative bodies shall be obliged to provide to each other internal electronic administrative services related to the fulfilment of their competences and to the provision of electronic administrative services to citizens and organisations.
- (2) The obligations referred to in paragraph 1 shall apply also to the persons charged with public functions and to the persons providing public services, unless otherwise provided by a law.

Integrated environment for exchange of documents *Article 41*

- (1) The Minister of State Administration and Administrative Reform shall establish and maintain integrated environment for exchange of electronic documents.
- (2) The Council of Ministers shall issue an Ordinance on the requirements to the integrated environment for exchange of electronic documents.
- (3) Internal electronic administrative services shall be provided compulsory through the integrated environment for exchange of electronic documents.
- (4) The Council of Ministers shall lay down in the ordinance referred to in Article 12, paragraph 4 the interfaces and the rules for submission of electronic documents by citizens and organisations for the purpose of use of electronic administrative services.

Internal turnover of electronic and paper-based documents *Article 42*

- (1) The general rules regarding the internal turnover of electronic documents and paper-based documents in the administrations shall be laid down in an ordinance of the Council of Ministers.
- (2) Each administration shall draw on the basis of the general rules its own rules for internal turnover of electronic and paper copy documents corresponding to the specificity and peculiarities of its activity and structure.

Chapter Four

INTEROPERABILITY AND INFORMATION SECURITY

Section I

Interoperability

Requirement for interoperability

Article 43

- (1) Provision of internal electronic services and the exchange of electronic documents between the administrative bodies shall be carried out in an interoperable way.
- (2) The general requirements to the interoperability and the information security shall be laid down in an ordinance of the Council of Ministers.
- (3) The Minister of State Administration and Administrative Reform, jointly with the Chairperson of the State Agency for Information Technology and Communications, shall ensure integration of the national information systems with those of the European Union Member States with a view to create opportunity for provision of transborder electronic administrative services.

Requirements for uniform standards and rules

Article 44

The administrative bodies shall be obliged to use the established on the basis of this Law uniform standards and rules setting out technological and functional parameters, which are maintained by their information systems, in order to achieve interoperability.

Semantic interoperability

Article 45

- (1) The semantic interoperability of the exchange of electronic documents between the administrative bodies shall be ensured through:
1. unification of the titles of the data objects, subject to keeping in databases or registers;
 2. formalisation of the data objects and of the administrative services for ensuring technological opportunity for automatic exchange between the administrative bodies and the data processing;
- (2) The formalised data and formalised description of the electronic administrative services shall be entered in the register of the information objects, respectively in the register of the electronic services.

Applicability to the persons charged with public functions and to the persons providing public services

Article 46

The obligations of the administrative bodies under this Chapter shall apply also to the persons charged with public functions and to the persons providing public services, when they provide internal electronic services, unless otherwise provided for by a law.

Section II **Registers for interoperability**

Standards register *Article 47*

(1) The State Agency for Information Technology and Communications shall keep a Standards register - an integrated centralised electronic database administered by information system containing the technical standards and their applicability.

(2) The technical standards, which have to be applied by the administrative bodies in case of provision of electronic administrative services and for ensuring the interoperability, information security and automatic exchange of information and documents between administrative bodies shall be entered in the Standards register.

(3) The keeping of the Standards register and the access to it shall be laid down in the ordinance referred to in Article 43, paragraph 2.

Information objects register *Article 48*

(1) The Minister of State Administration and Administrative Reform shall keep an Information objects register - an integrated centralised electronic database administered by information system containing description of all information objects by using defined technical standard.

(2) Information object shall mean single or composite data collected, created or processed in fulfilment of the competences of an administrative body.

(3) The entry into, the keeping of and the access to the Information objects register, as well as defining of the standard referred to in paragraph 1 shall be laid down in the Ordinance on the information objects and electronic services registers adopted by the Council of Ministers.

Entry in the Information objects register *Article 49*

(1) The Minister of State Administration and Administrative Reform shall ensure the carrying out of the initial technical description and the entry in the Register of each information object.

(2) Each administrative body shall submit for entry the standardised description of each information object collected or created by it.

(3) The Minister of State Administration and Administrative Reform shall carry out verification of the conformity of the standardised descriptions referred to in paragraph 2 with the standard referred to in Article 48, paragraph 1, as well as with the descriptions of the existing information objects. In case of discrepancies, the Minister, jointly with the administrative body, which has declared the entry, shall rectify the discrepancies.

Electronic services register

Article 50

(1) The Minister of State Administration and Administrative Reform shall keep an Electronic services register - an integrated centralised electronic database administered by information system containing description by using defined technical standard of all electronic administrative services and internal electronic administrative services provided through the integrated environment for data exchange, and in accordance with the standardised descriptions of the information objects entered in the Information objects register.

(2) The entry into, the keeping of and the access to the Electronic services register as well as the defining of the standard referred to in paragraph 1, shall be laid down in the ordinance referred to in Article 48, paragraph 3.

Entry in the Electronic services register

Article 51

(1) Each administrative body shall submit for entry in the Electronic services register the standardised descriptions of all electronic administrative services and internal electronic administrative services provided by it.

(2) The Minister of State Administration and Administrative Reform shall carry out verification of the conformity of the standardised descriptions with the standard referred to in Article 50, paragraph 1, as well as with the descriptions of the existing electronic administrative services and internal electronic administrative services. In case of discrepancies, the Minister, jointly with the administrative body, which has declared the entry, shall rectify the discrepancies.

Standardised request and provision of services

Article 52

(1) The administrative body shall request internal electronic administrative service to the competent administrative body by submitting a standardised application form on the basis of the technological description of the service entered in the Electronic services register.

(2) The competent administrative body shall provide the service forthwith in the standardised format referred to in Article 50, paragraph 1.

Information systems functionality

Article 53

All information systems of the administrative bodies must maintain functionality and interfaces for automated submission, respectively handling, of standardised application forms for administrative services by electronic means.

Section III

Information security

Obligation for ensuring information security

Article 54

The administrative bodies shall ensure the information security of the information systems used by them.

Standards and measures for information security

Article 55

The security requirements and standards, which must be complied with by the information systems for entry, sending, processing, access, handling, keeping and archiving of data, as well as the general security measures, which must be taken by the administrative bodies shall be laid down in the ordinance referred to in Article 43, paragraph 2.

Section IV

Interoperability and information security certification

Introduction of information systems

Article 56

- (1) The administrative bodies shall use information systems, which have been certified for conformity with the requirements of this Law for interoperability and information security.
- (2) When organising public procurement for introduction of information systems, the administrative bodies shall include compulsory requirement that these systems must be certified for interoperability and information security.

Conformity assessment

Article 57

- (1) The conformity of the information systems introduced by the administrative bodies with the statutory requirements shall be attested by persons accredited by the Chairperson of the State Agency for Information Technology and Communications.
- (2) The methodology, the rules for carrying out the assessment, the procedure for accreditation of persons referred to paragraph 1 and the requirements to their activity shall be laid down in the ordinance referred to in Article 43, paragraph 2.
- (3) For carrying out of the accreditation, the persons concerned shall pay state fee established in a tariff approved by the Council of Ministers. Where a state body or administration is accredited, it shall not pay state fee.
- (4) Remuneration shall be due for carrying out the conformity assessment.

Lists of accredited organisations and of certified systems

Article 58

- (1) The State Agency for Information Technology and Communications shall keep a list of the persons accredited in accordance with Article 57, paragraph 1.
- (2) The State Agency for Information Technology and Communications shall keep a list of the certified information systems.
- (3) The Chairperson of the State Agency for Information Technology and Communications shall ensure unrestricted and free of charge access to the lists referred to in paragraphs 1 and 2.

Chapter Five

CONTROL AND INTERACTION

General control

Article 59

The Minister of State Administration and Administrative Reform shall exercise overall control over the compliance with this Law.

Control for interoperability and information security

Article 60

(1) The Chairperson of the State Agency for Information Technology and Communications shall exercise control over the compliance with the requirements regarding information security and interoperability.

(2) The Chairperson of the State Agency for Information Technology and Communications may carry out inspections of the information security and interoperability of a given information system or of the measures taken by the administrative body by persons empowered by him/her, as well as may give prescriptions for their improvement.

Cooperation and interaction

Article 61

The Minister of State Administration and Administrative Reform shall cooperate and interact on the issues of e-Governance with the competent bodies of the European Union Member States and with the European Commission.

Publication of information

Article 62

(1) The Minister of State Administration and Administrative Reform shall organise and keep information necessary for the application of this Law, which shall be published on the official website of the Ministry of State Administration and Administrative Reforms and which shall contain:

1. general information regarding the rights and obligations of the providers and recipients of electronic administrative services, and
2. information about the bodies and the persons which may provide additional information or practical assistance with regard to the use of electronic administrative services.

(2) The Minister of State Administration and Administrative Reform shall provide opportunity to contact him on the issues referred in paragraph 1 by electronic means.

Chapter Six

ADMINISTRATIVE PENAL PROVISIONS

Article 63

(1) Official, who commits or allows commitment of infringement of Articles 2, 3, 4, Article 5, paragraph 2; Articles 11, 12, 13, 14, 15, 16, 30, 40, 44, 46 and 56, shall be subject to a fine between 50 and 250 BGN, unless the deed constitutes crime.

(2) In case of repeated infringement the fine referred in paragraph 1 shall be of an amount between 150 and 750 BGN.

(3) Person charged with public function and organisation providing public services, in cases referred to in paragraph 1 shall be subject to penalty payment of an amount between 300 and 3 000 BGN.

(4) In case of repeated infringement the penalty payment referred in paragraph 3 shall be of an amount between 2 000 and 7 000 BGN.

Article 64

(1) Official, who commits or allows commitment of infringement of Chapter Five, Section III, shall be subject to fine between 250 and 1 500 BGN, unless the deed constitutes crime.

(2) In case of repeated infringement the fine referred in paragraph 1 shall be of an amount between 500 and 2 500 BGN.

Article 65

(1) The acts for establishment of the infringements shall be drawn by officials appointed by the Minister of State Administration and Administrative Reform, respectively – by the Chairperson of the State Agency for Information Technology and Communications.

(2) The penal decrees shall be issued by the Minister of State Administration and Administrative Reform, respectively – by the Chairperson of the State Agency for Information Technology and Communications, or by person explicitly empowered by them.

(3) The establishment of the infringements, the issuance, execution and appealing of the penal decrees shall be carried out in accordance with the provisions of the Law on Administrative Violations and Penalties.

SUPPLEMENTARY PROVISIONS

§1. Within the meaning of this Law:

1. “Administrative body” shall mean the body within the system of the executive power, as well as any other holder of administrative powers, empowered on the basis of a law.

2. “Administrative service” shall mean:

a) issuance of individual administrative acts, which certify facts with legal relevance;

b) issuance of individual administrative acts, which acknowledge or deny the existence of rights or obligations;

c) carrying out of other administrative actions, which constitute legal interest for natural or legal person;

d) consultations, which constitute legal interest for natural or legal person regarding regime of administrative law and which are given by virtue of a normative act or which are related to issuance of an administrative act or to performance of another administrative service;

e) expert opinions, which constitute legal interest for natural or legal person, when a normative act provides for their conduct as obligation of the administration of a State body or by empowered organisation.

3. "Internal administrative service" shall mean administrative service, which an administrative body provides to another one for fulfilment of its competences;

4. "Citizen" shall mean any natural person, who is a Bulgarian citizen or a foreigner.

5. "Integrated environment for exchange of electronic documents" shall mean manageable environment for standardised exchange of documents entered in the Information objects register between the information systems in the administration for the needs of the e-Governance.

6. "Electronic document with unstructured content" shall mean electronic document, which is not registered in the Information objects register;

7. "E-mail" shall mean electronic means for saving and transfer of electronic messages via Internet network by using standard protocols.

8. "Request and/or provision of services remotely" shall mean request, respectively provision, of services, when the parties are not at the same time in the same place.

9. "Integrity" shall mean the feature of an electronic document manifested in lack of distortion of its integrity from the moment of its drawing and/or signing by its author to the moment of its verification by the addressee;

10. "Information security" shall mean the protection of the information from unauthorised or accidental access, use, disclosure before third persons, change or destruction;

11. "Persons charged with public functions" shall be the notaries, private executive magistrates, State and municipal educational establishments, State and municipal health establishments, as well as other persons and organisations, through which the State carries out its functions and which are entrusted with this functions by law.

12. "Public services" shall mean educational, health, water supply, sewage, heating, power supply, gas supply, telecommunication, post or other similar services, provided for meeting public needs, including as a commercial activity, the provision of which may be accompanied by provision of administrative services;

13. "Interoperability" shall mean the capability of the information systems to process, store and exchange electronic documents and data between them by using uniform technological standards and processes;

14. "Organisation providing public services" shall mean any organisation, irrespectively of the legal form of its establishment, which provides one or more of the services referred to in point 2;

15. “Special form” shall mean a form for carrying out actions and acts, which due to its nature or by virtue of the Law cannot be accomplished electronically.

16. “Official website” shall mean the publicly announced website, through which an administrative body provides information about the activities performed by it and about the electronic administrative services provided by it;

17. “Provision of services by using electronic means” shall mean provision of services, when each of the parties uses devices for electronic processing, including digital compression and storing of the information, and the service is carried out entirely by using conductor, radio waves, optical or other electromagnetic devices.

18. “Repeated” shall mean infringement committed within a year from the entry into force of the penal decree in which a penalty for the same kind of infringement was imposed upon the violator.

19. “Semantic interoperability” shall mean an element of the interoperability comprising the capability for uniform interpretation of the same data by different information systems;

20. “Transliteration” shall mean a process of transformation (conversion) of letters or syllables from one language into written signs of another language;

21. “Web-based application” shall mean information system, which provides via Internet site or another electronic interface the possibility for sending and/or receiving electronic messages to and from the providers of electronic administrative services;

22. “Unique identifier” shall mean the personal identification number of the Bulgarian citizens and of the foreign natural persons residing permanently on the territory of the Republic of Bulgaria; the personal number of a foreigner - for the foreign natural persons granted long-term stay; the uniform identification code of companies and subsidiaries of foreign companies, and the BULSTAT code - for the persons, which are subject to entry in the BULSTAT Register.

§ 2. The Ordinances referred to in Article 6, paragraph 1, Article 12, paragraph 4; Article 37; Article 42, paragraph 1 and Article 48, paragraph 3 shall be adopted upon proposal of the Minister of the State Administration and Administrative Reform, and the Ordinance referred to in Article 43, paragraph 2 – upon a proposal of the Chairperson of the State Agency for Information Technology and Communications, and the Ordinance referred to in Article 41, paragraph 2 upon a proposal jointly of the Minister of the State Administration and Administrative Reform and the Chairperson of the State Agency for Information Technology and Communications.

TRANSITIONAL AND FINAL PROVISIONS

§ 3. In the Law on Administration (promulgated, SG № 130 of 1998, SG № 8 of 1999 - Decision № 2 of the Constitutional Court of 1999, amended, SG № 67 of 1999, SG №№ 64 and 81 of 2000, SG № 99 of 2001, corrected, SG № 101 2001, amended, SG № 95 of 2003, SG № 19 of 2005, SG №№ 24, 30, 69 and 102 of 2006) – §1 of the additional provision shall be amended and supplemented, as follows:

1. New point 3 shall be inserted:

“3. “Internal administrative service” shall mean administrative service, which an administrative body provides to another one for fulfilment of its competences;”.

2. The existing points 3 and 4 shall become points 4 and 5 respectively.

§ 4. (In force as of 12 June 2007) The regulations on the implementation of this Law shall be adopted within six months from its promulgation in SG.

§ 5. (In force as of 12 June 2007) The Chairperson of the State Agency for Information Technology and Communications shall review the information systems used in each administration and shall give recommendations, which of them should be certified for conformity with the requirements of this Law, as well as what new information systems should be introduced, within six months from the promulgation of the regulations on the implementation of the Law.

§ 6. The administrative bodies shall bring their information systems in conformity with this Law and with the recommendations of the Chairperson of the State Agency for Information Technology and Communications referred to in § 5 within one year from the promulgation of the Law.

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

§ 8. The implementation of this Law is entrusted to the Minister of the State Administration and Administrative Reform.

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