Improving the effectiveness of public spending through the appropriate use of digital technologies in the Costa Rican public sector

#### DIRECTIVE

No. 031 - MICITT - H

# THE PRESIDENT OF THE REPUBLIC,

## THE MINISTER OF SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS

## AND THE MINISTER OF FINANCE

In exercise of the powers conferred by Articles 140, paragraphs 3) and 18), and 146 of the Political Constitution of Costa Rica; Articles 25, paragraph 1) and 28, paragraph 2.b) of Law No. 6227, "General Law of Public Administration", published in the Official Gazette La Gaceta No. 102 of May 30, 1978, Scope No. 90; Articles 3, 4, and 100 of Law No. 7169, "Law for the Promotion of Scientific and Technological Development", published in Scope No. 23 of the Official Gazette La Gaceta No. 144 of August 1, 1990, and its amendments; Articles 1, 3, 9, 10, 11, 12, 23 and 24, paragraph g) of Law No. 8454, "Law on Certificates, Digital Signatures and Electronic Documents", published in the Official Gazette La Gaceta No. 197 of October 13, 2005; Article 3 of Law No. 8131, "Law on Financial Administration and Public Budgets", published in the Official Gazette La Gaceta No. 198 of October 16, 2001; Articles 4, 23, 24 and 25 of Executive Decree No. 33018-MICIT, "Regulations or Law on Certificates, Digital Signatures and Electronic Documents", published in the Official Gazette La Gaceta No. 77 of April 21, 2006, and its amendments; Guideline No. 067-MICITT-H-MEIC, "Massification of the Implementation and Use of the Digital Signature in the Costa Rican Public Sector", published in the Official Gazette La Gaceta No. 79 of April 25, 2014.

## Considering:

- I. That the Costa Rican State must utilize digital technologies and the opportunities of digital governance under the principles of efficient use of public resources and effective implementation, with the goal of fostering improved services and encouraging the democratization of technological tools and their benefits for citizens.
- II. That the country's fiscal situation must also be taken into consideration as a determining factor in the public administration's investment and spending decisions.

- III. That the Executive Branch, exercising its power to efficiently manage public resources, must ensure that public institutions collaborate with each other in the search for and implementation of information technology and technological advancement solutions.
- IV. That the Executive Branch, in exercising its authority to direct government matters, and the Ministries of Science, Technology and Telecommunications and Finance, as their respective supervisors in matters of digital governance and resource allocation, must seek the necessary measures to leverage the scope of their authority over public affairs in the most efficient and timely manner.

Therefore, they issue the following

## **DIRECTIVE**

# "IMPROVEMENTS IN THE EFFICIENCY OF PUBLIC SPENDING THROUGH THE APPROPRIATE USE OF

#### DIGITAL TECHNOLOGIES IN THE COSTA RICAN PUBLIC SECTOR

**Article 1 -** The Central Administration and the Decentralized Administration are hereby ordered and instructed to take the necessary technical and financial measures to plan, specify, and implement technological solutions in line with national reality. In all cases, the institution must maximize the use of technological solutions already available, or seek appropriate alternatives that are as cost-effective as possible.

## **Article sheet**

**Article** 2°- The Central Administration is ordered and the Decentralized Administration is instructed not to initiate new processes for the construction of data *centers* .

In the case of those processes already initiated, which are not awarded or which are not yet in the execution and construction stage, the heads of the institutions, in the exercise of their powers and according to the respective legal framework, must carry out a review of the actions taken, to determine whether, in the specific case, the execution of the administrative act is in accordance with the principles of efficiency, effectiveness, timeliness

and convenience, as well as whether such expenditure is reasonable and proportional in order to satisfy the public interest.

Instead, the aforementioned institutions must take measures to self-manage and maintain their data on their own infrastructure or, depending on institutional needs, explore market options and contract managed service options for hosting and managing their server infrastructure.

Inter-institutional cooperation agreements may also be signed to meet such needs.

## **Article sheet**

**Article 3°-** The heads of the Central and Decentralized Administration will be responsible for the implementation and application of the provisions of this guideline.

## **Article sheet**

**Article 4°-** The Digital Governance Directorate of the Ministry of Science, Technology and Telecommunications is established as responsible for monitoring the provisions of this guideline.

## **Article sheet**

**Article 5°-** Public institutions whose commercial activity includes the provision of telecommunications services available to the public, as well as all financial entities that require it due to their commercial activity, shall be excepted from the provisions of this Directive, in both cases upon the issuance of a reasoned and justified administrative act, as well as any other institution that has a specific mandate from a higher standard to act contrary to the provisions of the previous articles.

# **Article sheet**

# **Article 6** - It shall be in force from its publication until December 31, 2020.

Given in the Presidency of the Republic, on the thirty-first day of the month of October of the year two thousand eighteen.