

ROYAL DECREE 806/2014, OF 19 SEPTEMBER

On the organisation and operational tools of the information and communication technologies
in the General State Administration and its public bodies



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I. GENERAL PROVISIONS

II. Ministry of the Presidency

9741 *Royal Decree 806/2014 of 19 September on the organisation and operational tools of the information and communication technologies in the General State Administration and its public bodies.*

In recent years we have witnessed profound changes in the administration regarding the use of information and communication technologies (ICT). These changes were characterised, initially, by the use of these technologies in the automation and improvement of the functioning of the internal processes of the government, convinced that the saving from improved efficiency would be transferred to citizens. Subsequently, due to the universalisation of Internet and associated technologies, which has led to the development of new services and ways of relating to citizens and businesspeople in an irreversible path towards e-government.

The confluence of new technological trends such as the so-called cloud services (cloud computing), the emergence of increasingly smart mobile devices, the widespread use of social networks, the ability to analyse large volumes of data (big data) together with the universalisation of Internet use, have formed a new panorama in which citizens have acquired new habits and expectations in the use of digital services in their leisure activities, relationships with companies and with the government as well.

The digitisation of services includes, firstly, electronic services and information and communication technologies, which have been the basis of e-government in which Spain has achieved a remarkable breakthrough.

But digitisation also entails facing new challenges and opportunities. The confluence of these new technological forces leads to a new scenario in which the administration must be able to adapt smoothly to new the demands of a changing environment, provide information and digital services anytime, anywhere and through different channels, create new relationships with citizens and innovate new services, leveraging the opportunities provided by these technologies. And all this must be provided securely and smoothly, and effectively and efficiently in the use of the available resources.

It is not therefore about the use of ICT in the processes of government, but to create the necessary dynamics in order to be able to adapt the services, processes, operations and capabilities of the administration to a reality that is digital and that will continue to evolve, foreseeably at high a speed.

The Administration must adopt a new culture of information and be prepared to collect, generate and process large volumes of digital information about its operations, processes and results, which may be made duly available to citizens to promote transparency, and to companies and social stakeholders to promote the re-use of public sector information. In addition, the development of cross-sectional information analysis capabilities will enable the optimisation of the management, improve decision-making and provide interdepartmental services regardless of the administrative structure.

Moreover, the universalisation of digital services and the new forms of relating to citizens enable the creation of a more transparent administration, one in which citizens can participate in defining and even in the design of public services, so that these are better-suited to the real needs of citizens in a new governance model.

This environment represents a new world of opportunities, but also threats that must be addressed from the outset, creating in the administration the necessary synergies to leverage the talent of the people comprising it, adding together the efforts and resources available and designing a common strategy for the digital transformation of the Administration, ICT-based and orientated to generating value for citizens.

The report drafted by the Commission for Public Administration Reform (CORA) established by Resolution of the Council of Ministers of 26 October 2012 and submitted to the Council of Ministers of 21 June 2013 acknowledge the vital role of ICT and advises a unique treatment over other common services in order to obtain the maximum efficiency and optimisation of resources and leverage the opportunities posed by a coordinated action based on a common strategy.

The acknowledgement of the role of information and communication technologies in the transformation of the administration was included in – among others – but especially Law 11/2007 of 22 June, on the electronic access of citizens to public services, which was based on the recognition of the insufficient development of e-government, considering that the cause was due largely to the provisions of the Legal Regime of Public Administrations and the Common Administrative Procedure being optional. That is, they leave in the hands of the authorities themselves whether citizens will be able to effectively or not interact electronically with them, depending on wherever they want to put the necessary tools for communication with the administration in place. Therefore, this law intended to move from "may" to "shall".

Law 11/2007 of 22 June, establishes relations with government by electronic means as a right of citizens and as a correlative obligation for these administrations.

The European context, the Digital Agenda for Europe, also proposes legal measures for the effective digital development of the European Union. The promotion of an e-government also entails, therefore, responding to community commitments establishing an operational and legally clear framework in order to eliminate fragmentation and the lack of interoperability, enhance digital citizenship and prevent cybercrime.

A good use of ICT – efficient and integrated – is also imperative in order to fulfil the commitments that Law 19/2013, of December 9, on transparency, access to public information and good governance set for the administration.

In response to this desire to establish ICT as a structural tool for improving the functioning of the government, the Directorate for Information Technologies and Communications in the General Government Administration was created by Royal Decree 695/2013 of 20 September. The Directorate is organised, in accordance with the standard creating it, as a specific body at the highest level to promote and coordinate the necessary process of rationalisation and transformation of the various facets of the policy on information and communication technologies in the entire scope of the state administrative public sector. Under Royal Decree 802/2014, of September 19, this body is attached to the Ministry of Finance and Public Administration.

The transformation process that is entrusted to the Directorate for Information Technologies and Communications entails reviewing existing organisational approaches – some of which are reflected in the CORA report itself – including the existence of a high degree of atomisation and a high level of independence in the performance of the stakeholders involved in the scope of ICT in the General State Administration and its public bodies.

This situation causes elevated autonomy in the management of ICT funds and resources by the different bodies of the Public Administration, as it is in each of one where spending and investment decisions are made, which has led to a

considerable dispersion of resources and efforts in ICT matters, while the Undersecretaries and other bodies with jurisdiction in information and communications technologies – through the ICT units of the General State Administration and its public bodies – have been able to meet increasing requests for services and high demands, which have put the current offer of services equivalent or superior to the average European Union levels.

The governance model on which this royal decree is based aims to overcome this situation, in order to achieve an ICT policy common to the entire General Government Administration and its public bodies in a context of austerity in public spending based on the requirement of efficiency and responsibility. Organic Law 2/2012, of April 27, on budgetary stability and financial sustainability, has the principles of efficiency in the allocation and use of public resources as one of its pillars. Following the mandate of this law, this Royal Decree contains provisions for planning the ICT activity with implications that are legislative, organisational, budgetary and contractual that fall within a framework of multi-annual planning and programming and budgeting, that must address the economic situation, the objectives of the economic policy and compliance with the principles of budgetary stability and financial sustainability. In furtherance of the provisions of Organic Law 2/2012, of April 27, this Royal Decree creates tools to assist in the management of public resources aimed at effectiveness, efficiency, economy and quality, which are essential tools for the implementation of policies to rationalize spending and improve public sector management.

The governance structure of the ICT in the General State Administration and its public bodies has, up to recently, had pillars based in the associated bodies of e-government. On the one hand, the Higher Council of e-government, the highest body in matters of e-government from which were issued the main e-government lines and projects of the General State Administration. On the other hand, attached to the various ministerial departments, the Ministerial E-government Commissions (CMAEs).

The CMAEs have allowed enabled the oversight and monitoring of the various ICT investments and expenditures at the ministerial level but, due to the very fragmentation of ministerial units, it has not been possible to carry out – except in some ministries – the task of designing, together with ministerial administrative units, a digital strategy that supports the sectoral administrative jurisdictions of each department.

In this sense, the digitisation of the administration entails not only the transformation of the services offered to electronic resources, using the capabilities offered by ICT to do this, but rather that it commits to a comprehensive redesign of the administration's current processes and services, enabling new models of relating to citizens and enabling the provision of innovative services that would not be achievable without a necessary cultural change.

It is essential, therefore, to have ministerial ICT units that are knowledgeable about the scope of the specific work of the department in order to design digital services tailored to the needs of citizens and business units, leveraging the excellent training and expertise of the ICT personnel for the development and operation of the specific sectoral applications of each business unit. Its main objective will be to drive the process of digital transformation of the General State Administration and its public bodies, which must finally have not only the automation of services, but their comprehensive redesign, leveraging the capabilities that allow enable technologies in order to introduce new and better models of relating to citizens, with more efficient services that facilitate economic growth.

In this sense, the current Ministerial Commissions must evolve their role to the drafting of the project for the sectoral action plan of the department in matters of e-government, addressing as priorities the proposals and needs

of the various public bodies and institutions affected and promoting the sharing of services. Thus, the current ministerial units of information and communication technologies shall become the units responsible for the support and digital transformation of the various departmental areas.

The above reasons lead to the need to redesign the model of ICT governance in the General State Administration and its public bodies. The development of this new model has been entrusted to a newly created body – specific and at the highest level: the Directorate for Information Technologies and Communications in the General State Administration.

The Directorate for Information Technologies and Communications identified three basic objectives for the design of the new ICT governance:

Firstly, guide the actions and strategies in ICT so that their main objective is to meet the needs arising from the government's global strategy and have a common strategic plan for the entire General State Administration and its public bodies.

Second, promote e-government and ICT as instruments to make the constant process of innovation and improvement in the quality of services offered by the administration demanded by citizens and businesses sustainable, and to increase the productivity of public employees.

Thirdly, rationalize the use of computing resources in a way that achieves greater efficiency, providing a substantial saving of costs of all kinds and, especially, in the rest of administrative activity, as a result of a greater uniformity and simplicity through the use of common tools and shared services, an objective of particular interest in a context of budgetary limitation.

In any case, it is necessary to encourage the design of procurement systems that are capable of achieving a significant saving, as the current procurement process lacks the flexibility to leverage the mature state of the Spanish ICT sector. This dispersion of ICT procurement across different units has resulted in a wide variety of suppliers in the procurement of identical products and services, which as an effect in terms of higher costs of maintenance and evolution, and thus it is necessary to rationalize the procurement process and provide it with streamlined mechanisms that favour leveraging economies of scale as a result of the aggregation of demand. In this sense, the Directorate for Information Technologies and Communications shall propose to the Directorate-General of Procurement Rationalisation and Centralisation contracts for supplies, works and services in the ICT field which should be declared centralised procurement by the head of the Ministry of Finance and Public Administration.

In addition, the Directorate for Information Technologies and Communications shall be responsible for aligning ICT investments with the strategic objectives.

The new ICT governance model is intended to centralize the powers and means to carry them out in a single administrative body into which all ICT units of the General State Administration and its public bodies are integrated, organising its interaction with other areas of the administration to which they provide their services through new bodies that serve as a streamlined channel of information and sharing of needs and opportunities for the rational and efficient use of computer resources.

This, therefore, will entail training for providing shared ICT for all units of the General State Administration and its public bodies and the definition of a common strategy that will define the lines of action in ICT matters in the bodies and institutions of the General State Administration and its public bodies.

To this effect, the ICT Strategy Commission and – at the departmental level – the Ministerial E-Government Commission are created as associated bodies charged with promoting the digital transformation of the administration in accordance with a

common strategy in the scope of information and communication technologies. In addition, this royal decree repeal Royal Decree 589/2005, of 20 May, restructuring the associated bodies responsible for e-government, eliminating the Higher Council of E-Government and the Ministerial E-government Commissions. This new model of governance in the scope of information and communication technologies shall be achieved gradually in a process that, starting from the heterogeneity and current dispersion, will converge towards a model of providing shared services and common infrastructure so that it can ensure the maintenance of the current level of service and the gradual implementation of synergies and increasing efficiency, simplifying structures and thus improving the administration's productivity.

To give effect to these measures, this Royal Decree applies not only to the General State Administration, its autonomous bodies and management agencies and common services of the Social Security Administration, but is intended to be applied to other public bodies, whose activity may be particularly important in providing electronic public services and the development itself of e-government.

By virtue of the initiative of the Vice President of the Government and Minister of the Presidency and of the Minister of Finance and Public Administration, and after deliberations by the Council of Ministers in meeting of 19 September 2014,

I DO HEREBY DECREE:

CHAPTER I

Purpose and scope of application

Article 1. Purpose.

The purpose of this royal decree is the development and implementation of a common model of information and communication technologies (ICT) governance in the General State Administration and its public bodies.

This model of ICT governance shall include, in any case, the definition and implementation of a comprehensive strategy for digital transformation that ensures the appropriate use of computing resources based on the needs arising from the government's overall strategy to improve the delivery of public services to citizens.

Article 2. Scope of application.

The scope of application of this royal decree extends to the General State Administration and its public bodies specified in Article 43 of Law 6/1997, of 14 April, on the organisation and functioning of the General Government Administration.

CHAPTER II

Bodies with jurisdiction in matters of e-government

Article 3. The ICT Strategy Commission. Purpose, attachment and operation.

1. The ICT Strategy Commission is the body responsible for defining and supervising the implementation of the Strategy on Information and Communication Technologies of the General State Administration and its agencies – "ICT Strategy" – which shall be approved by the government in accordance with the provisions of Article 9 of this Royal Decree

2. The ICT Strategy Commission is attached to the Ministry of Finance and Public Administration through the Secretary of State of Public Administrations.

3. The ICT Strategy Commission shall act in plenary meetings and through its executive committee.

Article 4. Functions of the ICT Strategy Commission.

1. The ICT Strategy Commission is vested with the exercise of the following functions:

a) Setting the strategic lines, in accordance with the policy established by the government, on information and communication technologies to promote e-government in the General State Administration and its public bodies.

b) Approving the proposed ICT Strategy of the General Administration of the State and its public agencies for its referral to the Council of Ministers by the heads of the departments of Finance and Public Administration and of the Presidency.

c) Reporting on draft laws, draft regulations and other general standards that are submitted to them by proposing bodies whose purpose is the regulation of ICT matters applicable to the General State Administration and its public bodies or of the material and human involved in their implementation.

d) Defining priorities for investment in ICT materials in accordance with the objectives set by the Government.

e) Declaring the shared resources or services in the terms established in Article 10.

f) Declaring projects of priority interest in the terms of Article 11, at the proposal of attached ministries and their public agencies after a report from the Directorate for Information Technologies and Communications. Considered as projects of priority interest shall be those whose special characteristics are essential to improving the delivery of services to citizens.

g) Promote collaboration and cooperation with the autonomous regions and local authorities for the implementation of integrated inter-administrative services and the sharing of technical infrastructure and common services that enable the rationalisation of ICT resources at all levels of government.

h) Promote the cooperation activities of the General State Administration and its public bodies with the European Union, international organisations and, especially, with Latin America, in terms of technologies and e-government, in collaboration with the Ministry of Foreign Affairs and Cooperation.

i) Act as an observatory of e-government and digital transformation.

2. The ICT Strategy Commission will, through its president, refer a report to the Council of Ministers, which will include the state of the digital transformation of the administration in the General State Administration and its public bodies.

Article 5. Composition and operations of the Plenary Meeting of the ICT Strategy Commission.

1. The plenary meeting of the ICT Strategy Commission shall be integrated by the heads of the State Secretaries of Public Administrations, of Telecommunications and for the Information Society and of the Social Security Administration, as well as by either the undersecretaries or the head of an upper body of the various ministerial departments and the Director for Information Technologies and Communications. It shall be chaired by the

Minister of Finance and Public Administration and act as Secretary the Director for Information Technologies and Communications.

2. Plenary meetings shall be held at least two times a year, called by its Chair, either at the Chair's own initiative or when at least half of its members request it.

3. The President shall be able to invite the attendance of – with voice but without vote – representatives of other public or private institutions.

4. The functions of assistance and support to the ICT Strategy Committee and its Executive Committee shall be carried out by the Directorate for Information Technologies and Communications.

5. By agreement of the ICT Strategy Commission, working groups may be established as required for the proper performance of its duties.

Article 6. Composition and operations of the Executive Committee of the ICT Strategy Commission.

1. The Executive Committee of the ICT Strategy Commission is established as the instrument of the ICT Strategy Commission to ensure a smooth and effective performance of the ICT Strategy in the General State Administration and its public bodies.

2. The Executive Committee of the ICT Strategy Committee shall be chaired by the Director for Information Technologies and Communications, and shall comprise at least five members, a maximum of ten members and its composition shall be determined by the ICT Strategy Commission.

A civil servant from the Directorate for Information Technologies and Communications shall act as Secretary and shall be appointed by the Chair of the Committee.

3. The Executive Committee shall exercise the powers expressly conferred on it by the plenary of the ICT Strategy Commission and shall regularly inform it about the decisions and actions taken. In any case, it is vested with the approval of the Departmental Action Plans regulated in Article 14 of this Royal Decree.

4. Executive Committee meetings shall be held monthly. The Chair shall be able to convene an extraordinary meeting when necessary.

5. The Chair of the Executive Committee shall be able to invite – with voice but without vote – the Chairs of the Ministerial E-Government Commissions when deemed appropriate.

6. Working groups that are required for the proper performance of their functions may be created.

Article 7. The Ministerial E-Government Commissions.

1. The Ministerial E-Government Commissions (CMAD) are associated bodies at the departmental level responsible for the promotion and internal coordination in each department in matters of e-government, and shall be the liaison agencies with the Directorate for Information Technologies and Communications.

The CMAD shall study and plan for the functional needs of the different administrative areas of the Ministry, evaluating the possible lines of action, prioritizing them and proposing their development, all of this preventing the creation of duplications, in accordance with the principle of rationalisation, and promoting the sharing of common infrastructure and services.

The purview of the CMAD includes all departmental bodies and the public bodies attached thereto.

2. The CMAD shall be chaired by the Undersecretary and shall be composed of the representatives, with a minimum rank of General Subdirector, of the functional areas and of the attached agencies as determined by ministerial order, as well as the heads of the ministerial units of information and communication technologies

The Chair of the CMAD may delegate this function to the head of a unit in the same department with a minimum rank of Director General.

Experts from the Directorate for Information Technologies and Communications may attend CMAD meetings; they shall have the status advisers, with voice and without vote.

3. The CMAD shall perform the following functions:

a) Serve as the liaison body between ministerial departments and their attached agencies and the Directorate for Information Technologies and Communications, to ensure coordination with the criteria and policies defined thereby.

b) Promote, implement and supervise, in the scope of the department, compliance with the guidelines and the oversight of the action guidelines contained in the ICT Strategy of the General State Administration and its public bodies approved by the Government at the proposal of the ICT Strategy Committee.

c) Prepare the departmental Action Plan for digital transformation, in developing the criteria established by the Directorate for Information Technologies and Communications, addressing the ICT Strategy of the General State Administration and its public bodies approved by the Council of Ministers.

d) Analyze the functional needs of the department's management units and affiliated agencies and evaluate the various solution alternatives proposed by the ICT units, identifying the opportunities for improving efficiency that ICT can bring, applying already developed solutions in the public sector field and estimating the costs in human and material resources that the associated ICT developments may entail.

e) Promote the digitisation of departmental services and procedures in order to standardize, simplify, improve their quality and ease of use, as well as the benefits offered to citizens and businesses, optimizing the use of ICT resources available.

f) Collaborate with the Directorate for Information Technologies and Communications in identifying and making common available human, economic and material resources assigned to the department that should be used for setting up or maintaining the shared resources or services.

g) Any others determined by their respective regulatory ministerial orders, according to the unique needs of each ministerial department.

4. The CMAD shall analyse the projects of general provisions of their department and shall draft a report which shall present and evaluate the opportuneness of the measure, its costs, need for availability of human resources and times for implementation that might arise from the adoption of the draft from the perspective of the use of ICT resources and services and shall submit it to the Directorate for Information Technologies and Communications for their information and assessment.

5. In exercising their functions and within the scope of ministerial action, the CMAD shall draft proposals for the application of new organisational or operational criteria, the implementation of new procedures or the review of existing ones.

Article 8. The Committee of the Directorate for Information Technologies and Communications.

The Committee of the Directorate for Information Technologies and Communications is a support body attached to the Directorate for Information Technologies and Communications.

It shall consist of the ICT head responsible for the secretariats of the upper body vested with the coordination of ICTs in each of the ministerial departments as well as those responsible for ICT units that, due to its relevance are appointed by the Director for Information Technologies and Communications, who shall chair it.

It shall act as a coordination and collaboration body between the Department of Information Technology and Communications and the bodies and institutions belonging to the General State Administration and its public bodies to establish a coordinated action, in accordance with the strategic lines defined by ICT Strategy Commission, and shall help define methodologies, processes, architectures, standards and best practices common to all ICT units of the General State Administration and its public bodies in order to ensure the compliance of programmes and projects, the achievement of the objectives set and the elimination of redundancies.

CHAPTER III

Governance model in the scope of information and communication technologies.

Article 9. Strategy in the matter of information and communication technologies.

The government, at the initiative of the ICT Strategy Commission, and at the proposal of the Ministers of the Presidency, of Finance and Public Administration and of Industry, Energy and Tourism shall approve the strategy on matters of information and communication technologies (hereinafter ICT Strategy) and the reviews thereof.

The ICT Strategy shall determine the objectives, principles and actions for the development of e-government and the digital transformation of the General State Administration and its public bodies and serve as the basis for the creation by the various ministries of their action plans for digital transformation.

The ICT Strategy Committee shall determine the temporal scope of the ICT Strategy and its review period.

Article 10. Shared resources and services.

1. The ICT resources and services of the General State Administration and its public bodies shall be declared as of shared use when, because of their nature or common interest, they meet the generic needs of a significant number of administrative units.

For the purposes of this Royal Decree, "resources and services" shall be construed as all activities, technical infrastructure, installations, applications, equipment, buildings, networks, electronic files, licences and other assets that support the information systems.

The ICT assets involved in the provision of sectoral services may be kept in their specific areas because of the jurisdictional and functional uniqueness they address and shall be considered, therefore, shared resources and services. Responsibility for managing these resources shall be vested in the ministerial departments and attached bodies and shall be implemented through the respective ICT units with the support and supervision of the Directorate for Information Technologies and Communications.

2. The declaration of shared resources and services necessary for the implementation and development of the ICT Strategy approved by the government shall be vested in the ICT Strategy Commission at the proposal of the Directorate for Information Technologies and Communications.

Where there are unforeseen economic, technical or opportune reasons, the ICT Strategy Commission may authorize the Director for Information Technologies and Communications to grant exceptions to the declaration of shared resources or services, and these shall be referred to the members of the ICT Strategy Commission.

The declaration of shared resource or service shall enable Directorate for Information Technologies and Communications to take the measures necessary for its

shared provision, either directly or through other ICT units and, where appropriate, to have both the human and economic resources and infrastructure and the rest of the ICT resources that the ministries and attached units were dedicating to address these services, which also include electronic files and licences.

Given the specific functional nature and unique jurisdictional system of the budgetary IT services of the General Intervention Board of the State Administration, the provisions in this section 2 with regard to common ICT services, resources and infrastructure and the catalogue of common ICT services, where it can affect the systems with specific functionality related to budgetary IT matters, the prior approval of the General Intervention Board of the State Administration shall be required.

3. The use of shared resources and services shall be compulsory and shall replace the individual resources and services used by the various units.

The Directorate for Information Technologies and Communications shall establish a Catalogue of Common Services that shall include the shared resources and services, as well as technical infrastructure or applications developed by the Directorate for Information Technologies and Communications whose provision on a shared basis shall facilitate the implementation of economies of scale and contribute to the rationalisation and simplification of administrative activity.

4. This catalogue shall include e-government services aimed at integrating all the relations of public administrations with citizens, through the shared provision, allowing them to have a holistic view of their relations with the public administrations and access to all services online.

5. The provision, operation and management of the shared resources and services shall be carried out by the Directorate for Information Technologies and Communications, except those corresponding to the budgetary IT services of the General Intervention Board of the State Administration. Any efficiency resulting from these processes shall be preferentially used for enhancing sectoral services.

6. The CMAD and sectoral ICT units shall ensure the use of the shared resources and services. In this sense, when needs can be common to more than one functional area or unit – of the same or different Ministry – the alternative chosen shall be the one enables the service to be shared between these areas, except with express authorisation of the Directorate for Information Technologies and Communications.

7. The Directorate for Information Technologies and Communications shall keep a record of the costs which are attributable to each of the different user bodies and institutions, notwithstanding the jurisdiction of other administrative bodies in the matter of monitoring of expenditures.

8. The shared resources and services shall be made available in accordance with the legislation which applies in each area in terms of personnel, organisation, budget and assets.

Article 11. *Projects of priority interest.*

The ICT Strategy Committee may declare as projects of priority interest those that are uniquely relevant and, especially, those aimed at collaboration and cooperation with the autonomous regions and the authorities that make up the local administration and the European Union in matters of e-government

The declaration as a project of priority interest shall be referred as a recommendation to the Ministry of Finance and Public Administration and the Policy Expenditure Committee so that, if applicable, it to be taken into account in the preparation of the national budget

Article 12. *TIC Units.*

1. ICT units are administrative units whose function is the provision of services in matters of information and communications technologies to themselves or to other administrative units.

ICT units, under the direction of the higher or executive bodies to which they are attached, are created as key instruments for the implementation and development of the ICT Strategy and the process of digital transformation of the sectoral areas of the General State Administration and its public bodies under the coordination and supervision of the Directorate for Information Technologies and Communications.

2. The term provision of ICT services shall be construed as the performance of one or more of the following functions:

- a) Support, operation, implementation and/or management of corporate IT systems or telecommunications networks.
- b) Development of computer applications in multiuser environments.
- c) Computer consultancy.
- d) Information system security.
- e) Technical user support.
- f) Innovation in the field of ICT
- g) E-government.
- h) Creating the will to acquire of goods or services in the field of information and communications technology.
- i) All functions not expressly provided for in the letter above that are relevant in the field of information and communication technologies.

3. ICT units attached to ministerial departments or their attached bodies, shall promote, within the framework of the CMAD, the digital transformation of the sectoral services in their areas. The Directorate for Information Technologies and Communications shall propose to the competent bodies the administrative areas that should be served by ICT units so as to adapt to new needs arising from the declaration of shared resources or services in order to improve the efficiency and effectiveness in the delivery of their services. ICT units must perform this transformation identifying opportunities that allow them to make the most of ICT in consonance with to the functional needs identified by the administrative areas they serve.

Article 13. *Inter-administrative cooperation.*

1. The Directorate for Information Technologies and Communications shall propose to the Ministry of Public Administration courses of action, common guidelines and the creation of the cooperation bodies needed to encourage the exchange of ideas, standards, technology and projects to ensure interoperability and improve effectiveness and efficiency in the delivery of public services to the various public administrations, which shall be addressed in the Sectoral Conference on Public Administration, where they shall be established.

2. The Directorate for Information Technologies and Communications shall propose to the Secretary of State for Public Administrations the appointment of representatives of the General State Administration and its public bodies to the commissions or groups that the Sectoral Conference on Public Administrations creates in matters of information technologies and e-government.

CHAPTER IV

Actions in relation to planning in matters of e-government.

Article 14. *Departmental action plans for digital transformation.*

1. Each ministry shall have an action plan for digital transformation, which shall include action steps in e-government, information and communication technologies to be developed throughout the department and its attached public bodies.

2. The proposed plan shall be developed in accordance with the guidelines of the Directorate for Information Technologies and Communications and the strategic lines established by the ICT Strategy Commit and shall specifically include the services that the ministry plans to implement, especially those directed at the provision of services to citizens and businesses, their time planning, human resources, technical and financial resources and contracts to be concluded.

The proposed departmental action plan shall be submitted by the chair of the CMAD to the Directorate for Information Technologies and Communications for study and assessment and its subsequent referral to the Information and Communication Technologies Strategy Commission for the purposes of the compulsory report by the Executive Committee, prior to its approval by the competent body in the ministerial department.

The action plan submitted may exclude the specific resources services that involved defence, policy consultation, crisis and state security crises and those handling classified information, in accordance with the provisions of the legislation regulating official secrets and those in international agreements.

3. The action plans for digital transformation shall have a scope of at two years.

Article 15. *Amendment of the departmental action plans for digital transformation.*

Amendments of the departmental action plans for digital transformation must be presented by the Directorate for Information Technologies and Communications.

CHAPTER V

Actions in relation to procurement in the matter of information technologies

Article 16. *Jurisdictions for the technical report of the narrative report and technical requisites for information technology procurement.*

1. The Directorate for Information Technologies and Communications shall develop and submit to the competent bodies in matters of procurement, the criteria and guidelines for the aggregation and planning of the demand for ICT in the General State Administration and its public bodies for greater economic efficiency and its status as a single customer with regard to external suppliers.

2. The Directorate for Information Technologies and Communications shall obligatorily submit a statement of centralised procurement, which is vested in the Minister of Finance and Public Administration at the proposal of the Directorate-General, on contracts for supplies, works and services in the ICT field.

In addition, for the centralised procurement centralised in matters of ICT, the Directorate for Information Technologies and Communications shall establish the technical and opportunity criteria and

the Directorate-General of Procurement Rationalisation and Centralisation shall establish the criteria for administrative procurement and financial management.

The Directorate for Information Technologies and Communications shall prepare the compulsory technical report for the narrative report and the technical specifications of the following procurements of goods and services:

a) The supply of equipment and software for data processing in accordance with the provisions of Article 9.3 b) of the revised Public Sector Procurement Act, approved by Royal Legislative Decree 3/2011, of 14 November.

b) Service contracts, in accordance with the provisions of Article 10 of the revised Public Sector Procurement Act.

c) Special procedures for type adopting made under Article 206 of the revised Public Sector Procurement Act.

d) The agreements of collaboration and management delegations that include the provision of services in matters of information, communications or e-government technologies in the scope of the General State Administration and its public bodies.

3. Excluded from the technical report referred to in the section above are the contracts falling within the scope of Law 24/2011, of 1 August, on public sector procurement in the scopes of defence and security, as well as those processed accordance with Article 170.f) of the revised Public Sector Procurement Act.

The Directorate for Information Technologies and Communications shall receive the necessary information on these contracts for statistical, inventory and budget purposes needed for the comprehensive governance of the ICT. In any case, the reception of the information shall be handled and safeguarded in accordance with the established classification and, where applicable, with the provisions of the legislation regulating official secrets and those in international agreements.

Article 17. Electronic processing of the reports for the narrative report and the technical specifications.

1. The processing of technical reports shall be governed by the instruction of the Directorate for Information Technologies and Communications and shall be done using electronic means in all stages of the procedure.

2. The processing of technical reports shall be conducted under the principles of simplicity, speed and efficiency, and administrative procedures shall be rationalised to achieve maximum simplicity and functionality.

3. The technical report shall be issued within a maximum period of ten working days after the day on which the ICT unit registered the complete documentation of the procurement record.

If, due to justifiable causes, the report referred to in paragraph cannot be delivered by the deadline set, the requesting authority shall be notified electronically, indicating whether the procurement procedure can be continued or the report is considered crucial for the continuation of the process of procurement, conclusion of an agreement or conferring a management task. In the event that the report is considered crucial, the notification shall have the new deadline for the report to be issued, which shall not exceeding five working days; once this has elapsed without the issuance of the report, the processing of the record may be continued.

4. ICT Units shall provide the information needed to keep the comprehensive ICT procurement tracking system that allows that enables ongoing analysis of ICT contracts

Article 18. *Contents of the technical report of the narrative report and the technical requisites for information technology procurement.*

1. The technical report for the narrative memory and the technical specifications in matters of information technologies shall refer to its relevance to the strategic plans of the ministerial department and to the guidelines issued by the Directorate for Information Technologies and Communications as well as to the purpose and technological suitability of the proposed contracted provision.

2. The technical report shall take into account the elements of the narrative report and the technical specifications that containing information that is relevant from the technological perspective and the perspective of the criteria for digital transformation of the services.

Article 19. *Budgetary information.*

1. The Directorate for Information Technologies and Communications shall have information – in coordination with the E-Government Ministerial Commissions and the General Directorate of Budgets – on the economic resources used for ICT goods and services for the whole of the General State Administration and its public bodies shall inform the ICT Strategy Commission of the status of the implementation of this budget on a quarterly basis.

2. The Directorate for Information Technologies and Communications shall prepare a detailed annual report with a breakdown of the allocation of ICT costs.

First Additional Provision. *Elimination of bodies.*

From the entry into force of this Royal Decree the Higher Council of E-Government and the E-Government Ministerial Commissions are eliminated.

Second Additional Provision. *Amendment of references.*

1. All references to current regulations made to the Higher Council for E-Government and the E-Government Ministerial Commissions in the current legislation shall be construed as referring to the ICT Strategy Commission and the Ministerial E-Government Commissions, respectively.

2. The foregoing notwithstanding, all references to the Higher Council for E-Government and the E-Government Ministerial Commission continuing to exist in current legislation in regard to the procurement powers of these associated bodies, shall be construed as made to the Directorate for Information Technologies and Communications.

3. All technical committees, working groups and special presentations that have been set up by agreement of the Higher Council for E-Government or its Standing Committee shall be associated with the Directorate for Information Technologies and Communications or with the associated bodies regulated in this Royal Decree according to their functions.

Third Additional Provision. *Legal framework of associated bodies.*

1. The bodies that are regulated in this Royal Decree shall be governed by the provisions on corporate bodies in Chapter II of Title II of Law 30/1992 of 26 November on the legal regime of the public administrations and of the common administrative procedure, and Law 6/1997 of 14 April, on the organisation and functioning of the General State Administration.

2. The ICT Strategy Commission shall be able to approve the internal rules that it deems appropriate for the best development of its work

Fourth Additional Provision. *Representation of the Ministry of Defence in bodies with jurisdiction in matters of e-government*

Notwithstanding the provisions in Article 5.1, the representation of the Ministry of Defence in the plenary of the ICT Strategy Commission shall be assumed by the governing body of that department which, in accordance with the royal decrees on organisational structure and the implementation thereof, has jurisdiction in the field of Information and Communication Technologies.

Moreover, notwithstanding the provisions of Article 7.2, the said higher body may assume the chairmanship of the Ministerial Committee on E-Government of the Ministry of Defence and, subject to the provisions of Article 8, may be responsible for ICT within the said upper body of the Ministry of Defence, which represents the department in the Information and Communication Technology Steering Committee.

Fifth Additional Provision. *Initial composition of the Executive Committee of the ICT Strategy Commission.*

The Executive Committee of the ICT Strategy Commission shall be formed by the heads of the following bodies as long as the ICT Strategy Commission does not establish a different composition:

- a) The Directorate-General for Procurement Rationalisation and Centralisation.
- b) The General Directorate of Budgets.
- c) Directorate-General of Telecommunications and Information Technologies.
- d) Social Security IT Office.
- e) Department of Tax IT of the State Tax Administration Agency.
- f) Secretary General of the Justice Administration.
- g) Directorate General for Civil Service.
- h) Inspector General of the Ministry of Finance and Public Administration.
- i) General Intervention Board of the State Administration.
- j) A General Subdirectorate of the National Intelligence Centre/National Cryptological Centre.

Sixth Additional Provision. *Specific scope.*

The provisions of this royal decree shall be applicable to the public bodies and institutions not able to be included in the categories established in Article 43.1 of Law 6/1997, of 14 April, on the organisation and operation of the General State Administration, to the extent that it is compatible with its specific legislation.

First Transitional Provision. *Procurement records in the report phase.*

The entry into force of the new procedure for processing reports for the narrative report and the technical specifications is postponed until 1 January 2015.

During this period, the records will continue to be processed by the above procedure, with the Directorate for Information Technologies and Communications directly assuming the approval of records that were hitherto the jurisdiction of the Higher Council of E-Government.

Records that are initiated during this period and the contracts awarded during the same, as well as records already initiated and contracts awarded prior to the entry into force of this Royal Decree shall be governed in accordance with the previous rules. For this purpose, it shall be understood that the records have been initiated when they have been submitted to the Standing Committee of the Higher Council for E-Government or the relevant Ministerial Commission on E-Government for its compulsory report or processing

Second Transitional Provision. *Regulation of Ministerial E-Government Commissions.*

Within four months after the entry into force of this Royal Decree, the appropriate regulatory ministerial orders for the Ministerial E-Government Commissions shall be approved. Meanwhile, the current E-Government Commissions shall continue in their current structure and shall then exercise the functions conferred on the new E-Government Ministerial Commissions.

Sole Repealing Provision. *Repeal regulation.*

Royal Decree 589/2005 of 20 May, on the restructuring of the associated bodies responsible for e-government, as well as any provisions of equal or lower rank contradicting the provision in the royal decree.

First Final Provision. *Powers of implementation.*

The Ministries of Finance and Public Administrations and of the Presidency, in the scope of their respective jurisdictions, are authorised to adopt the necessary for the implementation and enforcement of this Royal Decree.

Second Final Provision. *Entry into force.*

The present Royal Decree shall enter into force on the day following its publication in the "Official State Gazette".

Issued in Madrid on 19 September 2014.

FELIPE Rex.

Vice President of the Government and Minister of the Presidency
SORAYA SÁENZ DE SANTAMARÍA ANTÓN