

LAW OF GEORGIA

ON THE ESTABLISHMENT OF THE LEGAL ENTITY UNDER PUBLIC LAW (LEPL) CALLED THE DATA EXCHANGE AGENCY

Chapter I - General Provisions

Article 1 – Purpose of the Law

The purpose of this Law is to establish the Legal Entity under Public Law (LEPL) called the Data Exchange Agency ('the Agency'), under the governance of Ministry of Justice of Georgia, and to determine fundamental principles of its operational, organisational and legal structure, and its scope of authority and the basic areas of its activities.

Article 2 – Legal grounds for the activities of the Agency

The legal grounds for the activities of the Agency are the Constitution of Georgia, this Law, the legislation of Georgia, and the statute of the Agency, which shall be approved by the Minister of Justice of Georgia ('the Minister').

Article 3 – Definition of terms used in this Law

For the purpose of this Law the terms used herein have the following meanings:

- a) information technologies (systems) – the management, provision or development of information technologies (systems) through the joint application of computer, software and communication technologies;
- b) electronic (digital) governance – public governance which is implemented by using information and communication technologies;
- c) information security – the protection of information and information technologies (systems) from unauthorised use and access, and from destruction and modification;
- d) the security of information technologies (systems) – ensuring the stability and appropriate operation of computer software and communication technologies. Security shall not apply to information being operated or generated by these technologies;
- e) a unified data exchange system – special infrastructure that ensures the existence of a standard independent interface between databases and information technologies (systems) within a protected platform (technology). Its main function is to establish a link between databases and information technologies (systems) within the public sector, as well as to ensure the authorised external (civil society sector) access to the said information resources;
- f) an electronic document – an electronic document as defined by the Law of Georgia on Electronic Signature and Electronic Documents;
- g) an electronic signature – an electronic signature as defined by the Law of Georgia on Electronic Signature and Electronic Documents;
- h) a unified governmental network – a unified governmental network as defined by an appropriate ordinance of the Government of Georgia;
- i) an audit of information technologies (systems) – the verification of the security and effectiveness of a system developed within the infrastructure of information technologies (systems).

Chapter II - Main Provisions

Article 4 - Legal status of the Agency

The Agency is a legal entity under public law established on the basis of this Law and operating within the governance of the Ministry of Justice of Georgia.

Article 5 – Scope, object and aims of activities of the Agency

1. The scope of activities of the Agency is to develop appropriate standards for the facilitation and coordination of information technologies (systems) and to implement a unified state policy.
2. The object of the activities of the Agency during the implementation of state governance is to create a unified system based on the principles of electronic governance, and to develop information technologies (systems), and information security policy and to facilitate its implementation.
3. The aim of the Agency is to introduce new types of services, to identify data storage and data provision standards, and to establish a unified electronic



document exchange system by using information technologies (systems), and to increase the efficiency of governance on the basis of information technologies (systems).

Article 6 - Powers of the Agency

The Agency shall be empowered to:

- a) develop information technologies (systems) and state policy for the development of electronic governance;
- b) ensure information security, and also implement educational activities in the public and civil society sectors;
- c) provide monitoring of the operations of the unified governmental network;
- d) create a unified data exchange system and ensure access to information resources;
- e) facilitate the development of information technologies (systems);
- f) establish standards that are necessary for the development of the field of information technologies (systems);
- g) provide monitoring of matters related to the security of issuing a digital signature certificate;
- h) facilitate the development of innovative technologies;
- i) perform audits of information technologies (systems) in order to identify risks related to information security;
- j) collaborate with local, international and foreign organisations, and with governmental institutions and entities under private law operating in the field of information security;
- k) participate in local, regional and international programmes in the field of information technologies (systems);
- l) develop draft legislative acts regulating the field of information technologies (systems);
- m) exercise other powers under the legislation of Georgia in order to facilitate the development of information technologies (systems).

Article 7 - Management and representation of the Agency

1. The Agency shall be managed by a Chairperson who shall be appointed and dismissed by the Minister.
2. The Chairperson of the Agency shall:
 - a) represent the Agency;
 - b) take decisions (issue legislative acts) on matters within the scope of authority of the Agency;
 - b¹) issue an Order of the Chairperson - a normative administrative-legal act within the scope of authority of the Chairperson, as determined by the legislation of Georgia;
 - c) appoint and dismiss employees of the Agency;
 - d) dispose of the funds and property of the Agency under procedures determined by the legislation of Georgia;
 - e) exercise other powers defined by the statute of the Agency.
3. The Chairperson of the Agency has deputies who shall be appointed and dismissed by the Chairperson.
4. The number of deputies of the Chairperson of the Agency and their powers shall be defined by the statute of the Agency.

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Article 8 - Structure of the Agency

1. The Agency shall exercise its powers through the structural sub-divisions of the Agency.
2. The structure and scope of authority of the structural sub-divisions of the Agency shall be determined by the statute of the Agency.

Article 9 - Property of the Agency

1. The Agency owns property to achieve its goals and perform its functions. The procedures for the formation of property shall be defined by the legislation of Georgia.



2. The property of the Agency consists of current assets, as well as other tangible assets and financial resources entered in the balance sheet of the Agency.

Article 10 - Funding of the Agency

1. The funding sources of the Agency are:

- a) funds allocated from the State Budget of Georgia;
- b) fees for services rendered by the Agency;
- c) target loans and grants;
- d) income from services rendered under an agreement;
- e) income from gratuities and donations;
- f) other income permitted by the legislation of Georgia.

1¹. The rates of the fees for services rendered by the Agency, as well as procedures for the payment of fees, and for exemption from payment of fees and for refunding fees that have already been paid, shall be determined by an order of the Minister.

2. The funds and income referred to in paragraph 1 of this article shall be used solely for the achievement of the goals and the performance of the functions of the Agency.

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Article 11 - State oversight of the Agency

State oversight of the Agency shall be performed by the Ministry of Justice of Georgia.

Article 12 – Procedures for the termination of activities and the liquidation of the Agency

The termination of activities and the liquidation of the Agency shall be carried out under procedures provided for by the legislation of Georgia.

Chapter III Transitional and Final Provisions

Article 13 – Transitional provisions

1. Before 1 January 2010 the Minister of Justice of Georgia shall:

- a) approve the statute of the legal entity under public law (LEPL) called the Data Exchange Agency;
- b) appoint a Chairperson of the legal entity under public law (LEPL) called the Data Exchange Agency.

2. Before 1 January 2010 the Ministry of Economic Development of Georgia shall ensure the transfer of property necessary for the operation of the legal entity under public law (LEPL) called the Data Exchange Agency in accordance with procedures determined by the legislation of Georgia.

Article 14 – Entry of this Law into force

- 1. This law, except for Articles 1 to 12, shall enter into force upon its promulgation.
- 2. Articles 1 to 12 of this Law shall enter into force as of 1 January 2010.

President of Georgia

M.Saakashvili

Tbilisi

17 July 2009



