
BELIZE:

DIGITAL GOVERNMENT BILL, 2022

ARRANGEMENT OF CLAUSES

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Objectives and purposes.
4. Scope.

PART II

Establishment, Powers, Duties and Functions, etc., of the Department

5. Establishment of the Department.
6. Appointment of staff.
7. Powers, duties and functions of the Department.
8. Duties of Director.

PART III

Simplification of Requirements and Administrative Procedures

9. Principles.
10. Requirement and procedures for filing.
11. Documents generated or issued by Public Sector Agencies.
12. Requirement for e-government.

PART IV

Creation of New Administrative Procedures

13. Administrative procedures.

PART V

Once Only Principle

14. Interpretation of this Part.
15. Data exchange and interoperability.
16. Duties of a Public Sector Agency.
17. Regulations.

BELIZE:

BILL

for

AN ACT to establish the E-Governance and Digitalization Department and provide for its powers, duties and functions; to promote and regulate the provision of electronic government (e-government) services; to enhance service delivery, citizen’s access, and the efficiency and effectiveness of government administrative procedures; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2022)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the Short title.

DIGITAL GOVERNMENT ACT, 2022.

2. In this Act, unless the context otherwise requires— Interpretation.

“Department” means the E-Governance and Digitalization Department, established under section 5;

“Director” means the Director of the E-Governance and Digitalization Department;

“e-government” means electronic government;

“Minister” means the Minister responsible for e-government implementation and digital transformation;

“Ministry” means the Ministry responsible for e-government implementation and digital transformation; and

“Public Sector Agency” includes—

- (a) a Government Ministry, Department or Unit;
- (b) a statutory body; and
- (c) a person or body declared as, or established to be, a public sector agency for the purposes of this Act;

3.—(1) This Act shall be implemented to—

Objectives and purposes.

- (a) leverage the use of technological applications and advancements in transforming lives and changing the way in which citizens and businesses access information, acquire knowledge, purchase goods and services, participate in the market and undertake activities, thereby facilitating opportunities for innovation, employment, and economic growth;
- (b) address the needs of citizens and businesses by extending and integrating existing government portals, websites, networks, services and systems;
- (c) provide more comprehensive and user-friendly information and assistance to citizens and businesses to navigate, strengthen, and streamline governmental systems in order to better address the needs of citizens and businesses;
- (d) enable the establishment of an electronic government as a critical element in the management and operations of government, facilitating the development of an integrated management framework;
- (e) improve the operational performance, effectiveness, and efficiency of the Government of Belize using digital technology and internet-based applications, improved inter-agency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(2) The purposes of this Act are to—

- (a) provide effective leadership for the government’s efforts to develop and promote electronic government services and

processes by establishing the E-Governance and Digitalization Department within the Ministry;

- (b) promote and facilitate the digitalization of public service and utilization of information and communication technology as a core element in public administration to create public value;
- (c) promote the use of the internet and other information technologies and provide increased opportunities for citizen participation in government and other daily activities;
- (d) promote inter-agency collaboration in providing electronic government services, improving service to citizens as well as the efficiency and effectiveness of internal electronic government processes;
- (e) improve the ability of the Government of Belize to achieve agency missions and program performance goals;
- (f) promote the use of the internet and emerging technologies within and across government agencies to provide citizen-centric government information and services;
- (g) reduce costs and burdens for businesses and other government entities;
- (h) promote better informed decision-making by policymakers;
- (i) promote access to high-quality government information and services across multiple channels;
- (j) make the Government of Belize more transparent and accountable;
- (k) transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations; and
- (l) provide enhanced access to government information and services in a manner consistent with laws regarding the protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

4.–(1) The provisions of this Act are applicable to–

Scope.

- (a) administrative procedures that are managed or administered by governmental entities, established through enactments of

law or through policy or administrative procedure, in their provision of public services; and

(b) relationships that are generated from the management of such administrative procedures between the Government of Belize and other legal or natural persons.

(2) The Act is not applicable to administrative procedures that relate to the defence sector or to procedures which compromise national security.

PART II

Establishment, Powers, Duties and Functions, etc., of the Department

Establishment of the Department.

5.—(1) The E-Governance and Digitalization Department shall be a department established under the Ministry.

(2) The Department shall be responsible for e-government implementation and digital transformation.

(3) The Department shall be headed by a person to be known as the Director of the E-Governance and Digitalization Department.

CAP. 4.

(4) The Director shall be appointed in accordance with section 106 of the Belize Constitution.

Appointment of staff.

6. The Public Services Commission shall appoint such officers and staff having suitable qualifications as may be necessary for carrying out the provisions of this Act and any regulations made thereunder.

Powers, duties, and functions of the Department.

7. The Department shall—

(a) be responsible for government-wide strategies and priorities for electronic government;

(b) provide overall leadership and direction to the executive branch on electronic government;

(c) promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through the support of pilot projects, research, and experimentation;

(d) coordinate governmental programs to promote electronic government and the efficient use of information technologies by agencies;

-
- (e) provide an assessment of the resources required to develop and effectively administer electronic government initiatives;
 - (f) establish and oversee the implementation of the national digital strategy and action plan, and guide and support the provisions of this Act and related enactments;
 - (g) provide technical advice, guidance and support to ministries, agencies, and other persons on matters governing and related to the implementation of the national digital strategy and action plan and of the electronic government;
 - (h) provide advice to the Minister to inform the making of regulations to support the implementation of this Act;
 - (i) provide advice and support to the Minister responsible for finance on information and communication technology procurement;
 - (j) develop and issue guidelines and recommended standards to support the implementation of the national digital agenda and electronic government;
 - (k) foster dialogue—
 - (i) to facilitate collaboration and enhanced understanding of best practices and innovative approaches in acquiring, using and managing information resources among government leaders, officials, and representatives on issues in respect of electronic government and among and between the private sector and civil society;
 - (ii) to improve the performance of government in collaborating on the use of information technology to improve the delivery of government information and services;
 - (iii) to promote the development of innovative models—
 - (aa) for electronic government management and government information technology contracts;
 - (bb) through focused discussions or using separately sponsored research;
 - (cc) to identify opportunities for public-private collaboration in using internet-based

technology to increase the efficiency of government-to-business transactions;

(*dd*) to identify mechanisms for providing incentives to program managers and other government employees to develop and implement innovative uses of information technologies;

(*ee*) to identify opportunities for public, private and intergovernmental collaboration in addressing the disparities in access to the internet and information technology; and

(*ff*) to sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered government strategies; and

(*l*) determine the resource needs and requirements, in collaboration with relevant ministries and agencies, for the development and modification of procedures to support the provision of e-government services and the national digital agenda.

Duties of
Director.

8. The Director shall work with the Ministry and other agencies to oversee the implementation of electronic governance and relevant activities to support the implementation of the national digital agenda under the Act and any other enactments, in a manner consistent with law, relating to—

(*a*) capital planning and investment control for information technology;

(*b*) development of enterprise architectures;

(*c*) information security;

(*d*) privacy;

(*e*) access to, dissemination of and preservation of government information;

(*f*) accessibility of information technology for persons with disabilities;

-
- (g) policy formulation and implementation in respect of electronic government; and
 - (h) other areas of electronic government.

PART III

Simplification of Requirements and Administrative Procedures

9. Administrative procedures for all regulated entities shall–

Principles.

- (a) be managed in the most efficient way, without affecting the quality of the data, information or administrative procedure;
- (b) promote consolidation of procedures of a similar or complementary nature into a single administrative process;
- (c) make use of information and communication technologies in order to improve the quality of public services and optimize the management of administrative procedures;
- (d) be carried out electronically and shall not bear a higher cost than similar procedures carried out manually;
- (e) exchange information through the use of electronic and automated means, for the proper management of administrative procedures;
- (f) comply with the requirements that are established in this Act and other enactments;
- (g) ensure that the integrity, veracity and authenticity of information is maintained;
- (h) be clear, simple, agile, rational, pertinent, useful, and intelligible;
- (i) be public and transparent and the actions shall be pursued through the leveraging of relevant regulatory tools and mechanisms;
- (j) ensure that information presented in or managed within any framework or system governing or facilitating administrative procedures shall only be required once and shall be stored and retained within such framework or system; and

- (k) implement processes and protocols which facilitate and promote the continuous improvement of the management of administrative procedures.

Requirements and procedures for filing.

10.—(1) In the management of administrative procedures, a Public Sector Agency may require compliance only with the requirements expressly established by this Act, other enactments, or regional and international agreements to which it is a party.

(2) Users shall comply with the requirements and procedures that are in force at the time the administrative procedure was initiated and are not affected by subsequent reforms or modifications to the procedure.

(3) Where an application for an administrative procedure has been submitted to a Public Sector Agency or an inter-institutional portal, the procedure for verification of formal and substantive requirements shall be carried out in whole and once verified, shall not be rejected nor suspended due to any subsequent observation.

(4) During the verification process, where one or more missing items are identified, the user may be requested, either physically or electronically, to correct and resubmit the file.

(5) A Public Sector Agency shall not impose surcharges, costs, or fees for the rejection of files.

Documents generated or issued by Public Sector Agencies.

11.—(1) A Public Sector Agency may not demand any documents or information provided by that Public Sector Agency or related to any information, document, certificate, or evidence that the Public Sector Agency generates or issues.

(2) Notwithstanding sub-section (1), where an enactment requires the submission of documents generated or issued by a Public Sector Agency for any service or process, that Public Sector Agency is authorized to require the submission of the documents required under the specific enactment for that service or process.

Requirement for e-government.

12. Every Public Sector Agency shall—

- (a) publish, on the government website, the administrative procedures that can be processed by that Public Sector Agency and the requirements to be fulfilled and submitted for such processing;
- (b) use the necessary technologies so that such procedures may be undertaken remotely, with a view to automate them;

-
- (c) assess, at least on an annual basis, the quality of the services provided and of the processes governing and facilitating the provision of such services;
 - (d) ascertain organizational, legal, technological, and other requirements to implement or strengthen procedures to support the provision of e-government services;
 - (e) determine organizational, legal, technological, and other factors inhibiting the implementation or strengthening of procedures to support the provision of e-government services and the implementation of the national digital agenda;
 - (f) in accordance with guidelines which may be established by the Department, develop and maintain a list of the services provided to other agencies and persons;
 - (g) publish the list of services it provides on a central government maintained repository and where possible, on its own website; and
 - (h) within one year of this Act entering into force, commence the development and implementation of plans, activities, and interventions which support the establishment of new systems, procedures, and processes that enable the provision and interoperability of electronic government services.

PART IV

Creation of New Administrative Procedures

13.—(1) Where new administrative procedures are to be established, the entities regulated by this Act shall ensure—

Administrative procedures.

- (a) that the procedures be directly related to the service or purpose they serve;
- (b) prior to the creation of a new procedure, that the competent entities carry out a regulatory impact assessment and be satisfied that the new procedure will not generate unnecessary burdens for citizens or administrative expenses;
- (c) that the creation of a new procedure carries an implicit obligation to remove any existing procedures that are similar in cost or regulatory burden;

- (d) the implementation of the progressive, continuous, and obligatory use of technological tools;
- (e) the incorporation of automated controls that minimize the need for structures of additional supervision and control;
- (f) that instances in which the subjective judgment of the public servant interferes with the process are avoided; and
- (g) that the policies be clear, precise, concrete, and publicly accessible and be established for the simplification of procedures.

PART V

Once Only Principle

Interpretation of this Part.

14. For the purposes of this Part, the participants in a data exchange are defined as follows–

- (a) “data provider” means a data exchange participant acting as a data source; and
- (b) “data consumer” means a data exchange participant that receives and uses data to fulfil its legal competencies and obligations.

Data exchange and interoperability.

15.–(1) A Public Sector Agency shall perform any administrative procedure or data exchange that is intended to facilitate seamless interconnection, interoperability, and exchange of data or information between various agencies, entities and applications owned by different public sector agencies.

(2) Notwithstanding the generality of sub-section (1), data exchange and interoperability shall be governed by the following fundamental principles–

- (a) *Free Data Principle* – data owned by the participants shall be made available free of charge to other participants;
- (b) *Availability of Data Principle* –
 - (i) data exchange participants shall ensure the availability of their data sets;

-
- (ii) data owned by data exchange participants shall be equally available to any other data exchange participants, under its legal mandate, making sure the legal, organizational, semantic, and technical interoperability requirements are met;
 - (c) *Lawfulness of Data Exchange Principle* - data owned by data exchange participants shall be provided through the interoperability platform to other participants if the participants–
 - (i) provide the purpose and a legal basis for processing the requested data set; and
 - (ii) comply with the security and confidentiality requirements stemming from the legal status of the data;
 - (d) *Data Authenticity Principle* –
 - (i) data from the information systems of the data exchange participants shared through the interoperability platform is presumed to be authentic, complete, and true and serves as a basis for legal documents;
 - (ii) data providers shall ensure integrity and veracity of data information systems;
 - (e) *Security, Confidentiality and Data Protection Principle*–
 - (i) the security and confidentiality of the data exchange are ensured by all participants;
 - (ii) in order to ensure data security and confidentiality while exchanging and accessing restricted information, in addition to the standard security measures, the interoperability platform shall allow for exchanging data in encrypted form;
 - (f) *Subsidiarity and Proportionality Principle* – an e-government standard is justified to overcome differences in policies that result in heterogeneity and lack of interoperability;
 - (g) *Transparency Principle* – data exchange participants shall ensure internal visibility and provide external interfaces for electronic government services;

- (h) *Re-suability Principle* – data exchange participants shall reuse and share information and cooperate in the development of joint solutions when implementing public e-services;
- (i) *Technological neutrality and data operability Principle* –
 - (i) data exchange participants shall provide for access and the reuse of their public services and data irrespective of specific technologies or products;
 - (ii) data exchange participants shall ensure that data is easily transferable between systems and applications supporting the implementation and evolution of public services without unjustified restrictions, where legally possible;
- (j) *User-centricity Principle* –
 - (i) data exchange participants shall, as far as possible, use multiple channels to provide the public e-services to ensure that users can select the channel that best suits their needs; and
 - (ii) data exchange participants shall endeavour to provide a single point of contact to hide internal administrative complexity and simplify users' access to common e-government public services.

(3) The exchange of data and execution of administrative procedures shall be carried out through dedicated and secure networks and system frameworks.

Duties of a
Public Sector
Agency.

16.–(1) A Public Sector Agency that holds a government information system shall–

- (a) identify the data exchange flows and administrative procedures that need to be made and develop and approve plans to facilitate and connect the data exchange flows and administrative procedures, within six months from the date of entry into force of this Act;
- (b) integrate, from the Public Sector Agency's own financial means, the information systems of the Public Sector Agency with the interoperability platform, according to the connection plans coordinated with the competent authority;

- (c) plan the financial means necessary for the integration of the information systems of the Public Sector Agency with the interoperability platform, the development and technical maintenance of the data provision or consumption services, according to the respective connection plans;
- (d) ensure the maintenance of the connection made and of the necessary infrastructure;
- (e) review the regulatory framework for the process of providing services to citizens, to exclude the need for further presentation of documents, once the administrative data contained in these documents is available or provided through the interoperability platform;
- (f) ensure that the development of new information systems are interconnectable and integrable; and
- (g) discard alternative interoperability platforms.

(2) A Public Sector Agency with responsibilities in the financial sector, national defence, state security, law enforcement, or corruption prevention, may exchange data under a special legal regime, where the competent entities express intention in this regard, in accordance with their enactments.

(3) Without prejudice to any other requirements under the Public Sector Data Sharing Act, 2021, for the purposes of this Act, a Public Sector Agency shall comply with sections 12 and 13 of the Public Sector Data Sharing Act, 2021.

Act 27 of 2021.

17.—(1) The Minister may make Regulations as are necessary or expedient for giving effect to the purposes of this Act and for prescribing anything required to be prescribed under this Act.

Regulations.

(2) Notwithstanding the generality of sub-section (1), regulations may—

- (a) be of general application or limited application;
- (b) make different provisions according to the person, matter or circumstance to which they are to apply;
- (c) provide that a matter in respect of which regulations may be made is to be determined according to the discretion of the Minister or a prescribed person; and
- (d) refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force

at the time the regulations are made or as in force from time to time.

(3) If a code, standard or other document is referred to or incorporated in regulations made under this section—

- (a) in cases where it is incorporated by reference, a copy of the code, standard or other document shall be kept available for public inspection, without charge and during ordinary office hours, at an office or place specified in the regulations; and
- (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document certified by the Minister to be a true copy of the code, standard or other document.