



Digital Government Strategies: Good Practices



Mexico: Legal Framework for the National Digital Strategy

The OECD Council adopted on 15 July 2014 the Recommendation on Digital Government Strategies. The Recommendation provides a set of 12 principles structured around 3 pillars. The OECD Secretariat is developing a Digital Government Policy Toolkit to support OECD member countries and non-member adhering countries with the implementation of the Recommendation. This practice was submitted by the government of Mexico to be considered as a good practice in the implementation of one or more of the principles contained in the Recommendation.

Description of the practice:

Organisation:	Digital Government Unit, Ministry of Public Administration
Name of the practice:	Legal Framework for the National Digital Strategy
Principles implemented:	<u>Principle 12</u> – Ensure that general and sector-specific legal and regulatory frameworks allow digital opportunities to be seized.
Description:	The National Digital Strategy (EDN, by its initials in Spanish), is the action plan that the government is implementing to encourage the adoption and development of Information and Communication Technologies (ICT) and insert Mexico into the Information and Knowledge Society. The EDN is the result of a collaborative effort, of talks with experts, industry and academics, legislators, civil organizations and citizens.

The Strategy sets out the challenges Mexico faces in the digital context and the way it will cope with them through five major objectives: i) Government Transformation; ii) Digital Economy; iii) Transformation of Education; iv) Universal, Effective Health; and v) Civic Innovation and Citizen Participation.

To achieve these objectives, the National Digital Strategy proposes the following five key enablers: i) Open Data; ii) Legal Framework; iii) Interoperability and Digital Identity; iv) Inclusion and Digital Skills; and v) Connectivity.

The Telecommunications Amendment, published in the Official Gazette of the Federation (DOF, by its initials in Spanish) on June 11, 2013, is the cornerstone that is allowing Mexico's transformation through ICT, by a complete change of this sector.



Mexico now recognizes access to Internet as a fundamental right, as it has been established in its Constitution. Also, the reform increases competition, promotes the deployment of telecommunications infrastructure, establishes the Universal Digital Inclusion Policy as an obligation of the State, as well as the goal to connect to the internet 70% households and 85% of micro, small and medium enterprises nationwide. Available at: http://www.dof.gob.mx/nota_detalle.php?codigo=5301941&fecha=11/06/2013

In this regard, the Mexican Government is harmonizing the legal framework in order to foster an environment of certainty and confidence favorable to the adoption and promotion of ICT inside and outside government. It is important to highlight that the Mexican Legal framework is cutting edge since it allows us to regulate authority acts using electronic means.

The legal framework is the following:

- Constitutional Reform on the Telecommunications Sector
- National Digital Strategy as the Universal Digital Inclusion Policy mandated in the constitution.
- Advanced Electronic Signature Law
- Regulation of Advanced Electronic Signature Law.
- General Law for Transparency and Access to Public Information
- Federal Law for Transparency and Access to Government Information.
- Guidelines for Personal Data Protection.
- Executive Order by which is established the National One-Stop Shop for Government Services and Information.
- General Dispositions for the Implementation, Operation and Functioning of the National One-Stop Shop.
- Executive Order by which is established the Open Data regulation.
- Guide for the Implementation of the Open Data Policy.
- Executive Order that has as aim to permanently establish the Interministerial Commission for the Development of Electronic Government.
- Ministerial agreement for the establishment of the Federal Interoperability Framework and Open Data Scheme (EIDA, by its initials in Spanish).

The legal framework is created and updated according to the development and implementation of the National Digital Strategy projects.

It is important to highlight that, the constitutional amendments and laws are issued by the Congress; the Executive Orders by the President, and the Ministerial Agreements, Guidelines, dispositions, rulings, etc., by the government agency that is involved in the theme according to its own powers.



The above mentioned legal framework applies to the Federal Public Administration. Nonetheless, there are some agencies and entities in government in charge of designing the legal frameworks in specific areas, for example:

- Digital Government Unit: legal framework of digital government, interoperability, ICT policy, open data and electronic signature (in collaboration with the Ministry of Economy and the Taxpayer Administration Service (SAT)), according to the policies established in the National Digital Strategy.
- National Institute of Transparency and Access to Government information (INAI): legal framework of transparency and access to government information, personal data protection.

Relevant links:

- Constitutional reform on the Telecommunications Sector:
http://www.dof.gob.mx/nota_detalle.php?codigo=5301941&fecha=11/06/2013
- National Digital Strategy as the Universal Digital Inclusion Policy mandated in the constitution: <http://www.presidencia.gob.mx/edn/en/>
- Advanced Electronic Signature Law:
<http://www.normateca.gob.mx/documento.php?Clave=2522>
- Regulation of Advanced Electronic Signature Law:
<http://www.normateca.gob.mx/documento.php?Clave=3207>
- General Law for Transparency and Access to Public Information:
http://www.dof.gob.mx/nota_detalle.php?codigo=5391143&fecha=04/05/2015
- Federal Law for Transparency and Access to Government Information:
http://www.diputados.gob.mx/LeyesBiblio/pdf/244_140714.pdf
- Guidelines for Personal Data Protection:
http://www.normateca.gob.mx/Archivos/34_D_1170_15-01-2007.pdf
- Executive Order by which is established the National One-Stop Shop for Government Services and Information:
http://www.dof.gob.mx/nota_detalle.php?codigo=5380863&fecha=03/02/2015
- General Dispositions for the Implementation, Operation and Functioning of the National One-Stop Shop:
http://www.dof.gob.mx/nota_detalle.php?codigo=5380863&fecha=03/02/2015
- Executive Order by which is established the Open Data regulation:
http://www.dof.gob.mx/nota_detalle.php?codigo=5382838&fecha=20/02/2015
- Executive Order that has as aim to permanently establish the Interministerial Commission for the Development of Electronic Government:
<http://www.normateca.gob.mx/Archivos/ACUERDO%20QUE%20TIENE%20POR%20OBJETO%20CREAR%20EN%20FORMA%20PERMANENTE%20LA%20COMISION%20INTERSECRETARIA%20PARA%20EL%20DESARROLLO%20DEL%20GOBIERNO%20ELECTRONICO.PDF>

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- Guide for the Implementation of the Open Data Policy:
http://www.dof.gob.mx/nota_detalle.php?codigo=5397117&fecha=18/06/2015
- Ministerial agreement for ICT Policy:
http://www.normateca.gob.mx/Archivos/66_D_3755_12-05-2014.pdf
- Ministerial agreement for the establishment of the Federal Interoperability Framework and Open Data Scheme:
http://www.normateca.gob.mx/Archivos/42_D_2803_06-09-2011.pdf

Results

The legal framework, as an enabler of the National Digital Strategy, permits the implementation of the digital government in Mexico because it establishes the basis and the channels to interact with government using electronic means.

The main result is the legal certainty in the use of electronic means for people and businesses to interact with government.

Through a strong legal framework people and business can access electronic services using their electronic signature from anywhere, anytime and on any device.

Internet, technology and Innovation when is well regulated benefits all sectors of society by democratizing access to government services 24/7, promoting transparency, fighting corruption and making more efficient the response time to citizens demands.

Development

Design: Because the nature of the project/programme/initiative achieved is a legal framework, that includes a group of laws, regulations, executive orders, agreements, etc.; the period and/or the process of design is different from one legal document to another.

Stakeholders involved: Legal Departments of the Ministries and Normative Units like the Digital Government Unit, Coordination of the National Digital Strategy, INAI, etc. Also the Legal Counsel of the Executive Power participates in the design of the legal framework since this office is in charge of analyze and advise any project of regulation, agreement or executive order issued by the president.

Society has an important role in the definition of all regulations since, as it was mentioned before, it is mandatory to make an open consultation of any of the legal documents that will be issued. Besides this legal framework, the Mexican Government is convinced in promoting citizen participation in the process of elaboration of public policies.

Testing: According to article 10 of the Federal Law for Transparency and Access to Government Information, any legal document issued must have a period of time of open consultation.

Likewise, it is important to highlight that, currently, the Mexican Government has launched [gob.mx/participa](http://www.gob.mx/participa) (<http://www.gob.mx/participa>), which is a platform for citizen participation, which



allows, through diverse mechanisms such as forums, surveys and exercises of co-edition, to create better public policy proposals for the development of the country.

Each of the regulations had its own consultation period according to the terms of the Federal Law for Transparency.

Discovery

All policy regulation starts with a discovery phase, where policy makers responsible for the operation of the initiatives review with the legal team the requirements for new regulation or updates in the current one.

Design

According to the review made by the legal team, a working group is established to elaborate a draft project of the regulation, which passes through a series of new reviews, changes and modifications until it fully meets the objectives devised.

Consultation

According to article 10 of the Federal Law for Transparency and Access to Government Information, any legal document issued must have a period of time of open consultation.

Publication

After the consultation process, the regulation is published in the Official Gazette of the Federation (DOF), which makes it mandatory.

Implementation

Every government agency, according to its own powers, is in charge of implementing the regulation in order to fulfill what is established on it, the objectives set and the work plan.

Evaluation

This phase consists of a continuous work of the government agencies' policy makers that implement the regulation and its legal areas, as well as the surveillance bodies of each agency. Regulation is updated according to the feedback of this group.

Implementation:

- Constitutional reform on the Telecommunications Sector, published in DOF on June 11, 2014.
- National Digital Strategy as the Universal Digital Inclusion Policy mandated in the constitution, presented on November 25, 2013.
- Advanced Electronic Signature Law, published in the DOF on January 11, 2012.

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- Regulation of Advanced Electronic Signature Law, published in DOF on March 21, 2014.
- General Law for Transparency and Access to Public Information, published in DOF on May 4, 2015.
- Federal Law for Transparency and Access to Government Information, published on DOF on July 14, 2014.
- Guidelines for Personal Data Protection, published in DOF on September 30, 2015.
- Executive Order by which is established the National One-Stop Shop for Government Services and Information, published in the DOF on February 3, 2015.
- General Dispositions for the Implementation, Operation and Functioning of the National One-Stop Shop, published in the DOF on June 4, 2015.
- Executive Order by which is established the Open Data regulation, published in the DOF on February 20, 2015.
- Executive Order that has as aim to permanently establish the Interministerial Commission for the Development of Electronic Government, published in the DOF on December 9, 2005.
- Guide for the Implementation of the Open Data Policy, published in the DOF on June 18, 2015.
- Ministerial agreement for ICT Policy, published in DOF on May 8, 2014.
- Ministerial agreement for the establishment of the Federal Interoperability Framework and Open Data Scheme, published in DOF on September 6, 2011.

The Mexican Government has established management mechanisms to follow-up the fulfilment of the objectives of the National Digital Strategy.

In this regard, every agency that participates in the development of projects within the Strategy has designated an EDN Focal Point, people responsible for following-up the accomplishment of tasks and duties within the EDN.

Together they form the National Digital Strategy Contact Points Network.

All National Digital Strategy Projects integrates agile methods, to design, test and implement digital policies. Following the principles of openness and co-creation all policies within the EDN has consultative mechanisms like open consultations, experts groups, advisory councils, among others.

Resources: Several public servants have been working in the development of the above mentioned framework. As mentioned before they are part of the structure of different government agencies. Concerning the budget, it has been part of the own budget of the institution(s) that have worked in the legal frameworks. That is to say, no additional financial resource was used.

Diffusion and scaling: The diffusion of the Mexican legal framework in Mexico is done through the DOF. Also, the Digital Government Unit provides specialized training to public servants in the legal departments of the Ministries about the Mexican legal framework of digital government.



It also provides monthly training sessions, mentoring and supervision of the correct interpretation and implementation of regulations within the ministries.

The Unit also provides training and mentoring to other levels of government (state and municipal) in the development of local digital government regulation, in order to promote coherence between local and federal legal frameworks.

It is important to highlight that the Mexican Government established a Change Management Plan in order to guide agencies in the development of projects within the framework of the National Digital Strategy.

In this regard, the plan identified key players and stakeholders, developed and carried out specific communication strategies for each one of them, such as communication releases, high level meetings, training campaigns, and a continuous improvement program for the updates of the regulatory framework.

All developments are documented, public and are spread through the site:

<http://www.presidencia.gob.mx/edn/indicadores/>

The EDN Legal Framework applies to all Federal Government Agencies. For instance, all government agencies must comply with its implementation. Implementation actions are coordinated with all government agencies. Sometimes specific regulation within an agency needs to be updated in order to be aligned to the new EDN Legal Framework.

The Unit also provides training and mentoring to other levels of government (state and municipal) in the development of local digital government regulation, in order to promote coherence between local and federal legal frameworks.

The Digital Government Unit issued 4 guides to standardize, optimize and digitize services for doing business.

The main challenge has been to coordinate 18 Ministries and 231 agencies of the Federal Public Administration and productive state enterprises.

Partnerships: Private Sector, Civil Society, Academics and Research Bodies, Public Sector Organisations

Partners: In order to issue the above mentioned laws and regulations we have partnerships with the following actors:

- President of Mexico (for issuing Executive Decrees)
- Government agencies of the Federal Public Administration
- States and Municipalities
- Mexican Congress



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- Civil society & general public (consultation process)
- Autonomous organisms, for example, INAI.
- Industry organizations

Nature of the partnership:

The President is in charge of issuing Regulations, Agreements, Executive Orders, etc.

The Mexican Congress is in charge of issuing Laws and Amendments.

In both cases government offices and autonomous organisms work together with Congress and the President to issue the necessary legal framework for the currently projects working on.

Likewise, the civil society, general public and industry organizations are involved since it is mandatory that any legal document issued must have a period of time of open consultation.

Lessons learned

It is important to design a strong legal framework to assure the legitimacy and trustworthiness of the ICT policies implemented. Good and strong regulations assure the continuation of government programs across leadership changes.

ICT regulation also requires extremely good legislative and regulatory technique since ICT changes exponentially and regulations need to be according to actual trends.

Mexico has a very specialized e-government legal team, which is willing to share and work peer to peer with other countries to share our experience, methods and outcomes.

Conditions required: We consider that the main condition to implement this practice is the political leadership and empowerment given to the National Digital Strategy, since it is located at the Office of the President with transversal powers granted to it, to coordinate all government agencies in the implementation of the action lines of the EDN in a very short period of time.

Furthermore, this condition has allowed the alignment of the budget aimed to the development of the projects that are being implemented within the framework of the National Digital Strategy. Resources are well allocated towards clear objectives, action lines and goals. The ICT Policy mandates that all ICT projects must be authorized by the Unit of Digital Government, the authorization is granted to projects aligned to the EDN.

Another successful condition is the governance model for the implementation of the ICT Policy. The Inter ministerial commission for the development digital government (CIDGE) is represented by all ministries and the CIO council, its working groups and subcommittees enhance the collaboration needed to accomplish the National Digital Strategy.



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Finally, another condition to successfully implement the practice is, as it was mentioned before, the creation of follow-up mechanisms in every government agency, through focal points, in order to review the accomplishment of the objectives set, due dates and commitments.

Additional information: Mexico is willing to share its experience with OECD member countries, as well as observers, academia, private sector and civil society, about its experience in developing and implementing best practices on digital government strategies.