



OPEN SOURCE SOFTWARE POLICY

I. INTRODUCTORY

1. The use of information technology in state administration bodies is becoming a necessity and a basis for the development of the state administration system and realisation of the reform in state administration, of which electronic administration is one of the most important goals. Technical equipment (computers, telecommunications and other technical equipment) and computer programmes are applied in the development and operation of electronic administration (e-Administration). Computer software which is procured and loaded into state administration information systems is required for computer operation (operating systems) and for the general functioning of office work and specific requirements in certain administrative fields (user programmes). So far, the greatest part of software has been acquired from suppliers in its final format ready to be directly installed into computer systems; as a rule, up until now the source format in which programmes had been developed prior to their being compiled into machine readable format has not been delivered with the software. The software was obtained from the suppliers under licence and without the possibility of modifying and complementing it, or linking software from different suppliers. This type of software forms a proprietary product with very rigid commercial conditions of use and limited possibilities, or none at all, for state administration bodies to manage such software. In this way, state administration bodies may partly be led into a dependant position on the supplier of certain software, which could lead to the development of closed information systems, thus making the success and efficiency of e-Administration more difficult.

Operating in the field of IT technology, as opposed to the proprietary, private and limited scope of the licensed software, is the system of public, open and free use of software which is available in the source format (code), i.e. in human-readable format in which the software had been developed prior to its being converted into machine code. These programmes are called open (i.e. free) source software (*open software*).

Open software enables access to the source code written in the programming language in which the special-purpose programme is written, which allows the users, i.e. IT experts, to read, modify and adapt the open source software to current purposes. Open software is at the same time a computer programme whose source code may be freely redistributed, modified and connected with other software based on an open code.

Open software is based on the principle of freedom to use, redistribute, complete, improve/upgrade and subsequently distribute the software. This freedom of software use enables the interested parties to perform joint operations in improving or extending software functions

without the pressure of a proprietary relation, which prevents this type of cooperation. This new form of cooperation in which experts from different sectors and organisations, even from different countries, work jointly in creating, developing and using software, is called the system of open source development.

2. The European Union has included numerous programmes directed at the development of an information society into the system of joint activities aimed at improving the European economy and creating Europe as the knowledge-based society, The European Commission Action Plan of June 2002, directed at realising the initiative *eEurope 2005: An Information Society for All*, was based on the Action Plan from 2000, which had already established a set of basic goals for the development of an information society; stimulating the use of the open source software in the public sector and development of e-Administration were established as the main goals.

Closure of information systems with proprietary software of one supplier was identified as one of the most significant obstacles in achieving the set tasks of the new EU i2010 Programme - *A European Information Society for growth and employment*. The same reason was also pointed out as the source of slowing down market competition in the information and communications sector. It was therefore established that open source software and open standards must be built into the EU information and communications market. In the process of creating desirable conditions for the development, the public sector in EU countries must be prepared to assume the leading position. The new Plan contained in the unified i2010 Programme calls for the development of an agreed interoperability framework of the national e-Administration systems, based on the open standards and open source software.

3. In late 2003 and according to set goals and activities for the development of an information society within the framework of an integral eEurope Programme, the Government of the Republic of Croatia adopted the eCroatia 2007 Programme in order to undertake elaborate, comprehensive and dynamic action so that it could become part of the information society more quickly, in accordance with the EU recommendations and the Lisbon Agenda. The basic goals of the eCroatia 2007 Programme are to provide the citizens and entrepreneurs with timely information and active participation in the society through the state administration information system network, strengthening and connecting the Croatian economy, comprehensive exchange of information and experience in business and entrepreneurship, and equipping the state to become a transparent, quick and efficient service.

A functionally created system of interoperability in the state administration bodies' information systems has been established as an essential prerequisite for the further uninterrupted development of public services and public information contents. In order to achieve this task, it is envisaged to establish the environment of open standards and open source software that will enable uninterrupted connecting and interoperability of computer systems in different administration fields through a single telecommunications network of state administration bodies. By accepting this policy and implementing the eCroatia 2007 Programme, the Republic of Croatia is prepared to realise the prerequisites to increase the general level of competitiveness on international markets, and to ensure equal and active participation in the development of a knowledge-based society.

4. Pursuant to the adopted *One-Stop Shop Strategy*, the Government of the Republic Croatia initiated the unification of public services through the HITRO.HR system for a quicker communication of citizens and business entities with state administration. Its purpose is to improve the level of service quality by increasing the speed, efficiency, flexibility and transparency of state administration. HITRO.HR will enable the citizens and entrepreneurs to have quicker and simpler access to the information and services in one location. The HITRO.HR Programme (*One Stop Shop*) strategy set the basis for a joint set-up of the state administration information system which, among the basic principles, includes their interoperability based on the open standards and open software.

As a presupposition for the development of interoperability of the information system in state administration bodies, open standards are publicly available and published so as to enable their repeated and free use, with the charges corresponding to the costs of publishing and delivery, and without limitations regarding intellectual property rights. This makes open standards public domain, which contributes to the more active participation of our experts as much in applying as in adopting the open standards. Open standards are thus creating the foundations for the operation and development of the HITRO.HR system, which must contain the procedures for integrating the information and public services so as to reduce the total public expenses of providing services to the citizens and the economy, thereupon managing the taxpayers' money economically.

5. The Government of the Republic of Croatia established the Croatian Information Documentation Referral Agency (HIDRA) as a professional service to perform information, documentation and referral work. HIDRA assures the availability of public official data, information and documents and promotes their use. HIDRA also assures the use of official documentation of foreign countries, international organizations and institutions, as well as other information, data, and documentation relevant to state administration bodies and institutions in Croatia and other users.

HIDRA directly participates in the development of information infrastructure of the Government and state administration bodies of the Republic of Croatia, which is based on the modern information technology. The increasing scope of documents that HIDRA is processing, linking and presenting have been created with the aid of computer technology and software, and these contents can be accessed through the telecommunications network (usually the Internet). It is precisely the multitude of contents produced in electronic form with different software that is aggravating everyday work HIDRA is performing. It is evident that open source software and open standards represent the solution for improving the performance of information, documentation and referral work.

6. State administration bodies generate and exchange electronic documents which are entered into electronic files. There is a great danger that historical documents after a certain period cannot be downloaded and presented in readable form due to the closed (in most cases proprietary) software which no longer has a licence, or the manufacturer no longer supports the old types of documents. Documents in electronic form (digital documents) are in most cases created using the

proprietary software which creates closed digital formats (documents), so it is essential to accept open standards for creating electronic documents. For that very reason it is required of the state administration bodies to apply open standards for the recording of electronic documents, which is included in the Operational Plan of Implementation of eCroatia 2007 Programme for 2006.

7. Transparency in the operation of state administration is the key factor in the reform of state administration, which shall be completed in accordance with the EU stabilisation and association programme. Transparency shall primarily mean the obligation of state administration bodies to act within the scope of their activities, as well as to provide services for the citizens and the economy so as to enable public viewing and supervision of operations to the greatest possible extent. The right of public to have full insight into operations of state administration bodies shall be extended to the insight into information content, as well as the procedures for processing the data. Since the software also appears as computer data, it is to be expected that the public shall have the right to view the procedures carried out by computer programmes, for which the possibility to view the software source code is essential.

There are different areas where state administration bodies use software designed for the performing of administrative work and providing services for the citizens and the economy. Computer software which is downloaded or procured as proprietary closed software very quickly reduces the transparency in the work of state administration bodies. This direction of closed software use is directly connected to public procurement where the transparency in operation of state administration bodies has to be aligned with EU requirements as fully as possible.

8. In the area of software procurement and procurement of computer and communications equipment in state administration bodies, due care must be taken to correctly manage the taxpayers' funds. Individual software which reserves proprietary rights to software manufacturers/suppliers, may gradually lead state administration bodies to become dependent on a small number of potential providers of maintenance, development and extension services for the already procured software. Also, such procedures often lead to reduced competition on the domestic information and communications equipment and services markets, while state administration bodies often do not have sufficient funds for these procurements. Therefore, in the field of public procurement of information and communications equipment and services, new patterns of contracting shall be introduced, with the obligation to apply the principles of openness and freedom of use which shall direct the procurement policy in state administration bodies towards open source software and open standards. Open source software enables more rational distribution of state budget funds because it creates the environment in which domestic suppliers/manufacturers may be more actively involved in any phase of the development, maintenance and use of the information and communications systems.

9. As a result of having no clearly established policy in the area of procurement and use of open software in state administration bodies, IT experts in state administration shall procure (within the available funds) and install software which, in their opinion, is best suited to their requirements. This is very often closed, licensed software with supplier proprietary rights, which makes upgrading and modifying the software in use more difficult, often impossible. Regardless of whether the closed software was developed by domestic or foreign manufacturers at the request of

state administration bodies or if it is multipurpose software, it should be emphasised that upon delivery of software the supplier or manufacturer must deliver the programming documentation containing the source code. Since the commercial, proprietary software does not provide for the viewing of the source code, let alone its delivery, the solution should be sought in open software based on the use and support of open standards.

10. The basic incentive factors for introducing open source software into state administration bodies are:

- Dependence on the supplier and its scope
- Costs of procurement, maintenance and derived work
- Software security and master files of the information systems
- Transparency in software procurement, maintenance, development and linking.

Basic tasks of state administration bodies in the area of IT-related activities are:

- Ensuring free access to all public information contents
- Maintaining public information contents constantly available and complete
- Ensuring public and personal data security
- Reducing unjustified spending of the state budget funds

In which process, it is essential to fulfil the following conditions:

- Maintain independence
- Maintain economic and administrative integrity
- Improve the development of own scientific and expert potentials in creating own/domestic software
- Strengthen the competitiveness of domestic IT industry
- Ensure even use of software products in state administration bodies regarding the production, maintenance and development of software for the state administration purposes
- Provide a higher level of training of civil servants to use open source software.

Within the framework of the stated basic starting points, these factors create a basis for establishing the elementary policy for the development and use of open source software in state administration bodies which shall be adopted by the Government of the Republic of Croatia. The goal of adopting this policy is to create the conditions for rational management of the state budget funds, strengthening operational security of information systems in state administration bodies, and opening up of the information and communications and services markets in the Republic of Croatia where domestic suppliers may become equal participants. This approach to the improvement of software use in electronic administration has been recognised by a number of countries, so it is essential to create the conditions for intergovernmental operating of the e-Administration system as a dominant goal for the development of the information society in the European Union.

II. OPEN SOURCE SOFTWARE POLICY

The Government of the Republic of Croatia hereby establishes the following recommendations:

1. The Government of the Republic of Croatia shall completely equally treat open source software (open software) and proprietary software. In all the procedures of software development and procurement, the choice shall be based on the financial and functional properties of certain software regardless of the existing business relations or model in use (licensed model).
2. The Government of the Republic of Croatia shall in all the procedures of developing information systems in state administration bodies to the greatest possible extent develop, create and procure software based on the use of open standards.
3. The Government of the Republic of Croatia shall to the greatest possible extent avoid the use of software which makes connecting with other software or data exchange between software of different information systems in state administration bodies impossible. In the cases where this is not possible due to already implemented and operational information systems with closed, proprietary software, all subsequent upgrading and modifications in these systems shall have to be based on the support of open source software and open standards. This will enable the connecting of information systems in state administration bodies with e-Administration systems across the EU Member countries.
4. The Government of the Republic of Croatia shall, in all instances when it is economically or financially justified, request from the supplier full ownership and the right to use and distribute the source code of procured software. The Government of the Republic of Croatia shall put to public use the software for which ownership was obtained and software whose creating was financed from the budget funds, together with the licences obtained with the procured software.
5. The Government of the Republic of Croatia shall, in all instances when it is financially, economically and technologically justified, advocate a more widespread use of open software in state administration bodies and other budget beneficiaries alike. Along with supporting open software, the Government shall also attempt to achieve as favourable and acceptable market, financial and other terms of use of the proprietary software in state administration bodies.
6. The Government of the Republic of Croatia shall promote software development based on the open source and it shall promote integration of open software and open standards in the process of developing the existing information systems in state administration bodies. New software solutions shall primarily contain improvements regarding the performance and use of the existing software and installing the Croatian language into the existing software the use of which is based on a foreign language. Through these actions, the Government of the Republic of Croatia shall promote the development of domestic proprietary software based on open standards.

7. The Government of the Republic of Croatia shall promote the use of open software and open standards in and outside state administration bodies alike, in the public sector, the economy and public services. The Government of the Republic of Croatia shall, thorough public procurement and directly financed projects, promote the development of original software in the Croatian language and translation into Croatian of the software based on open code procured from foreign manufacturers.
8. The Government of the Republic of Croatia shall support the training of civil servants to use open software and it shall promote the development of materials used to educate civil servants in the area of open software and open standards.
9. The Government of the Republic of Croatia shall promote integrating the knowledge related to the software solutions based on the open source into educational programmes. In the process, contents on the open and proprietary software shall be presented equally in order to prepare the younger generations for independent decision-making on the choice and legitimacy of the chosen software for individual information and business purposes.
10. The Government of the Republic of Croatia shall actively participate in the promotion of development and use of open software and open standards by directly implementing open source software into state administration bodies, as well as in the information and communications technology used to provide public services for the citizens and the economy.

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