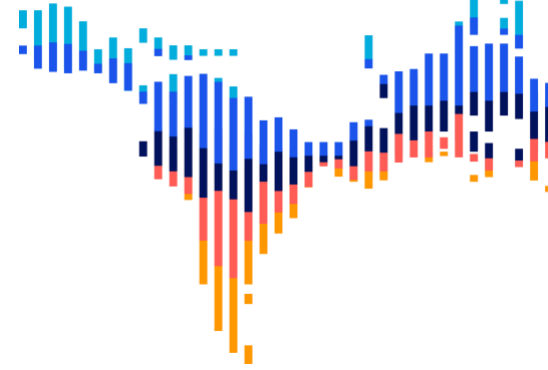


ICT GOVERNANCE GUATEMALA



Guatemala e-Governance discussions

CONTEXT

This document focuses on ICT governance, which is understood as the cooperation of government institutions in policy planning, development, and implementation of different components of electronic government.

The document and its observations are based on discussions and questions that appeared during the meetings conducted in Guatemala in the framework of the EU-LAC Digital Alliance activities. Dr. Arvo Ott and Dr. Carlos Vargas from the e-Governance Academy (eGA) visited Guatemala on 7th-14th August 2024 to test an ICT governance model for the LAC region. With the help of the Presidential Commission for Open and Electronic Government of Guatemala (*Comisión Presidencial de Gobierno Abierto y Gobierno Electrónico*, hereinafter GAE), the experts attended joint meetings with governmental stakeholders, where the country's digital transformation was addressed.

While digital transformation covers all sectors of society, including government, businesses, and civil society. This paper focuses mostly on governance at the level of the central government, it also touches on frameworks to engage businesses, academia, and civil society in policymaking processes.

GOVERNANCE BACKGROUND

Guatemala operates under a representative democratic republic system where the president serves as both the head of state and the government. The governance model consists of three main branches: the executive, legislative, and judicial branch, each playing a vital role in the country's administration.

- Executive branch: The president, elected by popular vote for a four-year term, cannot be immediately re-elected. The president has significant authority over national policies, foreign affairs, and the military. The executive branch includes the vice president, ministers, and other officials responsible for managing various government sectors. The current president was elected with major support from the Indigenous communities, which represent over 69% of the total population.
- Legislative branch: Guatemala has a unicameral congress, where deputies are elected every four years. This body is responsible for lawmaking, approving budgets, and providing oversight to the executive branch. Representation is based on proportional representation, and political parties play a crucial role in shaping policy.

- Judicial branch: The judiciary, headed by the Supreme Court of Justice, functions as an independent body. It upholds the constitution and rules on civil and criminal cases.

Guatemala's governance structure includes a degree of decentralization. The country is divided into 22 departments, each headed by a governor appointed by the president. These departments implement national policies at the local level.

Additionally, Guatemala has municipalities governed by elected mayors and municipal councils. These local authorities manage essential services such as water, public health, and infrastructure. While local governments hold some autonomy, they often rely on the national government for financial support.

Digital transformation is a cross-cutting phenomenon affecting all branches, territorial departments, and municipalities. This should be reflected at the policy level and considered in the organizational setup, legislation, and coordination processes.

CURRENT ICT GOVERNANCE SITUATION IN GUATEMALA

GAE was established in 2012 to oversee and implement Guatemala's commitments to open government and digital governance. It serves as a bridge between the government and citizens, promoting transparency, accountability, public participation, and the use of digital tools to modernize operations.

GAE has two major focus areas:

1. Open government (*gobierno abierto*): The commission seeks to enhance transparency by making public information more accessible. It supports initiatives promoting open data, citizen participation, and anti-corruption measures, working in line with the Open Government Partnership (OGP). It ensures that Guatemala adheres to the OGP's action plans and best practices.
2. Electronic government (*gobierno electrónico*): The commission aims to advance the country's e-government capabilities. This includes digitizing public services and administrative processes to increase efficiency and accessibility. The commission is responsible for improving Guatemala's digital service ecosystem. This digital transformation vision is designed to reduce bureaucracy, improve service delivery, and simplify interactions between citizens and government institutions.

GAE is headed by a Presidential Commissioner appointed directly by the President of Guatemala. The role of the Commissioner along with the Commission itself is currently being redefined based on the current digital needs of the country.

At the moment, digital transformation policies are addressed by the **President's office and the Congress of Guatemala**.

The "*Mesa de Transformación Digital*" (hereinafter the Committee) is a committee created under the President, tasked with an advisory role on strategic digital transformation issues. Committee members include representatives from the executive level (representatives of ministries). This recently established committee discusses and provides opinions on legislation, broader actions, and management matters. However, the Committee itself does not have executive powers. The Committee has a two-person team functioning as its technical secretariat (*Mesa de Coordinación*).

There are plans to redefine the ICT governance structure and provide executive powers to GAE, so that they could more effectively contribute to the implementation of the digital agenda.

OBSERVATIONS AND RECOMMENDATIONS

Based on the observations made by the experts, it is possible to focus the recommendations for the ICT Governance efforts in Guatemala at four levels:

1. Policy level
2. Coordination level
3. Implementation of shared services at the national level
4. Ministry-level implementation

Policy level

Recommendations:

- Guatemalan ICT policy principles should be discussed and agreed by the Committee. Typically, these policies and principles focus on general concepts, including the digitalization of government processes, privacy in the digital age, engagement with the business sector, neutrality of technology etc. These principles should also be discussed at the political level. *See an example in Appendix 3.*
- In some governance models, there are special advisors that provide orientation to the president or executive power on digital transformation related matters. These advisors are often political figures and are replaced when a new president takes office. This role could benefit Guatemala, ensuring consistent high-level policy guidance and coordination between all the bodies of the executive power dealing with digital transformation policy.
- The Committee should also include representatives of municipalities, universities, the banking sector, and ICT associations.

Coordination Level

Recommendations:

- GAE should be turned into a Coordination Body tasked with implementing strategies and action plans in cooperation with the Committee.
- The Coordination Body should cooperate with the relevant commissions/committees of Congress, if the Congress wishes to be engaged in the digital transformation policy process.
- It is crucial to formalize the mandate of the Coordination Body, providing it with the authority and tools to organize the process of development of digitalization policy, implement the committee's decisions, and execute coordination actions across government institutions.

Possible tasks of the Coordination Body include the approval of legal acts, decision over the ICT budget, organization of data collection and analysis of whole-of-government building blocks, including metadata, developing technical architecture concepts, and coordinating cooperation with IT managers (CIOs of ministries). This body can also provide secretariat services for the Committee.

- The Coordination Body should be staffed with permanent professionals (8–10 civil servants) and supported by the committee and president.
- The Coordination Body should be non-political, ensuring that digital transformation processes remain stable and sustainable. See Appendix 1.

Implementation Level (shared services)

There are some shared services that are essential for most IT systems of ministries and businesses, such as eID, data exchange layer, trust services (certification, time stamping), etc. It would be efficient to develop and implement these services centrally. However, Guatemala currently lacks a Central Implementation Body for shared services.

Recommendations:

- It is suggested that a Central Implementation Body for shared services be created, supervised by the Coordination Body. This body can also oversee some information security roles. International examples could provide insights into structuring such an organization. *See Appendix 2.*
- It would be essential to follow the digital architecture rules developed by the Coordination Body, use open-source systems to avoid vendor lock-in (when possible and suitable) and promote collaboration on shared systems such as Electronic Document Management Systems and Finance Management Systems.
- It should be considered to set a principle to outsource IT developments to the private sector to leverage innovative solutions and support local businesses. To

engage private sector vendors, public procurement legislation should be implemented.

- The state should consider the possibility of centrally developing digital platforms and tools that could be used by municipalities, so that they would not need to put a lot of resources towards developing their own IT solutions. This would also contribute to a more similar user experience across the municipalities.

Ministry-level Implementation

Ministries typically manage state databases and services offered to citizens and businesses.

Guatemala's governance is decentralized. This means that policy and shared services are centralized but systems and services are implemented by individual ministries.

Today all ministries have CIOs, while the structure of IT organization varies by ministry.

Recommendations:

- It is recommended that ministries harmonize their IT management structures and, in addition to the CIO role, consider introducing the role of the CTO (Chief Technology Officer) and the CISO (Chief Information Security Officers).

The key responsibilities of CTOs usually include:

- Develop and implement the company's technology strategy.
- Manage the company's technology team.
- Oversee the development and launch of new products and services.
- Ensure that the company's technology is aligned with its business goals.
- Manage the company's technology infrastructure.

The key responsibilities of CISOs usually include:

- Establish and maintain the enterprise vision, strategy, and program to ensure information assets and technologies are adequately protected.
- Respond to incidents, establish appropriate standards and controls, manage security technologies, and direct the establishment and implementation of policies and procedures.
- Protect proprietary information and assets of the ministry.
- Lately, international practices tend to move towards a more centralized ICT development within ministries, such as 'IT houses that consolidate the ICT development and services of all authorities falling under the administrative area of the ministry. Guatemala should also keep this option in mind when planning for the future.

- Similarly to the development of shared services, ministries should also consider outsourcing the IT development in their area to the private sector. It is essential to follow the digital architecture rules developed by the Coordination Body and use jointly developed systems, where possible (e.g. Electronic Document Management Systems, Finance Management Systems, etc.). The latter can be arranged through project development agreements between several ministries or with the Central Implementing Body.

APPENDICES

Appendix 1

Examples:

On Central Coordinating Body

On advisory Council of informatization

Government of the Republic of Estonia

DECREE

No 270, of November 6, 1996

Tallinn, Toompea

"On Regulating the Administration of National Information Systems"

Based on article 27, section 3 and proceeding from article 77, section 9 of the Law on the Government of Estonia,

the Government **decrees:**

1. In coordinating the operation of national information systems, the State Chancellery shall grant the fulfilling of the following tasks:

1. collection and analysis of information concerning the development of national information systems and the planning of development strategy;
2. elaboration of legal act drafts in the field of informatics, expertise of other legal act drafts from the viewpoint of information technology;
3. expertise of the information technology (IT) costs in the national budget;
4. participation in elaborating the regulations for public procurement of IT means and projects, as well as organisation of contracting and executing frame agreements for procuring IT means;
5. coordination of IT standardisation activities;

6. organisation and coordination of inter-agency projects of information systems as well as the activities of working groups, including the coordination of work on national registers;
7. coordination of the auditing of application and design of national information systems from aspects of IT.

2. Ministries shall harmonize the drafts of legal acts concerning national information systems and informatics with the State Chancellery.

3. Public administration agencies shall be obliged and local governments recommended to inform the State Chancellery (in the form determined by it) of resources spent on the development and operation of national information systems.

4. When preparing the draft national budget and arranging the accounting reports about its realisation, the Ministry of Finance together with the State Chancellery shall plan for financial means for national information systems and for the supervision of their use in accordance with development plans in the field of informatics, approved by the Government.

5. Government Decree No 8, of January 9, 1992 "On approval of the Statutes of the Estonian Informatics Fund and the composition of the Estonian Informatics Fund " (RT 1992, 3, 44; 56, 692) is hereby declared null and void.

Prime Minister Tiit Vähi

Minister of Finance Mart Opmann

State Secretary Uno Veering

Government of the Republic of Estonia

ORDER

No 888-k, of November 6, 1996

Tallinn, Toompea

"On Formation of the Estonian Informatics Council"

Based on the Law on the Government of Estonia (RT I 1995, 94, 1628, 1996, 49, 953), article 21, section 1, item 3:

1. Form the Estonian Informatics Council in the rights of an expert committee.

Uno Veering, State Chancellor shall be appointed Chairman of the Council.

Jaak Aaviksoo, Minister of Education is appointed Vice Chairman.

Council Members:

Ustus Agur Director of the Estonian Informatics Fund

Henrik Hololei Acting Executive of the Office of Eurointegration of the State
Chancellery

Ülo Jaaksoo Director of the Institute of Cybernetics,

Urmas Kõlli Executive Director of Datel Ltd

Marju Lauristin Professor at Tartu University

Arvo Ott Head of the Dept. of National Information Systems of the State
Chancellery

Elvi Sepp Chief expert of the Dept. of Local Government and Regional
Development of the Ministry of Internal Affairs

Toomas Tamsar Managing Director of the Estonian Chamber of Commerce and
Industry

Ilmar Tupits Chancellor of the Ministry of Agriculture

Orm Valtson Mayor of Saue

2. The tasks of the Informatics Council are:

8. elaboration of proposals for the general basis and strategy of informatisation of the Republic of Estonia;
9. reviewing of legal act drafts concerning informatics and information technology and formulating an opinion on them;
10. advising the Government on carrying out development plans in informatics taking into account the need for integration into the European Union;
11. reviewing development plans for the national information systems.

3. For the purpose of carrying out its task, the Council mentioned in section 1 hereto shall have the right to:

12. express opinions on issues concerning the informatization of the Republic of Estonia set forth in proposals and drafts submitted to the Government;
13. receive documents, statements and data necessary for its work, from national and local government agencies;
14. establish working groups in order to carry out its tasks.

4. The State Chancellery shall be responsible for servicing and financing the Council mentioned in section 1 hereto.

Appendix 2

Example mandate of Central Implementation Body:

<https://www.ria.ee/en/authority-news-and-contact/authority-and-management/tasks-and-structure-authority>

Appendix 3:

Artikel I. Example on strategy principles

Artikel II. PRINCIPLES OF THE DEVELOPMENT OF INFORMATION SOCIETY – example from Estonia 2020

The principles of the development of information society in Estonia were first set out in the Principles of Information Policy approved by the Riigikogu in 1998. These principles were reviewed and updated in 2006 in the course of preparing the Estonian Information Society Strategy 2013. Although most of these principles are also relevant today, the development of technology as well as resulting changes and possibilities call for a change of emphasis.

The principles of the development of information society in Estonia are the following:

- The development of information society in Estonia is a strategic choice to improve the competitiveness of the state and to increase the overall well-being of people. The public sector leads the way in pursuing the principles for the development of information society.
- Information society will be developed in cooperation between the public, private and third sector as well as all other parties, including the users of ICT solutions.
- Public sector will be a smart customer, ensuring that in public procurements as much freedom as possible is left for offering innovative solutions, thereby contributing to the development of the ICT sector.
- Information society will be created for all residents of Estonia, while particular attention will be paid to the integration of social groups with special needs, to regional development and to the strengthening of local initiative. Everybody should have access to the internet and the content made available through it, irrespective of the device used.
- When developing information society, the consistency of the Estonian language and culture will be ensured.
- When developing information society, the interests of both the creators and the users of intellectual property will be taken into account.
- The development of information society will not undermine the users' sense of security. The mitigation of non-acceptable risks in information and communication systems must be guaranteed and security requirements will be taken into account when designing the systems and throughout their life cycle.

- The protection of fundamental freedoms and rights, personal data and identity will be ensured. Individuals are the owners of their personal data and will have an opportunity to control how their personal data are used.
- The development of information society is not an end in itself. ICT solutions will be developed to achieve greater efficiency and effectiveness in both the public and the private sector.
- Opportunities offered by information society will be taken into account in the shaping of all sectoral policies, bearing in mind that the adoption of ICT improves the competitiveness of all branches of economy.
- The development of information society will be supported by the R&D efforts in Estonia.
- When developing information society, developments in the EU and elsewhere in the world will be taken into consideration. Estonia will share its experience and learn from others.
- The public sector will deploy the already existing technological solutions (i.e. ID card, X-Road).
- The public sector will organise its processes so as to ensure that citizens, entrepreneurs and public bodies will have to provide any information only once.
- The public sector will treat different hardware and software platforms equally and ensure the interoperability of information systems by using open standards.
- When developing information society, data will be collected and ICT solutions developed based on the principle of reusability.
- When developing information society, appropriate attention will be paid to preserving necessary information, including the data of lasting value of proof and cultural historical value.

