

ROYAL DECREE 802/2014, OF 19 SEPTEMBER

Establishes the functions and structure of the
Directorate for Information Technologies and Communications



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INFORMACIÓN Y LAS COMUNICACIONES

TITLE: Royal Decree 802/2014, of 19 September, amending Royal Decree 390/1998 of 13 March, regulating the functions and organisational structure of the branch offices of the Ministry of Economy and Finance [...] (establishes the functions and structure of the Directorate for Information Technologies and Communications)

Translation into English checked by: Directorate for Information Technologies and Communications

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Real Decreto 802/2014, de 19 de septiembre, por el que se modifican el Real Decreto 390/1998, de 13 de marzo, por el que se regulan las funciones y la estructura orgánica de las Delegaciones de Economía y Hacienda [...]

(establece funciones y estructura de la Dirección de Tecnologías de la Información y las Comunicaciones: DTIC)

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I. GENERAL PROVISIONS

Ministry of Finance and Public Administration

9739 *Royal Decree 802/2014 of 19 September, amending Royal Decree 390/1998 of 13 March, regulating the functions and organisational structure of the branch offices of the Ministry of Economy and Finance; Royal Decree 1887/2011, of 30 December, establishing the basic organisational structure of ministerial departments; Royal Decree 199/2012, of 23 January, implementing the basic organisational structure of the Ministry of the Presidency; Royal Decree 256/2012, of 27 January, establishing the basic organisational structure of the Ministry of Finance and Public Administration and Royal Decree 696/2013, of 20 September, amending the latter.*

Several changes affecting the organization and structure of the Ministry of Finance and Public Administration are made by means of this royal decree, the aim of which is to broaden the measures of rationalization, efficiency, transparency and budgetary discipline undertaken in recent years.

Firstly, in the current context of budgetary austerity, it is especially necessary to adopt organizational measures to rationalize administrative structures and allow a more efficient use of existing public resources.

This is the purpose – within the Special Branch offices of the Ministry of Economy and Finance – for the integration of the so-called Technical Expert Units into the structure of the regional Cadastre Offices. These carry out technical functions related to the management of assets owned by the state and functionally under the authority of the Directorate General for State Assets.

From the point of view of the rationalization of structures, four territorial Cadastre Subdirectorates shall be eliminated. These are located in the offices in Cartagena, Gijón, Jerez de la Frontera and Vigo of the respective branch offices of the Ministry of Economy and Finance, which shall continue providing their services as local units once the Cadastral Administration Office's computer systems have been fully centralised.

Secondly, the internal structure of the General Intervention Board of the State Administration (IGAE) is modified, for a dual purpose: to promote the integration processes in all accounting areas in order to meet in the most optimum way all the objectives set and to foster the fight against fraud.

To this end, on the one hand, the National Accounting Office is created. This shall all functions and accounting areas of the IGAE with an aim to improving the results of the actions undertaken by the various accounting areas by means of better coordination thereof: This shall enable a unified view of all their financial performances, optimizing currently existing information flows.

On the other hand, the National Anti-Fraud Coordination Service is created. This aim of this service is to channel the relations of the European Anti-Fraud Office of the fight against fraud with all national authorities with competence in the matter. Behind it is Regulation (EU, Euratom) No. 883/2013, of the European Parliament and the Council, of 11 September 2013, concerning investigations conducted by the European Anti-Fraud Office (OLAF) and by which it repeals Regulation (EC) no 1073/1999 of the European Parliament and Council and Regulation (Euratom) no 1074/999 of the Council.

Thirdly, a structural and organic change is carried out in the information and communications technologies policy within the scope of the General Government Administration and its public bodies, i.e., those listed in art. 43 of Law 6V1997, of 14 April, on the organization and functioning of the General Government Administration (LOFAGE).

In its Council of Ministers of 21 June 2013, the government – based on the findings of the report by the Commission for Public Administration Reform (CORA) – decided on its Council of Ministers to promote a change in the organization of the information technology and communication (ICT) resources of the General Government Administration and its public agencies based on the consolidation of common infrastructure and services, supported by a policy of integrated management of availabilities that enables the maximum development of the transformative capacity of the ICTs.

The development of this new model was entrusted to a body of new creation, the Directorate for Information Technologies and Communications in the General State Administration, created by Royal Decree 695/2013, of 20 September, amending Royal Decree 199V/2012, of 23 January, establishing the basic organisational structure of the ministerial departments, as a specific body, at the highest level, with the rank of Undersecretariat, which promotes and coordinate the necessary rationalization process of the information technology and communication policy in the whole scope of General Government Administration and its public bodies, reporting functionally to the Ministers of the Presidency and of Finance and Public Administration and organisationally integrated into the structure of the Ministry of the Presidency.

The experience accumulated by this body in the performance of their functions teaches us that its structure should be strengthened through the integration therein of the same units with competences in Information Technologies and Communication in the current Directorate General for Administrative Modernization, Procedures and Promotion of eGovernment of the Ministry of Finance and Public Administration, shall be renamed Directorate-General of Administrative Organisation and Procedures.

Moreover, the Directorate for Information Technologies and Communications becomes organisationally integrated into the Ministry of Finance and Public Administration, under the authority of the Secretary of State of Public Administrations, with this department assuming the function of promoting the rationalization process of the information technology and communication policy.

Fourthly, it is necessary to review and update the tasks entrusted to the various governing bodies of the Ministry of Finance and Public Administration.

Thus, the competencies conferred on the Directorate General of Community Funds are adapted to the changes experienced by Community legislation in this area.

In addition, the functions already carried out by the Secretary-General of Regional and Local Coordination on debt and budgetary stability with regard to territorial governments and the Secretary of the Board of Fiscal and Financial Policy are clarified and supplemented.

Likewise, adjustments are made in the competences conferred on the Directorate-General of Public Function in the area of occupational hazard prevention, social responsibility and social action, mobility, local public functioning, as well as the provisions in Law 27V/2013, of December 27, on rationalization and sustainability of the local governments with regard to civil servants of the local administration with national purview.

On the other hand, the competence to maintain the Database of the Registry Agreements of the State Public Sector is conferred on the Directorate General for the Coordination of Competences with the Autonomous Regions and Local Authorities, which involves coordinating all departments and agencies in this area.

This shall enable compliance with Law 19/2013, of 9 December, on transparency, access to public information and good governance, which obliges the subjects included in its scope of application to supply the following information related to management delegations and agreements to the Transparency Portal: "The list of the agreements signed with references to the signatory parties, their purpose, duration, amendments made, obligated to carrying out the benefits and, where appropriate, the financial obligations agreed. Similarly, any management delegations signed shall be published, indicating their purpose, budget, duration, financial obligations and any subcontracts made with reference to the successful tenderers, and the procedure for the award and the amount thereof shall be published"

Lastly, certain aspects of the competences conferred on are adjusted or are decentralized in the Directorate-General for Procurement Rationalisation and Centralisation, a body created in 2013 with the primary mission of promoting, managing and tracking the procurement centralized within the scope of the state public sector.

By virtue of the initiative of the Deputy Prime Minister and Minister of the Presidency and the Minister of Finance and Public Administration, on the proposal of the Minister of Finance and Public Administrations and after deliberation by the Cabinet in its meeting on 19 September 2014,

I DO HEREBY DECREE:

Article one. *Modification of Royal Decree 390/1998, of 13 March, regulating the functions and organizational structure of the branch offices of the Ministry of Economy and Finance.*

Royal Decree 390/1998, of 13 March, regulating the functions and organisational structure of the branch offices of the Ministry of Economy and Finance reads as follows:

[...] [Page 75193](#)

Six. Article 13 bis, new, is added with the following contents:

"Article 13 bis. ***Directorate for Information Technologies and Communications.***

1. The Directorate for Information Technologies and Communications, with the rank of Undersecretariate, which reports functionally to the Ministries of Finance and Public Administration and Presidency is the body responsible for promoting the process of rationalization and its public agencies

2. The Directorate of Information Technology and Communications is vested with the following functions, notwithstanding the powers of other bodies:

a) The development, coordination and promotion of the strategy on Information Technologies and Communication of the General State Administration and its public agencies and the promotion cooperation with other public administrations.

b) The promotion of e-government and the innovation process of the General State Administration and its public bodies by implementing the ICT Strategy directly or through the ICT units and e-government ministerial committees, in accordance with the provisions of Royal Decree 806/2014 of 19 September on the organization and operational tools of the Information Technologies and Communications in the General State Administration and its public agencies.

c) The promotion of the rationalization of the use of Information Technologies and Communication in the General State Administration and its public agencies, as well as the organization and management of the services, resources

and infrastructure common to this scope in order to achieve the objectives set by the ICT Strategy Commission, notwithstanding the powers of the Directorate-General of Procurement Rationalisation and Centralisation and other bodies competent in matters of procurement.

d) The design, planning and implementation of service consolidation processes, ICT infrastructure, common computer networks and equipment of the General State Administration and its public bodies while promoting the standardisation of applications and equipment.

e) The study and implementation of models to encourage the sharing and reuse of infrastructure and sectoral applications, and the promotion of the development of applications under this model.

f) The drafting, development and implementation of a List of Common Services that shall include infrastructure, equipment, computer networking applications and centrally managed common services, the sharing of which may be set as compulsory or priority for the General Government Administration and its public bodies.

g) The definition and planning of common TIC infrastructure and services in the scope of the General Government Administration and its public bodies.

h) The development, in collaboration with the Directorate-General of Rationalization and Centralization of Procurement – when it affects its purview – of proposals related to the procurement policies for computer equipment and to the technical requisites in the public procurement of these ICT goods and services in the General State Administration and its public bodies.

i) Compulsory technical report on the management delegations and agreements aimed at the acquisition of IT goods and services and the reports and technical specifications for the procurement of IT goods and services under the terms established by Royal Decree 806V/2014, of 19 September on the organization and operational tools of Information Technologies and Communication in the General State Administration and its public agencies. By order of the Minister of Finance and Public Administration, it may regulate the issuance of these reports and set quantitative limits, where applicable.

j) The definition of ICT standards, technical guidelines and governance, standards on safety and technological and information quality, with which all units of the General State Administration and its public agencies must comply.

k) Oversight of the expenditure implementation in matters of Information Technologies and Communication and the definition, implementation and management of a common system of allocating ICT costs for the entire General State Administration and its public agencies, notwithstanding the powers vested in other bodies in matters of budgetary oversight and monitoring and implementing the expenditures.

l) The establishment of criteria and guidelines on systems for managing the portfolio of projects that will allow standardising the criteria for managing the demand in all ICT units.

m) The direction of the projects for implementing the resources and services common to the General Government Administration and its public bodies declared to be compulsory or of priority interest by the ICT Strategy Committee, in coordination with the competent bodies and especially with the ITC unit relevant to their development and implementation.

n) The design, implementation and management of the facilities and services that are necessary for the implementation of projects to facilitate electronic access to public services, particularly the projects developed by the Directorate General of Administrative Organisation and Procedures and the

establishment of general criteria and technical guidelines for optimising the web publishing systems of the General State Administration and its public agencies

ñ) The promotion of e-government in the scope of the General Administration and its public bodies by conducting studies and designing and implementing action step programmes in coordination with the bodies that have jurisdiction by reason of the matter in order to determine of the contents and, in the scope of letter o), with the Directorate General for Administrative Organisation and Procedures; as well as the identification, design and implementation of programmes and projects for the development of e-government in the scope of the General State Administration and its public bodies and, where appropriate, of the European Union, of the administrations of the autonomous regions and local authorities through the implementation and operation of technological infrastructures, systems, communication networks and common services.

o) The development, promotion and implementation of technological support systems for human resources management, including the systems of the Central Personnel Registry.

p) Submitting proposals to the bodies competent in matters of budget, human resources and organization insofar as they have an impact within the scope of information technology and communications.

q) Submitting proposals and conducting dialogue with the National Cryptological Centre of the National Intelligence Centre on the development of security guidelines, the coordinated procurement of encoding materials, the training of specialist personnel in the systems and the development and application of the provisions in Royal Decree 3V/2010 of 8 January amending the National Security System in the area of e-government; especially coordination in incident response.

r) Establish mechanisms to ensure proper maintenance of the census of ICT assets.

s) The design and implementation of plans and the coordination of actions and service provision in matters of information and communications technologies in the State Secretariat for Public Administration and the government's branch offices and local branch offices.

t) The identification, preparation and verification of investment programmes in matters of e-government and Information Technologies and Communication that are eligible to be financed or co-financed with charges to the European Union in accordance with the instructions and in coordination with the General Directorate of Community Funds.

Given the specific functional nature and unique jurisdictional system of the budgetary IT services of the General Intervention Board of the State Administration, the provisions in this section 2 with regard to common ICT services, resources and infrastructure and the catalogue of common ICT services, where it can affect the systems with specific functionality related to budgetary IT matters, the prior approval of the General Intervention Board of the State Administration shall be required

3. The following General Subdirectorates report to the Directorate for Information Technologies and Communications:

a) The General Subdirectorate for Coordination of ICT Units, which shall carry out the functions referred to in paragraphs e), j), l), q) and r) of section 2 of this Article as well as the functions in section k) with regard to the definition, implementation and management of a common system of allocating ICT costs for the entire General State Administration and its public agencies.

b) The General Subdirectorate for the Promotion of E-Government and Citizen Services, which shall exercise the functions referred to in letters n) and o) of section 2 of this Article.

c) The General Subdirectorate of Operations which is vested with the implementation and management of the IT infrastructure and communications systems of the Directorate of Information Technologies and Communication within the scope of its powers.

d) The General Subdirectorate of Applications and General Services, which is vested with the analysis of requirements, the design, development, testing and maintenance of applications and tools to support institutional systems and units in the purview of the Directorate of Information technologies and, in particular, the application referred to in letter o) as well as the provision of all services in the letter s) of section 2 of this Article.

4. The Division of ITC Investments reports to the Directorate of Information technologies, with whatever organisation level is determined in the list of work positions, and is vested with the exercise of the functions set out in letters h) and i) of section 2 of this Article as well as those contained in letter p in budgetary matters and those contained in letter k in relation to overseeing the expenditure implementation regarding Information Technologies and Communication in the state administrative public sector.

5. To exercise the powers assigned, the General Subdirectorate for the Coordination of ICT Units may obtain the information necessary for the exercise of the functions of the Directorate of Information Technologies and Communication, with the exception of information relating to command and control systems, policy consultation, crisis situations and state security.

6. The General Subdirectorate for the Promotion of E-Government and Citizen Services is vested with the direction and coordination of the General Subdirectorate of Operations and the General Subdirectorate of General Applications and Services for promoting the electronic transformation of public services and the promotion of shared services in the General State Administration and its public bodies.

7. A Technical Office will also report to Directorate of Information Technologies and Communication as a body providing support and immediate assistance and shall have the organisation level of General Subdirectorate."

[...] [Page 75203](#)

Second Final Provision. *Entry into force.*

This Royal Decree shall enter into force on the day following its publication in the "Official State Gazette".

Issued in Madrid on 19 July 2014.

FELIPE R.

The Minister of Finance and Public Administration,
CRISTOBAL MONTORO ROMERO