

## **I. Information requested from States parties and signatories in relation to the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption**

- 1. Please describe (cite and summarize) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to use information and communication technologies (ICT) to ensure full compliance with the Convention.**

### **In relation to integrity in public procurement and management of public finances (article 9),**

States parties and signatories may wish to provide information on measures that:

- Utilize online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

Information sought may, in particular, include the following:

- Description of any electronic system of public procurement, including, for example:
  - The means by which tender invitations are published;
  - The inclusion of all pertinent information on the award of contracts;
  - Ways in which applications may be submitted (including the use of electronic procurement platforms); and
  - Ways in which the criteria to be used for selection and award are publicized.

When providing information on the use of ICT to increase the transparency of procurement processes, States parties and signatories may wish to refer to their submissions for the sixth intersessional meeting of the Working Group, held in 2015.

*During 2013, Ministry of Interior of the Slovak Republic has implemented legislation that created conditions for the fully electronised placement of under-threshold contracts and within the year 2014 established an executive tool – Electronic Contracting System (ECS). Based on legislation changes, the system is since 2015 able to provide functions of placement of above-threshold contracts.*

*The main module of ECS is the **Electronic Marketplace**, with the following scheme of trading:*

- *Contract placement on the Electronic Marketplace is executed by choice of a catalogue offer (electronic catalogue) or by definition of the placement by electronic tools*
- *Automatic notification of the economic operators about tender announcement supports the competition of economic operators. A wide economic competition contributes to the decrease of the price of the subject of delivery.*
- *In case of an above-threshold contract, the system generates documentation for the announced tender, materials regarding the bidding and a notice of announcement of a public procurement. All documents are then published on the Electronic Table for a time limit of at least 72 hours, or in case of an above-threshold contract, at least 15 days. During this time limit, the participants can propose their offers in an electronic format.*
- *After the expiration of the time limit for the proposed offers, the system evaluates the tender and automatically compiles order of participants' placement. After that, the system executes an electronic auction (20 min. with a repeated possibility of a prolongation by 2 min.)*
- *Tender evaluation and the consequent generation of a trade relationship through a contract with the tender winner is conducted by the information system, without any possibility of human input.*
- *The participants of the trade are deanonymised after the expiration of the time limit for submission of offers during the tender evaluation, particularly at the moment of determining the participants' placement and the consequent generation of the contract, which is automatically compiled from the*

*placed order, winning offer and general terms stemming from the terms and conditions of the Electronic Marketplace*

- *the contract is published in the Central Register of Contracts. The trading processes are recorded, archived and subsequently fully accessible to the full extent for the next five years*

*ECS is being administrated by the Ministry of Interior of the Slovak Republic. The “Electronic Marketplace” module is available in favour of all entities in the Slovak Republic obliged to publicly procure and is a free of charge for every user subject (procurer, supplier, public). The whole process of public procurement is published and available online on [www.eks.sk](http://www.eks.sk) not only to procurers and suppliers, but also to the general public. Electronic Marketplace is a tool for a fully **automatized contract placement** that without human input automatically generates contracts based on the results of tenders. These are anonymous, conducted as auctions with unlimited public control, including automatic notification of relevant economic operators. It is also the central commerce space mandatory for public procurers and voluntary for anyone who registers, free of charge.*

*As confirmed by more than 28.000 positive references of already delivered procurements, application of any distinctive conditions of participation for the suppliers is not necessary, when trading commonly available goods, services and construction works. Basic conditions of personal situation have to be met, such as eligibility to deliver, information that the subject is not indebted to public finance and is eligible to conclude contracts with public administration institutions.*

*The operation of Electronic Marketplace (as of 19<sup>th</sup> May 2016), approximately **39.000 contracts were concluded on ECS, valued at almost 350 million Euros with the average saving of more than 17%.**) proves, that it is an extremely efficient anti-corruption tool, that eliminates clientelism and reduces room for corruption by:*

- *minimisation of human input*
- *establishing of automatic evaluation and system-based contract generation*
- *facilitation of public inspection of the procurement process without any limitations*
- *creation of transparent environment by centralization of commerce*
- *using same time, same approaches and same conditions for every economic operator*
- *real-time online trading*

***Active notification of suppliers** appears to be the most efficient measure in clientelism elimination. At the beginning of a tender, all suppliers who previously stated that they are involved in public contract delivery that is same or substantially similar as the subject of a newly announced tender, are personally invited to participate in such tender.*

*A significant reduction of room for corruption was achieved by **automatic contract generation** and their subsequent publishing based on the results of tender without any possibility of third parties deciding about conclusion or non-conclusion of a contract after acknowledging the winner of a tender/the winning supplier.*

*Other modules utilized by ECS are Dynamic Purchase System and Electronic Support of Public Procurement Processes (ESPPP).*

*DPS is an electronic purchasing tool for execution of open supplier qualification systems. It allows the placement of above threshold contracts for goods, constructional works or services commonly available on the market. It is designed to place a contract for a definite time period, for a maximum of four years. Procurement and communication between a contracting authority or contracting entity and a tenderer or candidate is executed solely by electronic means and with documents in electronic form. During the period of its existence for the purpose it has been created for, DPS is available free of charge for all candidates that fulfil the criteria for involvement into it.*

*ESPPP is a tool of the contracting authority of the Ministry of Interior of the Slovak Republic that simultaneously fulfils the role of central procurement organisation. It serves as a support of process operations in connection with procurement of goods, construction works and services for the Ministry of Interior of the Slovak Republic. The aim of ESPPP is to maximize the electronization of proceedings and to minimize the paper-based communication within public procurement processes, reduction of administrative and time demandingness of public procurement and improvement of processes. It contributes to minimization of administrative error rate. The task of the system is the support of electronic processes of preparation, announcement, execution and conclusion of contract placement, including the process of electronic auction.*

**In relation to public reporting (article 10)**, States parties and signatories may wish to provide information on measures that:

- Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency;
- Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.

Information sought may, in particular, include the following:

- Use of websites, online libraries, online archives or other means by which information on the organization, functioning and decision-making processes of the public administration is made available to the general public;
- Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies;
- Description of the type of information to be proactively made available and automatically published by the Government through online platforms and websites, including details of:
  - The types of bodies required to publish information;
  - The scope of the information that is published;
  - The means by which the information is published;
  - How often the information is updated;
- Description of the types of information to be made available upon request by a member of the public (i.e. legislation on freedom of information or access to information);
- Standards to protect privacy and personal data in the disclosure of such information;
- Description of online initiatives to raise public awareness with regard to the information available and how it can be accessed online;
- Examples of proactive publication of information online without a special request.

*The state press agency TASR, a member of the supplier consortium of ECS, assures raising awareness by utilizing various tools.*

*During the first year of functioning of ECS, numerous activities to raise awareness about this tool were conducted. Furthermore, various ECS training and educational activities were realized including:*

- *Dozens of direct mails sent to registered subjects (in some cases, direct SMS)*
- *Regular newsletter about key changes, news and important information concerning commerce on the Electronic Marketplace*

- 8 FAQ topics
- 5 educational videos
- Together with support provided by direct email and telephone contact through the Support Centre and courses conducted by 20 certified trainers, more than 8.500 representatives of contracting authorities and 15.500 representatives of economic operators received training, coaching and instructions.
- ECS is being presented on various conferences and workshops almost every month
- press conferences and PR articles
- personal meetings with target groups

*The effect of self-education is noticeable, confirmed by the fact that the Support Centre observed a decrease in e-mail and telephone demand. Moreover, on the ECS webpage, the users can find information about the commerce process as well as practical information about procurement and tools published and supported by the European Union.*

*Tools of public inspection include Quarantine and Open Data. Quarantine is a tool for unlimited cost free discussions about the conditions of every contract. Open Data provides unlimited public inspection of any tender running via ECS.*

**In relation to participation of society (article 13)**, States parties and signatories may wish to provide information on measures that:

- Establish e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- Enhance the transparency of, and promote the contribution of the public to, decision-making processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;
- Promote public information activities, including through the use of information and communications technologies, that contribute to non-tolerance of corruption, as well public education programmes;
- Respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, in particular through online mechanisms;
- Provide public access, including through online mechanisms, to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence established in accordance with the Convention.

*See above, as well as information listed in the attached material about ECS.*

Information sought may, in particular, include the following:

- **In relation to enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a)):**
  - Description of how ICT is used to promote citizen and stakeholder involvement in decision-making processes, such as through large-scale consultations, online platforms, working groups, task forces, citizen referendums and community meetings, and measures to promote such involvement;
  - Description of ICT measures adopted to promote an institutional culture of transparency, open data, open-door policies and regular communication between the Government and civil society;

- Description of ICT measures adopted to allow members of the public to decide or contribute to decisions on how to allocate parts of the public budget in specific institutions;
- Description of ICT measures adopted to provide opportunities for individuals and groups outside the public sector to be consulted during legislative drafting processes;
- Description of the ways in which ICT is used to facilitate public consultations before regulations or other administrative policies are issued, and of any consequences of failure to adhere to the requirement to facilitate such public participation.

*See above, as well as information listed in the attached material about ECS.*

- **In relation to ensuring that the public has effective access to information (article 13 (1) (b)):**
  - Legislation, regulations, policies and procedures regarding public access to information through ICT, such as online platforms, including details regarding:
    - Means by which requests may be submitted (in writing, via Internet, by telephone);
    - The types of bodies required to publish information;
    - The scope of the information published;
    - Any information that must be submitted by the requester as part of the request for information;
  - Costs charged to submit a request
  - Applicable time limits within which the Government must respond to the request;
  - Grounds on which a request by a member of the public for information may be denied;
  - Description of staff or entity responsible for administering access to information requests;
  - Description of steps taken to ensure that existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;
  - Description of the means by which the public is informed of how to access information.

*See above, as well as information listed in the attached material about ECS.*

- **In relation to undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula (article 13 (1) (c)):**
  - Description of public information (education and awareness-raising) activities that contribute to non-tolerance of corruption, particularly those using ICT, including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations;
  - Description of various means and/or technologies that have been used for the purposes of undertaking public information activities;
  - Description of the use of ICT in educational courses or modules that have been introduced in primary and secondary schools that include components on corruption or related issues such as ethics, civil rights or governance;
  - Description of the use of ICT in university courses or modules that include components on corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.

*See above, as well as information listed in the attached material about ECS.*

- **In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):**

- Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:
  - The extent to which such information is proactively and systematically published by the Government online;
  - The extent to which such information is available upon online request for access to information by a member of the public;
- Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
  - Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
  - Restrictions necessary for the protection of national security or *order public* or of public health or morals;
- Description of how such restrictions are applied in practice;
- Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

*See above, as well as information listed in the attached material about ECS.*

- **In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2)):**
  - Description of online public information campaigns that promote awareness of the existence of anti-corruption bodies;
  - Description of the means by which members of the public are provided with access to such bodies, particularly through ICT, for the reporting of acts of corruption;
  - Description of the operational mechanisms and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.

*See above, as well as information listed in the attached material about ECS.*