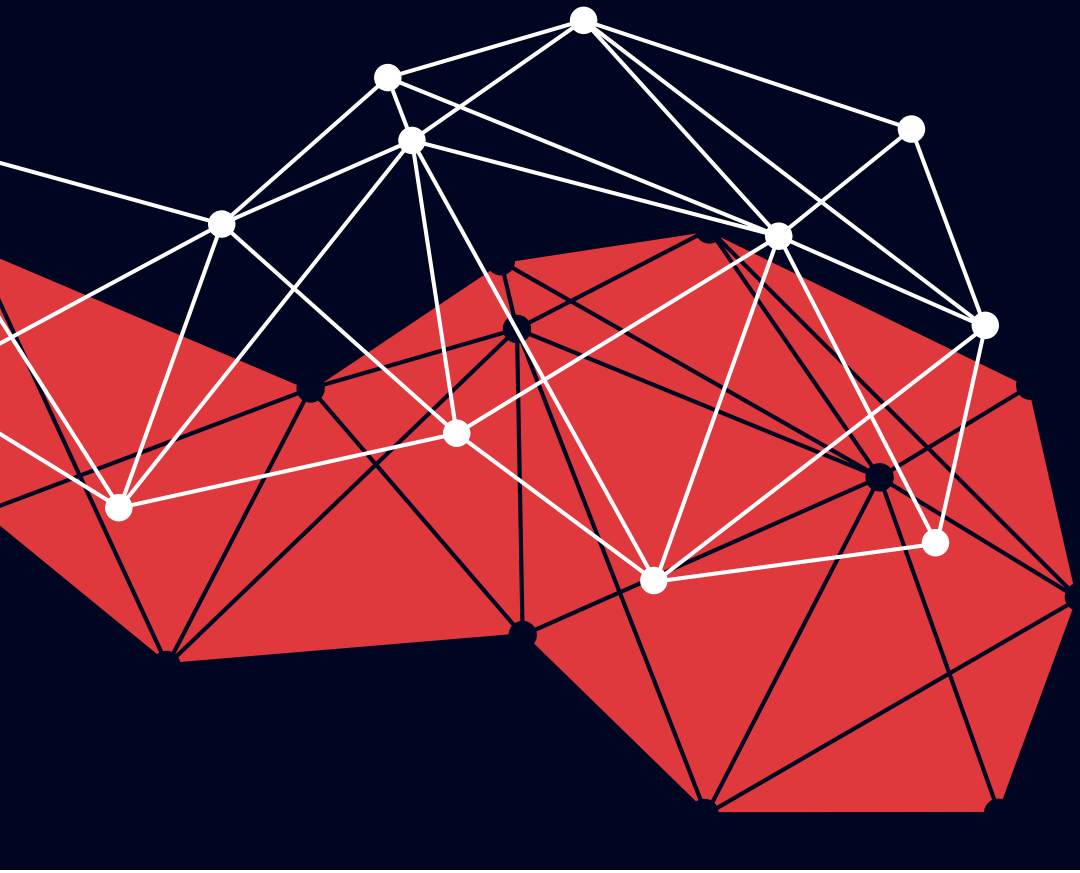

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REGULATORY IMPACT ASSESSMENT OF THE LAW ON THE USE OF THE PUBLIC SECTOR DATA

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1. DESCRIPTION OF THE SITUATION IN THE AREA AND PROBLEM DEFINING

1.1. DESCRIPTION OF THE SITUATIONS

Public institutions and bodies in their work daily generate and manage a large amount of data that can have great economic and social value in society. In that regard, the number of countries is growing, both in the world and in Europe, which are developing rules and policies for publishing and using these data. These rules and policies for use and re-use of public sector data within the Member States of the European Union are defined by the Directive on Open Data or the Directive on Open Data 2019/1024[1] (2019/1024). In accordance with this Directive and in order to open public data for their use and re-use, data from public institutions in the EU are available under an open license and in machine-readable format that can be easily processed. Given that access to information in the EU is a fundamental right, and in order to use open data from public institutions, the European Union has published the European Union Open Data Portal[2] which provides free access to open data published by EU Member States and this ensures their use and re-use.

The evolution of the European Union into a society based on data, where the data used are from different spheres of society, affect the living of every resident of the European Union. Digital data play an important role in this evolution, which enables the creation of new ways and channels of access and the acquisition of knowledge for users of these data.

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1 https://eur-lex.europa.eu/eli/dir/2019/1024/ojDIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 on open data and the re-use of public sector information

2 https://data.europa.eu/euodp/en/home

The initiative in Macedonia to use open data starts with the promotion of the initiative for open, transparent and efficient institutions. The realisation of this initiative in Macedonia begins with joining to the Open Government Partnership in 2011. The Open Government Partnership initiative itself places special emphasis on open data as a means of using modern technology to support the transparency of state institutions.

In Macedonia, the regulation of open data is done with the beginning of the application of the Law on the Use of Public Sector Data from February 2014. The adopted law refers to the use of public data by public sector bodies and institutions. With the adoption of the Law on the Use of Public Sector Data, the first steps have been taken to enable the utilisation of the benefits of open data.

To create and implement the Law on the Use of Public Sector Data, the legal basis is the Law on Free Access to Public Information from 2006, as well as the EU Directive 2013/37/ of the European Parliament and of the Council of 26 June 2013 amending the Directive 2003/98/EC on the Re-use of Public Sector Information.

From the aspect of the open data phase of Macedonia, according to the European classification, North Macedonia is in the phase - followers[3]. According to EU recommendations, countries in the phase – followers need to focus on improving governance and open data management as well as increasing the use of open data. It is recommended to update the national open data strategy with EU recommendations and directives, create an annual activity plan, organise hackathons, increase awareness of the benefits of open data through focus groups, regular upgrades of the open data portal according to user requirements and enabling new

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[3] https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf

effective ways to download data, training and education of administrative workers to raise data awareness, etc. With the implementation of such recommendations, Macedonia will get closer to the next phase, which is fast-trackers.

Within the realisation of the Open Data Strategy in the Republic of North Macedonia, the Open Data Portal already exists and operates[4].

The introduction of Open Data stimulates the economy and greater number of jobs with work qualifications with data. The economy benefits from simpler access to data because they contribute to the development of new innovative services and the creation of new business models.

The creation of new jobs as a direct result of open data in recent years in the European Union has shown continuous growth. In the European Union by 2020[5], the number of open jobs is expected to be almost 100,000 as a direct result of open data, which is an indicator that a positive effect can be expected in Macedonia in this segment with the introduction of open data and the implementation of the National Open Data Strategy 2018-2020.

1.2 REASONS FOR THE PROBLEMS UNDER CONSIDERATION

In order to take full advantage of Open Data, it is first necessary to create a favorable environment for open data. This means the adoption and implementation of appropriate laws and legal acts that will regulate the process of opening public data. Currently in the Republic of North Macedonia there are already adopted laws that regulate the opening of

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[4] http://otvorenipodatoci.gov.mk/

[5] Creating Value through Open Data: Study on the Impact of Re-use of Public Data Resources, p79

data from public institutions, but their implementation is a challenge. From the initial analysis, it can be concluded that not all public institutions are properly aware of the existence of the Law on the Use of Public Sector Data and its implementation. There is also a lack of capacity with the appropriate technical knowledge in the field of digital data in public enterprises, responsible for data opening. In addition to the existence of the National Open Data Portal, it can be concluded that there is a space for improvement in the quality of data sets and the usability of data sets. One of the problems in the analysis is the lack of a national standard for metadata, which makes it harder to find and use open data sets.

The law in practice does not achieve the envisaged goals, given that:

- there is no classification of data related to transport and public services and categorisation according to frequency and prescribed mechanisms for taking them in accordance with Directive 2019/1024[6] of the European Parliament on Open Data and Re-use of Public Sector Information
- there is no definition of data of high importance such as statistical and geographical data;
- not conducting of inspection supervision for control of the implementation of the Law
- public awareness, recognition of benefits and development of new innovative services from Open Data are at an unsatisfactory level.

Furthermore, it is necessary to increase the administration's expertise in the field of open data and data literacy, increase additional resources engaged in working with open data and data literacy, increase control over the implementation of the Law on the Use of Public Sector Data and improve open data operations in the public sector.

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[6] DIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 on open data and the re-use of public sector information

2. OBJECTIVES OF THE REGULATION PROPOSAL

Draft changes in the process of implementation of open data will be made in accordance with Directive 2019/1024[7] of the European Parliament on Open Data and Re-use of Public Sector Information that should be effectuated in Macedonia by law or by an amendment to the existing Law on the Use of Public Sector Data. The introduction and development of Open Data stimulates more segments of society. According to research in the European Union, the benefits of Open Data are visible through the development of the economy, increasing the efficiency of institutions, increasing the number of jobs, developing innovation and a number of indirect benefits. Expectations for the benefits of the implementation of the Directive are an increase of gross domestic product by 2% as a result of open data after the third year of implementation, ie 0.8% in the first year and 1.2% in the second year. With the draft changes and the increase in the use of open data, a direct effect on the creation of new jobs is expected, ie within 500 jobs[8] in a period of two years. With the introduction of Open Data, the transparency in the operation as well as the improvement of the efficiency of the operation of the public administration increases. The goal is to achieve inclusive development and innovation in the field of Open Data.

The secondary objectives of this Law are, of course, the growth of gross domestic product visible through the economic development of the private sector, as well as the wider positive impact on society.

According to research conducted in more than 70 international studies on the analysis of costs and benefits of Open Data, both macroeconomic and microeconomic, the results show that in all research the relationship between benefits and costs is positive.

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[7] DIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 on open data and the re-use of public sector information

[8] CREATING VALUE TROUGH OPEN DATA, Total number of direct Open Data Jobs, page 77

According to the research, the ranking of this ratio is from 1: 1.6 to 1:70, ie for each invested euro the return is in the range of 1.16 euros to 70 euros.
Given these data, of course, the development and implementation of open data should have a great positive effect, which depends on the degree of development of open data such as, technical development for publishing data and the possibility of updating already published data.

Increasing the efficiency of the work of public institutions is also one of the benefits of introducing Open Data. Greater process efficiency and public service delivery is made possible by faster access to data. In the European Union, EU28 for 2020, the forecast is that these savings will reach 1.7 billion euros.
Within the European Union, in the period from 2016 to 2020, the open data market increased by 36.9% with a value of 75.7 billion Euros in 2020, including adjustments for inflation. The cumulative open data market in the period from 2016 to 2020 is estimated at 325 billion Euros. Such indicators confirm the growing trend in the Open Data market and the benefits that follow with its development.

3. POSSIBLE SOLUTIONS (OPTIONS)

Below are all the basic solutions for regulating the publication of data in the public sector under the Law on the Use of Public Sector Data in accordance with Directive 2019/1024 of the European Parliament. Furthermore, since the legal solution provides for that, a calculation of the offered options has been made.

Zero option or option "do nothing" in this case provides for the existence of current legislation. The zero option in this case can be difficult to quantify because in the midst of insufficiently regulated measures for non-disclosure of data as well as non-existence of classification of data sets and defined data sets of high importance it is only possible to quantify the indirect costs associated with publishing data. Also, the quantification of the zero option is difficult due to the fact that most of the initial investments have already been made, but not all preventive and punitive measures are being implemented to disregard the disclosure of data under the law. Costs and benefits will be determined approximate as a percentage of gross domestic product according to the analysis of the results of the EU Member States adapted with an appropriate discount rate due to reduced efficiency and open data benefits.

Option I is the possibility of full implementation of the current Law on the Use of Public Sector Data. In this option, there are costs for publishing data on those public bodies and institutions that have not done so until now, although it was provided by law. This option envisages digitizing data for those institutions that have not yet done so as well as opening the data in those institutions where they are already digital. This option includes full conduction of the inspection supervision by the State Administrative Inspectorate, with the exception of the judicial authorities, the

Assembly of the Republic of Macedonia and the bodies established by the Assembly of the Republic of Macedonia, as well as full implementation of misdemeanor provisions under current law. This option includes the following costs: activation of controls for implementation of regulations, increase of capacities in the State Administrative Inspectorate for implementation of the mentioned controls, software solutions for digitization of data for public bodies and institutions that have not yet published data, software solutions for opening of data on public bodies and institutions that have digitized data but have not yet published data, additional education of staff and publication of data, etc.

Option II is the possibility of a centralised classification of data relating to public transport and public services and categorisation by frequency. This option is in fact in line with the European Union Directive[9] on the Re-use of Public Sector Data from 2019. Directive 2019/1024 of the European Parliament provides specific guidelines for the prioritisation of open data in the field of public services and transport due to the large number of data generated in these segments that can be used to significantly increase business efficiency and to positive economic and social effect. This option includes costs for defining data classifications as well as mechanisms for fast and frequent data publishing and mechanisms for downloading them. Also in this option, the costs for enabling the publication of data from public transport and public services according to the stated directive are additionally displayed. This option includes the following costs: establishing and running Methodology for identification, cataloging and prioritisation of data sets, opening data from an existing system, creating a model for prioritising data publishing, increasing public awareness and recognising the benefits of using open data, establishing partnerships for the use of open data, improving the education system, measuring general awareness and information on open data, achieving international cooperation, development of data literacy, information on open data, realisation of international cooperation, development of data literacy, etc.

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[9] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information

3.1. DESCRIPTION OF SOLUTION „DO NOTHING“

Zero option 0

Because the current legal solution is implemented globally and gives average results, continuing with it as an option “do nothing” is in fact a situation in which there is a lack of published data and irregular publication of data. The time frame for publishing data defined in the current law is the same for all types of data because there is no classification of data, which in fact means that the public organisation decides for itself at what time period it will publish the data.

Also, the current legal solution does not define the open data according to the guidelines of the Directive on Open Data[10] of the European Union issued in 2019, according to which public bodies and institutions should provide as much real-time data as possible through appropriate application interface (API, Application Programming Interface) for fast data download. In addition, the directive mentioned provides guidance in the field of disabling monopolies over certain open data by creating partnerships for data between public bodies and institutions and private companies.

The risk of continuing with unclassified and non-prioritised data publishing will contribute to reduced interest in their use and re-use, insufficient increase in its efficiency and benefits.

In such a case, public institutions and authorities lose their legitimacy in terms of publishing open data.

Other risks that may arise are:

- Maintaining low transparency leads to a systematic reduction in the quality of open data.
- Reducing and declining interest in developing new innovative solutions to more advanced technologies such as artificial intelligence.
- Insufficiently frequent publication of information that is of high importance and high frequency leads to a significant reduction in the reliability of the published information, their use and re-use.

[10] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information

3.2. DESCRIPTION OF THE POSSIBLE SOLUTIONS (OPTIONS) FOR SOLVING THE PROBLEM

Option I is the possibility of full implementation of the current Law on the Use of Public Sector Data. With the full implementation of the current law, more regular publication of the data from the public bodies and institutions will be performed, as well as the bodies and institutions that do not have the current possibility for publishing data will be identified and the system for enabling the publication of data will be implemented. According to the current law, the publication of data will be done three months after the publication for use, and with increased control over the implementation of the law will increase the frequency of data publication in relation to what is today's practice.

For the complete successful implementation of the current Law on the Use of Public Sector Data, the efficiency of the inspection supervision, for which according to the current law the competent institution is the State Administrative Inspectorate, will be of great importance. According to the current law, the State Administrative Inspectorate can inspect all public bodies and institutions except the judicial authorities, the Assembly of the Republic of Macedonia and the bodies established by the Assembly.

With the full implementation of the current law, there is an increased interest of legal entities and individuals who will want to use the published data.

Measures covered by this option are as follows:

1. Activation of the inspection supervision through the State Administrative Inspectorate

2. Digitization of data from institutions that are not in digital format and need to be opened
3. Opening the data from the institutions that are in digital format but not in open format
4. Timely publication of data from institutions that are in open format.

The costs associated with these measures are as follows:

- Costs for increasing the capacities in the State Administrative Inspectorate and monitoring and control of the work of the bodies and institutions in the field of open data
- Costs for opening data from institutions and bodies that are already in digital format but not in open format
- Costs for opening data from institutions that are classified as more important but have not yet been opened or digitized
- Training costs and familiarisation of all public institutions and bodies with the obligations from the Law on the Use of Public Sector Data.

Option II is the possibility of a centralised classification of data relating to public transport and public services and categorisation according to data frequency. This option is in line with the European Union Directive 2003/98 / EC[11] on the Re-use of Public Sector Data from 2019. The directive defines a minimum set of rules for re-using existing data and documents from the public sector. With the adaptation of the regulation, the amount of data, including public data, grows exponentially and new types of data are generated and collected. In parallel with this process, continuous development and data processing and analysis technologies, machine learning and the development of IOT Internet of Things (internet

[11] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information

- of things) are carried out. The rules and guidelines originally defined in 2003, which were updated in 2013, are not sufficient for rapid development and change in this field, and as a result the economic and social benefits of re-using public data are at stake.

The purpose of the regulation is to reduce the barriers to starting new businesses in the open data segment, limit the costs that would be charged for using the data, increase the number of open data by introducing new data types and data that are the result of public financing, minimising the risk of creating monopolies by introducing a more transparent process for creating public-private partnerships, as well as increasing the opportunities for new services by opening data through these application interfaces (APIs).

The frequency and importance of the data can be determined according to additional information or a description of the open data that will be published on the Open Data Portal. The Ministry of Information Society and Administration may be the coordinator for public institutions in making recommendations on how to prepare data for opening, but the responsibility for their opening lies in the institutions themselves.

By following this directive, the identification of the data that are of the greatest social and economic importance will be achieved and it will be possible to properly prioritise the opening and publication, which will enable their easier use and re-use. According to research conducted in European Union Member States, data of great importance[12] are data from the Central Registry, cadastral data, transport data and health data. According to the analysis[13], the benefits in Denmark from the address register alone are 70 times higher than the maintenance cost, which indicates a great potential for the use of open data.

[12] Open data for Economic Growth
[13] Open data for Economic Growth

The costs of regulation are related to the promotion of Open Data and its benefits, establishing partnerships for the use of open data, improving the education system, adoption and approving of identification methodology, development of mechanisms for prioritisation of data sets, preparation of catalog of data sets from the ministries, research on the need for data by stakeholders, implementation of a phased process for opening data from ministries, measurement of the general awareness and knowledge of open data, realisation of international cooperation, development of data literacy.

According to the Law on the Use of Public Sector Data, the obligation of public sector bodies and institutions to publicly publish the data they create in the exercise of their competencies pursuant to the law has been determined, in order to enable the use of that data by legal or natural persons to create new information, content, applications or services.

This option includes the following:

1. Adoption of methodology and mechanism for identification, cataloging and prioritisation of data sets on the Open Data Portal
2. Determining data sets of high importance and frequency of publication
3. ntroducing fast data download mechanisms through application interfaces (APIs) or opening of databases
4. Promotion of Open Data and the National Open Data Portal
5. Measurement of general awareness and information on open data
6. Development of data literacy
7. Establishing partnerships to use open data

Costs in this option are the following:

- Costs for open data from public transport and public services
- Costs for making services for updating published data
- Cost for media campaign on traditional and social media in order to promote open data and the benefits of their use
- Cost for inclusion of data literacy in education and out-of-school programmes and workshops
- Cost for support of start-up companies through the Fund for Innovations and Technology Development

4. REGULATORY IMPACT ASSESSMENT

POSSIBLE POSITIVE AND NEGATIVE IMPACTS FROM EACH OF THE OPTIONS:

Option	Positive impact	Negative impact
Option 1	• Increasing the efficiency of the work of public institutions and bodies • Development of new services based on data sets • Increasing the number of published data and the interest in their use • Increasing trust in public institutions and bodie	• Slowing down the data opening process due to new classifications and prioritisation • Lack of digital data in public bodies or institutions • Additional infrastructure costs for digitalisation or data opening • Limited opportunities to monitor activities • Possible impact of the Law on Personal Data Protection in some data sets • Opportunity to present inaccurate and incomplete information in open data reports • Impossibility to create procedures in accordance with the legal provisions for quality control and data publishing • Publish data that have very low value and low use and re-use

Option 2	• Increasing general awareness of the existence of open data and its benefits • Development of data literacy in data publishers • Development of data literacy in data users • Presenting already successful open data business models • Defining new models of collaboration using open data • Increasing interest in developing new services based on open data • Increasing the number of new jobs through increased interest in developing services and products based on open data • Using and re-using open data will help develop the economy, develop artificial intelligence and overcome social challenges, as is the case in the European economy • Greater efficiency in controlling and sanctioning cases of violation of regulations	• Additional costs for PR campaigns and promotion • Slow change of educational programmes to improve data literacy • Slow process of upgrading the data literacy of existing employees in public bodies and institutions • Insufficiently clearly defined legal regulations for data re-use • Slow process of organisation of hackathons • Lack of institutional capacity to digitise and open data • Limited possibility for enforcement agencies to detect violations of the regulations

4.1 ECONOMIC IMPACTS

Economic impacts are calculated in the analysis of costs and benefits that is part of the attachments to this form.

4.2 FISCAL IMPACTS

Fiscal impacts are also shown and calculated in the cost-benefit analysis that is part of the attachments to this form. They are shown in terms of the impacts of institutions.

4.3 SOCIAL IMPACTS

Encouraging and increasing cooperation, inclusion and social innovation. Increasing the quality of regulation, increasing public trust in bodies and institutions, strengthening democratic values, increasing the availability of information, improving the image of the country with the introduction of more advanced innovative services, increasing the quality of life of citizens.

4.4 ENVIRONMENTAL IMPACTS

There are indirect effects of this Law because with the opening of the data the citizens will have access to information and services that will affect the improvement of the environment, the use of public transport, pollution, reduction of electricity consumption, reduction of the use of paper materials.

4.5 ADMINISTRATIVE IMPACTS AND COSTS

a) implementation costs

They are shown in the analysis of costs and benefits, as costs of the country.

b) costs for compliance with regulations

They are shown in the analysis of costs and benefits, as costs of the country.

5. CONSULTATIONS

5.1 STAKEHOLDERS AND METHOD OF INVOLVING

Civil society organisations, individuals interested in the concepts of open data, IT companies, start-up companies, scientific research centers, etc. have been consulted.

5.2 REVIEW OF RECEIVED AND BUILT-IN OPINIONS

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5.3 OPINIONS THAT WERE NOT TAKEN INTO CONSIDERATION AND WHY

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6. CONCLUSIONS AND RECOMMENDED SOLUTION

6.1 COMPARATIVE OVERVIEW OF THE POSITIVE AND NEGATIVE IMPACTS OF POSSIBLE SOLUTIONS

The accompanying analysis gives a detailed overview of the positive and negative impacts of each option.

The costs and benefits of introducing the classification and prioritisation of open data as well as increasing public awareness of the benefits of using open data have been identified and also the following elements:

- Categorisations and frequencies of impact producers according to each of the options;
- Application interfaces for downloading of high frequency data;
- The necessary information for quantification, ie. monetisation of impacts;
- Quantification of impacts or their monetisation as well as the method of calculations that have been made.
- The discount rate for calculating the net present value for this project would be calculated according to the last auction of the NBRM (17.12.2019) on government securities, the rate of the person under obligation with 15-year maturity is 3%. In addition, according to an analysis by New York University's Stern School of Business, the Country Risk Premium is 5.40%. Therefore, the discount rate should be used with 5.40 + 3 = 8.40%

6.2 RISKS IN IMPLEMENTING AND APPLICATION OF EACH OF THE POSSIBLE SOLUTIONS (OPTIONS)

Risk analysis attached

6.3 RECOMMENDED SOLUTION WITH DESCRIPTION

The above analyses are the basis for classifying, prioritising data sets as increasing public awareness of open data along with implementation which must be effective. The introduction of options must be balanced to achieve maximum effect in order to achieve maximum economic and social benefits from open data. According to the analysis of the experiences of the European Union countries in the introduction of open data, if the introduction of these options is not carried out in parallel, then the benefits of the introduction of open data do not give the expected result in the segment of increasing efficiency of public bodies and institutions as well as the expected economic benefits.

Therefore, in this analysis, the three options are analysed together and at the same time it is recommended to implement all of them. The direct positive net effect in the cost-benefit analysis is only the increase in financial income, which is done according to the analysis of the results of the EU countries that already in an advanced stage of development have open data. But other indirect and social effects play an extremely important role here, by increasing the quality of regulation, increasing public trust in institutions, reducing pollution, strengthening democratic values, increasing transparency, increasing trust in institutions and politicians, creating new jobs, Improving the image of the country by improving the efficiency of the work of public bodies and institutions, increasing trust in public bodies and institutions as well as increasing the quality of life of citizens.

7. IMPLEMENTATION OF THE RECOMMENDED SOLUTION

7.1 A NEED OF AMENDING THE LAWS AND BYLAWS IN THE AREA OR IN OTHER RELATED AREAS

- change of the current Rulebook on the minimum technical possibilities of the bodies and institutions from the public sector to publish data and technical norms for the data format and the manner of publishing them, where pursuant to Directive 2019/2014 the high frequency data will have to be published with machine language through application interfaces

7.2 BYLAWS NEEDED AND DEADLINE FOR THEIR ADOPTION

Bylaws are required to regulate the following

- The manner, procedure and conditions for performing classification, categorisation and prioritisation of data sets
- Bylaws that will regulate the procedures for quality control and reliable data as well as their publication according to the classification and categorisation
- Content and form of periodic and annual reports on the disclosure of open data and their use and re-use

7.3 BODIES OF THE STATE ADMINISTRATION, STATE BODIES AND OTHER BODIES RESPONSIBLE FOR IMPLEMENTATION

- Ministry of Information Society and Administration

7.4 ACTIVITIES FOR PROVIDING EFFECTIVE IMPLEMENTATION OF THE DRAFT LAW

- Classification of data according to their urgency and importance and definition of additional control and corrective measures for data sets of high importance
- Precisely defined corrective measures for any non-disclosure of data, but not in general
- Validation systems based on predefined forms for data publishing
- Supplementing the law by classifying the data according to pre-defined criteria
- Defining high frequency data formats and mandatory implementation by data publishers
- Organisation of tribunes and trainings for public officials
- Defining teams for monitoring and controlling data publishing processes
- Technical improvement of the teams responsible for control and monitoring of data publishing
- Supplementing the current law and definition of institutions and data with high, medium and low priority
- Training for persons who will work in the Inspectorate for supervision and detection of irregularities in publishing data
- Exchange of experiences and consultations with foreign inspectorates on models and methods of detecting irregularities
- Supplementing the law and precise definition of the period of publication of data, according to priority and sensitivity
- Supplementing the current law and definition of institutions and data with high, medium and low priority

8. MONITORING AND EVALUATION

8.1 MANNER OF MONITORING THE IMPLEMENTATION

The implementation will be monitored quarterly, semi-annually and annually. Monitored will be the key indicators that should provide the intended benefits of this Law.

- Increasing the use of open data
- Regular publication of data from all public bodies and institutions
- Functional mechanisms for downloading high frequency data through application interfaces, etc.
- Monitoring the public's knowledge of the existence of open data and its benefits
- Established classification and prioritisation of data

8.2 EVALUATION OF THE EFFECTS OF THE DRAFT LAW AND DEADLINES

- Increased efficiency in the operation of public institutions and bodies by measuring the number of total services provided and the number of digital services compared to the previous year. The evaluation is done every 12 months
- New jobs directly related to open data in the first two years
- GDP growth of 0.8% in the first year as a result of open data
- GDP growth of 1.2% in the second year as a result of open data

- Improving the ratio of tax revenues to GDP monitored through reports on the operation of public institutions and bodies
- Increased trust in institutions and their work by measuring trust in institutions every 12 months
- Increasing the number of public institutions that will publish data on the Open Data Portal.

АНАЛИЗА НА РИЗИК ЗА ЗАКОНОТ ЗА КОРИСТЕЊЕ НА ПОДАТОЦИТЕ ОД ЈАВНИОТ СЕКТОР

Критериуми	Опис на ризик	Веројатност на појавување	Ефект	Фактор на ризик
ОПЦИЈА 1 - Мерки за корисниците	1. Ненавремено објавување на податоци	3	3	9
	2. Необјавуавање на податоци	3	3	9
	3. Објавување на податоци во несоодветна форма	2	3	6
	4. Непостоење на класификација на податоци	3	3	9
	5. Неинформираност за постоењето на податоците	3	2	6
	6. Дефинирање на формати за размена на високо фрекветни податоци	3	3	9

Тип на ризик	Начин на управување
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Класификација на податоците според нивната итност и важност и дефинирање на дополнителни контролни и корективни мерки за дата сетовите со висока важност
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1.Прецизно дефинирани корективни мерки за секое необјавување на податоци, а не генерално
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Дополнителни контроли за квалитетот на податоците 2. Дополнување на регулативата за дефинирае на прецизни формати за објавување на податоците 3. Системи на валидација базирани на предефинирани форми за објавување на податоци
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Дополнување на законот со класификација на подаотците според однапред дефинирани критериуми
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Јавни кампањи за информирање за постоењето податоците од јавниот сектор 2. Организација на хакатони со цел искористување на податоците 3. ПР текстови за позитивните страни од користење на податоците од јваниот сектор во други земји
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Дефинирање на формати за високо фрекветни податоци (API) и задолжителна имплементација од страна на објавувачите на податоци 2. Организација на трибини и обуки за јавните службеници 3. ПР текстови за позитивните аспекти на лобирањето

Критериуми	Опис на ризик	Веројатност на појавување	Ефект	Фактор на ризик
ОПЦИЈА 2 - Мерки за институциите	1. Дефинирање на технички лица одговорни за објавување на податоците	3	3	9
	2. Непостоење на дефинирана приоритетност на податоци	3	2	6
	3. Можност за избор на период на објавување на податоци	2	2	4

Тип на ризик	Начин на управување
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Дефинирање на тимови за мониторинг и контрола на процесите на објавуавње на податоци 2. Техничко усовршување на тимовите одоворни за контрола и мониторинг на објавување на податоците
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1.Дополнување на тековниот закон и дефинирање на институции и податоци со висока средна и ниска приоритетност
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Дополнување на законот и прецизна дефиниција на периодот на објавуавње на податоци, според приоритеност и сензитивност

Критериуми	Опис на ризик	Веројатност на појавување	Ефект	Фактор на ризик
ОПЦИЈА 3 - Надзор и воспоставување на надзор и санкционирање	1.Ограничена можност на телата за надгледување на спроведувањето да откријат кршење на регулативата	2	3	6
	2. Можност за презентирање на неточни информации и непотполни извештаите во отворените податоци	2	3	6
	3. Непрецизно дефинирани рокови за известување и санкционирање	3	3	9

ВЕРОЈАТНОСТ НА ПОЈАВУВАЊЕ	1-4
ЕФЕКТ	1-4

БОДОВИ НА РИЗИК	
10-16	висок/карактеристичен ризик
5-9	среден/резидуален ризик
1-4	низок/целен ризик

Тип на ризик	Начин на управување
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Обуки за лицата кои ќе работат во инспекторатот за ндагледување и откривање нерегуларности при објавување на податоци 2. Размена на искуства и консултации со странски инсектората за моделите и начините на откривање нерегуларности
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Следење на актуелните закоснки проекти во институциите 2. Редовна комуникација со јавните службеници и функционерите за актуелните теми, како и пратење на податоците и информациите од регистарот и отворениот дневник
Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки	1. Следење на актуелните закоснки проекти во институциите 2. Редовна комуникација со јавните службеници и институциите, како и пратење на податоците и објавените информациите

Веројатност	Фактор	Дејство
мошне веројатно	10-16	неприфатливо ниво на изложеност на ризикот, кој бара постојан и активен мониторинг како и мерки кои треба да се применат со цел намалување на изложеноста
веројатно	5-9	Прифатливо ниво на изложност на ризикот и предмет на редовни и активни мониторинг мерки
малку веројатно	3-4	Прифатливо ниво на изложеност на ризик, предмет на редовен пасивен мониторинг
мошне малку веројатно	1-2	Прифатливо ниво на изложеност на ризик, предмет на периодичен пасивен мониторинг

ЗАКОНОТ ЗА КОРИСТЕЊЕ НА ПОДАТОЦИТЕ ОД ЈАВНИОТ СЕКТОР

ЈАВНИ ИНСТИТУЦИИ	Година	0	1	2
	ОПЦИЈА 1			
	ТРОШОЦИ			
	Трошоци за целосна имплентација на постоечкиот закон	22,230,915.20	22,230,915.20	22,853,380.83
	Дигитализирање на податоци, отворање на податоци кои се дигитални, зголемување на капацитетите на инспецкискиот надзор	22230915.20	22,230,915.20	22,853,380.83
	Вкупно ОПЦИЈА 1 ТРОШОЦИ	22,230,915.20	22,230,915.20	22,853,380.83
	ВКУПНИ ТРОШОЦИ	**22,230,915**	**22,230,915**	**22,853,381**
	БЕНЕФИТИ			
	Директни заштеди од користењето на отворените податоци според анализите направени на државите од ЕУ, со нивелација на бенефит пер капита според Хрватска и Бугарија, со претходно изеднаќување на куповната моќ по жител	17,778,544	18,223,120	18,733,368
	Вкупни Бенефити	17,778,544	18,223,120	18,733,368
	Нето (Бенефити - Трошоци)	-4,452,371	-4,007,795	-4,120,013
	Нето сегашна вредност (Дисконтирана)	-4,452,371	-3,687,171	-3,502,011
	Дисконтна Стапка (8.40%)		0.92	0.85
	ВКУПНА НЕТО СЕГАШНА ВРЕДНОСТ (5 ГОДИНИ)	**-20,886,382**		

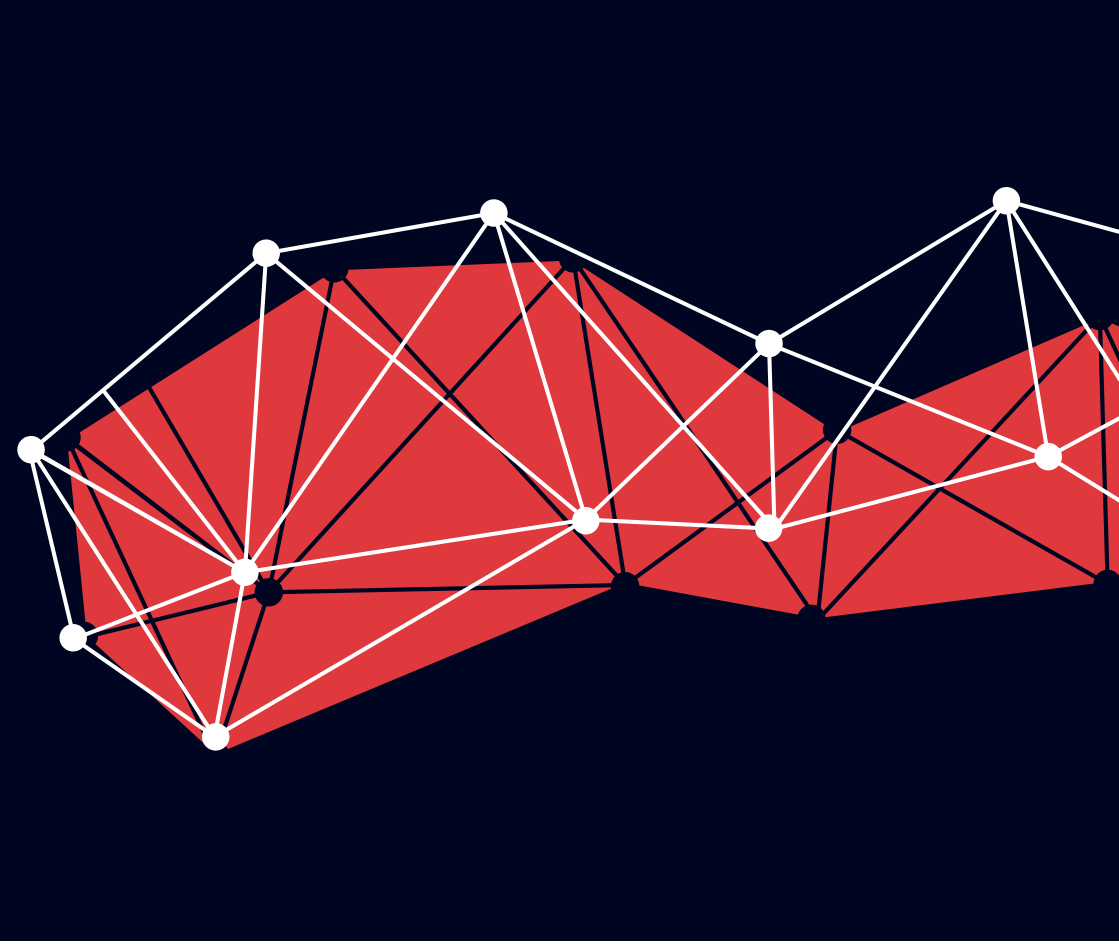
3	4	5	Белешки за пресметките и референци
ОПЦИЈА 1			
ТРОШОЦИ			
23,424,715.35	24,057,182.66	24,658,612.23	
23,424,715.35	24,057,182.66	24,658,612.23	Согласнот анализата на трошоците за имплентација и одржување на отворени податоци во ЕУ, споредбено со трошоко по жител според вредностите во Бугарија Естонијаи Хрватска
23,424,715.35	24,057,182.66	24,658,612.23	
23,424,715	**24,057,183**	**24,658,612**	

БЕНЕФИТИ			
19,257,902	19,797,124	20,351,443	Согласнот анализата на трошоците за имплентација и одржување на отворени податоци во ЕУ, споредбено со трошоко по жител според вредностите во Бугарија Естонија и Хрватска, дискаунтирано за 60% поради нецелосно спроведување
19,257,902	19,797,124	20,351,443	
-4,166,813	-4,260,059	-4,307,169	
-3,291,783	-3,067,243	-2,885,804	
0.79	0.72	0.67	

ЈАВНИ ИНСТИТУЦИИ

Година	0	1	2
ОПЦИЈА 2			
ТРОШОЦИ			
Трошоци за воспоставување на системи за Отворени Податоци и нивно одржување	22,230,915.20	22,230,915.20	22,853,380.83
Набавка на софтвер и лиценци, надоградба на инфраструктура, отворање на дигитални податоци преку АПИ, зголемување на јавната свест, овозможување за реискористување на податоците	22,230,915.20	22,230,915.20	22,853,381
Вкупно ОПЦИЈА 2 ТРОШОЦИ	22,230,915.20	22,230,915.20	22,853,380.83
ВКУПНИ ТРОШОЦИ	**22,230,915**	**22,230,915**	**22,853,381**
БЕНЕФИТИ			
Директни заштеди од користењето на отворените податоци според анализите направени на државите од ЕУ, со нивелација на бенефит пер капита според Хрватска и Бугарија, со претходно изеднаќување на куповната моќ по жител	26,667,816	36,446,241	46,833,420
Вкупни Бенефити	26,667,816	36,446,241	46,833,420
Нето (Бенефити - Трошоци)	4,436,901	14,215,326	23,980,039
Нето сегашна вредност (Дисконтирана)	4,436,901	13,078,100	20,383,033
Дисконтна Стапка (8.40%)		0.92	0.85
ВКУПНА НЕТО СЕГАШНА ВРЕДНОСТ (5 ГОДИНИ)	**93,307,912**		

3	4	5	Белешки за пресметките и референци
ОПЦИЈА 1			
ТРОШОЦИ			
23,424,715.35	24,057,182.66	24,658,612.23	
23,424,715	24,057,183	24,658,612	Согласнот анализата на трошоците за имплентација и одржување на отворени податоци во ЕУ, споредбено со трошоко по жител според вредностите во Бугарија Естонија и Хрватска
23,424,715.35	24,057,182.66	24,658,612.23	
23,424,715	**24,057,183**	**24,658,612**	
БЕНЕФИТИ			
48,144,755	49,492,809	50,878,607	Согласнот анализата на трошоците за имплентација и одржување на отворени податоци во ЕУ, споредбено со трошоко по жител според вредностите во Бугарија Естонија и Хрватска, дискаунтирано за 60% поради нецелосно спроведување
48,144,755	49,492,809	50,878,607	
24,720,040	25,435,626	26,219,995	
19,528,831	18,313,651	17,567,396	
0.79	0.72	0.67	



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ЕУ за ТЕБЕ

CEA Center for Economic Analyses

REGULATORY IMPACT ASSESSMENT OF THE LAW ON THE USE OF THE PUBLIC SECTOR DATA

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