

SpeedUP



Call for solutions

Ordering party	Ministry for Digitalisation
Objectives of the call for solutions	<p>As part of the preparation of the national action plan, the Ministry for Digitalisation held discussions with various civil society actors who are in contact and want to support people who are not familiar with the use of digital technology. The parties consulted emphasized that the obstacles to digitalisation vary considerably depending on the individual and that there are many reasons for being alienated from the digital world. Thus, digital inclusion projects and initiatives need to evolve with new technologies in order to constantly offer quality solutions. Stakeholders stressed that in view of the digitalisation of administrative procedures, it is essential to put in place a solution that will allow relatives to carry out administrative procedures online in the place of the respective citizen.</p> <p>These reflections have been integrated into the national action plan for digital inclusion, which provides that the Ministry for Digitalisation, together with the CTIE, will launch a legal and technical feasibility study for the possible introduction of a "digital proxy" to enable a third party to carry out digital administrative procedures on behalf of another person.</p>

Type of solution required	- Legal study - Conceptual proposal
Selection criteria	Non applicable
Standards to be met	Non applicable
IP and other details	Non applicable
Deadlines for submission of the offer	31 mars 2022
Schedule	Questions should be sent until March 14th ,2022
Contact for questions	info@govtechtat.lu

Description of the problem/challenge

The digital proxy is a part of the service provided by MyGuichet. The latter provides two major functionalities:

- The execution of procedures available on the platform
- The consultation of personal data such as, for example, data from the National Registry of Natural Persons (RNPP), points remaining on **the** driving license, etc.

In this context, this call for solutions envisages a legal study and a conceptual proposal for a digital proxy to carry out procedures and a digital proxy to consult personal data.

Legal study

In order to consider the implementation of a digital proxy, the Ministry requires a clear view on the applicable regulatory framework. The legal study to be carried out by the selected candidate should include the following elements (non-exhaustive list) :

Identification of the applicable legal basis;

Possible blockages in the existing legal basis;

The adaptations needed to resolve such blockages;

If there is no applicable legal basis and if such a legal framework is indispensable for the implementation of the envisaged solution, the elements necessary for its creation.

Possible establishment of a register of proxies / guardianships: which administration should be legally in charge of the management of such a register?

What is the scope of the proxy (universal or restricted by type of procedure or personal data that can be consulted)

Legal responsibility for a procedure carried out by the authorized representative on behalf of the principal. To whom should the administration in charge turn in case of a problem/conflict?

Should administrations be informed that a procedure has been carried out by an authorized representative and not by the principal?

A non-exhaustive list of use cases is provided below:

- Permission to consult RNPP data without the possibility of carrying out procedures and vice versa (e.g. between civil partners or married couples)
- Permission to consult only part of the RNPP data (e.g. in the case of divorced parents, access to the RNPP data of the children)
- GDPR legal framework for the consultation of RNPP data by the proxy
- Proxy between natural persons to carry out procedures by the authorized representative on behalf of the principal
- Permission to carry out procedures for persons placed under guardianship, or any other safeguarding measures against an individual following a court decision

Conceptual proposal

Based on the results of the legal study, the successful candidate will be required to present a conceptual proposal that concretely defines the process of setting up the digital proxy and its functioning. The concept for the implementation of a digital proxy should include at least the following elements:

- Definition of the steps to be carried out by the principal and/or the authorized representative in order to obtain a digital proxy (initiation of the request; physical/virtual submission to the competent administration, etc.)
- The definition of the criteria applicable to the digital proxy (the period of validity, the documents to be provided, the link between authorized representative and principal, the use of standard documents etc.)
- The process: how can people who do not have electronic equipment or who are not capable, designate their principal?

- How to manage the duration of the proxy?
- Management of retroactivity (e.g. if a person obtains a proxy to carry out a procedure, is it possible to consult the procedures preceding the proxy?)
- Managing the scope of the proxy
- Revocation of the proxy
- Management of the proof of the proxy (from a front and back office point of view)
- Traceability of actions taken by an authorized representative on behalf of the principal
- From a technical point of view, the architecture of MyGuichet.lu is designed so that a MyGuichet access corresponds to a national number only. This access can have 0 or 1 personal space only. The proposed design should take this into account.
- Who is legally enforceable against a procedure filed by an authorized representative?

There are 450 procedures available in MyGuichet.lu. When designing the concept, it is important to minimise the impact on the procedures and to have a global approach that would cover all procedures.