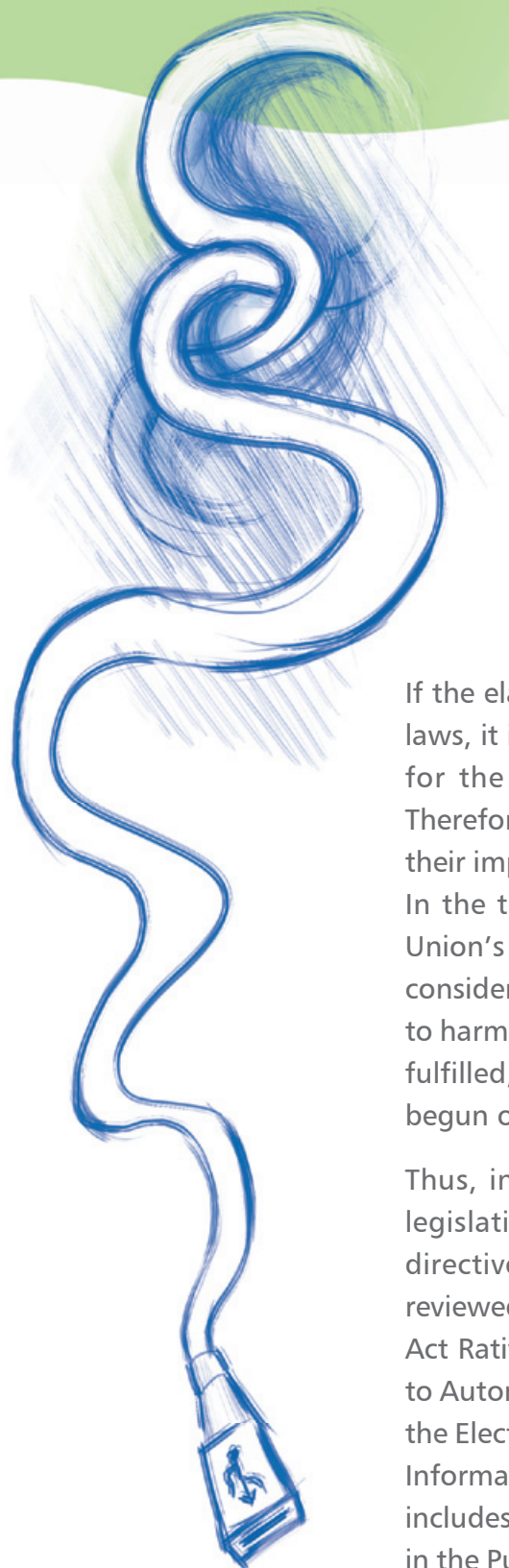



# ICT legislation in Estonia



In recent years, changes that have occurred in the field of ICT at the state level have started to affect also legislation. Thus, the development of the information society through the creation and application of IT solutions (the state information system, the administration system for the information system (RIHA), the X-Road, portals, ID card applications, Electronic Health Record, ID ticket etc), the growing demand for innovative solutions as well as the increasing need for borderless Europe and world have started a process, which calls for the establishment of ever clearer rules of conduct and decision-making.

If the elaboration of legislation is put before the actual implementation of laws, it is difficult, if not impossible, to foresee all circumstances necessary for the thorough and foresighted regulation of the respective field. Therefore, the symbiosis between customary law and legislation as well as their implementation occurs faster and in a more direct manner than usual. In the transformation of social processes, the support of the European Union's Structural Funds has acquired a more apparent role, contributing considerably to the development of eState in Estonia. Though the obligation to harmonize national legislation with that of the European Union has been fulfilled, the description of actual needs and concrete circumstances has begun only now when the vision is becoming a reality.

Thus, intensive work has been started in order to amend the national legislation so as to ensure its compliance with EU directives (including directives 95/46/EC, 2002/58/EC and 2003/98/EC). The legislation to be reviewed in this context includes the following laws: the Databases Act, the Act Ratifying the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, the Personal Data Protection Act, the Electronic Communications Act, the Telecommunications Act, the Public Information Act and the Population Register Act. Work completed by now includes the realisation of the vision concerning the regulation of databases in the Public Information Act Amendment Act, elaboration of a new version of the Personal Data Protection Act, identification of problems related to digital signatures and certificates as well as issues concerning electronic communications. Moreover, the practical importance of the accessibility of information and principles of the so-called freeform administration as well as respective implementation have grown considerably.



The drafting of legislation in Estonia has proceeded from the principles targeted at promoting the **development of citizen-centred and inclusive society, knowledge-based economy and transparent and efficient public administration**. These principles serve as a strategic framework for the information society, contributing to the functioning of the **interoperable state information system, development of the common service space, creation of trust, and optimal use of resources**.

When developing the information society, information and digital processing of data are at the centre of attention; therefore, all requirements and principles support, above all, the versatile realisation of data protection requirements. This is also the reason why the development of the information society and the elaboration of respective legislation are based primarily on the principle of security, complemented by the principles of purposefulness, minimality and data quality that proceed directly from the corresponding legislation of the European Council, OECD and the EU. These principles form the basis for the occurrence of rights, obligations and liabilities of different parties.

Considerable work with measurable progress has been done on legislation and strategies. This is Estonia's response to the public will and regulation of social behaviour in the (information) society, which could be called the evolution of positive law in the information and communication technology.