

# QUALITY ANALYSIS OF THE BASIC REGISTER OF RIGHTS AND OBLIGATIONS

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**Abstract:** *Basic registers of public administration have been fundamental part of the Czech eGovernment already for more than 4 years. Public authorities work with reference data recorded in the basic registers in rightful cases and in the scope pursuant to the legal regulations, whereas a list of these cases and relevant authorizations are filed in the Basic Register of Rights and Obligations in the form of agendas and agenda activity roles. The Register of Rights and Obligations should become a map for public authorities, their competencies and activities used to fulfil these lawful competencies, and it should be used for procedural optimization of public administration and as a background for performance allowance for state administration performance. This contribution deals with quality analysis of registration agenda in the Register of Rights and Obligations, high level of which is necessary for achieving set goals. The research is based on three different approaches: a statistical analysis of registered agenda code list, a case study of agenda changes concerning keeping a permanent list of voters and a survey of current use of agenda activity roles for two selected agendas. Synthesis of obtained results gives us a picture of quality of agenda registration and activities in the Register of Rights and Obligations.*

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**JEL Classification:** *H11, H76, K23, C10.*

## Introduction

The basic registers of public authority agendas and some rights and obligations referred to as the Registry of Rights and Obligations or also RRO is one of the four basic registers of public administration. The basic registers of public administration are a set of information systems pursuant to the Act No. 111/2009 Coll., on Basic Registers (hereinafter only “Act No. 111/2009 Coll.”) The first idea about creating basic registers appeared already at the end of the last century (Mates, 2009); however it was completed as late as in 2012. One of the reasons for postponing the launch of basic registers was a longer-lasting preparation of data fund in the relevant quality (Rieger, Štencl, 2010).

As mentioned in the Strategy realization of Smart Administration in the period 2007 – 2015 – Creating basic registers aimed at efficient public administration and friendly public services, “central registers of public administration were to be created so that they would enable secure data sharing by public authorities as well as citizens would be allowed a rightful access to the data filed in these registers” (See Specific goal defined in (Ministerstvo vnitra, 2007: 58). Contents of the Register of Rights and Obligations were to originate a basic map of public authorities, their competencies and activities used for fulfilling these lawful competencies. In the view of the chief architect of eGovernment O. Felix of the year 2012, this map of agendas and agenda roles of public authorities

is the main presumption for starting procedural optimization of public administration (Felix, 2012).

Let us ask, what is the quality of agenda registration in the Register of Rights and Obligations? And were the expectations as well as set goals for the base of creation the map of public authorities, their competencies and performed agendas fulfilled? In this contribution we will try to answer the raised questions.

## **1 Basic registers concept**

### **1.1 Basic registers of public administration**

Basic registers are fundamental part of the Czech eGovernment (Mates, Smejkal, 2012). Development and further use of basic registries is planned also in the following years – see Strategic framework of CR public administration development for the period of 2014–2020 (Ministerstvo vnitra, 2016), and that is particularly within the realization of electronic identity following implementation of Regulation of the European Parliament and the Council (EU) No. 910/2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/ES (Pešek, 2016).

Basic registers of public administration have operated in the Czech Republic since 1 July 2012. There are four basic registers of public administration: the Basic Register of Inhabitants, the Basic Register of Legal Entities, Self-employed Natural Persons and Public Authorities, the Basic Register of Territorial Identification, Addresses and Real Estate Property and the already above mentioned Basic Register of Rights and Obligations. Individual entities access all basic registers via reference interface, or so called information system of basic registers. An important element of basic registers includes also ID converter that provides protection of personal reference data filed in the basic registers. An impact of the implemented architecture of basic registers on their performance is described in (Fortinová, 2016).

The real start of the basic registers was postponed for several times (by amendment of relevant act), whereas one of the reasons for postponing was a longer-lasting preparation of relevant data funds in such a quality so that they could be used as reference data (Rieger, Štencl, 2010). It's not just the problem of basic registers, data quality is affecting the overall performance of public administration (Král, Žemlička, 2006).

Despite the fact that neither the Act No. 111/2009 Coll., nor other legal regulations define any transitional period for obligatory use of reference data from the basic registers, each public authority joined the information system of basic registers only very gradually. For example towards the end of September 2012 the connection and the use of reference data is proved only by 6.6 % municipalities (Lechner, Lechnerová, 2013).

Essential principles of the basic registers are defined especially in the § 4 of the Act No. 111/2009 Coll. Pursuant to the section 1 of the quoted article, the basic register contains reference data, reference bonds, identifiers of natural persons or authentication data. Principle of reference data that are guaranteed, valid and current without necessity of verification can be called revolutionary considering the previous working of public administration. Following the law articulation, then it applies, that reference data is considered correct if it is not proved contrary or if there does not originate rightful doubt about reference data correctness. Another essential rule is that persons, who are required by another legal regulation to supply data filed in the basic registries as reference data, are

legally required by public authority to supply such data only in taxatively defined cases, which are furthermore rather exceptional in practice.

It means that all public authorities should have been connected already for a long time (in fact immediately since 1 July 2012) to the basic registers and should use the mentioned data obligatorily. Nevertheless as already mentioned it was not and still is not the case. According to the official data published by the Basic Register Administration, as of July 2016 (which is exactly 4 years after basic registers started working) there were actively connected and used reference data from the basic registers only 41 % out of 7 392 public authorities (Správa základních registrů, 2016b). It has been improved only gradually. Currently to September 2016 there were actively connected and used reference data from basic registries approximately 42 % out of 7 396 currently existing public authorities (Správa základních registrů, 2016c), so there is improvement by one percentage point.

## **1.2 Registry of Rights and Obligations**

Pursuant to the Act No. 111/2009 Coll., the Register of Rights and Obligations files:

- Reference data on public authority agendas and that is including data on authorized access to data filed in the basic registries and a list of agenda titles and their number codes,
- Reference data on rights and obligations of natural persons and legal entities, if data on these persons are filed in the basic registries and that is including data on public authorities' decisions.

Further we concentrate on the firstly mentioned file of data; that is on a code list of agendas. Separate agendas are registered pursuant to the § 53 of the Act No. 111/2009 Coll., Central administration authorities or other administration authorities with nationwide power. Pursuant to the § 2 letter d) of the quoted Act, agenda is defined as a summary of activities lying in performance of limited area of mutually connected activities within public authority competence. Pursuant to the § 48 section 1 letter a) of the quoted Act, this activity is defined as a set of operations that are performed by public authorities within their agenda to perform public authority. These definitions are quite unnecessarily complicated and supplied by additional definition of a role as a summary of public officer authorizations, who performs a certain activity, to access reference data in the basic registries or data in the agenda information systems [See § 48 section 1 letter b) of the quoted Act]. Separate roles can thus differ just in the authorization to access the reference data and at the same time they are specific for certain activity.

Within the agenda notification there is among others given a list and a description of activities that must be performed within the agenda and a list of roles essential to agenda performance along with information on a range of authorization. The act also stipulates that agenda notifying body submits agenda notification at the earliest on the efficiency day of a legal regulation that defines agenda performance details. It means that there should always be a sufficient time interval between coming into force of a new or amended regulation and an entry into effect so that the whole agenda registration procedure and subsequent agenda activity notification was managed so that separate public authorities performing the given agenda were able to correctly use a defined access to the reference data from the very beginning of agenda performance. However this time space is in many times so short that it can definitely influence quality of evaluation of the agenda notification itself.

Regarding the agenda notifying, the Ministry of the Interior was put in charge of its supervision. In case of discovered shortages it appeals to the agenda notifying entity to provide their removal, whereas it is given an adequate time period for it. In the appeal to the notifying entity the Ministry of the Interior informs about the observed shortages in the agenda notification referring to the concrete provision of law. It further applies that if subsequent to the agenda registration there occurs any change of data or other background data that were given in the agenda notification and registration, the agenda must be reregistered. This is initiated by the notifying entity.

## **2 Methods**

We based the research in the quality of agenda registration in the Register of Rights and Obligation on three different approaches. We provided a statistical analysis of all registered agendas as of November 2016. Published data (Správa základních registrů, 2016a) include not only an overview of all currently registered agendas in the structure according to the § 54 section 5 of the Act No. 111/2009 Coll., but also the whole history, which is also agendas, registration of which has already expired. It allowed us to do analysis of development and frequency of agenda reregistering.

Further we have chosen one agenda performed by municipalities – keeping a permanent list of voters, for which we analysed a detailed development of registration changes. There are mainly two reasons for selecting this agenda. Partly it is an agenda performed by “category” of public authorities that still include most of the unconnected bodies (Správa základních registrů, 2016c), and partly this agenda shows relatively complex changes that did not cause changes only in one registered agenda, but a number of registered agendas changed as well and that is despite the fact that in this time there did not take place any crucial changes in legal regulations.

The latest survey we conducted for two selected agendas:

- Agenda A124 Cadastre of Real Estate notified by the Czech Office for Surveying, Mapping and Cadastre in the amended third version valid since 15 July 2014,
- Agenda A414 Registry Offices notified by the Ministry of the Interior in the currently valid fourth version efficient since 23 June 2015.

The survey was conducted for the first agenda in 5 cadastral offices where there were obtained total 108 filled questionnaires and for the second agenda in 26 registry offices where there were obtained total 65 filled questionnaires. We monitored use of separate registered activity roles for separate tasks and their frequency. The questionnaire itself and other details of this survey are specified in (Silvarová, 2016), whereas hereto published results are an expanded analysis of the obtained data.

Results of all three researches were subsequently synthesized, and we created a basic picture of the quality of agenda registration and activities in the Registry of Rights and Obligations.

## **3 Results**

### **3.1 Statistical analysis of registered agendas**

To 10 November 2016 there were in the Register of Rights and Obligations registered total 390 various registered agendas, however not all of them are still valid. Within the

changes of registered agendas there occur not only reregistration, but also termination of agenda validity. Concrete examples are mentioned in the following chapter.

As of the mentioned date 10 November the agendas code list of the RRO included total 867 records. The latest registered agenda is agenda A1881 – Records of sales valid since 1 September 2016. Comparing the number of records in the register and a number of agendas, it is obvious that reregistration is not a rare phenomenon. For example right 2 agendas have been changed twice within the past 4 months. Tab. 1 indicates how the agendas were reregistrated during the monitored more than four year old period of the agenda since its first registration in the RRO.

**Tab. 1: Numbers of agenda reregistrations**

Number of agenda registration under one code	Number of agendas	Percentage of the given number of agendas representation
1	145	37,2 %
2	114	29,2 %
3	70	17,9 %
4	36	9,2 %
5	16	4,1 %
6	5	1,3 %
7	2	0,5 %
8	2	0,5 %

*Source: Analysis of frequency of changes in the data source (Správa základných registrů, 2016a)*

Four most frequently reregistered agendas along with their notifying entities are given in the Tab. 2.

**Tab. 2: Four most frequently reregistered agendas**

Agenda code	Agenda title	Notifying entity	Number of registrations
A392	Customs agenda	Ministry of Finance	8
A483	Criminal record	Ministry of Justice	8
A115	Civil registration and identification numbers	Ministry of the Interior	7
A1149	Offences Act	Ministry of the Interior	7

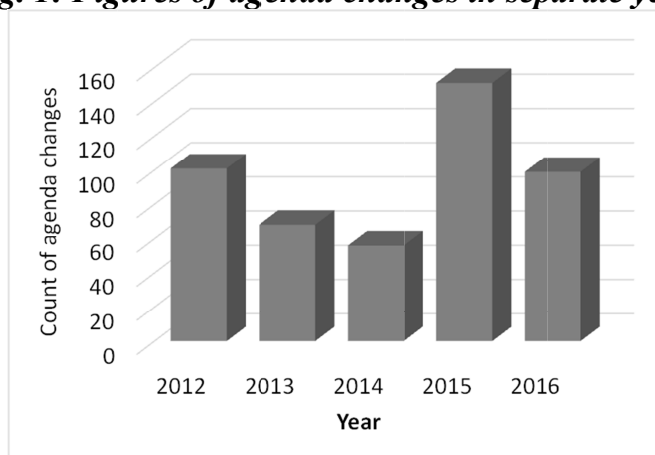
*Source: Own processing according to the source (Správa základných registrů, 2016a).*

In the view of time development of the changes of registered agendas, it is certainly interesting to ask if the changes took place more at the beginning or at the end of the analysed period. Analysis results are indicated in the chart of the Fig. 1. The chart shows that the process of agenda reregistering does not imply any global tendency in the existing course. After the first three years it could seem that numbers of changes decrease, but the result of past two years shows large increase. We must realize that the amount for the year 2016 refers to the first three quarters of the year, even though there were included also

changes that will come into force as late as the last quarter, but they have been already registered on the grounds of valid changes.

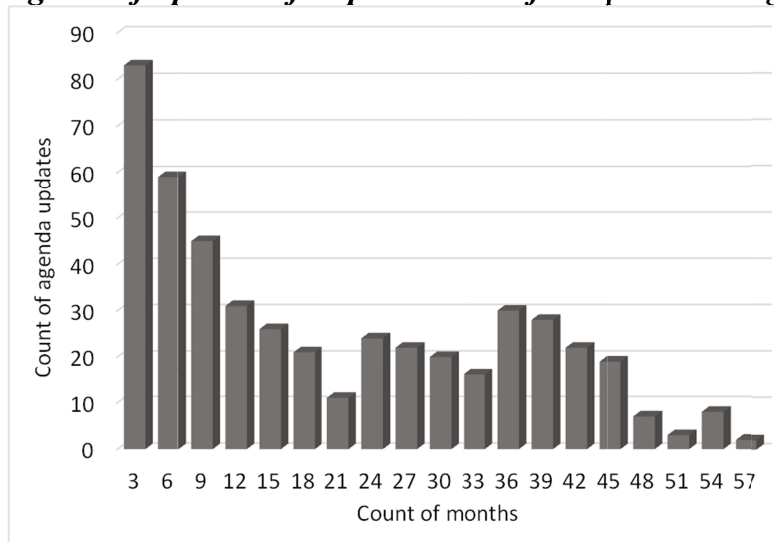
Further we have analysed “durability” of registered agendas. As mentioned above in the course of the monitored period there occurred changes in the already registered agendas, on the ground of which the relevant record on the registered agenda lost its validity to a certain date, whereas in case of reregistering the agenda there appeared a new record with the same agenda code. The analysis shows that 17 records lost their validity in the period shorter than 10 days, 83 records lost validity in the period shorter than 3 months and 218 records lost their validity in the period shorter than one year. A detailed histogram of a number of changes in the scales by quarters is described in the chart in the Fig. 2.

**Fig. 1: Figures of agenda changes in separate years**



Source: Own calculations from data (Správa základních registrů, 2016a).

**Fig. 2: Figures of updates after past months from previous registration**



Source: Own calculations from data (Správa základních registrů, 2016a).

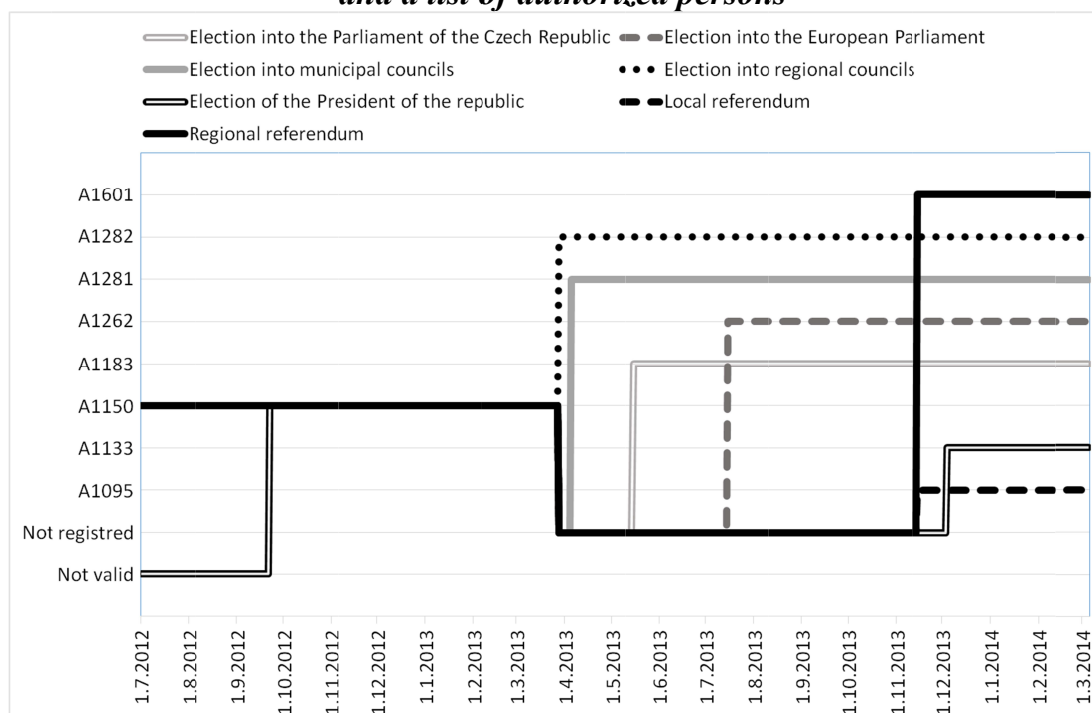
### 3.2 Development of agendas concerning keeping a permanent list of voters

Keeping a permanent list of voters for various kinds of elections and a list of authorized persons for a local or regional referendum is one of agendas performed by municipalities. Update of such a list towards basic registers is thus surely a justifiable access. Since 1 July 2012 this access has been covered by the registered agenda A1150 Keeping lists of voters and lists of authorized persons for local and regional referendum. Agenda A1150 was registered on 27 February 2012 on the grounds of a notification submitted by the Ministry of the Interior. After having been in force for not total three months, the agenda was

reregistered exactly as of 21 September 2012, whereas there was expanded the amount of legal regulations on the grounds of which the agenda was performed.

As of 28 March 2013 the agenda A1150 was totally terminated. Only later there were registered new agendas and activity roles within the existing agendas for separate types of elections and referendums. Only in case of election into regional councils there remained a direct following without an interval. In all other cases there followed a variously long period in the course of which there was valid a relevant act specifying obligation of keeping a list of voters or a list of authorized persons, but there was no registered agenda or an appropriate activity role within an agenda, on the grounds of which there could take place verification of reference data in the basic registers for the given purpose.

**Fig. 3: Development of registered agendas for keeping a list of voters and a list of authorized persons**



Source: Own analysis from data (Správa základních registrů, 2016a)

The shortest period this problem lasted, exactly 8 days, was for the election into municipal councils. The longest period of void was for the election of the president of the republic, for which the relevant agenda was registered as late as of 4 December 2013, i.e. total 250 days after termination of the validity of the agenda A1150. Apart from that there occurred within the monitored period various renaming of a registered agenda. For example agenda A1095 was originally called Local and regional referendum, later it was on 15 October 2013 renamed as Local referendum, however agenda for regional referendum was registered as late as a month later, even though certainly valid and efficient wording of the law accepted existence of regional referendum for the whole time. Total development of changes of agendas with activity role for keeping lists of voters and a list of authorized persons is shown in the scheme in the Fig. 3. Illustrated clutter of changes can at the first sight seem to look like an effort to improve quality of registered agendas, but they do not complement each other and are repeatedly changed and especially there take place unjustifiable voids, all of which does not seem positive but looks rather uncoordinated and without systematic approach based on process modelling, the absence of which is

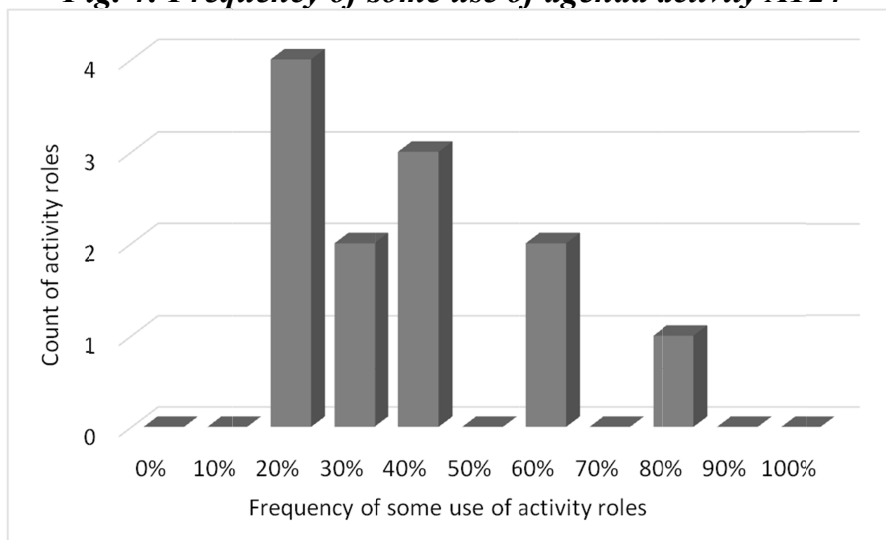
generally a common shortage of eGovernment (Heeks, 2003), (Goldfinch, 2007), especially in the Czech Republic (Jonášová et al., 2009), (Lechner, 2008), (Mates, 2011).

### 3.3 Questionnaire survey of using activity roles of two selected agendas

For the questionnaire survey there were selected two agendas each having different notifying entity as well as a type of public authority performing these agendas. The first agenda is A124 Cadastre of Real Estate that is performed by the Czech Office for Surveying, Mapping and Cadastre and Land Surveying. The agenda was for the first time registered of 2 March 2012 and the last change took place of 15 July 2014. Since then the agenda has had 12 registered activities in total.

The second agenda is A414 Registry Offices performed by registry offices that are part of municipal authorities and municipalities. It is surprising how inaccurate is the concrete list of public authorities that are entitled to perform the agenda. In the registration there is recorded only the Ministry of the Interior and the Municipality of Prague 1. Agenda notifying entity is the Ministry of the Interior. Agenda was for the first time registered of 31 January 2012 and the last change took place of 23 June 2015. At the moment the agenda has 45 registered activities in total.

**Fig. 4: Frequency of some use of agenda activity A124**

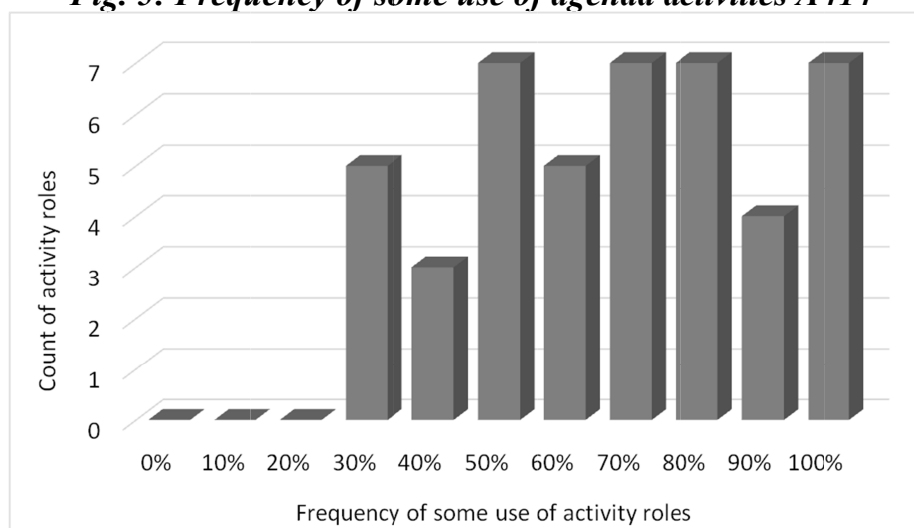


*Source: Analysis of the survey results.*

The questionnaire survey results concerning frequency of using separate activity roles are described in the chart in the Fig. 3 for agenda A124 and in the Fig. 4 for agenda A414. Within the survey officers from relevant authorities were inquired about frequency of using separate activities, whereas there were given options: “often”, “rarely” and “never”. If another answer was given than “never”, it means that the given person could have met such activity role and used it. Both charts show histogram that shows frequency at least of some use of activities, whereas separate categories are always upper percentage limit of the given interval.



**Fig. 5: Frequency of some use of agenda activities A414**



*Source: Analysis of the survey results.*

The charts clearly imply that no activity is completely omitted. There are more and less frequent activities, whereas the less frequent ones predominate. With the agenda A124, the most frequent activity is CR2233 Providing data from the Land Cadastre that is used by 73 % of the research participants. With the agenda A414 the frequency is more spread, but apart from that there are even 7 activities that are performed by almost all the inquired. The most used activity is the activity CR9098 Data verification from the basic registry of inhabitants, from the information system of civil registration, from the information system of foreigners, from the information system of ID cards or from the information system of travel documents that is used by 98 % of the research participants.

#### **4 Discussion**

The conducted analysis clearly implies that agendas registered in the Register of Rights and Obligations are quite often changed. Partly there occur changes in activity roles and authorizations and partly there occurs fusion or on the contrary division of agendas and some agendas validities are also terminated. It is obvious that not all changes are forced by relevant changes in the legal regulations. Even though the Czech legal order changes quite rapidly (Mates, Smejkal, 2012), causing problems with the promulgation of legal regulations (Stupka, 2014), changes in the Register of Rights and Obligations come even more rapidly. For example in the case of 12 agenda records there occurred a change within 2 days from the previous one. Findings show the non-quality of supervising procedure over the agenda registration. This result correlates with (Špaček, 2012: 50-51), who identifies the lack of coordination as one of the most important eGovernment barriers. Not even our time analysis proved that speed and volume of changes of registered agendas would decrease with time.

Notifying entities, who most frequently change notified agendas, are the Ministry of Finance (one of the most frequently changed agendas), the Ministry of Justice (one of the most changed agendas) and the Ministry of the Interior (two of the most frequently changed agendas). Apart from that there were observed also formal differences in the way of description of separate agendas reported by various notifying entities. Though there should be unified methodics and supervision by a responsible body – the Ministry of the Interior, agendas are described in incongruous ways and that is including reference to the legal regulations. Again, it is a clear example of the lack of coordination, which also

included not only by (Špaček, 2012), but also by (West, 2005) and (Goldfinch, 2007) among important eGovernment barriers. For example in the agenda A414 there is given that it is performed on the grounds of the Act No. 111/2009 Coll., even though none of the activities in this agenda is stipulated in this Act according to the current registration.

Agenda case study concerning activity of keeping a list of voters proved that there are periods when a demonstrably existing agenda or an activity resulting from valid and efficient legal regulations has no registration of its own in the Register of Rights and Obligations. Already mentioned division of agendas that was shown on the case of keeping a list of authorized persons for local and regional referendum make relative problems considering fulfilment of obligations specified by the Act on Personal Data Protection. The principle of agenda identifier of natural person that is related exactly to the agendas, i.e. to the purpose for which the personal data are kept, can work only if there does not occur fusion not even on the side of the public authorities. P. Rieger and P. Mates (2010) show the importance of that general principle. R. Heeks (2006), on the other hand, shows that the privacy and income play contradictory roles in eGovernment projects. Thus, if the agendas get divided, original agenda identifiers of natural persons must be deleted and subsequently there must be repeatedly performed so call data identification, which is pairing of data kept in the agenda information systems with the basic registries. This activity (among others) generates unnecessary repeated inquiries into the basic registers and it presents an unnecessary burden both for communication with the information system of basic registers as well as for the public authorities themselves.

Even though analysis of the Register of Rights and Obligations showed that the registered agendas are not described in a stable, quality and unified way, the survey at the authorities performing two selected agendas did not prove that certain activities would not be used and that would be registered redundantly. Distribution of the use of separate activities in fact responds to the performance of given agenda by different public authorities. We must however realize limitation of such survey that does not prove really chosen activities while verifying reference data in the basic registers, but only officers' knowledge of the activities. For example at the agenda A414 there is extra registered an activity First name entry into the registry books and separately an activity Surname entry into the registry books and separately an activity of keeping and updating the collection of documents, no matter that the name entry as well as surname entry cannot succeed without updating the collection of documents.

## **Conclusion**

The conducted research showed that the Register of Rights and Obligations, or more precisely in it included a code list of agendas, subjected activities, roles of authorizations and public authorities that perform these agendas, activities and roles, is not kept in a very good quality. There occur frequent changes, many of which are not supported by justifiable reasons resulting from change in the relevant legal regulations. Agendas are described in heterogeneous and sometimes also in an inaccurate way. In many cases the agendas contain too many separate activity roles, which show an unsuitable approach to the registration, in which the description of activity roles is a simple rewriting of article wording of an act and does not follow a procedural analysis of really performed activities.

For this code list to become a real map of public authorities, their competencies and activities used for fulfilment of these legal competencies and to serve in future as a background for performance allowance for state administration performance it is

necessary to improve quality of agenda notification. It means especially to unify their formal descriptions, address their notifying in a systematic way and mainly on the ground of procedure analysis of separate agendas and last but not least to qualify supervision over the notifying performed by the Ministry of the Interior.

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