
Contents:

1.	Background and principles of the document	2
2.	Policy of the state administration of the Republic of Slovenia	6
3.	Reasons for adopting a policy regarding open source	7
4.	Next steps	10
5.	References	10
6.	Definition of terms in this document	11

The Government of the Republic of Slovenia - 16th October 2003.

1. Background and principles of the document

Although the roots of open-source and free software reach back to the very start of the development of computer products, it is only recently that, together with the related business models, it has become increasingly prominent and competitive with proprietary software. Open-source software is not just transitional in nature. The state administration of the Republic of Slovenia has been aware of its existence and importance for at least a number of years. The administration has been diligently using it, particularly in the area of servers and network support systems, since at least the mid-90s, a period in which the need for such solutions has increased significantly due to the introduction of new services, the rising number of users and the ongoing rationalisation of operations. Some other states (for example, United Kingdom, Finland, Switzerland, Germany, China) are also acting similarly, while the importance of promoting the use of such software is emphasised by the eEurope 2005 action plan [4.] and the strategic document “The Republic of Slovenia in the information society” [3.].

The term Open Source

The basic feature of open source and free software is that the original program source code, from which a functionally operating software product can be produced, is open to all. From this basic characteristic – accessibility of the code – follow a series of special features that place open-source software in a special light, in fact making it very attractive. It is often developed in the context of non-commercial and voluntary initiatives, and it can simply be used – entirely legally – without payment of a special licence fee or other form of monetary compensation to the author, which does not however mean that licensing rules do not apply to the use of such software. The conditions of use and distribution of individual parts of an open software code or software products as a whole are defined in one of the licence contracts set by the OSI (Open Source Initiative, [1.], [6.]) or within the context of the rights and principles established by the FSF (Free Software Foundation [7.]).

The term open source in this document does not refer solely to software product of which the source code can be seen; it also includes the whole business and/or licensing model for its development, use, alteration and distribution. In this document, we consider as open source both free software (as defined by the FSF [7.]) and open software, which we consider under the OSI definitions¹. In addition to the term software code itself, the concept of open standards and protocols is important, although it is not directly linked to open-source and free software, since also many proprietary computer programs include it. Open standards and protocols are impor-

¹ Definitions of terms in this document are explained in chapter 6 on page 11.

tant as they do not raise the threshold which users must cross in order to link and cooperate with other software solutions. The term open source does not necessarily imply that an individual open-source software solution is free, even less that it is not covered by some form of licence.

We are aware that some authors and promoters of open software solutions, despite the readily accessible source code, still nevertheless expect a certain payment for their efforts and knowledge invested in the development of an individual solution, or that they can place certain restrictions on its use and distribution. These factors must be weighed up in the selection of individual open-source software solutions with regards to our objectives, wishes, needs and capacities.

Open-source software is developed and distributed by individuals and organisations with no direct financial interests and by those who in so doing wish to promote the use and sale of other licensed solutions, conclude maintenance contracts and/or even sell particular hardware. These interests are absolutely legitimate and represent one of the factors which must be taken into account in the evaluation of the financial efficiency of an individual open-source solution.

Document framework

This document defines the basic policy of the Government of the Republic of Slovenia regarding the development, introduction and use of open-source software and solutions. In the first instance, it is intended for bodies of the state and wider public administration of the Republic of Slovenia, but it also concerns the economy and civil society. The guidelines of the state in the introduction of open-source software and solutions are drawn in the direction of the development of the information society and the widest possible access to and use of modern information and communications technologies and services.

The Government of the Republic of Slovenia is aware of and recognises the social significance of broader movements in the area of open-source software and such solutions. Some of its features represent an entirely different model of development and use of information and communications technologies (compared to existing proprietary models) and can thus open up new opportunities for the development of the information society and economic competitiveness, and can create new opportunities for the information sector, as well as establishing the Slovenian language in the area of computing and informatics, in the Republic of Slovenia. This in no way means negation of the services and achievements of previous, primarily proprietary models; instead it offers them a new challenge and a different alternative. The Government of the Republic of Slovenia is equally aware of the importance of its role as an example in the use of information and communications technologies for other users in the economy and civil so-

ciety, not least because it is one of the largest users of this technology in Slovenia.

The Government of the Republic of Slovenia is also aware of the long-term consequences of decisions on the selection of individual information solutions, be they open-source or proprietary. In deciding on and planning individual information solutions, investors must be aware of the long-term nature of their decisions, which could extend far beyond a period of a few years and could significantly influence work and operational organisation, even outside the body deciding to introduce individual solutions.

Respect for copyright and other rights

It seems almost pointless to emphasise the requirement to respect laws in the area of protection of copyright and other rights, but the Government of the Republic of Slovenia nevertheless wishes in this document to take a clear and unambiguous position regarding this issue. The whole public administration must operate legally in the area of copyright and other rights. This means respect for both the licence conditions of proprietary and commercial software and for the principles and rights of authors of free software and the licence conditions of open-source software.

Free connectivity

Although not entirely linked to open-source software, there is also the issue of connecting software solutions. The protocols to be used by bodies of the state administration in communications with external actors (civil society, economy and other state administrations) may not be restricted by patent, or the owners of any patents must permit and enable simple connections to other systems. It is very important for the further development of eBusiness in the state administration's dealings with citizens that we can ensure the free flow of data without any restrictions on the part of the owners of individual patents. The problem of closed standards and patents in communication within bodies of the state administration can be more readily overcome, but we must still avoid closed solutions even in the case of establishing internal communications.

Support for the open source initiative

The Government of the Republic of Slovenia supports the development, introduction and use of open-source software and information solutions. The benefits of the use of such software have been recognised mainly in the rationalisation of the cost of supporting business processes, greater adaptability to the needs and wishes of clients, confidence in security and privacy, and in certain instances lower costs of ownership of information solutions. There is increased interconnectivity and adaptability, while upgrading and redistributing one-time solutions is also similar. The allocation of funding and development guidelines must be adapted to the new guideli-

nes, while education and training programmes need to be supplemented appropriately. In terms of the neutrality of education, education and training programmes must retain an impartial attitude towards both open-source and proprietary software, and must provide the young generation with detailed information on the properties, advantages, drawbacks and specific features of different approaches, and provide young people with the opportunity to be able to make informed and independent decision on their working methods and tools.

Some considerations

The Government of the Republic of Slovenia is aware that the wider use of software based on open source conceals potential traps and problems. These are mainly linked to the non-explicit business models for open-source systems and the less complete and established mechanisms influencing the speed of development and quality of such solutions. Access to the source code and understanding of how it operates also increases the possibility of unauthorised alteration of the code for short-term solutions to individual problems which could, if not correctly documented and checked, introduce in the long term more disadvantages than benefits. Therefore considerably more attention will have to be paid in the main branch of code development to the process of documenting, testing and including changes than we are used to with proprietary solutions. In deciding to introduce individual solutions, we must take equal account of security requirements, the possibility of continuous professional monitoring of information solutions in different life cycles (e.g. availability of support) and the specific licence risks introduced by the different and diverse systems of open-source licensing.

Coexistence of different systems

For various reasons, we undoubtedly must ensure the coexistence of open-source and proprietary information systems. Only in this way will existing systems and data – in which considerable funding has been invested in the past – as well as other information solutions outside the bodies of the state administration, continue to perform their primary objective, which is to ensure the undisturbed operation of vital information systems. Decisions must also take account of the existing information industry in Slovenia, which is largely based on proprietary and commercial software.

In defining further measures to ensure the implementation of this policy regarding open-source systems, we must clearly define competences and responsibilities and define the financial liabilities and expected effects within established timeframes. By adopting this document, the Government of the Republic of Slovenia is declaring its attitude, which was established a number of years ago on the implementational level, while at the same time providing a basis for the preparation of wider and better organised me-

asures to achieve the objectives set out in this document.

2. Policy of the state administration of the Republic of Slovenia

The main decisions taken through this document by the Government of the Republic of Slovenia are:

- The Government of the Republic of Slovenia will, through its ongoing efforts and activities in the area of information and communications technologies, and not least by setting an example, contribute to **propagating information and knowledge of the characteristics and opportunities of the use of software and solutions based on open source.**
- The Government of the Republic of Slovenia will **treat open-source and proprietary software solutions equally.** In development and procurement of the information solutions, selection of the solution will be based on the financial and functional efficiency of an individual solution, regardless of its business or licensing model.
- The Government of the Republic of Slovenia will in future to the largest possible extent plan, build and procure information solutions **based on open standards and protocols.**
- The Government of the Republic of Slovenia will avoid restrictions on the use of information systems that do not enable **connectivity and data exchange** with other information solutions and systems. Where existing closed information solutions are established and operational, the Government will support the opening thereof during supplements and upgrades.
- The Government of the Republic of Slovenia will, in all cases where economically feasible, strive to obtain **full rights to own, alter and redistribute source code** of ordered information systems (custom built information systems). The Government of the Republic of Slovenia will release accepted information solutions funded from the budget for public use under the same licence under which it acquire them, unless there are valid security or other grounds for acting otherwise.
- The Government of the Republic of Slovenia will **support training, education of employees and their introduction to working with open-source software, and will also actively promote the transfer of knowledge and good practice in this field** among users.
- The Government of the Republic of Slovenia **will press for the widest possible use** of software solutions based on open source, both for its own needs and for solutions cofinanced from public funds (for instance for the needs of the education system, research activities, recipients of

state cofinance), whenever technologically appropriate and economically feasible. At the same time, it will also strive to achieve the most favourable commercial and other conditions for the use of proprietary software.

- The Government of the Republic of Slovenia will **promote the development** of software and solutions based on open source, and will also itself develop information solutions based on such solutions. Initiatives will be primarily intended for new quality and useful products and localised existing solutions. The Government of the Republic of Slovenia will also continue to promote the development of domestic proprietary and commercial software based on open standards, since this contributes to the development of the information sector in Slovenia.
- The Government of the Republic of Slovenia will **introduce into education programmes** knowledge and content from the field of software and solutions based on open source. Within the context of school programmes, we must clearly present to the young generation the benefits and drawbacks of proprietary and open-source software, and teach them to make informed, independent, professional and responsible decisions about the use of an individual approach.
- The Government of the Republic of Slovenia will **actively promote the use** of software solutions based on open source beyond the public sector (in the commercial sector and civil society). The Government, through a policy of public tenders and by directly (co)financing projects, will actively encourage the development of original software in the Slovenian language and localisation (translation into Slovenian) in the introduction of foreign open-source software and solutions. It will determine the extent of funds allocated on the basis of estimates of savings and increased competitiveness in the commercial sector, resulting in increased funds available in the budget of the Republic of Slovenia.

3. Reasons for adopting a policy regarding open source

The development and expansion of the open-source software and solutions movement represents an important element in the development of the information society and the expansion of the use of information and communications technologies in a society as a whole. Due to the establishment and ever-increasing role of open-source software solutions in state bodies and the commercial sectors in European countries, it also represents an opportunity for the development of the Slovenian information and communications technologies and services sector. Its use provides significant leverage in reducing costs in the Slovenian economy and the state administration, consequently increasing its competitiveness and efficiency.

The reasons for these policy decisions are:

Economy

Due to the general principle of economic management of public funds, bodies of the state administration of the Republic of Slovenia must, in the planning, construction, maintenance, use and abandonment of information systems that they need to perform their constitutional and statutory functions, achieve the financially most efficient result. This does not necessarily mean complete and automatic adoption of open-source software, but it does mean equal treatment of all solution providers and individual assessment of the suitability of each solution separately. The solution chosen may be open-source, proprietary or a mixture of the two approaches. In this way, we also encourage the development of open-source information solutions, since increasing the demand (bodies of the state administration as a whole are undoubtedly the biggest buyer in our economy) will undoubtedly promote supply in the sector.

Data exchangeability

Reliable and effective operation of the bodies of the state administration (implementation of their functions and tasks) requires that data can be exchanged, both among bodies of the state administration and with legal and individual persons outside the administration. Therefore the use of open standards and protocols enabling the highest possible degree of connectivity and data exchangeability is absolutely essential. The use of open-source software, which largely follows the principle of openness, could be of considerable assistance. In any event, we will in future almost everywhere have mixed information systems consisting of both proprietary and open-source software. Exchangeability of data among them is the basis for their coexistence and the effective performance of their functions.

Independence

Bodies of the state administration may not be dependent on monopolistic providers of software solutions, and so our information systems must be based on diverse but connectable information solutions. By placing ourselves in a more independent position, we reduce the possibility that, for whatever reason, we could become captive to an individual proprietary software solution.

Code adaptability and reuse

Due to the possibility of altering the source code, open-source software is by definition more open to adaptation and improvements and upgrades, which can furthermore be further distributed among various bodies of the state administration with similar requirements. This makes it possible to achieve a greater degree of adaptability and connectivity in planning, developing, upgrading and connecting our information systems, and to redu-

ce costs due to the multiple use of systems already developed. Moreover, if bodies of the state administration once develop quality adapted solutions, they can release them for use (and possible further improvements) to subjects outside the state administration with which they communicate. This reduces redundancies in these processes and increases confidence in the work of bodies.

Permanent ownership

Most open-source licences enable permanent ownership of developed software solutions. In such cases, there is no need to follow the demands, sometimes undesirable, to upgrade information systems under pressure from owners of licensing rights.

Multiple use and education

Examples of good practice and solutions must also be implemented with other users, since it is only thus possible to achieve expansion of the use of open-source solutions and to ensure knowledge transfer. Work with open-source software and solutions requires appropriate user training, which inevitably requires the provision of education and training. The introduction of knowledge and content into educational programmes means the transfer of knowledge to a new generation and represents the potential for further development of such software. This opens up new jobs and ensures staff with the necessary knowledge and skills.

Security and privacy

The security of open-source software products is sometimes greater than for comparable licensed products; certainly, the possibility of examining the source code creates increased confidence in the security and privacy of software solutions. Particularly in cases where user confidence is important for the use of individual services (e.g. processing and exchanging personal data, elections, ...), we must treat open-source solutions as a desired way of implementing a project.

4. Next steps

In the future, bodies of the state administration, and particularly the Ministry of the Information Society and the Government of the Republic of Slovenia Centre for Informatics, intend:

- To define, establish and use standards and criteria for the use of open standards and open-source software in bodies of the state administration;
- To adapt public-procurement policy to the principles and policies proposed in this document;
- To familiarise bodies of the state administration with the benefits and drawbacks of the use of open-source software (exchange of experience and education);
- To familiarise the widest possible public, particularly users of public funds, with the possibilities, advantages and drawbacks of the use of open-source software and proprietary solutions based on open standards;
- To continue to financially encourage projects for the development of widely useful solutions based on open source;
- To prepare contents and organise lectures, education, workshops and other forms of training, and to establish systems to support users and custodians of information solutions;
- To ensure the transfer of good practice among all actors and monitor implementation;
- To assess the possibilities and determine methods for fiscal promotion of the use of open systems in the commercial sector;
- On the basis of adopted standards and criteria for the use of open-source software in state bodies, to formulate recommendations and guidelines for possible use in the commercial sector and civil society;
- To build knowledge and experience of the coexistence of open-source and licensing business models – models that in future will undoubtedly be quite widespread.

5. References

- [1.] OSI: Open Source Initiative, <http://www.opensource.org/>
- [2.] Free/Libre and Open Source Software: Survey and Study, <http://www.infonomics.nl/FLOSS/report/>
- [3.] Strategic document The Republic of Slovenia in the Information Society, <http://mid.gov.si/mid/mid.nsf/V/KE332AF03299A027FC1256CCCC0>

042109C/\$file/Strategija_RSvID_(2003-02-13).pdf

- [4.] Action plan eEurope 2005, [http://mid.gov.si/mid/mid.nsf/V/K5D751D905C0B1326C1256C13003F2144/\\$file/eEurope2005.pdf](http://mid.gov.si/mid/mid.nsf/V/K5D751D905C0B1326C1256C13003F2144/$file/eEurope2005.pdf)
- [5.] IDA Interchange of Data between Administrations, <http://europa.eu.int/ISPO/ida/jsps/index.jsp?fuseAction=home>
- [6.] Open Source Licenses, <http://www.opensource.org/licenses/>
- [7.] Free Software Foundation, GNU project, <http://www.gnu.org/>

Other useful and informative links:

- [8.] Open Source Definitions, <http://www.opensource.org/docs/definition.php>
- [9.] SourceForge, <http://sourceforge.net/>
- [10.] FreshMeat.net, <http://freshmeat.net/>

6. Definition of terms in this document

Open source/open-source software

In this document, we consider open-source software in the sense and within the frameworks defined in Open Source Definitions Version 1.9 (<http://www.opensource.org/docs/definition.php>). This means that an individual code is open source if:

- 1.) It may be freely redistributed. Anyone can redistribute open source free of charge or for payment;
- 2.) The source code is accessible to the user. The licence must permit distribution in both translated and original form. The program must include source code;
- 3.) The license must allow modifications and derived works, and must allow them to be distributed under the same terms as the license of the original software;
- 4.) Although the source code must be accessible, the original authors can require that possible changes be clearly separated from the original code, thus retaining a barrier between the initial and modified code (e.g. in the form of corrections or different versions);
- 5.) The license must not discriminate against any person or group of persons;
- 6.) The license must not restrict anyone from making use of the program in a specific field of endeavor. The licence may not be restrictive with regards to the area of work in which the software is used;

-
- 7.) The rights attached to the program must apply to all to whom the program is redistributed without the need for execution of an additional licence by those parties. Distribution of licences must be equal for all users, without further restriction;
 - 8.) Licences for the same code may not differ if they used in conjunction with other software;
 - 9.) The licence must not restrict the use of other software;
 - 10.) The licence must be technology-neutral.

Free software

In this document, we consider free software in the sense and to the extent defined by Richard R. Stallman (<http://www.gnu.org/philosophy/free-sw.html>). This means that individual code is free if it is subject to users' freedom:

- 1.) The freedom to run the program, for any purpose;
- 2.) The freedom to study how the program works, and adapt it to your needs (a precondition for the exercise of this freedom is access to the source code);
- 3.) The freedom to redistribute the source code;
- 4.) The freedom to improve the program, and release your improvements to the public.

The term free software does not necessarily mean that the code is available without payment (free of charge).

Proprietary software

Proprietary software is software that is not available free of charge or for a nominal sum. In addition, its redistribution and/or alteration is restricted, or users are required to obtain the prior consent of the code owner.

Commercial software

Commercial software is produced by companies in exchange for monetary payment by its users. Most commercial software is proprietary, but not all. Some companies produce commercial software for which users must pay but which is free software; equally, non-commercial code that is not free also exists.

Open standards and protocols

In this document, we use the term open standards and protocols in the sense of those standards and protocols that have been published (and that may be legally reproduced) and the use of which does not require payment of a special licence fee, or that are not protected by patent to the extent that would restrict the right to use and propagate it.