An advanced law for the reuse of software

Despite the limited practice of software reuse, Italy has **one of the most advanced laws in Europe** regarding the use of open source within the Public Administration, aimed at sharing software and saving public spending.

As Digital Team, we have worked with the Ministry of Public Administration to improve the Code for Digital Administration, a process that lasted months and ended with a final approval by the Council of Ministers in December 2017. In the course of the revision, we also intervened on the articles that regulate the ways in which administrations acquire software and make it available among each other.

Already for some time, all administrations have been required to release, under a free license, all the code they own, making it freely available for other administrations to customize and use it. Since 2005, article 69 of the Code for Digital Administration, clearly indicated in paragraph 2, the obligation to *"make the source [...] code available, complete with documentation, released in public repertoire under open license, for free use by other public administrations or legal entities that intend to adapt them to their needs."*
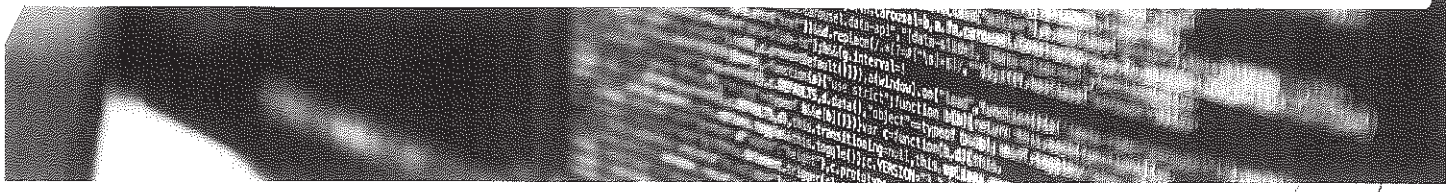
In reality, however, this rule was never applied because the procedures and tools to do it were missing. It was first necessary to create a document explaining in detail the processes that needed to be followed: these are the Guidelines. We developed them by soliciting suggestions and improvements not only from the entire Developers Italia community but also from those who care deeply about this issue.

Within these Guidelines, we have also codified the *comparative assessment* process that administrations must perform before acquiring software, simplifying previous processes and reiterating the priority given to the adoption and evolution of reused software.
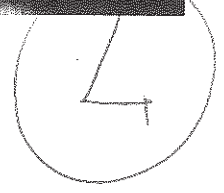
Let's take a moment to analyze the context in which we are operating today and go over the reasons for which we think this can really be a turning point.

Spending on public software

The Italian Public Administration spends hundreds of millions of euros on the execution of projects related to the world of software. Although it is difficult to

Markus Spiske on Unsplash

T his is the model we have chosen to use in Developers Italia: creating and publishing ready-made components under open license. In our case, the goal is to help integrate the enabling platforms of the country's Operating System (like SPID and PagoPA). It's a process which anyone can contribute to, as experienced during Hack.Developers. During this hackathon, which we organized last September, more than 800 developers came together to create code. Some of this code is already being used by software houses to create a new generation of public services.

With the Guidelines, we broaden this model. From now on, the administrations will be able (**and have**) to: publish on the platform Developers Italia all software purchased in the past years and all software to be acquired in the future; choose an open license among those certified by Open Source Initiative; follow the Technical Guides containing all the details of the procedures that we've attached to the Guidelines and which will be regularly updated.

For all new procurement contracts involving the creation of software, the Guidelines reiterate to the administrations that they must **always acquire full ownership of the software that is being developed**, and **attach Technical Guides made to tender specifications**; thus, the supplier has the responsibility, as part of the contract, to release and maintain the product in open source. In the case of a contract, the supplier is charged with the task of following closely the technical process in order to publish and maintain the software in open source, making it fully available to the other administrations.

The Advantages of Reusing Software through Open Source

T hink of all the advantages of creating a real wealth of open source software for the public administration.

- **Savings:** we repeat, why buy something twice when you can buy it once?

2015, which was carried out by the central offices (ministries and bodies) of about twenty large administrations*.
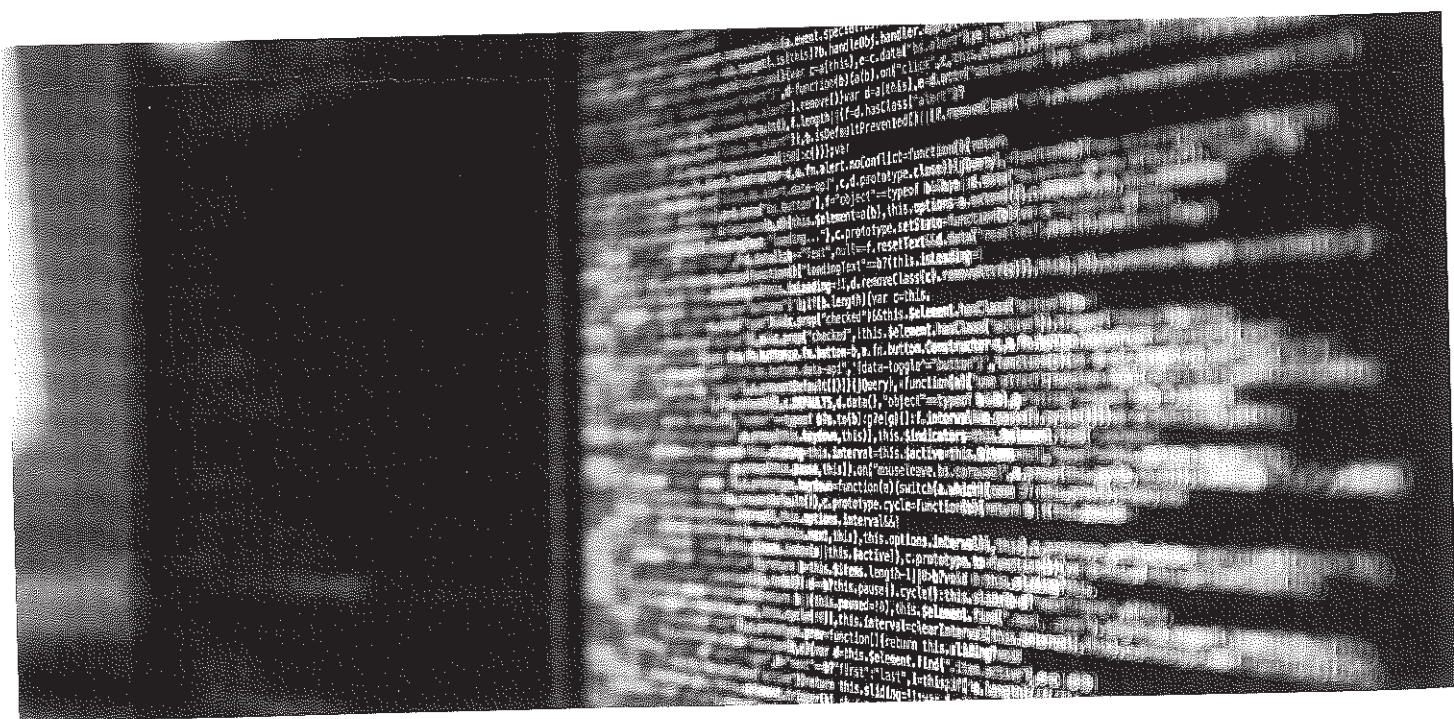
This money is largely spent on the creation of new software projects, which are usually implemented from scratch. Although some applications, by their very nature, represent a unique national landscape (take for example the central ANPR registry, or the tax system of the Revenue Agency), it's easy to imagine the huge savings that can be achieved by involving systematically more administrations so that effort and investments can be shared among them. Instead, administrations communicate very little among themselves and when they do, it is in an unstructured way. It's difficult for two big cities to begin exchanging acquired software.

The "re-use of software" (the so-called mechanism of sharing software within the public administration) is today practically non-existent.

Open source as a virtuous process

On the other hand, the world of industry has aligned itself with the use of open source as a mechanism for building **incremental value** for software. Instead of starting from scratch every time they write a program, all the big names in the software world draw heavily upon the vast selection of **components and semi-finished products** available on platforms like GitHub. These kinds of products are released in large quantities so that their development can be carried on in a collaborative way with software developers mutually benefitting from the improvements.

Allegato C

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en Software and Public Administration: online Guidelines for software acquisition and reuse

t comes to open source, Italian laws are among the most advanced in Europe. We work to hem work.

Giovanni Bajo
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close and fruitful collaboration with AgID, we announce the new "Guidelines on quisition and Reuse of Software" (hereafter Guidelines).

document, we outline the new processes that all public administrations will have w, by law, when they are preparing to acquire or commission software ment and subsequently make it available to other administrations, free of by publishing through *open source*.