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Executive Summary

In attempt to have clear and comprehensive picture about current developments regarding internet and e-governance in Georgia, this report examines statistical data on internet users, major plans and efforts of government to improve access to internet and electronic services among citizens. Moreover, it covers international reports regarding Georgia, displaying performance of the country in terms of e-governance and other related issues. Finally, the study touches upon the issues of online media and protection of users' rights.

Analysis of the gained statistical data on internet users displayed that:

- Despite the growing tendency of the number of internet users, accessibility of wired internet has not seen significant positive changes over the past years;
- In case of both wired and mobile internet, dominance of two companies is noticeable on the market. In case of wired internet, these companies include Caucasus Online and Silknet, as for mobile internet, Geocell and Magticom hold dominant positions.
- Internet penetration is the significant challenge for the regions of Georgia. Even though wireless internet has been developing in such regions recently, it is necessary for the Government to take effective steps towards working out supporting programs in this direction and coordinated work between any actors connected to internet market.

Development of e-services and access to internet is significantly interconnected. On one hand, lack of access to internet makes existence of most advanced e-services nonfunctional. On the other hand, however, even if the total majority of population has good access to internet, this does not ensure their involvement in social and political activities. Although Georgia has seen gradual improvement in terms of e-service development, which has resulted in improvement of UN e-Government Survey score, there is still substantial gap between development and access to electronic services, services delivered with the help of information and communication technologies (ICTs) (hereinafter referred to as e-services). The central government tends to spend more resources on development of such e-services that are intended for internal use, while there are less citizen-oriented electronic resources (hereinafter referred to as e-resources), defined as "any work encoded and made available for access through the use of a computer"¹. Also, the Ministries are not extensively using services of online media.

As for internet infrastructure development, since there is no strategy devoted to broadband access in Georgia yet, attempts to increase internet penetration are limited to individual projects such as internetization² of schools, Community Centers, Computer Centers, Georgian Public

¹ Library of Congress, "Collections Policy Statements, Supplementary Guidelines", October 2008, p.2.

<http://www.loc.gov/acq/devpol/electronicresources.pdf>

² A word introduced by Constantine E. Passaris, Ph.D., Professor & Chair at the University of New Brunswick to describe "the pervasive influence of the internet and the world wide web on all aspects of human endeavour for our society in the 21st century". Constantine E. Passaris, "Quo Vadis: Macroeconomics In The 21st Century", *Macroeconomics and Macroeconomic Policy Conference*, Berlin, Germany, October 2005, p. 10.

http://www.boeckler.de/pdf/v_2005_10_28_passaris.pdf

Libraries etc. There are substantial developments in terms of back office infrastructure, including such initiatives as data exchange infrastructure, interoperability infrastructure, registry of registries, catalogue of services etc. The web-development costs of the Ministries are not significant and are mostly associated with web-space and domain name purchase, creation of new websites, update of certificate of security encryption etc. As for e-Security³, while Georgian first Cyber Security Strategy of Georgia and Action Plan (2012-2015) is in force, efforts are needed for its duly implementation and ensuring whole-of-government approach to e-Security. CERT.GOV.GE created under Data Exchange Agency of the Ministry of Justice of Georgia offers most services (e.g. free penetration tests, incident response, network monitoring, safe DNS server, IP address monitoring etc.) for ensuring e-Security in Georgia.

Analysis of studies prepared by international organizations demonstrated that growing tendency with regard to internet penetration is sustained in Georgia. Despite stable political and business environment, Georgia has main challenges in the direction of developing innovative technologies and using their benefits thoroughly. This can be attributed to, on one hand, low level of absorption of latest technologies by business sector and on the other hand, lack of sufficient level of education/system and necessary skills and abilities.

The advent of social networks and diverse online platforms stimulated online activism among Georgian internet users. At the same time, online media became one of the main sources of alternative information. Nevertheless, observation revealed that major challenges for online media include financial sustainability, professionalism of journalists and lack of necessary skills and resources for creating diverse content.

Although not commonplace, violations of rights in internet still take place, such as disclosure of personal data information by companies, as indicated in the first report of Personal Data Protection Inspector. The most severe cases of infringements upon privacy have been revealed as a result of illegal surveillance and wiretapping by the governmental agencies, also via illegal intrusion into computer systems, among others. These conditions have caused a number of CSOs to start a campaign “This Affects You - They Are Still Listening” aimed at advocating legislative changes to control illegal surveillance by the government. The Ministry of Internal Affairs was not entirely supportive of the suggested package of legislative amendments, and although the changes were passed by the third hearing of the Parliament in August 2014, one of the most important clauses limiting direct access of public agencies to surveillance data has been removed under condition to be regulated by November 2014. Some of further positive changes are connected with Open Government Partnership (OGP) initiative, within the framework of which recommendations on improving legislation and proactive transparency on surveillance as well as improved access to the MIA Statistical Data, suggested by IDFI along with other CSOs, have been accepted by the Georgian government to be included in Georgian 2014-2015 OGP Action Plan.

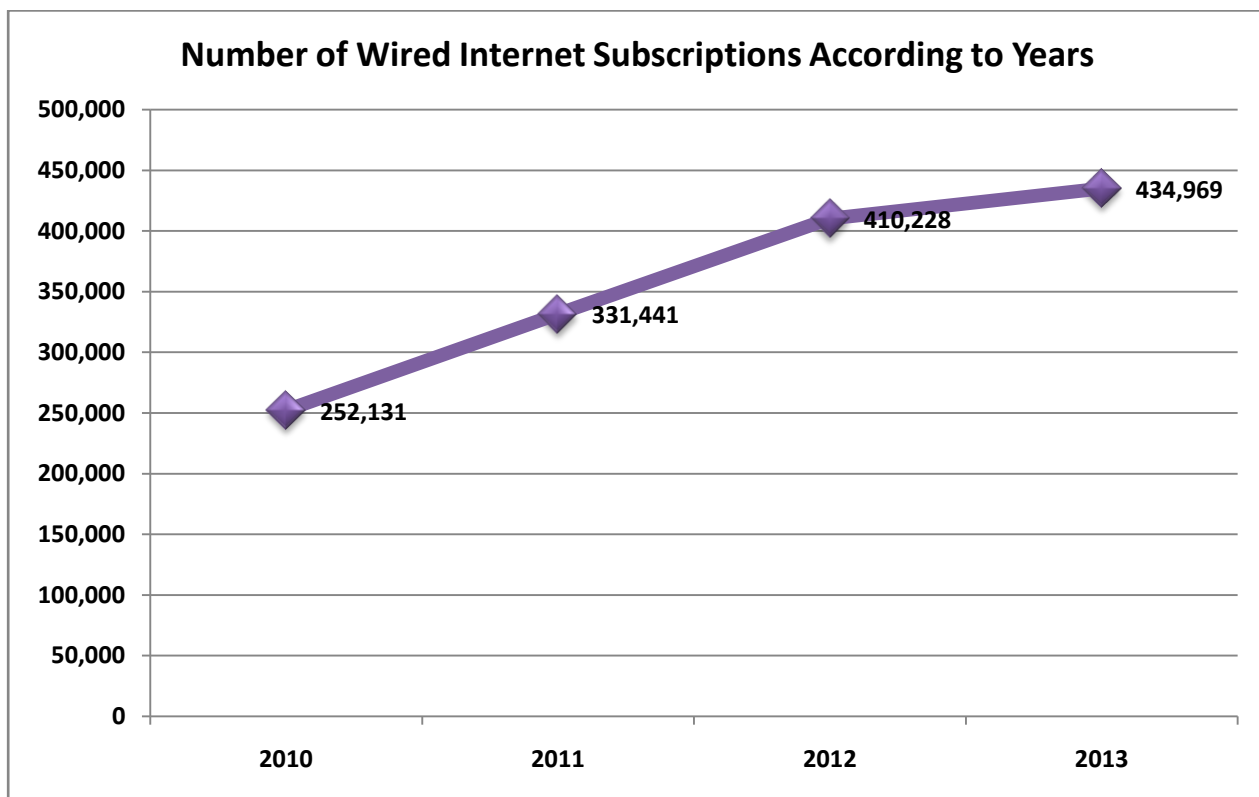
³ Defined as “the process of ensuring the confidentiality, integrity, and availability of electronic information and protecting it against malicious attackers who could use or alter the information to disrupt critical national infrastructure and industry”, The World Bank, <http://bit.ly/1plzrJx>

Regarding institutions responsible for protection of users' rights, there have been a number of significant changes recently. Election of a new Public Defender of the Consumers' Rights, a position that has been vacant for almost ten years, is one of the biggest recent advantages in terms of internet users' rights protection in Georgia. Creation of an independent agency is important in terms of access to information on appealing process; however, effectiveness of the office of the public defender should be mainly evaluated against the extent of revealed and solved problems, in this light further reports of GNCC and the first report of Public Defender of the Consumers' Rights will be of special interest. Importantly, new legislative amendments on surveillance also increased powers of Personal Data Protection Inspector, making the body accountable to the Parliament rather than the Prime Minister and giving it such additional powers as access to recordings of crime and operational-investigative activities including information classified as state secret and right to inspect any organization without any prior notification etc. Besides, www.freedomtointernet.com is an additional independent tool for monitoring and improving state of internet freedom not only in Georgia but also in Armenia and Azerbaijan.

Internet User's Profile

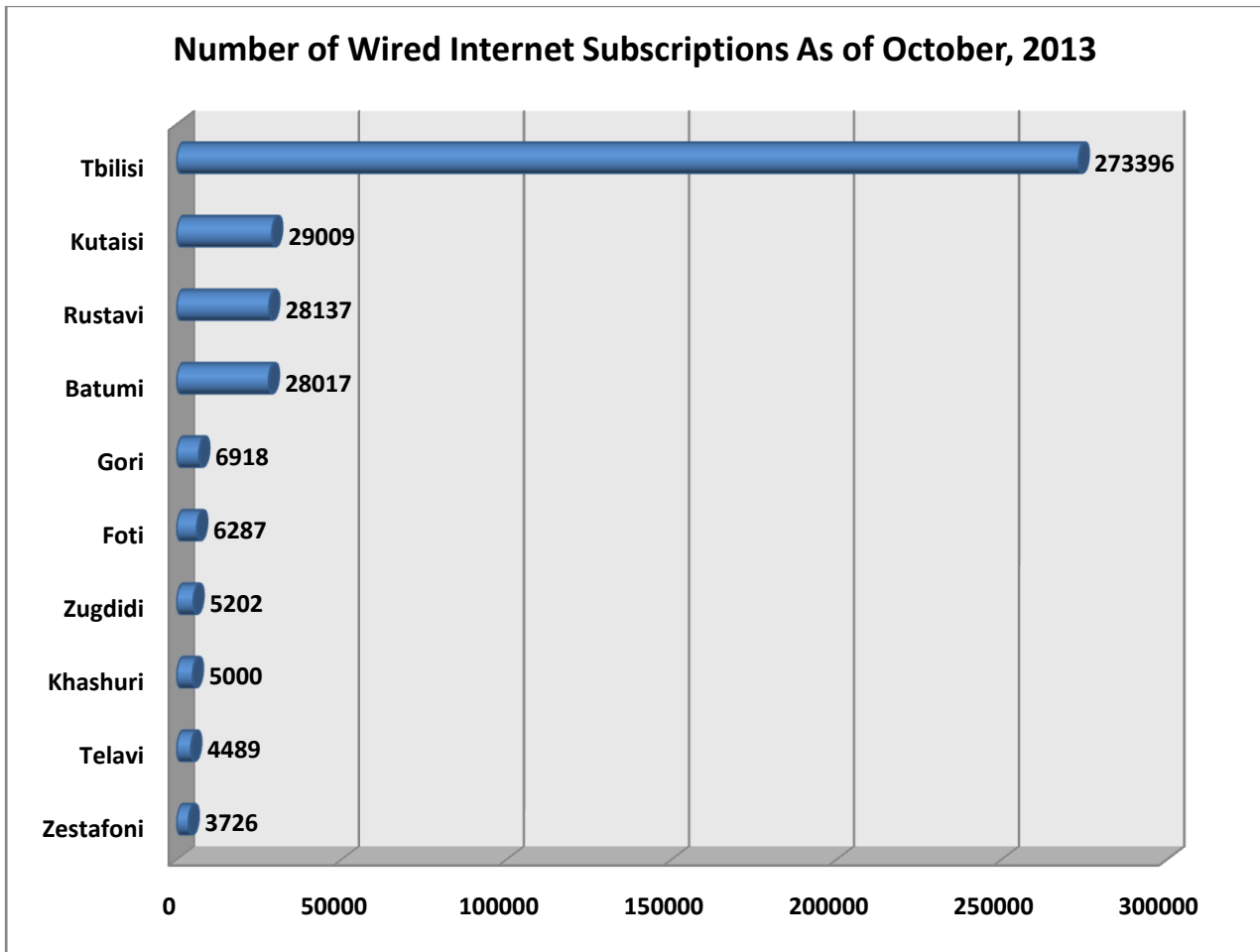
Technological platforms utilized for internet services are still considered as a growing technology in Georgia. On one hand, our country is one of the regional leaders in terms of development of e-governance. However, on the other hand, Georgia has not overcome so called digital gap – uneven development of internet accessibility between cities and regions. It is noteworthy that according to International Telecommunication Union (ITU), the United Nations specialized agency for information and communication technologies, internet is accessible for 45,5% of the population of Georgia.

Institute for Development of Freedom of Information (IDFI) addressed to Georgian National Communication Commission (GNCC) for the request of corresponding data as of 2013. IDFI requested data on wired, wireless and mobile internet users according to regions, cities, technologies, authorized entities, physical and corporate users. Below we are presenting main findings after processing the received information.



First of all, tendencies regarding users of wired internet are worth mentioning. The received information revealed that since 2010 Georgia has made progress in this direction: while in 2010 there were 252 131 subscribers who browsed internet through wired internet, as of October, 2013 the number of these subscriptions equaled 434 969. Despite growing tendency, it is evident from the graph below that during the previous two years (2012-2013) market of wired internet has not undergone fundamental changes.

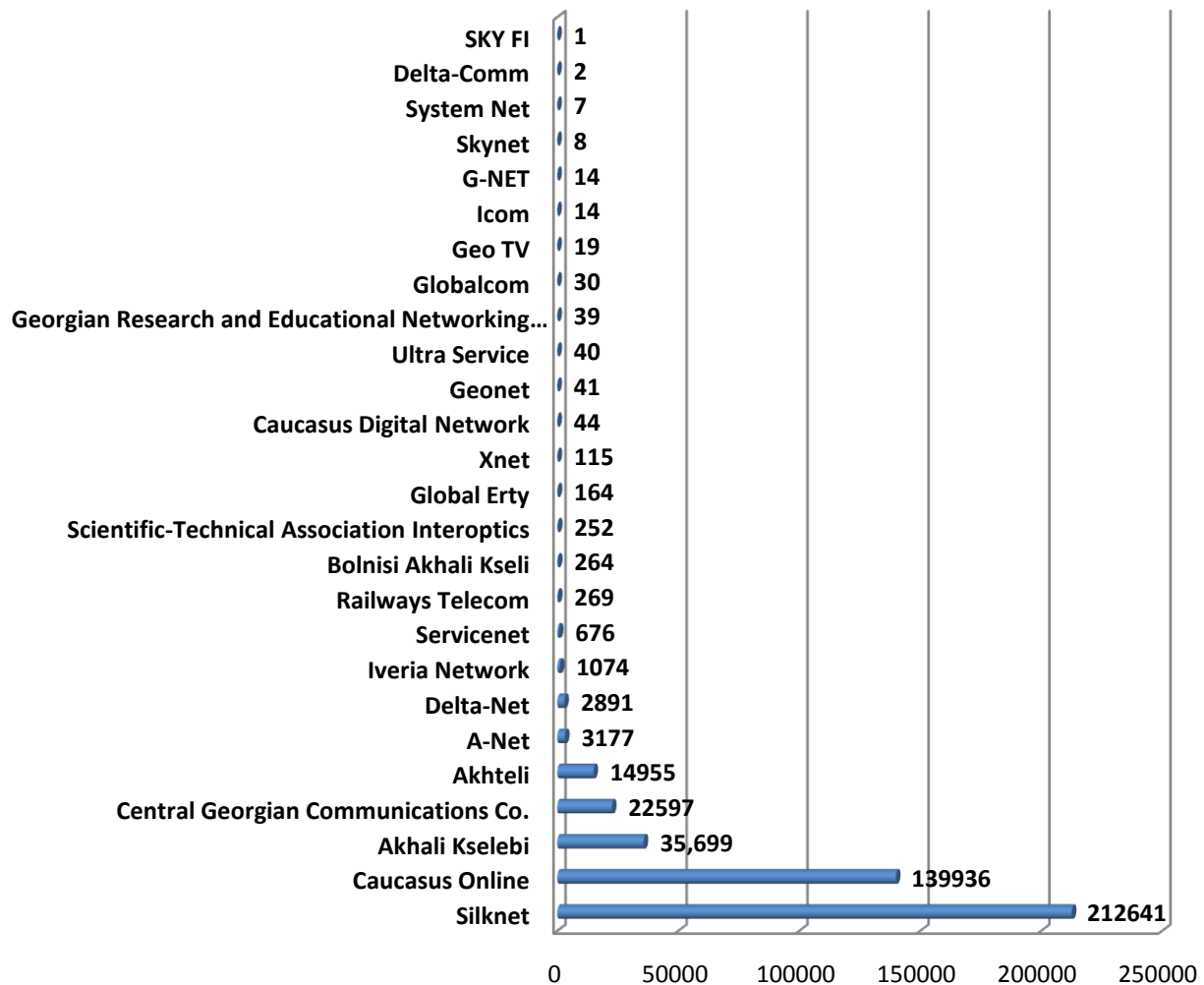
Internet availability according to regions is even more interesting. The provided figures show that in terms of wired internet users Tbilisi (with 273 392 subscriptions) is followed by Imereti holding the second position with 42 198 subscriptions. Unfortunately, these data illustrate uneven accessibility of wired internet in Georgia, especially in regions. Out of these regions, wired internet is least accessible in Racha-Lechkhumi and Kvemo Svaneti, Guria and Mtskheta-Mtianeti – overall, by October, 2013 in total 4 928 wired internet subscriptions were recorded in these three regions.



Furthermore, according to the data obtained from the Commission, the capital is followed by the following cities in terms of the number of wireless internet subscriptions: Kutaisi, Rustavi and Batumi.

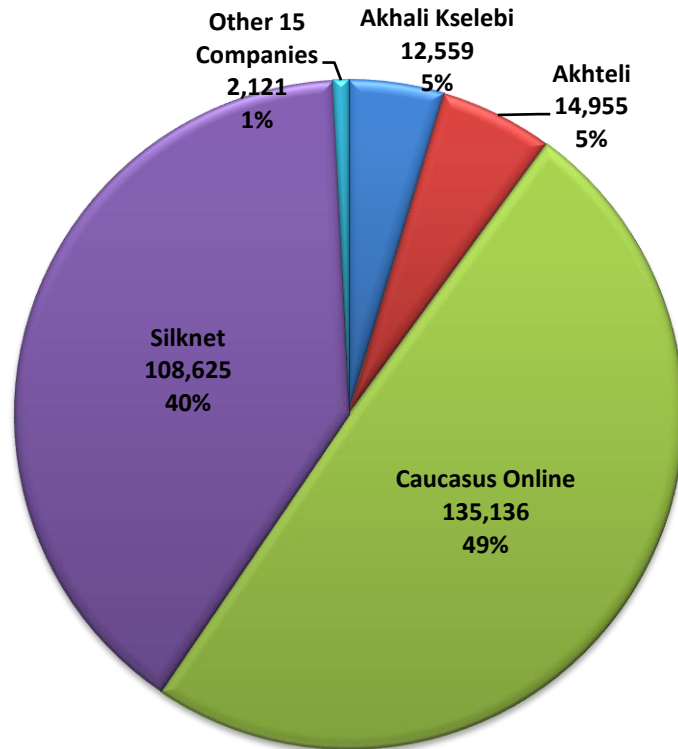
While analyzing the existing situation on the internet market, it is of vital importance to display which companies operate in Georgia and how users are distributed among them. It is obvious from the data that Silknet, one of the internet service providers, is leading the wired internet market with more than 212 thousand subscriptions. This company is followed by Caucasus Online with the possession of 139 936 subscriptions. The rest 24 companies provide only 82 392 subscribers with wired internet.

Number of Wired Internet Subscriptions According to Companies, As of October, 213



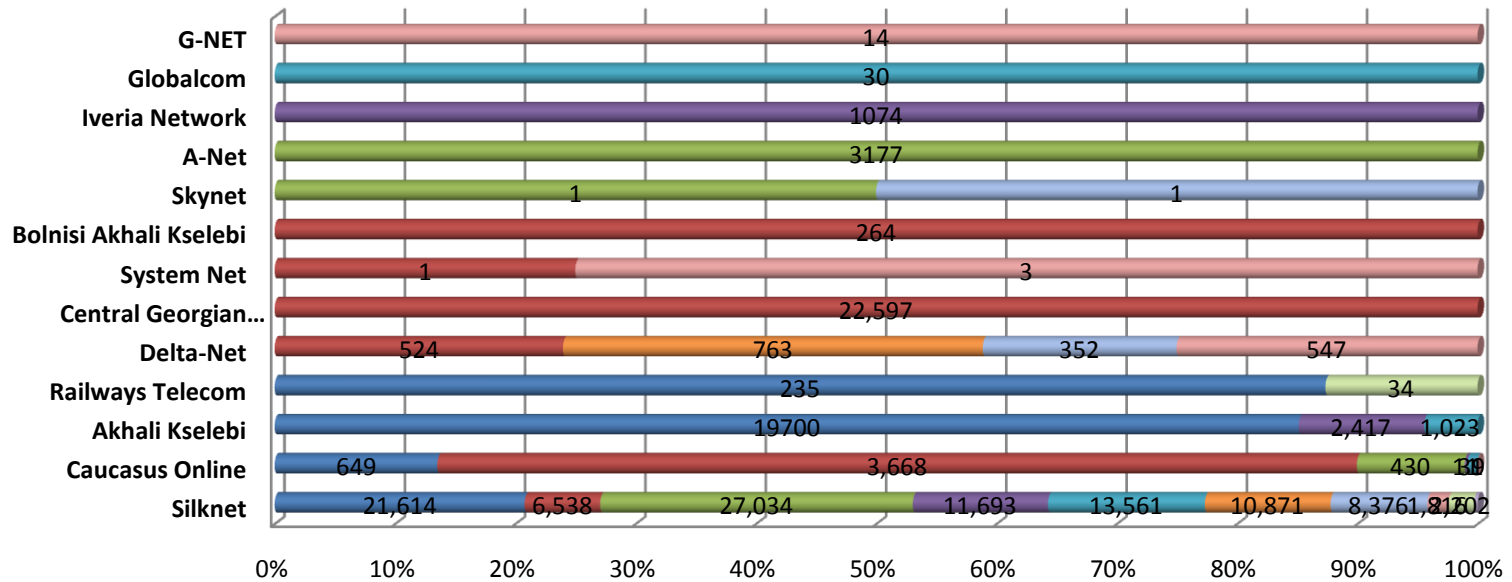
In order to display more comprehensive picture of internet service providers, it is worth showing the amount of subscriptions according to regions. In case of Tbilisi, the given data provided by GNCC shows that up to twenty companies are functioning in the capital. Out of them two providers – Caucasus and Silknet – provide 41% and 40%, respectively, of the subscribers with internet. The shares of the rest companies are as follows: Akhteli (15 thousand subscriptions) and AkhaliKselebi (up to 13 thousand subscriptions). Interestingly, other 15 companies provide only 1% of wired internet subscribers in Tbilisi.

Tbilisi



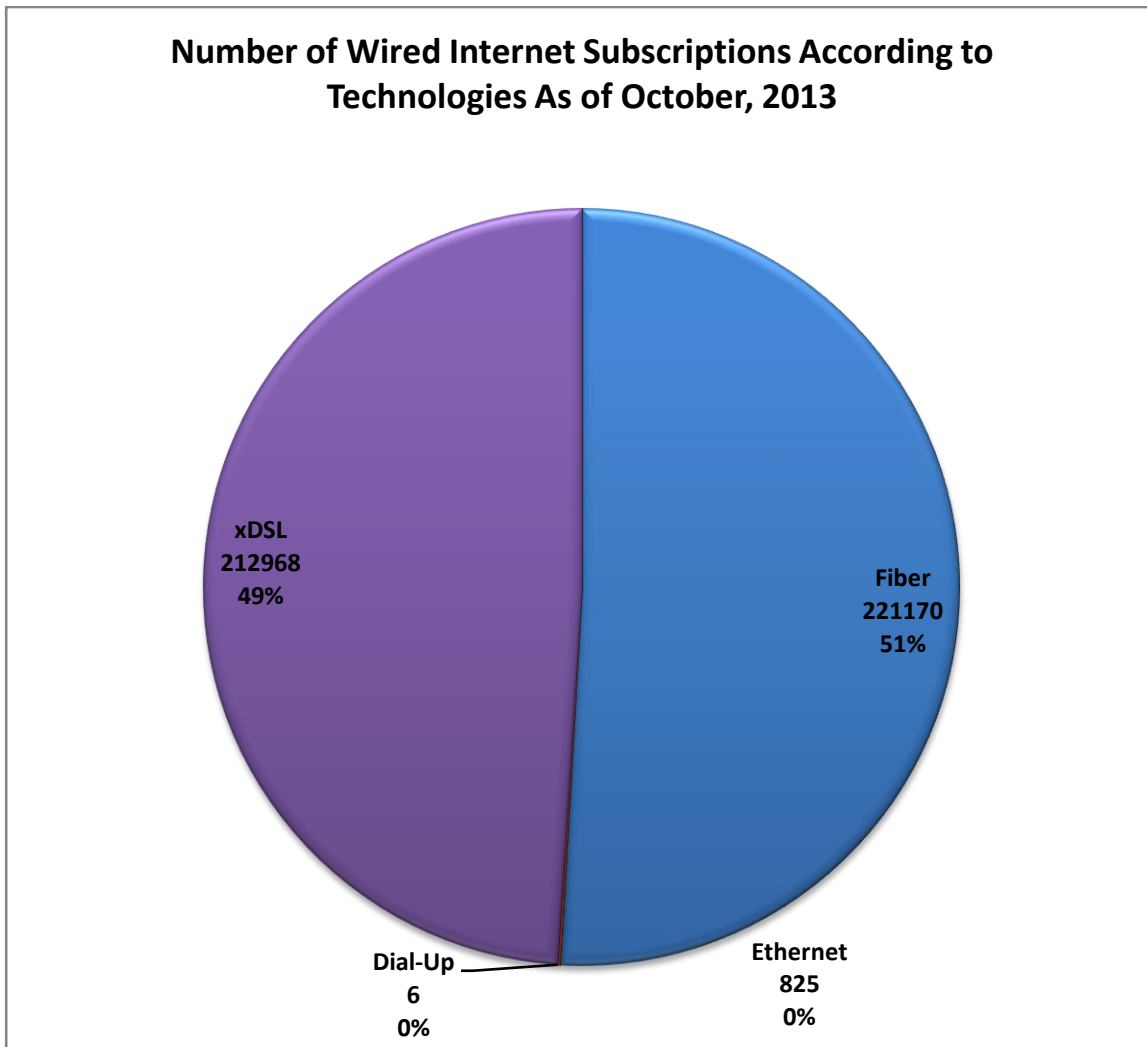
According to the amount of wired internet subscriptions Imereti region can be distinguished/ from the capital of the country. Major internet providers in these regions are Silknet (51%) and Akhali Kselebi (47%). With regard to the scope of wired internet subscriptions, Kvemo Kartli, where Central Georgian Communications Co. is a main provider for 67% of subscribers, holds the third position. In comparison to this, figures of Silknet and Caucasus Online seem modest: 19% (6 538 subscriptions) and 11% (3 668 subscriptions), respectively.

Number of Wired Internet Subscriptions As of October, 2013



	Silknet	Caucasus Online	Akhali Kselebi	Railways Telecom	Delta-Net	Central Georgian Communications Co.	System Net	Bolnisi Akhali Kselebi	Skynet	A-Net	Iveria Network	Globalcom	G-NET
Imereti	21,614	649	19700	235									
Kvemo Kartli	6,538	3,668			524	22,597	1	264					
Adjara A/R	27,034	430							1	3177			
Samegrelo	11,693	11	2,417								1074		
Shida Kartli	13,561	39	1,023									30	
Kakheti	10,871				763								
Samtskhe Javakheti	8,376				352				1				
Mtskheta-Mtianeti	1,816	1			547		3						14
Guria	2,202			34									
Racha-Lechkhumi	311												

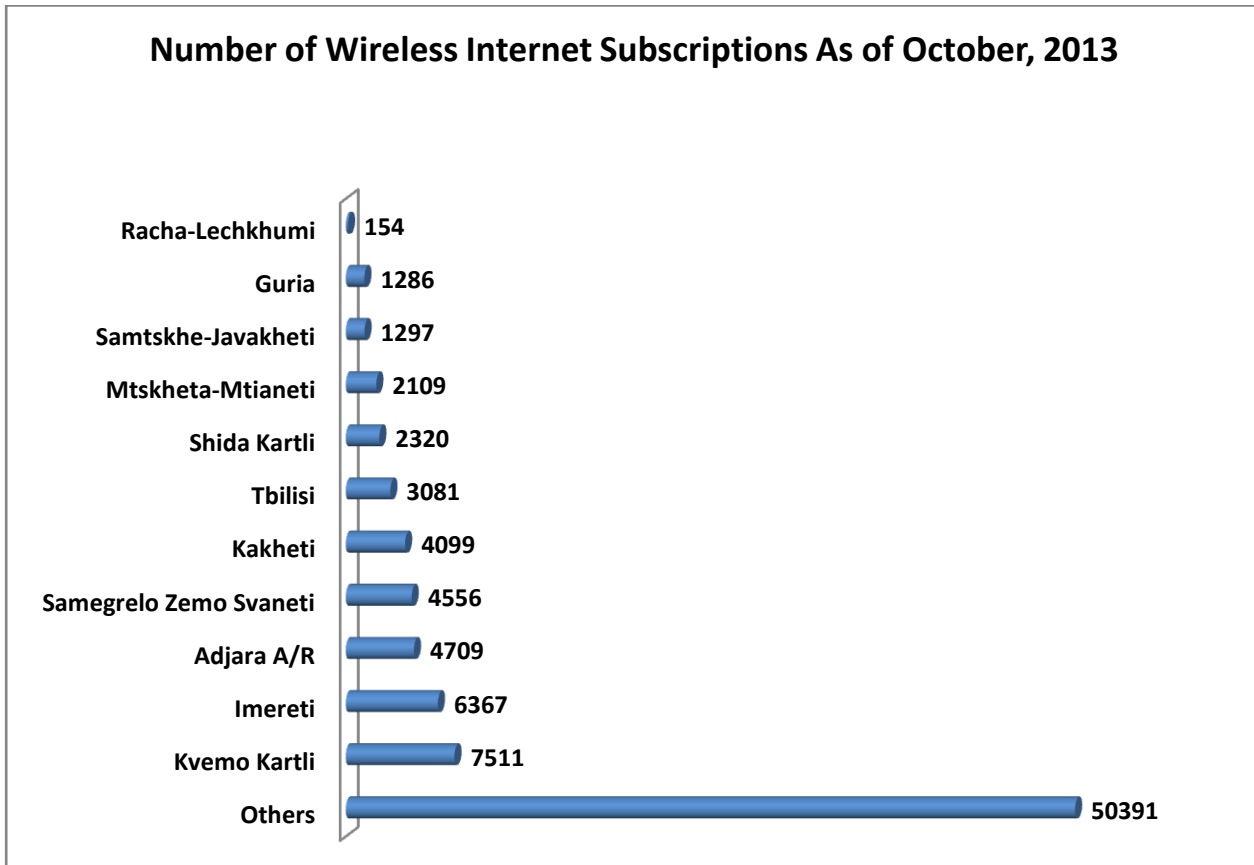
Majority of wired internet subscribers (27 034 subscriptions) in the Autonomous Republic of Adjara are provided by Silknet. The similar happens in Samegrelo-ZemoSvaneti, where Silknet presents the main provider of wired internet with 77% (11 693) of subscriptions. Three other companies operating in the internet market of this region are: Akhali Kselebi (16%), Caucasus Online (11%) and Iveria Kseli (7%). In terms of the extent of availability of wired internet, with 14 653 subscriptions, Samegrelo-Zemo Svaneti is followed by Shida Kartli, where Silknet tends to be the main provider (93%) of this kind of internet. The similar tendency is observed in other regions as well.



It should also be noted what kinds of technologies are developed for the purposes of internet accessibility. According to GNCC data, in case of wired internet, consumers of fiber technology (51 – 221 170) the number of consumers of fiber technology (51 – 221 170) slightly exceed the number of DSL technology subscriptions (49 – 212 968).

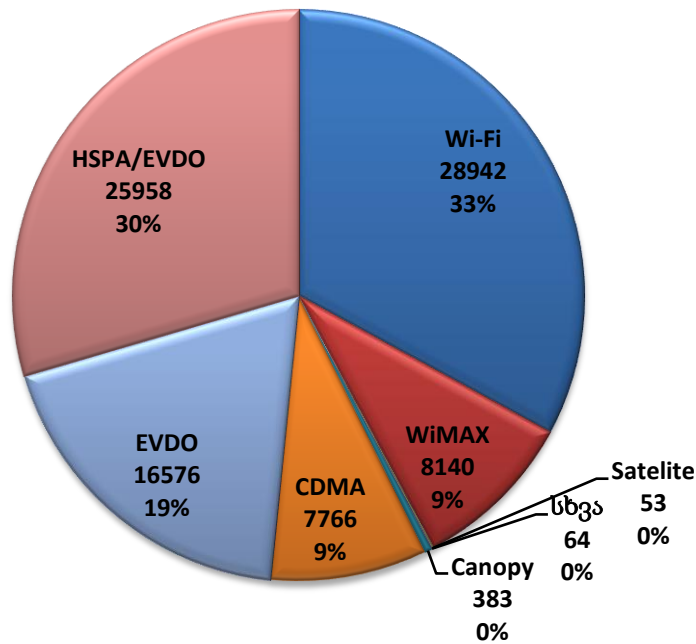
Concerning wireless internet service, it is regarded as the most dynamically developing technology in Georgia. Based on the 2012 annual report of GNCC, wired internet technology is mainly developing in the regions, where accessibility to wired internet is relatively low. Data as

of October, 2013 demonstrate that the capital, inhabiting majority of subscribers of wired internet, holds the sixth position in terms of the scope of wireless subscriptions. In this respect, Kvemo Kartli and Imereti regions can be highlighted. Generally, wireless internet is available for 87 882 subscribers throughout the country.



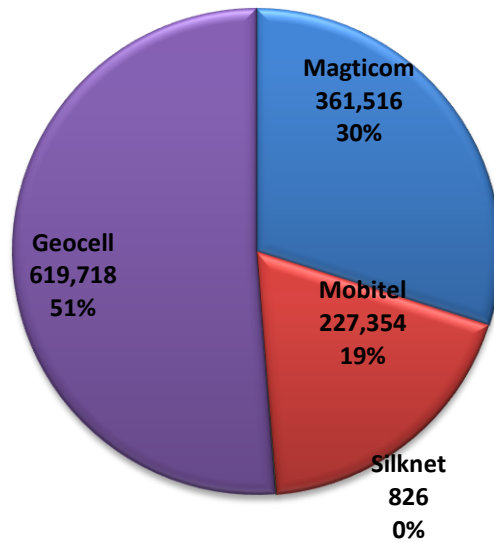
Consumption of wireless internet in terms of technologies is worth discussing. The most widespread technologies are CDMA (out of which HSPA/EVDO possesses 30% of subscriptions – 25 958, EVDO – 19% (16 576) and directly CDMA 9% (7 766) and WiFi (33% - 28 942). They are followed by WiMAX technology with 9% (8 140 subscriptions).

Number of Wireless Internet Subscriptions According to Technologies As of October, 2013

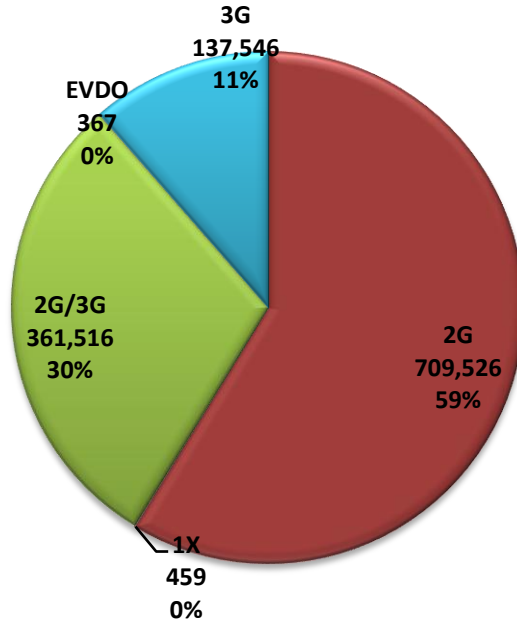


In order to achieve higher levels of internet connectivity in the regions, development of mobile internet can be one of the alternative ways. It should be considered that according to the 2012 annual report of GNCC, by the end of 2012, the amount of mobile users reached 4,7 million, while density of mobile subscriptions was 104,5%. In this regard, as of October, 2013, the number of mobile internet subscriptions amounted to 1 209 414. Out of them, 51% (619 718) of subscribers obtain the service from Geocell. Magticom provides 30% of mobile subscribers with mobile internet.

Number of Mobile Internet Subscriptions According to Companies As of October, 2013



Number of Subscriptions of Mobile Internet According to Technologies As of October 2013



On the basis of the statistical data displayed above, some conclusions can be made:

- Despite the growing tendency of the number of internet users, accessibility of wired internet has not seen significant positive changes over the past years, which, on one hand, can be caused by the demand on the market and on the other hand, may be an indication that government does not pay appropriate attention to the sustainable development in the given direction;
- In case of both wired and mobile internet, dominance of two companies is noticeable on the market. In case of wired internet, these companies include Caucasus Online and Silknet, as for mobile internet, Geocell and Magticom hold dominant positions.
- In terms of the amount of subscriptions, Caucasus Online enjoys superiority among the wired internet providers in Tbilisi, whereas Silknet, the second company in terms of the amount of subscriptions in the capital, holds more solid positions in the regions, where it tends to be the main provider for the internet subscribers;
- Internet penetration is the significant challenge for the regions of Georgia. Even though wireless internet has been developing in such regions recently, it is necessary for the Government to take effective steps towards working out supporting programs in this direction and coordinated work between any actors connected to internet market.

Internet Development Related State Policies

Internet development in Georgia is associated with a number of recent significant changes. These include development of e-Georgia strategy and action plan 2014-2018 “A Digital Georgia” and Broadband internet development strategy.

Despite growing significance of internet in daily life of Georgia in various areas such as governance, business, civic participation, accountability etc., until now, there is not a single coherent strategy for internet development in Georgia. This is believed by various stakeholders – including government representatives, regulatory body and civil society – to be one of the most significant challenges of Georgian e-development. While working on broadband internet development strategy has been initiated, even draft version is not publicly available yet and the date of final version remains unclear. The only comprehensive document available nowadays is e-Georgia strategy and action plan 2014-2018 “A Digital Georgia” prepared within the framework of TWINNING project⁴, as part of EU European Neighbourhood and Partnership Instrument (ENPI) Program for Georgia “Promote the Strengthening of E-Governance in Georgia”. The strategy has been prepared by Data Exchange Agency, Legal Entity of Public Law (LEPL) under the Ministry of Justice, in cooperation with NGOs, Ministries and international experts. E-Georgia strategy, on its part, includes vision of broadband internet development. However, elaboration of a more precise strategy dedicated to internet infrastructure development in Georgia is essential. As for e-Georgia, however complete, it does not have any real power until the Government of

⁴TWINNING European Union’s ENPI Program for Georgia, Promote the Strengthening of E-Governance in Georgia, http://dea.gov.ge/?action=page&p_id=112&lang=eng

Georgia issues decree on its implementation – the timing of which remains unclear. Under such conditions e-Georgia should be seen more as a collection of best-practice examples and recommendations for the government of Georgia to consider, rather than an accepted plan of precise activities for the next few years.

The positive trend started by the previous government is also believed to be of high priority after the change of the cabinet since October 2012. The new government continues meetings of the State Commission on Promoting the Strengthening of e-Governance in Georgia, created in 2007, which aims to coordinate establishment of e-governance with the help of systems based on information-communication technologies. Under the direction of Prime Minister of Georgia Irakli Gharibashvili the commission held its first meeting in March 2014. The deputy head of the commission is Minister of Justice Tea Tsulukiani. All ministries are represented in the commission, which is composed of ministerial Chief Information Officers (CIOs), heads of information technologies department at the Parliament of Georgia and Deputy Ministers. Various working groups created within the frames of the commission have been holding regular meetings since. Besides, Data Exchange Agency (DEA) is authorized by law to coordinate e-Government process in Georgia and is assisting the commission in carrying out administrative tasks.

Development of e-services and access to internet is significantly interconnected. On one hand, lack of access to internet makes existence of most advanced e-services nonfunctional. On the other hand, however, even if the total majority of population has good access to internet, this does not ensure their involvement in social and political activities. The latter should be ensured both through introducing various e-government and e-participation services and raising awareness of the citizens. In the Georgian reality when a number of studies confirm that internet is mostly used for entertainment and socializing purposes such as sending/receiving e-mails, checking social networks or chatting via skype⁵, this seems to be a challenge.

Better informed and active civil society needs development of both e-services and access to internet, however since both have cause-effect relation, it is a matter of particular context, which of these two is developed in the first place. While there are some projects more centered on providing access to internet, Georgian government still tends to use development of e-services as a powerful tool to stimulate development of internet infrastructure. The logic is that once the citizens, both in the cities and villages, see practical importance of internet, comfort and effectiveness of various government and private e-services, the demand for quality internet will increase, stimulating the companies to provide internet even to “last mile” areas, remote places where companies are less interested in providing internet to. However, despite gradual progress in terms of e-Governance, as showed by recent UN e-Government Survey, the gap between those with and without access to internet still remains substantial.

⁵ For more details of analysis on online activities of internet users please see “Internet User’s Profile” in Internet Freedom in Georgia Report №2, <https://idfi.ge/en/internet-freedom-in-georgia-report-n2-54>

In order to learn more about state policies of internet infrastructure and e-services development in Georgia, IDFI has requested public information from the central government agencies. The requests focused on costs incurred on advertisements in e-media, costs of e-services development and costs of website development. The received information gives interesting insights as for priorities and actual efforts of the central government in terms of e-governance in Georgia. As it can be seen from the information given in more details below, it is quite rare for the Ministries to use services of online media. Also, not many Ministries spent money on website development. As for the e-service development, the Ministries mostly tend to purchase services for internal use, rather than implement services for citizens.

Development of E-services in Georgia

There have been quite many developments in terms of e-governance in Georgia in the latest years. Digitalization of many government services have started about ten years ago, and a few most successful cases nowadays include UN public service award winner projects such as “Georgian Electronic Government Procurement System” by State Procurement Agency of Georgia (2012 UNPSA winner) and “Online Asset Declaration System” by Civil Service Bureau (2013 UNPSA winner).

Besides UN awarded e-procurement, in Georgia there is structure for public finance management – Public Finance Management System (PFMS) including such services as e-budget, e-treasury, electronic debt management system, National Resource Management System (e-NRMS), electronic revenue service, etc. The web-site of the Legislative Herald of Georgia www.matsne.gov.ge, provides not merely access to legislative information but also allows for comments by citizens. Significant improvements in terms of e-services are achieved in e-health development, following Georgia Health Management Information System Strategy developed by the Ministry of Labour, Health and Social Affairs in 2011. While such services as e-prescription and registry of pharmacies are already available, more services are planned in this direction in frames of Health Management Information System (HMIS). Also, National Parliamentary Library of Georgia has a digital library created within framework of Georgian Integrated Library & Information System Consortium (GILISC) in partnership with EIFL (Electronic Information for Libraries).⁶ E-services also include such government to government and government to business services as electronic, e-services for environment related issues on www.meteo.gov.ge, usage of e-Documents such as e-Stamp, joint development of systems and infrastructure, sharing of data that are essential for effective provision of services etc. E-Georgia indicates need for further development of such e-services as OpenGLAM (Galleries, Libraries, Archives and Museums), OpenAccess (to scientific publications) and OpenSource Software.⁷

⁶UNESCO, Global Open Access Portal, <http://www.unesco.org/new/en/communication-and-information/portals-and-platforms/goap/access-by-region/europe-and-north-america/georgia/>

⁷ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, “A Digital Georgia”, e-Georgia strategy and action plan 2014-2018, p. 51, 2014, <http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

According to 2014 UN e-Government Survey Georgia is ranked 56th out of 193 countries, with e-Government Development Index of 0.6 and Online Service Component score of 0.59, which has improved overall ranking of Georgia by 16 positions as compared to 2012 data. There has been substantial progress in terms of overall ranking of Georgia in general and its score in online service component in particular (compare 0.2476 for online service component in 2010 and 0.3545 in 2008). As for improvement of overall e-Government ranking, the most progress Georgia has seen in Infrastructure Development component the score of which has improved from 0.23 in 2012 up to 0.43 in 2014. The UN survey also includes e-participation index, where Georgia has seen considerable progress and improved its position from 73th (out of 193) in 2012 to 49th in 2014. Georgia is placed 7th among post-Soviet countries and is behind Estonia (22nd place), Kazakhstan (22nd place), Latvia (24th place), Russia (30th place), Lithuania (33rd place) and Republic of Moldova (40th place). However, despite considerable progress over the past years, Georgia is still placed in low EGDI (E-Government Development Index) level among the global countries.

Georgia's commitment to development of online resources is especially significant taking into account its lack of financial sustainability⁸ as compared to other countries worldwide. As Georgia is among top 50 countries by the level of e-participation, most countries (84%) fall in either high income or upper middle income categories, while Georgia is in the 14% of countries with lower middle income. Besides, Georgia is among a few other lower middle income bloc countries that scored more than 66.6% in data publishing, measuring such features as existence of datasets of government portals, existence of dedicated portals for data publishing, availability of datasets in various technical formats, number of different government agencies that provide datasets etc. Most countries (86%) that scored above 66.6% have much more stable economies and fall under high income or upper middle income bloc. In case of Georgia UN e-Government Survey reports that even though the country does not have dedicated open government data portals, there are still many relevant databases implying that Georgia already has policies in place for centralizing and digitizing data and is ready to publish data in bulk and in open formats through dedicated portals. There is indeed considerable improvement lately in terms of access to information in Georgia, particularly since proactive disclosure of public information and e-request of public information came into force since September 1, 2013. One of the recent steps towards more open databases is that head of Data Exchange Agency (DEA) has discussed perspectives of development Georgian Optical Character Recognition (OCR) software that will enable digitalization of Georgian documents⁹. Georgian government portal for public information, www.data.gov.ge exists but is still under construction, as the administration of the portal needs to agree with public institutions regarding the extent of their involvement, published data, as well as structure of the platform. The exact date of final launch is still unclear. In such reality access to loads of public documents is ensured by an independent portal for public information

⁸ Interconnections between modern technologies development and economic well-being, as well as Georgian progress can be seen in "Network Readiness Index 2014: Georgia among the Rising Star Countries"

⁹ Ministry of Justice of Georgia, "It is planned to increase access to e-governance in the regions with the help of community centers", May 14, 2014, <http://www.justice.gov.ge/News/Detail?newsId=4529>

www.opendata.ge, created by IDFI in 2010 and further developed in early 2014 after joining of three more CSOs (TIG, GYLA and GA).

On the supply-side services are of three main types – Government to citizen, Government to Business and Government to Government services. One of the most significant projects in terms of providing e-services is citizen’s portal my.gov.ge. The portal was created in 2012 in order to unite various public and private e-services. At the moment my.gov.ge has about 8000 registered users and offers more than 100 services from public sector and private sector as well as a combination of both, and the number is growing on a regular basis¹⁰. As the analysts at DEA clarified, the principle taken as a goal for development of e-services is one-stop shop – so that a citizen does not have to visit web-sites of different state institutions in order to receive service, importantly, the citizen does not even need to know which services belong to which agencies. Such approach intends to spare time and resources. While individual agencies, such as National Agency of Public Registry, Ministry of Justice, Ministry of Finance etc. may still offer their own e-services, my.gov.ge will combine these all and thus be a single stop for citizens. Besides, in some cases there are compounded services that need contribution of several bodies, which will make my.gov.ge the only place to receive such services as business registration, e-request of public information, monitoring of IP addresses etc.

According to DEA a number of strategic goals are highlighted in this direction: maximal integration of all existing e-services of public sector with stress on health and education as well as most actively used private sector services such as insurance; introducing e-authentication enabling business and non-commercial legal entities to use the portal along with individual persons; at the moment the only service available for business is online registration of business; besides, as representatives of DEA clarified, integration of such municipal services as land registration, asset taxes, local taxes, receiving local assistance, receiving permit etc. will dramatically increase access to public services in general and will further decrease differences between the center and the region. As the representatives of DEA further explained, the portal my.gov.ge strives to make all major life events, such as enrolling in higher education and/or applying for a study grant, looking for a job, retiring, applying for a driver’s license (or renewing an existing one), buying, building or renovating a house, moving and changing address, declaring the birth of a child, changing marital status¹¹ etc. available on the portal. According to e-Georgia, 90% of citizens’ services should be available at my.gov.ge by 2018; also, my.gov.ge should have integrated 80% citizens and private services by 2018; 90% of services for business and business services are integrated by 2018.

As for further development of e-services, e-Georgia strategy has recommendations on publishing budget data in the Open Government Data portal in machine-readable format. Also a number of

¹⁰ Face to face interview with two officials of DEA, April 2014, Tbilisi.

¹¹European “life events” measured as part of the annual European e-Government benchmarking survey, cited in E-Georgia p. 119, See p. 30 in “Public Services Online, Digital by Default or by Detour?”, Assessing User Centric e-Government performance in Europe – e-Government Benchmark 2012, Final Background Report, A study prepared for the European Commission DG Communications Networks, Content & Technology, 2013, <http://bit.ly/1rxcDkt>

targets are specified for citizen oriented e-service development, such as elaboration of a guide on available services, gradual improvement of e-Services score in UN e-Government Survey (e.g. 10 points by 2016, 20 points by 2018 taking 2012 score as a baseline). According to e-Georgia it is planned that 90% of central public services and 70% of services from local governments and private sector are available through one-stop portals.

Despite substantial progress on supply side of e-Government that has been observed in Georgia over the recent years, the gap with the demand and take-up side remains substantial. According to the latest estimations, less than half of population – about 45% - has access to internet in Georgia¹², while 5% of population does not even know what internet is¹³. This challenge is also stressed in 2014 UN e-Government Survey, where Georgia, along with Costa Rica and Egypt is given as an example of low or middle income countries where less than half of population has access to internet.¹⁴ According to e-Georgia strategy, based on the estimations given by workshop participants, only about 5% of population is active users of available e-Services, while 35% do not use e-Services at all. The estimated number of users is higher in case of business, where the majority (90%) is supposed to be online, which can be explained by a number of mandatory e-Services.¹⁵ Besides lack of access to internet and/or high costs, two more challenges in terms of lack of using e-Services by broader society are indicated in e-Georgia strategy and are lack of user-friendliness and lack of awareness about existing e-Services. Also, even though there are ample services available, feedback mechanisms for citizens are not sufficiently ensured. E.g. my.gov.ge only provides for feedback via telephone and info@my.gov.ge.

E-Service development costs of the central government agencies

In order to learn more about state policies of development internet infrastructure and e-services in Georgia, in March 2014 IDFI requested public information from the central government agencies (Ministries and Offices of State Ministries of Georgia, 19 in total¹⁶). The requests focused

¹²International Telecommunication Union (ITU), 2013, Statistics, Time Series by Country, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

¹³Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, <http://www.crrccenters.org/caucasusbarometer/>

¹⁴ UN E-Government Survey, 2014, p. 125, <http://unpan3.un.org/egovkb/Reports/UN-E-Government-Survey-2014>

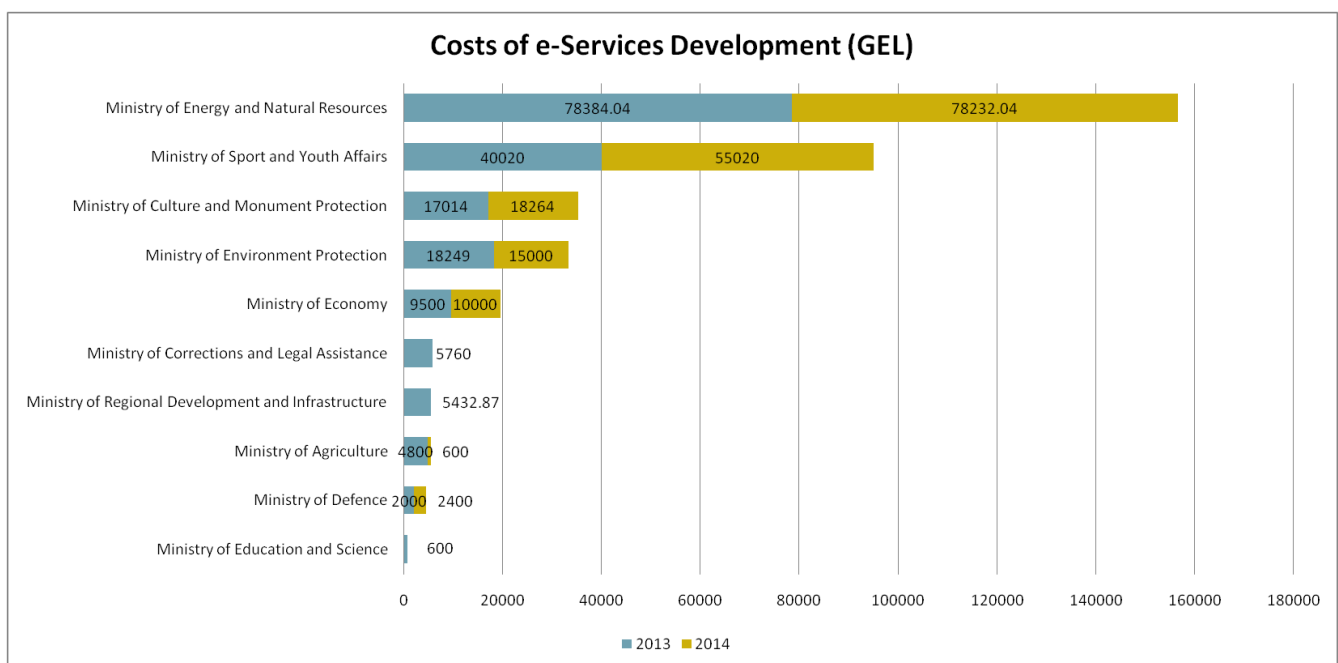
¹⁵ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, "A Digital Georgia", e-Georgia strategy and action plan 2014-2018, pp. 94-95, 2014, <http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

¹⁶ Public information was requested from the following institutions:

1. Ministry of Agriculture of Georgia (**my.gov.ge**)
2. Ministry of Corrections and Legal Assistance of Georgia (**my.gov.ge**)
3. Ministry of Culture and Monument Protection of Georgia (**my.gov.ge**)
4. Ministry of Defence of Georgia
5. Ministry of Economy and Sustainable Development of Georgia (**my.gov.ge**)
6. Ministry of Education and Science of Georgia (**my.gov.ge**)
7. Ministry of Energy of Georgia
8. Ministry of Environment and Natural Resources Protection of Georgia (**my.gov.ge**)
9. Ministry of Finance of Georgia (**my.gov.ge**)
10. Ministry of Foreign Affairs of Georgia
11. Ministry of Internal Affairs of Georgia (**my.gov.ge**)

on costs incurred on advertisements in e-media, costs of e-services development and costs of website development. Interestingly, out of these 19 institutions 12 have added service of e-request to the portal my.gov.ge, and IDFI has requested public information electronically. Out of 19 institutions two (Ministry of Foreign Affairs and Ministry of Internal Affairs) left the requests unanswered. The information received from 17 institutions gives interesting insights as for priorities and actual efforts of the central government in terms of e-governance in Georgia.

According to the received information out of 17 institutions that have provided replies, six¹⁷ did not have any e-services related costs in either 2013 or 2014. Thus, in 2013 and 2014 eleven Ministries had costs of e-services development, amounting to a total of more than 180 000 GEL¹⁸ each year. The largest amount in both years was spent by the Ministry of Energy – nearly 80 000 GEL each year.



12. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia
13. Ministry of Justice of Georgia (**my.gov.ge**)
14. Ministry of Labour, Health and Social Affairs of Georgia (**my.gov.ge**)
15. Ministry of Regional Development and Infrastructure of Georgia (**my.gov.ge**)
16. Ministry of Sport and Youth Affairs of Georgia (**my.gov.ge**)
17. Office of the State Ministry of Georgia for Reconciliation and Civil Equality
18. State Ministry of Georgia for Diaspora Issues
19. State Ministry of Georgia on European and Euro-Atlantic Integration

¹⁷ No costs on e-service development in 2013-2014 (January-March):

1. Ministry of Finance of Georgia
2. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia
3. Ministry of Justice of Georgia
4. Ministry of Labour, Health and Social Affairs of Georgia
5. State Ministry of Georgia for Diaspora Issues
6. State Ministry of Georgia on European and Euro-Atlantic Integration

¹⁸ According to agreements and not factual cost

As it became clear from the obtained public information¹⁹, in terms of e-service development, the Ministries mostly tend to purchase services for internal use, rather than implement services for citizens. The most frequent e-services used by the central government are updating system for codified legal acts “Codex”, creating or updating computer programs and systems such as administration and financial monitoring of the purchase agreements, Customer Relationship Management (CRM), e-records management system and “Oris Management”, various IT services such as unified corporate database, high quality connection with other public institutions, organizer of corporate meetings, task management, corporate virus and hacker attack protection etc., creating and maintaining automatized, publishing normative acts and acquiring access to other systematized normative acts published on the web-site www.matsne.gov.ge, vacancies on the online web-portal of vacancies www.jobs.ge, media-coverage materials of the Ministry (TV, press, internet and radio). Notably, the only public institution that has purchased service for citizens was the Ministry of Environment, having ordered awareness raising videos and public relations service via Facebook. Interestingly, there are many cases when services are purchased from other public institutions, e.g. LEPL Legislative Herald of Georgia, LEPL Smart Logic, LEPL National Agency of Public Registry and LEPL Financial-Analytical Department.

Advertising costs of central government in e-resources

According to the received public information²⁰, only two Ministries out of 17 – Office of the State Minister of Georgia for Reconciliation and Civic Equality and Ministry of Finance had incurred advertising costs in internet resources in both 2013 and 2014. The services included advertisements in TVs, publishing news of the Ministry upon the request, preparing articles or interviews on the Ministry, to creating archive of the materials published on the web-site, provision with daily news and announcements, access to announcements, news and archive, as well as preparation of news and spreading via other media sources on activities and taking photos.

Internet Infrastructure development

In the last, 2012 report on ICT development prepared by ITU (International Telecommunication Union)²¹, Georgia scored 71st place among 157 countries²². In 2012 Georgia was among top ten countries with most outstanding changes in access value as compared to previous year²³.

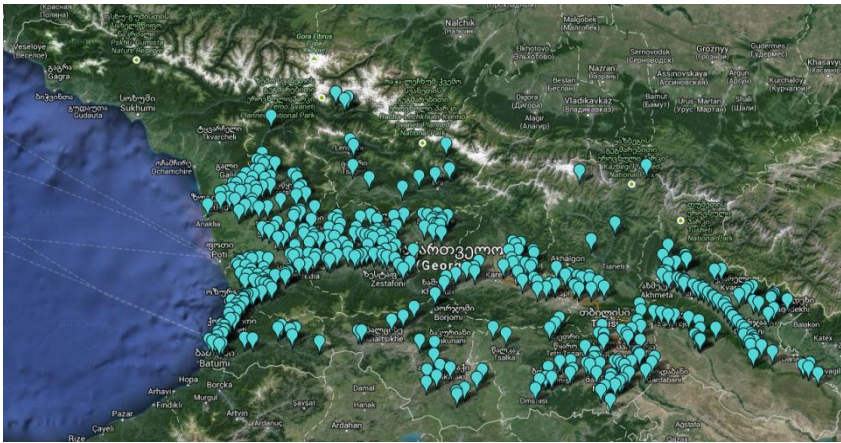
¹⁹ See detailed analysis of E-Service development costs of the central government agencies in [Appendix 1: E-Service development costs of the central government agencies](#)

²⁰ See detailed analysis of Advertising costs of central government in e-resources in [Appendix 2: Advertising costs of central government in e-resources](#)

²¹ UN specialized agency for information and communication technologies (ICTs), www.itu.int

²² Measuring the Information Society, 2012, ITU, p. 46, http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf

²³ Measuring the Information Society, 2012, ITU, p. 48, http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf



In order to ensure quality delivery of e-Services, it is of priority to have internet access in nearly all households, including rural areas. This idea is stressed in e-Georgia strategy as well. Besides, the coverage of mobile internet (3G, 4G etc.) is one of the main priorities especially for rural areas.

²⁴According to the performance targets given in e-Georgia concerning broadband access, 98% of population should have basic broadband by 2018, including about 70 % of households with broadband access by 2018, while the rest of the population has access to broadband infrastructure for example via various sources such as Public Service Halls, Kiosks, Community Centers, public libraries. Besides, 40% of individuals should be using mobile devices to access the Internet by 2016.²⁵Significantly, e-Georgia also sets timeframe for development of multi-channel infrastructure strategy, which should be developed by the Ministry of Economy by the end of 2015.

In terms of access to internet a few significant projects need to be highlighted. Firstly, Internet provision to public schools means that almost all villages are connected to the web. The project started in 2005 within the framework of the initiative of the Ministry of Education and Science of Georgia “Milky Way” aiming at providing each school in Georgia with information technologies, including computers, projector and internet. By estimations made in 2010, there should be approximately 1 computer for 20 pupils, with total number of computers of nearly 30 000.²⁶ Besides, all first graders at public schools are given free netbooks, while teachers were trained in ICT skills and how to integrate the computer into the teaching process. The pilot project was initiated in 2010, when 3000 netbooks were given in schools of Batumi, Zugdidi, Tserovani and Mestia and also some schools of Kutaisi and Tbilisi. ²⁷As the project continued, in 2012 all first graders (more than 41 000 in total) as well as more than 3000 teachers were given netbooks²⁸. In 2013 Georgian government purchased 35 000 netbooks, while for 2014 tender has been

²⁴ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, “A Digital Georgia”, e-Georgia strategy and action plan 2014-2018, p 53, 2014,

<http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

²⁵ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, “A Digital Georgia”, e-Georgia strategy and action plan 2014-2018, pp.55-56, 2014,

<http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

²⁶Ministry of Education and Science of Georgia, “New Project of computerization of public schools has begun, March 2, 2010, <http://www.mes.gov.ge/content.php?id=557&lang=geo>

²⁷Ministry of Education and Science of Georgia, <http://www.buki.ge/about.html>

²⁸Ministry of Education and Science of Georgia, “All first graders of public schools will receive “Buki” on September 17th”, September 13, 2012, <http://www.buki.ge/news-8192.html>

announced for purchase of 46 000 netbooks, with estimated price of more than 20 Million GEL²⁹. Thus, pupils in all schools of Georgia are increasingly more connected to internet.

Another project aiming at promoting using computer and internet in the villages is “300 Computer Centers” implemented by the Society for Spreading Computer Knowledge³⁰, founded in May 2012. Within the framework of the project computer centers have been created in the largest villages of Georgia, which help local population in learning computer literacy, using computer and internet for economic activities (e.g. online shopping and selling), besides, the centers cooperate with both public and private service providers (e.g. Public Service Development Agency, National Agency of Public Registry, Social Service Agency, banks, insurance companies, etc.) in providing services and consultation to the villages. At the moment 85 villages with total population of nearly 200 000 people have the above-mentioned centers with computers and internet³¹.

Another activity in this direction is Community Centers³², a project by Public Service Development Agency, created for provision of services by Public Service Development Agency, Public Registry, Social Service Agency and National Archive as well as other municipal and private sector services in the villages. The centers are provided with free internet, computers and other technical equipment. The project is aimed at improvement of infrastructure in local self-government units, provision of both services of the central government in frames of the authorities delegated to local self-government units, and other municipal and private services. At one of the latest meetings of a group working on increasing effectiveness of state organizations’ IT services, created within the framework of state commission on Promoting the Strengthening of e-Governance in Georgia, importance of Community Centers for development of e-governance in the regions has been highlighted. As the head of Data Exchange Agency Irakli Gvenetadze mentioned, these centers allow for providing the local population with the services available on citizen’s portal my.gov.ge that will make receiving services from state structures easier. ³³

One of the important recent initiatives is a project “Georgian Public Services through Libraries (GPSLib)³⁴” implemented by Beyond Access in partnership with Public Services Development Agency (PSDA), Georgian Libraries Association (GLA) and the Institute for Development of Freedom of Information (IDFI). Within the framework of this project it is planned to equip libraries in rural areas with technology and internet access; train librarians to deliver Public Services Development Agency Community Center services as well as on technology skills, internet use, and using local government resources and trainer skills.

²⁹“This year first graders will receive netbooks instead of Buki’s as a gift”, May 16, 2014, <http://commersant.ge/index.php?menuid=88&id=11339&lang=1>

³⁰Society for Spreading Computer Knowledge, <http://www.taoba.ge/site/>

³¹Society for Spreading Computer Knowledge, 300 Computer Centers, List of Villages, <http://bit.ly/1q5P1oy>

³²Community Centers Development Project, Public Service Development Agency, <http://sda.gov.ge/en/p/>

³³Ministry of Justice of Georgia, “It is planned to increase access to e-governance in the regions with the help of community centers”, May 14, 2014, <http://www.justice.gov.ge/News/Detail?newsId=4529>

³⁴Georgian Public Services through Libraries (GPSLib), Beyond Access, <http://beyondaccess.net/projects/georgia/>

Backoffice Infrastructure for E-Government Services

Regarding backoffice e-Government services the areas of development are Georgian Government Gateway, Register of Registries and Service Catalogue. Georgian Government Gateway is a data exchange infrastructure between different organizations which ensures security and allows for sanctioned access. Confidentiality of data is secured, the system is also used in communication with private structures, e.g. commercial banks receive data of identification from public registry using this secure channel. Development of this system made introduction of one-stop e-Government service portal, my.gov.ge possible. According to e-Georgia strategy, it is planned to integrate 90% of the relevant agencies into the G3 infrastructure by 2018.

According to the law enacted on June 1st, 2011 all state bodies must provide information on content of registers' services such as registries, databases, business processes etc. kept in their organizations at "Portal of Registry of Registries"³⁵. According to representatives of DEA, which is monitoring this process, the single registry is needed in order to know what kind of databases and registries administrative bodies in Georgia are responsible of. Afterwards DEA will be able to set standards, give recommendations for improvement, for avoiding duplications and to ensure interoperability. According to e-Georgia, 85 registry entities are registered on the portal, having entered data on 344 registries and 315 services.³⁶ As a final outcome it is planned to create e-catalogue. According to e-Georgia 80% of the organizations should have provided information on their services and registries by 2015.

One more area for development is Service Catalogue, a platform about existing services. According to representatives of DEA, this catalogue will be given to representatives of private sector to let them know which services, conditions, requirements and responsibilities are offered by the infrastructure of DEA. As e-Georgia puts it, 80% granular fully functional services should be launched in the period 2015-2018. Besides, 50% of services should be available in service catalogue by 2015, and 85% – in 2018.

Besides, in order to ensure quality interaction on all levels – among the public sector, with private sector and citizens, comprehensive interoperability framework is essential. Data Exchange Agency is in charge of ensuring interoperability of information systems in Georgia as well as compatibility with international standards. According to e-Georgia strategy by 2018 all agencies should be interconnected and the Georgian interoperability framework should be totally aligned with European Interoperability Framework.

³⁵Portal of Registry of Registries, Data Exchange Agency, <http://ror.dea.gov.ge/>

³⁶ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, "A Digital Georgia", e-Georgia strategy and action plan 2014-2018, p. 56, 2014, <http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

Web-site maintenance costs of the central government

As we learn based on the received public information³⁷, a total of more than 63 000 GEL was spent on web-site maintenance in 2013, and more than 55 000 GEL – in 2014. Out of 17 Ministries only 9 had website related costs in either 2013 or 2014. Besides, in case of the **Ministry of Energy**, website maintenance is provided by LEPL “Financial-Analytical Service” free of charge, and updates on webpage are made by the Ministry with its own resources. The web-site maintenance usually consisted of creation of new web-sites, purchase of server space and domain names, secure hosting, Certificate of Security Encryption etc.

Internet Development and Economic Growth in Georgia

Development and effective usage of modern technologies is important for economic growth of any country. Document “Global Information Technology Report 2014”, released by World Economic Forum, reveals interrelationship between these two factors – development of modern communication technological infrastructure and economic well-being. Based on political and business environment, internet accessibility and features of internet consumption as well as social and economic impacts of new technologies, the above mentioned research measures Networked Readiness Index of countries.

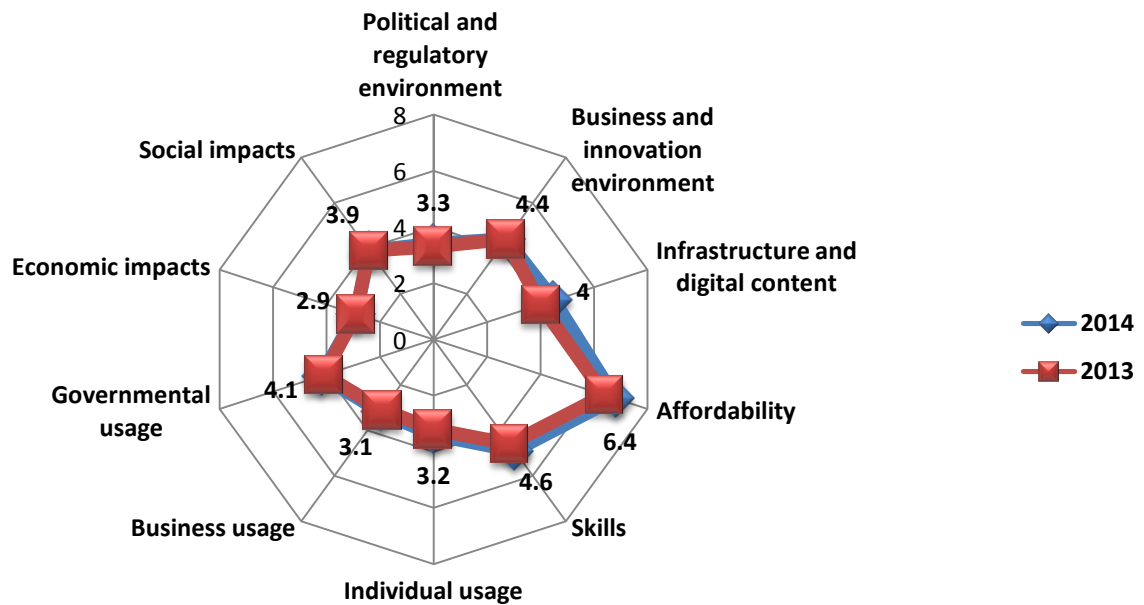
Compared to the previous year, Georgia has significantly improved its position in 2014. While in 2013 it ranked 65th with the value of 3.93, nowadays it occupies the 60th position (out of 148) with 4.1 point. Generally, along with Armenia, Kazakhstan, Panama, Qatar and the United Arab Emirates, Georgia is placed in the group of “Rising Star” countries. It implies that Georgia’s scores are above the sample average as well as are growing more quickly than average. Moreover, the research asserts that these countries can be singled out for their noticeable positive changes.

Networked Readiness Index measures preparedness of economy of a country to use and leverage ICT for prosperity and growth with the consideration of the following factors:

- Business and innovation environment, political and regulatory environment (Environment sub-index);
- Infrastructure and digital content, affordability and skills (Readiness sub-index);
- Usage of ICT by individuals, business and governmental representatives (Usage sub-index);
- Economic and social impacts of ICT (Impact sub-index).

³⁷ See detailed analysis of Web-site maintenance costs of the central government in [Appendix 3: Web-site maintenance costs of the central government](#)

Networked Readiness Index - Georgia



Georgia has gained best results with regard to readiness sub-index (it was increased by 0.4 point). Precisely, it ranked highest positions among other countries in terms of internet and telephony competition. Also, its position was relatively higher (obtained the 40th place) in case of international internet bandwidth, per user. However, several circumstances are worth highlighting: while it occupies the fourth position in terms of adult literacy rate, Georgia lags far behind concerning quality of education system (rank 105) and level of math and science education program (rank 106). Overall, with regard to parameters considered under the readiness sub-index – affordability, infrastructure and digital content, skills – Georgia obtained 6.8 point out of 7 in affordability. Values for the other two criteria were between 4.5 and 4.9.

As for the three remaining sub-indexes, environment was assessed by 3.9 point. It is noteworthy that the main focus was made not only political, but also business atmosphere of the country. Georgia showed the best figures in terms of opportunities for starting a business – the second and the third positions for the amount of days and procedures to undertake a new enterprise. Nevertheless, this research asserts that one of the main obstacles to business environment in Georgia can be assumed limited availability of latest technologies (4.4 point). In case of political and regulatory policy the situation can be described the following way: Georgia occupies lowest positions in terms of protection of intellectual properties (rank 124, 1.7 point) and percentage of software installed (rank 107). Apart from this, simplicity for business to challenge government actions and/or regulations through the legal system equals 3.0 point. Besides, according to the report, Georgia is placed among the countries, where despite the existence of regulatory laws,

authorities and mechanisms necessary for their enforcement are quite weak. It is noteworthy that the situation in this regard remained the same since 2013.

According to the value of each main parameter, political and regulatory environment is followed by ICT usage sub-index. It comprises level of consumption of ICT by three actors: individual, business and government. It is obvious from the data that private sector enjoyed the worst figures (3.2 point). It should be mentioned that researchers gave Georgia lowest points in the following criteria: capacity for innovation, firm-level technology absorption and the extent of staff training.

ICT usage on individual level appeared to be better – 3.4 point. In this direction, Georgia occupied lower position in contrast to other countries in terms of percentage of households with personal computer (32.7%) and the extent of mobile broadband subscriptions. However, the rate of usage of virtual social networks (5.8 point) and the number of subscriptions of fixed broadband internet seemed more encouraging (8.7 per 100 pop.). For comparison, even though, compared to the previous figures, this measure increased by 0.2, Georgia took a step backwards by one position. This fact indicates that the speed and level of advancement of accessibility of ICT do not catch up with the international tendencies in this direction.


With regard to the third actor, government, Georgia demonstrated the best results in terms of government online service index (rank 42). In spite of this, scores gained by Georgia were quite modest in two issues: importance of ICTs to government vision (3.7 point) and government success in ICT promotion (4.4 point).

Georgia had lowest assessments concerning impact sub-index, which measures the role of ICTs in various economic and civic activities. Despite the improved position compared to countries worldwide (moved ahead by two positions), its score has not increased and still equals 3.4. Even though social impact (3.9) exceeds the criteria of economic impact (2.9), in case of the former new technologies have insignificant effect on the provision of latest services and products. Additionally, business representatives infrequently attempt to establish new organisational models (virtual teams, remote working, telecommuting and etc.)

With regard to importance and effect of ICTs on civil life, results make it evident that usage of the services developed by the government has become more effective (4.7). However, relatively low figures have been witnessed with regard to actual role of new technologies in provision of particular services (4.3), at the same time, internet accessibility at schools has been assessed by 4.5 point out of 7 (rank 62). Georgia held relatively advanced positions in terms of e-participation index (quality, relevance and usefulness of government websites in providing online information and participatory tools and services to their citizens) – the 41st position.

Parameters	2013		2014	
	Rank (out of 148)	Value (1-7)	Rank (out of 148)	Value (1-7)
1. Environment sub-index	73	3.9	73	3.9
1.1 Political and regulatory environment	100	3.3	97	3.4
1.2 Business and innovation environment	54	4.4	59	4.4
2. Readiness sub-index	48	5.0	40	5.4
2.1 Infrastructure and digital content	68	4.0	59	4.5
2.2 Affordability	11	6.4	4	6.8
2.3 Skills	83	4.6	78	4.9
3. Usage sub-index	77	3.5	75	3.6
3.1 Individual usage	75	3.2	76	3.4
3.2 Business usage	112	3.1	110	3.2
3.3 Government usage	63	4.1	55	4.2
4. Impact sub-index	76	3.4	74	3.4
4.1 Economic impacts	97	2.9	100	2.9
4.2 Social impacts	60	3.9	59	3.9

 Figures as of 2013

 Situation worsened

 Situation improved

 Situation remained the same

In conclusion, the research demonstrated that growing tendency with regard to internet penetration is sustained in Georgia. Despite stable political and business environment, Georgia has main challenges in the direction of developing innovative technologies and using their benefits thoroughly. This can be attributed to, on one hand, low level of absorption of latest technologies by business sector and on the other hand, lack of sufficient level of education/system and necessary skills and abilities. The role of the government is worth mentioning as well, since interaction between various agents involved in internet market should be regulated solid legislative foundations/frameworks and government consistent policy should stimulate active consumption of ICTs in everyday life.

Summing up Internet Development Related State Policies

To sum up, on one hand, Georgia has seen gradual improvement in terms of e-service development, also resulted in improvement of UN e-Government Survey score. On the other hand, there is still substantial gap between development and access to e-services, as less than half of Georgian population has access to internet and among those who have only about 5% are active users of offered e-services. Based on the received public information, the central government spends around 180 000 GEL annually on e-services development. While in most cases the services are intended for internal use (e.g. access to legislative acts on www.matsne.gov.ge, IT maintenance, e-system of records management, publishing online vacancies etc.) in a few cases e-services are ordered with citizens in mind, e.g. Facebook campaign of the Ministry of Environment and Natural Resources Protection on cutting of trees, and videos with environment protection and awareness raising messages. Besides, the Ministries are not extensively using services of online media, but those that do, stress that information on them is covered properly.

As for internet infrastructure development strategies in Georgia, while there are some notable projects aimed at internet access development, the stress is made on e-Services development. As there is no strategy devoted to broadband access in Georgia yet, attempts to increase internet penetration are limited to individual projects such as internetization of schools, Community Centers, Computer Centers, Georgian Public Libraries etc. There are substantial developments in terms of backoffice infrastructure, including such initiatives as data exchange infrastructure, interoperability infrastructure, registry of registries, catalogue of services etc. Additionally, as shown by studies of international organizations, growing tendency with regard to internet penetration is sustained in Georgia. Despite stable political and business environment, Georgia has main challenges in the direction of developing innovative technologies and using their benefits thoroughly. According to the received public information, the costs incurred by the Ministries on web-development are not significant and amount to a total of nearly 60 000 GEL annually. Most costs are associated with web-space and domain name purchase, creation of new websites, update of certificate of security encryption etc.

E-Security Protection in Georgia

With gradual development of e-Governance in Georgia e-security³⁸ has become one of the significant national and largely also international challenges – as one of the analysts at DEA fairly noted during an interview, “there is no national threat in cybersphere, all threats are international”³⁹. While the most serious recent cyber-attack was experienced by Georgia during 2008 war, other attempts to undermine electronic security in Georgia have also been made since. In 2011-2012 there was cyber espionage against Georgia state resources, mainly concerning NATO delegations, military news etc.⁴⁰ In November 2013 there was attack on Skype account of LEPL Public Service Development Agency⁴¹. In January 2014 there were two attacks on the website of Georgian parliament⁴². Besides state institutions other websites – e.g. news agencies – also fall under threat of cyber attacks. E.g. one of the most recent attacks (June 2014) was on the website of news agency “PrimeTimeNews”⁴³.

In such conditions adequate state policies for preventing and combating similar attacks is essential. Law on “Information Security” entered into force on 1 July 2012 provides a set of obligations for institutions in terms of critical information system defined as information system continuous functioning of which is significant for defense and/or economical security of the country, for normal functioning of the state and/or the society. The law defines such as obligation to have internal policy of information security, conducting information security audit, information system security testing and introducing network sensors for finding out about computer incidents, creation of new positions such as manager of information security and specialist of computer security⁴⁴.

Georgia had its first ever Cyber Security Strategy of Georgia and Action Plan⁴⁵ prepared for 2012-2015, based upon the Threat Assessment Document for 2010-2013 and the National Security Concept of Georgia. Main areas of the strategy is analysis of the problems, research of the criteria and standards as well as finding best practice solutions for critical information systems; improvement Georgian legislative framework, including giving legal grounds for Computer Emergency Response Team operations; institutional coordination for ensuring whole-of-

³⁸ Defined as “the process of ensuring the confidentiality, integrity, and availability of electronic information and protecting it against malicious attackers who could use or alter the information to disrupt critical national infrastructure and industry”, The World Bank, <http://bit.ly/1plzrJx>

³⁹ Face to face interview with two officials of DEA, April 2014, Tbilisi.

⁴⁰ Learning Center of Association “GRENA”, “Well-known cases of cyber attack”, <http://bit.ly/1tEwmlh>

⁴¹ Public Service Development Agency, “Public Service Development Agency has temporarily suspended skype service” <http://sda.gov.ge/ka-GE/news-view/newsid=2998&callerModID=18166>

⁴² Radio Liberty, “There was hacker attack on the web-page of the Parliament of Georgia”, <http://www.radiotavisupleba.ge/archive/geo-news/20140112/1001/1001.html?id=25227610>

⁴³ FrontNews, “Cyber Attack on the web-site of the News Agency “PrimeTimeNews”, <http://bit.ly/WaDZBI>

⁴⁴ Law of Georgia on Information Security, https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=1679424&lang=ge

⁴⁵ Data Exchange Agency, National Cyber Security Strategy of Georgia, http://cert.gov.ge/?web=3&action=page&p_id=184&lang=eng

government approach and public-private cooperation; awareness raising and international cooperation.

In April 2014 Office of cybersecurity⁴⁶ has been created in the Ministry of Defence in accordance with the Law of Information Security, and an order of the Minister of Defence of Georgia⁴⁷ is regulating activities of LEPL Computer Emergency Response Team of the Cyber Security Bureau – CERT.MOD.GOV.GE for combating cyber attacks on critical information systems in Defence structures. However, CERT.MOD.GOV.GE does not function yet. Since there is no national Computer Emergency Response Team (CERT) functioning in Georgia, at the moment CERT.GOV.GE⁴⁸, created under Data Exchange Agency of the Ministry of Justice of Georgia is the primary agent for handling critical computer incidents occurring in the country.

There are a number of services offered by CERT.GOV.GE in order to increase e-security: free penetration tests, incident response, network monitoring, safe DNS server, IP address monitoring etc. Monitoring of IP addresses offers users to see whether their computers are infected by viruses. Secure DNS service enables user to automatically block harmful content by using DNS parameters offered by cert.gov.ge. The standards and methodologies are set by international information security and cybersecurity organizations, part of which Georgia is: Forum of Incident Response and Security Teams (FIRST) and Forum of Incident Response and Security Teams (Trusted Introducer Service). Databases of DEA are being daily updated from both organizations. This service is provided by DEA free of charge. If DEA is given range of IP addresses of an organization, information from any infected IP address within the range will be automatically sent, containing such details as type of virus, type of attack and specific recommendation.⁴⁹

Lastly, according to representatives of DEA, Georgian e-Government services, especially my.gov.ge, set high standard of security, using the highest standard for authentication, by the means of new ID card. At the moment, since not everyone has new ID cards, authentication with username and password (given by Public Service Halls) is also possible. It is planned to introduce authentication with mobile applications as well. According to e-Georgia, it is planned that 60% of population with internet access has e-ID by 2018; 10 % of issued e-IDs have Digital Signature activated by 2018; 70% of Georgian business/enterprises should be using e-Stamps by 2018⁵⁰.

E-Georgia provides for further targets for e-security development in Georgia, such as revision of methodology, revision of information security legislation and implementation of updates by 2016, preparation of university curriculum on cyber security by 2016, and one third of IT staff of

⁴⁶ Order of the Minister of Defense №8 on “Adopting Decree of Office of cybersecurity”, February 6, 2014, https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=2235212&lang=ge

⁴⁷ Order of the Minister of Defense №27 on “Office of cybersecurity, Computer Emergency Response Team” April 7, 2014, https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=2310009&lang=ge

⁴⁸ Ministry of Justice, Data Exchange Agency, Computer Security Incident Response Team (SCIRT) Description for CERT-GOV-GE, <http://www.dea.gov.ge/uploads/Articles/CERT-GOV-GE%20RFC2350.pdf>

⁴⁹ Face to face interview with two officials of DEA, April 2014, Tbilisi.

⁵⁰ Face to face interview with two officials of DEA, April 2014, Tbilisi.

the ministries trained in security of critical information by 2016.⁵¹ E-Georgia also sets targets for cybersecurity, such as creation of cyber security forum by DEA and increase of its participants by 40% by 2015, 60% of cyber security specialists of ministries trained by 2016 etc.⁵²

To sum up, Georgian internet is not entirely secure against hack attacks, as proved by attacks on the website of Georgian parliament in early 2014. While Georgian first Cyber Security Strategy of Georgia and Action Plan (2012-2015) is in force, efforts are needed for its duly implementation and ensuring whole-of-government approach to e-Security. In the absence of a single national Computer Emergency Response Team, CERT.GOV.GE created under Data Exchange Agency of the Ministry of Justice of Georgia offers most services (e.g. free penetration tests, incident response, network monitoring, safe DNS server, IP address monitoring etc.) for ensuring e-Security in Georgia.

Perspectives for Development of Online Media in Georgia

Nowadays credibility of traditional media outlets is under question in Georgia. According to the results of the 2013 nationwide survey of Caucasus Research Resource Center (CRRRC), 12% of population distrust media, more than half – 55% - has ambiguous attitude towards it (neither trusts, nor distrusts).⁵³

Given these circumstances, online media can be considered as a source of alternative information. Some people believe that online media outlets are relatively free⁵⁴ and even more, there are not any limitations regarding obtaining licenses or publishing particular information. Anyone is entitled to launch online magazine/journal in case of financial support, create blog or disseminate desired information through other online tools.

Despite the fact that online media does not encounter deliberate barriers for development, the study of the issue revealed several challenges. First of all, low internet penetration was named as one of the main obstacles for internet outlets, since majority of population still get information from television. Indeed, according to NDI survey, internet is a main source of information only for 24% of population; whereas, 85% of respondents considers television as a first source for learning about the developments of the country.

Apart from this, low level of professionalism of journalists remains as a significant challenge for Georgian media. While discussing their skills and professionalism, the following factors were highlighted: obtaining, searching for, analysing and preparing exclusive information. Some

⁵¹ Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, “A Digital Georgia”, e-Georgia strategy and action plan 2014-2018, p. 66, 2014, <http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

⁵² Bernhard Krabina, Po-Wen Liu, Morten Meyerhoff-Nielsen, Jeremy Millard, Peter Reichstädter, Maria A. Wimmer, “A Digital Georgia”, e-Georgia strategy and action plan 2014-2018, p. 68, 2014, <http://www.dea.gov.ge/uploads/eGeorgia%20Strategy.pdf>

⁵³ Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, <http://www.crrccenters.org/caucasusbarometer/>

⁵⁴ Face to face interview with G.G 26.11.2013

people claim that people working in this field do not sufficiently strive to obtain their own sources and information, and make extensive analysis. Frequently their reports are prepared only based on one source and additionally, diverse positions regarding particular issue is not presented properly. Moreover, journalists do not double-check information.⁵⁵

It was reported during the interviews that some journalists do not possess necessary information for requesting public information and they consider this task as a competence of only lawyers or particular nongovernmental organizations.⁵⁶ However, generalization of this claim cannot be justified, since there are other professionals and representatives of online media who use this opportunity very effectively and prepare analytical articles based on the received public information.⁵⁷

Even though disseminating desired information in Internet is quite simple, on other hand, protecting copy right is challenging. Georgian journalists claimed that “the term “web-site” is not mentioned in legislature. According to Law on Copyright and Neighboring Rights of Georgia does not recognize internet, as this law was adopted long time ago.”⁵⁸ Under limited resources, preparing analytical piece of works takes a long time, however after these studies are published, they appear on the web-site of various news agencies. Most of them do not even indicate the link of the first source. Given these circumstances, journalists believe that value of their exclusive articles is depreciated, since, without any intellectual or physical efforts, these articles are accessible for readers through other media outlets, in most cases without showing the first source properly.⁵⁹ “Link is crucial for those working in online journals, since it ensures feedback for the web-site. Currently, the rules of citation are widely broken.”⁶⁰

In case of discovering such cases, journalists and editors practically never appeal to court. They prefer to resolve the problem on their own: they contact the violator media representative and ask to indicate the source. Consequently, it seems that instead of striving to settle disputes through legal frameworks, resolving the problem on personal level is a common practice.

Some journalists declared that apart from copyright issues, readers’ attitudes towards scandalous and analytical information indirectly hinder creation of qualitative product. Composing articles based on balanced and diverse data requires huge work, however, eventually such items have fewer views as compared to yellow and politically affiliated press.⁶¹

Among other challenges of online media, shortage of multimedia and visual materials was singled out.⁶² As interviewees claimed, contemporary, digital media implies delivering information in

⁵⁵ The mentioned problem was named during the interviews with editors and journalists

⁵⁶ Face to face interview with T.K 04.12.2013

⁵⁷ Face to face interview with T.K 04.12.2013

⁵⁸ Face to face interview with N.D 25.11.2013

⁵⁹ Face to face interview with N.D 25.11.2013

⁶⁰ Face to face interview with T.K 04.12.2013

⁶¹ Face to face interview with A.C 25.11.2013

⁶² Face to face interviews with T.K 04.12.2013, G.G 26.11.2013 and M.T 18.11.2013

completely brand new way. Infographics, visualisations, podcasts, interactive applications and other interactive tools should be developed to provide news to citizens in comprehensible and attractive format.

In order to resolve this problem, on one hand, considerable changes in education are necessary. Courses and lecture materials on usage of multimedia tools need to be created. On the other hand, taking into consideration all these factors, composition of multimedia piece of work requires financial resource, since production of such articles needs at least photographer, designer, journalists, etc.

This issue is also related to financial constraints and unsustainability of online media. Nowadays online media mainly relies on foreign funds. Incomes from advertisement are not enough even for survival, not to mention resources for their development. Tradition of crowds funding is not developed in the country yet – majority of population does not express inclination towards donation for media representatives.⁶³ Due to their low purchasing capacity, it is practically impossible to make particular online content paid.⁶⁴

Business representatives are quite modest, since investing in online media advertising is not considered profitable enough for them, which may be resulted from low level of internet penetration. However, recently representatives of some banks, construction companies are expressing interest towards this media sector. Among other clients of online advertisement nongovernmental organizations, international organizations and educational institutions can be highlighted.

It is worth mentioning that under shortage of diverse source of funding opportunities, aids and grants provided by international donors are regarded as one of the guarantees for online media outlets.⁶⁵ Otherwise, as a rule, questions regarding possible political affiliation of online media representatives arise.

Due to limitations of financial and human resources, online media lacks diversity of topics. Additionally, they do not have luxury to allow their staff members to work on only one particular issue of their interest (as a result, they lack issue specialist). This factor has potential effect on the quality of their reports and at the same time, editors use intellectual abilities of journalists in ineffective way. As a result of limited staff each journalist has to cover wide variety of issues.

While discussing obstacles to internet media, some respondents named access to information and taking interviews from high officials. On one hand, bureaucratic procedures prolong the process of obtaining public information, as a result, after provision of desired data or information; it may turn out to be outdated and less topical. In the worst case, public institutions may refuse to release particular information. Institute for Development of Freedom of

⁶³ Face to face interview with G.G 26.11.2013

⁶⁴ Face to face interview with N.T 28.11.2013

⁶⁵ Face to face interview with L.Z 13.12.2013

Information (IDFI) has been observing and studying transparency and accountability of public institutions in terms of publication of public information. According to its report, release of public information has been improved after Parliamentary Elections on October 1, 2012. The 51% share of complete answers that existed before the elections has increased to 81% and the unanswered requests reduced from 30% to 11%. Overall, the figure of issuing of information during the period before the elections was increased by 30 percent.⁶⁶ Despite such positive trends, during the next reporting period (October, 2013 – March, 2014) research on accessibility of public information of central public institutions demonstrated that compared to previous reporting period:

- The percentage of the complete answers was reduced by 14%;
- Percentage of ignored requests was increased by 5%.⁶⁷

Based on the answers received from the central public institutions, project team elaborated the access to information rating, according to which the least accountable public institutions included:

- Ministry of Internal Affairs of Georgia;
- Ministry of Economy and Sustainable Development of Georgia.

Journalists singled out Ministry of Internal Affairs as one of the closed public institution, from which, apart from receiving public information, conducting interviews with their representatives is quite difficult. As a negative tendency, progress has been observed in case of at least two public institutions: the Administration of the President of Georgia and the Chancellery of the Government of Georgia.⁶⁸

With regard to provision of interviews, as journalists declared, parts of public institutions (e.g. Prosecutor's Office of Georgia) became more open after the 2012 election. Since the appointment of new Chief Prosecutor of Georgia, press conferences were organized almost weekly, however, afterwards this practice changed gradually - the frequency of meetings with media representatives and possibilities to carry out interviews with the Chief Prosecutor decreased.⁶⁹ As media representatives claim, obtaining the desired respondent significantly depends on personal contacts.⁷⁰ At the same time, it was widely reported that staff member of Ombudsman Office were fired as a consequence of the interview provided to one of the online media outlets, where the former employee of this institution was talking about particular problems regarding the policy of the office. The similar fact was observed in case of dismissal of staff member of one

⁶⁶ Institute for Development of Freedom of Information (IDFI), Access to Information in Public Institutions in 2012-2013, <https://idfi.ge/en/access-to-public-information-in-georgia-2012-2013>

⁶⁷ Institute for Development of Freedom of Information (IDFI), Access to Information in Public Institutions in 2013-2014, https://idfi.ge/en/sajaro_informaciis_xelmisawvdomoba_centraluri_2013_2014_brief

⁶⁸ Institute for Development of Freedom of Information (IDFI), Access to Information in Public Institutions in 2013-2014, https://idfi.ge/en/sajaro_informaciis_xelmisawvdomoba_centraluri_2013_2014_brief

⁶⁹ Face to face interview with T.K 04.12.2013

⁷⁰ Face to face interview with L.Z 13.12.2013

of the LEPLs of Ministry of Justice, Giorgi Maisuradze. Even though the mentioned public institutions deny any interrelationship between their dismissal and interviews published on online media, journalists consider that, such cases may have negative implications for other public officials, since they will have less willingness to talk with journalists openly.⁷¹

While talking about particularities of interaction between media and government, it is vital to what extent government seeks to interfere in journalists' affairs. The most sensitive facts in this regard happened during the 2012 election campaign,⁷² however later situation has changed and such harsh cases were not witnessed.

Despite this, editor of one of the online media outlets declared that representatives of public relations departments of public authorities often contact media editors or journalists regarding articles containing information about the institutions they represent. They, as a rule, demand from journalists to "correct" particular information. According to the mentioned respondent, unless they have made any factual or technical mistakes, and public officials just seek to convince editorial board of the media to change the narrative of the article, they do not tolerate such concerns. This practice is characterized with both current and incumbent government.⁷³ However, it was also highlighted that such attempts of interference happen infrequently and do not have systematic character. Additionally, in most cases, public officials claim that position of their organization was not presented properly.

One of the indicators of trustworthiness of online media among population is the frequency and the content of their feedback. During the interviews conducted in the frames of the research, most of the journalists and editors claimed that the received feedback concern mainly social issues.⁷⁴

With regard to forms of expressing reflections on the materials published on the online media, readers usually write online comments, share particular news, contact media staff via telephone for clarifying particular details and send their opinions via e-mail. Even more, sometimes they suggest ideas for further investigation⁷⁵ and request details about desired topic.⁷⁶

To sum up, it can be concluded that major challenges for online media include financial sustainability, professionalism of journalists and lack of necessary skills and resources for creating diverse content. Taking into account these circumstances, it is of vital importance to expand coverage of internet. Furthermore, increased interest towards online media advertising from business representatives would have a contributive effect on this process. The government, on its part, should constructively cooperate with journalists, make public information accessible and ensure unlimited functioning of media representatives.

⁷¹ Face to face interview with T.K 04.12.2013

⁷² Georgian Young Lawyers' Association. "Freedom of Expression in Georgia. Media Environment". 2013.

⁷³ Face to face interview with L.Z 13.12.2013

⁷⁴ Face to face interviews with N.D and N.N 25.11.2013

⁷⁵ Face to face interview with N.N 25.11.2013

⁷⁶ Face to face interview with T.K 04.12.2013

Internet Users' Rights

Secret Surveillance and Wiretapping by the Government

“This Affects You Too” Campaign

Until recently, the Georgian legislation gave more power to law-enforcing agencies to begin surveillance 24 hours prior court's approval, and allowed for less strict regulations when deciding on surveillance of suspected individuals. Besides, after changes made to the Law on Operational-Investigative Activity in September 2010, the list of those obliged to disclose private communications data upon presenting court approval has been increased to include websites, mail servers, ISPs etc. Although it was still prohibited to interfere with privacy or conduct electronic surveillance without court approval or legal necessity, “respect for these prohibitions was problematic”⁷⁷, as stated in the 2013 Human Rights Report on Georgia prepared by US Department of State.

Prior to Parliamentary Elections 2012 disturbing cases of surveillance and wiretapping by the government have been revealed. As it turned out, there were up to 29 000 illegal video and audio recordings of meetings and conversations of opposition party representatives, well-known persons opposing the government, prisoners, civil servants, users of various entertainment establishments, transport employees⁷⁸ etc, mostly recorded over the period of 2003-2012. The public authorities mostly involved in illegal surveillance were Ministry of Defense's Military Police, Ministry of Internal Affairs and Presidential Security Office⁷⁹.

Interim Commission on Illegal Surveillance and Wiretapping⁸⁰ (hereafter the Commission) was created in August 2013 in order to make an inventory of illegal recordings and decide on their extermination and/or archiving. Namely, the Commission aimed at analyzing and systematizing the recordings, defining method and timeframe for extermination of those not having operationally valuable information or not obtained within the framework of inquiry of a criminal case. Thus, three categories of the recordings have been revealed: the recordings not falling under any abovementioned categories and to be exterminated, material obtained within the

⁷⁷ U.S. Department of State, Country Reports on Human Rights Practices for 2013, Georgia 2013 Human Rights Report, p.25, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220280#wrapper>

⁷⁸ Final Report, Interim Commission on Illegal Surveillance and Wiretapping, 31 January, 2014, <http://police.ge/files/pdf/saboloo%20angariSi%20.pdf>

⁷⁹ U.S. Department of State, Country Reports on Human Rights Practices for 2013, Georgia 2013 Human Rights Report, p.25, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220280#wrapper>

⁸⁰ Members of the Commission were:

1. Minister of Internal Affairs, Irakli Gharibashvili, succeeded by Aleksandre Chikaidze (Head of the Commission)
2. Prosecutor General Archil Kbilashvili (Deputy Head of the Commission)
3. Minister of Justice, Tea Tsulukiani
4. Judge of Tbilisi Appeal Court, Merab Gabinashvili
5. Public Defender, Ucha Nanuashvili
6. Personal Data Protection Inspector, Tamar Kaldani
7. Editor in chief of newsletter “Resonance”, Lasha Tughushi
8. Head of Research Centre of Election and Political Technologies, Kakha Kakhishvili
9. Executive Director of Transparency International Georgia, Eka Gigauri

framework of inquiry and files having valuable information for operations. Part of the recorded cases consisted of most severe violations of privacy and intimacy, which have been identified and destroyed.

As a result of the analysis the Commission has revealed that the recorded files do not have any operational value as they aimed at identifying and controlling plans and goals of political opponents, political unions, and collecting discreditable evidences. The Commission was unable to find any official document proving legality of collected video, audio and photo data. Thus, the Commission has concluded that abovementioned cases of illegal surveillance and wiretapping was “classical example of illegal violation of privacy by government representatives”. Upon completion of its work the Commission has exterminated part of the recordings with violations of privacy and intimacy, damaged files and those with unidentified persons. The most substantial part of the recordings has been sent to Prosecutor General for further investigation. As it became known later, although publicly destructed, some copies of files of private life might still exist⁸¹.

The government changed after 2012 elections promised to ensure protection of personal data and control illegal surveillance and wiretapping practices. High officials of the MIA’s Constitutional Security Department, which, according to the former Prosecutor General Archil Kbilashvili, had developed computer virus software for illegal surveillance, have been detained⁸².

However, the rest of illegally obtained recordings remain under control of the government. Besides, the “black boxes” still enable the MIA and law-enforcement agencies to have illegal access to information of communication operators and all kinds of communication between citizens. According to the report of EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia Thomas Hammarberg⁸³, availability of surveillance equipment at telecommunications operators, enabling the MIA automatic access to all communications was one of the most important concerns. Namely, Hammarberg pointed out about the risk of misusing this technical means and need for proper legal regulations and judicial control. The danger in having access to the illegal recordings has become even more evident when the First Deputy of the Minister of Interior, Gela Khvedelidze illegally spread internet video recording of one of the critical journalist’s personal life in order to harm his reputation. This was followed by arrest of

⁸¹ U.S. Department of State, Country Reports on Human Rights Practices for 2013, Georgia 2013 Human Rights Report, p.25, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220280#wrapper>

⁸² Joint report by: Transparency International Georgia, Georgian Democratic Initiative Human Rights Education and Monitoring Center (EMC) and Georgian Young Lawyers' Association, “Ministry of Internal Affairs of Georgia after November 2012: Evaluation report”, April 2014, p.19, <http://transparency.ge/en/node/4168>

⁸³ Thomas Hammarberg, Assessment and recommendations in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, “Georgia in Transition, Report on the human rights dimension: background, steps taken and remaining challenges”, a report addressed to High Representative and Vice-President Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle, September 2013, p. 21, http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

Khvedelidze for illegal infringement upon private secret by a person who was obliged to protect it⁸⁴.

As the survey⁸⁵ recently conducted by Caucasus Research Resource Centers (CRRRC) for TI Georgia has confirmed, the cases of surveillance have influenced public attitude as well. According to the survey, only 9% of Georgians think that the government does not listen to anyone, while 23% believe that they intercept everyone. The majority (63%) do not feel secure enough while sharing personal secret with friends over the phone, and even more (67%) are reluctant to share a critical opinion about political events in Georgia with a friend over a phone.

While the report by EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia Thomas Hammarberg stresses that “illegal surveillance was a systematic practice”⁸⁶, part of the non-governmental organizations expressed dissatisfaction with lack of systematic changes implemented by the new government and the fact that law enforcement agencies still have access to recorded files obtained from illegal surveillance as well as all kinds of communication among citizens. In March 2014 they launched a campaign “This Affects You - They Are Still Listening”⁸⁷ calling on the Government to consider legislative amendments in order to ensure protection of privacy. The need for legislative changes has also been stressed by international observers. Namely, in his report⁸⁸ Thomas Hammarberg called on the authorities to urgently amend the Law on Operative and Investigative Activities in order to ensure its compliance with human rights standards and protection of privacy rights. Thomas Hammarberg recommended that surveillance should not be decided or conducted by the prosecutor, MIA or other representatives of the executive without prior collaboration with the judiciary⁸⁹.

⁸⁴ Joint report by: Transparency International Georgia, Georgian Democratic Initiative Human Rights Education and Monitoring Center (EMC) and Georgian Young Lawyers' Association, “Ministry of Internal Affairs of Georgia after November 2012: Evaluation report”, April 2014, p. 18, <http://transparency.ge/en/node/4168>

⁸⁵ TI Georgia poll on surveillance: 69% of respondents would not discuss critical political opinions on the phone, <http://transparency.ge/en/node/4024>

⁸⁶ Thomas Hammarberg, Assessment and recommendations in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, “Georgia in Transition, Report on the human rights dimension: background, steps taken and remaining challenges”, a report addressed to High Representative and Vice-President Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle, September 2013, p. 21, http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

⁸⁷ <http://esshengexeba.ge/?menuid=30&lang=1>

⁸⁸ Thomas Hammarberg, Assessment and recommendations in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, “Georgia in Transition, Report on the human rights dimension: background, steps taken and remaining challenges”, a report addressed to High Representative and Vice-President Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle, September 2013, p. 21, http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

⁸⁹ Thomas Hammarberg, Assessment and recommendations in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, “Georgia in Transition, Report on the human rights dimension: background, steps taken and remaining challenges”, a report addressed to High Representative and Vice-President Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle, September 2013, p. 21,

A package⁹⁰ of legislative amendments for surveillance related changes has been submitted⁹¹ to the Parliament in July 2013. The package combines changes made to five laws: Criminal Procedure Code, Law on operational-investigative activities, Law on Personal Data Protection, Law on Electronic Communications and Regulations of the Parliament of Georgia.

Despite positive statement of the Minister of Internal Affairs Alexandre Chikaidze regarding readiness of the Ministry for a dialogue with civil society, other comments from the government have undermined credibility of the process. E.g. MP Levan Bezhashvili connected new campaign with secret recording of one of leaders of the United National Movement and former Tbilisi Mayor Gigi Ugulava and his daughter⁹². The deputy Interior Minister Levan Izoria has criticized the campaign and legislative amendments stating “with full responsibility that no illegal wiretapping takes place⁹³”. Finally the Prime Minister Irakli Gharibashvili claimed that the draft law was “catastrophic and endangered national security and effective functioning of the law enforcement system”⁹⁴.

The draft review process has been prolonged by Parliamentary Rules of Procedure according to which no plenary sessions shall be held in the Parliament during a 1 month period prior to the local government elections. Besides, on the next day of starting committee hearings on the draft law, an ad hoc interagency task force has been set up at the State Security and Crisis Management Council’s initiative involving the Ministry of Interior, the Ministry of Justice, and the General Prosecutor’s Office to develop a personal information protection strategy and reconsider the draft law on secret surveillance⁹⁵. Most importantly, the Ministry of Internal Affairs strongly opposed the proposed changes that would limit direct access of law enforcing agencies to telecommunications data obtained by the operators and communication between citizens. As a result, despite a number of progressive changes made by the new amendments, the above-mentioned clause has been removed from the bill and it was decided that a special commission

http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

⁹⁰ Parliament of Georgia, Package of Legislative Amendments on Surveillance, <http://parliament.ge/ge/law/24/23>

⁹¹ The authors were:

1. First Deputy Chairman of Legal Affairs Committee and member of the Georgian Dream Coalition MP Shalva Shavgulidze;
2. Chief Specialist of the Legal Issues Committee Lika Sajaia;
3. Editor-in-Chief of the Rezonansi Newspaper Lasha Tugushi;
4. Journalist Zviad Koridze

⁹² Transparency International Georgia (TI-G), Statement of ‘This Affects You Too – They Are Still Listening’ campaign participants concerning MP Levan Bezhashvili’s initiative from March 13th, <http://transparency.ge/en/node/4033>

⁹³ News Agency “For.ge”, Tamar Karchava, Activeness of NGOs Ahead of Elections Raises Numerous Questions, Unofficial translation made by Transparency International Georgia at:

<https://docs.google.com/document/d/1X1bxvvVPJOWZRPPNzCyr7dchetP5dEFGbPjGmfUjU/edit?pli=1>; Original article in Georgian at: http://for.ge/view.php?for_id=31272&cat=19

⁹⁴ Transparency International Georgia (TI-G), NGOs campaigning to end illegal surveillance respond to PM’s accusations, <http://transparency.ge/en/node/4191>

⁹⁵ Transparency International Georgia (TI-G), ‘This Affects You - They Are Still Listening’ campaign participant organizations’ appeal to the Georgian government and parliament, <http://transparency.ge/en/node/4189>

should decide upon a mechanism for regulating this issue by November 2014. Until then the law enforcing agencies also have the right to copy the data.

Although initially the legislative amendments could not be approved by the Parliament due to lack of quorum⁹⁶, the Parliament passed the changes with the third hearing in August 2014⁹⁷. According to new legislative changes on surveillance, a number of significant changes have been made. Namely, the list of persons who can become subject of surveillance and wiretapping has been further defined (criminals, persons assisting criminals, cases of deliberate and grave crime, crimes infringing right to live, health or economic cases); the duration of surveillance and wiretapping has been limited to a maximum of 6 months; the person who was surveilled should be notified in a written form about the obtained recordings and its extermination; Significantly, with the abovementioned amendments powers of Personal Data Protection Inspector have been increased. See [Overview of Institutions Responsible for Protection of Users' Rights](#) for more details about Personal Data Protection Inspector.

Recommendations of CSOs on government surveillance and wiretapping

Based on the actual developments and analysis of access to information IDFI with other CSOs has been actively involved in advocacy process. As a result of this, some international obligations taken by Georgia within the framework of Open Government Partnership (OGP) initiative also contribute to more transparency and accountability in conducting surveillance by the Government. Namely, recommendations⁹⁸ prepared by IDFI in cooperation with Open Government Partnership (OGP) Georgia's Forum member organizations⁹⁹ and presented to OGP Georgia secretariat to be included in Georgian 2014-2015 OGP Action Plan¹⁰⁰ also covered two recommendations related to surveillance – improving legislation and proactive transparency on surveillance as well as improved access to the MIA Statistical Data, both of which have been accepted and included in the Action Plan. Thus, according to recently adopted Georgian 2014-2015 OGP Action Plan, by 2015 the Ministry of Internal Affairs is obliged to publish statistical data, including crime, to web-portal.

⁹⁶ Internews-Georgia Project – portal MEDIA.GE, Parliament Fails to Approve Amendments over Wiretapping Due to Lack of Quorum, <http://www.media.ge/en/portal/news/302724/>

⁹⁷ Online Magazine “Tabula”, The draft bill on secret surveillance passed by third hearing in the Parliament, <http://www.tabula.ge/ge/story/86411-parlamentma-faruli-mosmenebis-shesaxeb-kanonproeqti-me-3-mosmenit-daamtkica>

⁹⁸ Institute for Development of Freedom of Information (IDFI), “Recommendations Regarding the 2014-2015 Action Plan of the Government of Georgia for Open Government Partnership (OGP) Initiative”, May 2014, <http://bit.ly/1vxygFk>

⁹⁹ Open Government Georgia's Forum member organizations:

1. Georgian Young Lawyers' Association
2. Open Society Georgia Foundation
3. Transparency International Georgia
4. Jumpstart Georgia
5. Economic Policy Research Center

¹⁰⁰ 2014-2015 Action Plan of the Government of Georgia for Open Government Partnership (OGP), (in Georgian) <http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%2FOGP%20AP%202014-2015.pdf>

As for legislative changes and proactive transparency of surveillance related data, it is part of the recommendation package “About the National Security and the Global Principles of Right of Access to Information” prepared by civil society and adopted by Parliamentary Assembly of Council of Europe (PACE) in October 2013. In December 2013 more than 200 international, regional and national organizations as well as individuals addressed the Co-Chairs of the Open Government Partnership with a Statement of Concern on Disproportionate Surveillance¹⁰¹. The signatories recommended the decision makers to recognize the need for updating privacy and human rights legislation, committing in their OGP Action Plans to regulating state involvement in communications surveillance, guaranteeing freedom of the press and protecting whistleblowers, as well as committing to transparency on the mechanisms of surveillance and agreements to share citizen data among states.

By adopting the abovementioned recommendation, Parliament of Georgia, Ministry of Internal Affairs, Ministry of Justice, Personal Data Protection Inspector, Supreme Court of Georgia, National Security Council of Georgia, Council for State Security and Crisis Management become responsible for improving the law on “Operational-Investigative Activities” in terms of providing more security of the citizens and democratic control and providing the proactive disclosure of the information about surveillance. Importantly, since representative of the Supreme Court had not expressed official position of the court regarding proactive disclosure of the statistical data about the government surveillance, OGP Forum Member Organizations¹⁰² made a public appeal¹⁰³ to the Chairman of the Supreme Court of Georgia. As a result, the Supreme Court has considered the recommendation and made the commitment to proactively disclose statistical information on surveillance since September 2014.

FOI practice on surveillance and wiretapping related data

Since access to information is essential for protecting human rights, IDFI has been requesting public information regarding statistics on secret surveillance and has acquired extensive practical experience covering various state institutions. As the received replies¹⁰⁴ have shown, there is no single standard of releasing information on surveillance. Namely, the Institute has requested information about the number of applications that were filed and accepted by the

¹⁰¹ Statement of Concern on Disproportionate Surveillance addressed to the Co-Chairs of the Open Government Partnership, <https://idfi.ge/public/migrated/uploadedFiles/files/CSO%20OGP%20statement%20%20ENG.pdf>

¹⁰² Signatory Open Government Georgia’s Forum member non-governmental organizations:

1. Institute for Development of Freedom of Information (IDFI)
2. Transparency International – Georgia
3. Georgian Young Lawyers Association
4. Open Society Georgia – Foundation
5. Jumpstart Georgia
6. Economic Policy Research Center
7. Partnership for Road Safety

¹⁰³ Institute for Development of Freedom of Information (IDFI), Appeal of the OGP Forum Member Organizations to the Chairman of the Supreme Court of Georgia Konstantine Kublashvili, <https://idfi.ge/en/cso-address-supreme-court>

¹⁰⁴ Institute for Development of Freedom of Information (IDFI), Access to Statistical Information on Surveillance, <https://idfi.ge/ge/statistical-data-idfi-practice>

court concerning permissions of secret surveillance and recording of telephone conversations, as well as the number of those actions conducted without court's permission that have been recognized as either lawful or unlawful. While some institutions regard it as secret information (Ministry of Internal Affairs, Ministry of Finance), some left requests unanswered (Kutaisi City Court, Tbilisi City Court, Prosecutor's Office), and upon submission of an appeal either state that they do not have the information (Kutaisi City Court), or take obligation to fully release requested information but as a result only provide summarized data rather than details (Tbilisi City Court). Some institutions do not consider such information to be secret, but claim not having the analysis ready for provision (Batumi City Court).

Interestingly, High Council of Justice of Georgia stated that it did not have official documents of the data on surveillance, which have been presented by one of its members Giorgi Obgaidze at a session of the Parliament. In some cases the institutions state that they do not compile requested information separately (Supreme Court of Georgia on applications of the Prosecutor's Office for surveillance of judges), or do not have unified systematized database to find the information (Ministry of Internal Affairs on removing information and fixation from telecommunications channel/computers).

While Prosecutor's Office gave information about the number of applications filed to the court (1207 cases in the period between November 1, 2012 and May 9, 2013), it first ignored the request about number of cases of removing information and fixation. After another request the Prosecutor's Office gave total number of such cases (18 cases of removing information and fixation in the period between October 25, 2013 and February 3, 2014) but requested 4 month period for giving full information. Four months later IDFI received additional information¹⁰⁵ from the Prosecutor's Office, according to which in the period between January 1, 2012 and October 26, 2013 the Prosecutor's Office applied for 96 warrants from Tbilisi City Court on removing information from telecommunication channel and fixation, and 2 warrants – on removing information from computer system and fixation. The Prosecutor's Office also informed IDFI that in the period between April 8, 2010 and October 26, 2013 there were no cases when the Prosecutor's Office applied to the Supreme Court on secret surveillance of judges. However, it gave no information about such cases in 2005-2010.

As the practice has shown in some cases public institutions tend to classify information related to surveillance. Importantly, according to a new draft bill on "State Secret"¹⁰⁶ statistical information connected with operational-investigative activities may be indeed be regarded as state secret. This is substantial change from the existing regulations, which will significantly undermine principles of open government, transparency and accountability. IDFI strongly believes that since this is statistical information which does not give any clues as for the content of operational-

¹⁰⁵ Institute for Development of Freedom of Information (IDFI), Statistical Information on the Surveillance Conducted by the Prosecutors Office, August 11, 2014,

<https://idfi.ge/en/statistical-information-on-the-surveillance-of-the-prosecutors-office>

¹⁰⁶ Parliament of Georgia, Draft Bill on "State Secret", <http://parliament.ge/ge/law/1391/10210>

investigative activities, this information should definitely be publicly available. Subsequently, IDFI calls upon the Parliament of Georgia and the author of draft bill on “State Secret” Irakli Sesiashvili to amend the abovementioned clause so that statistical information on operational-investigative activities cannot be classified as state secret.

Overview of Institutions Responsible for Protection of Users’ Rights

While violations of internet users’ rights are not commonplace on a larger scale, some limitations – mostly associated with voluntary and/or involuntary self-censorship, spam, hack attacks on websites and repercussions for unwanted media content – still take place from time to time.

The main agency for responding appeals of citizens on internet-related issues is the regulatory body Georgian National Communication Commission (GNCC). One of the most significant news in this direction is election of a new Public Defender of the Consumers’ Rights under GNCC in February 2014. The first defender of users’ rights was Lia Mukashavria (2002-2003), followed by Pavle Beria (2004-2005) after which the functions of protecting users’ rights were implemented by various assistants of Public Defender of the Consumers’ Rights while the post itself remained vacant until 2014. Since early 2014 this post was given to Tamta Tepnadze.¹⁰⁷ Importantly, the institute of Public Defender of the Consumers’ Rights has been created independently from the apparatus of GNCC.

The defender has been elected for 5 years and her functions are: protection of rights and legal interests of e-communications and broadcasting users, considering appeals of users, participating in preparation of normative acts that may influence users’ rights, evaluation, analysis and forecasting impacts of tariff and other regulatory changes of the commission on the users, representing the users in the commission, represent individual users in disputes with authorized and/or license-holding companies etc.¹⁰⁸ In cases of appeals the Ombudsman can explain the appellant the rights and obligations, rules and timeframe of considering the appeal, requirements of an appeal, comment on mistakes in appeals; immediately request detailed information from service providing companies, actions/inactions of which has resulted in violation of users’ rights; in case of violations give the materials to GNCC and represent the appellant while considering the case; require from the GNCC responsibility of those persons whose inaction has resulted in violation of rights of users; publicize cases of violations and annual report over the course of the year as well as report on cases in other special publications etc.¹⁰⁹

While the Office of the Public Defender of the Consumers’ Rights has not issued its strategy yet, the website offers detailed instructions on how to make an appeal, what are procedures of considering appeals etc. Interestingly, appeals can be made via multiple sources such as post, e-

¹⁰⁷Office of the Public Defender of the Consumers’ Rights under GNCC, Guidebook, http://momkhmarebeli.gncc.ge/?page_id=186

¹⁰⁸Office of the Public Defender of the Consumers’ Rights under GNCC, About the Office, http://momkhmarebeli.gncc.ge/?page_id=30

¹⁰⁹Office of the Public Defender of the Consumers’ Rights under GNCC, Guidebook, http://momkhmarebeli.gncc.ge/?page_id=186

mail, social networks, telephone or physically. The web-site also provides sample appeal form¹¹⁰ for consumers and details of obligations from service providers¹¹¹. One of the shortcomings is that there is no fixed timeframe for considering cases; also contact details are not sufficiently user-friendly, e.g. finding Facebook page¹¹² (referred to on the web-site as one of the sources of communication with the Ombudsman's office) is very complicated unless one knows its exact Facebook name, as it is not linked anywhere on the website.

Although establishment of an independent body for defending users' rights and electing the Ombudsman has high significance on its own, the election process was marked with lack of transparency and has led to concerns on accountability and effectiveness of the new body. According to the statement¹¹³ made by Media Advocacy Coalition¹¹⁴ the competition on the vacant position has ended so that composition of the electing commission, information on candidates and details of interviews have not been publicly available. Besides, according to the statement, the concerns are strengthened by the result of the election process as the new elected Ombudsman is former leading specialist of the Sector Economy and Economic Policy Committee of the Parliament of Georgia, the head of which, Zurab Tkemaladze, was also the head of the election committee.¹¹⁵

In order to learn more about potential cases of violations in November 2013 IDFI has requested from GNCC internet-related appeals and related decisions for 2012-2013. According to the received information, in most cases citizens asked for assistance in communication with internet provider, they also requested either provision of internet or cancelling service of a specific provider. The concerns and questions mostly related to fees, speed of internet, fines and problems with internet connection. There are no cases of appeals concerning limitations of content or other repercussions for online activities. Interestingly, in one case citizens of Tbilisi

¹¹⁰ Office of the Public Defender of the Consumers' Rights under GNCC, Form and Content of an Appeal, http://momkhmarebeli.gncc.ge/?page_id=10

¹¹¹ Office of the Public Defender of the Consumers' Rights under GNCC, Obligations of companies, http://momkhmarebeli.gncc.ge/?page_id=8

¹¹² Office of the Public Defender of the Consumers' Rights under GNCC, Facebook page, <https://www.facebook.com/communicationsombudsman>

¹¹³ Statement of Media Advocacy Coalition on the Competition to Select Defender of Users' Rights under GNCC, <https://idfi.ge/ge/news-111>

¹¹⁴ Member organizations of the Media Advocacy Coalition are:

1. Association of Georgian Regional Broadcasters (www.garb.ge)
2. Georgian Regional Media Association (www.grma.ge)
3. Regional TV Network
4. Media Club
5. The Georgian Charter of Journalistic Ethics (www.qartia.org.ge)
6. Institute for Development of Freedom of Information (www.idfi.ge)
7. Open Society Georgia Foundation (www.osgf.ge)
8. Georgian Young Lawyers Association (www.gyla.ge)
9. Civic Development Institute (www.cdi.org.ge)
10. "For Civil Society"
11. Levan Mikeladze Foundation (www.mikeladzefoundation.org)

¹¹⁵ Statement of Media Advocacy Coalition on the Competition to Select Defender of Users' Rights under GNCC, <https://idfi.ge/ge/news-111>

requested internet to be provided to their street. GNCC contacted one of Internet Provider companies (SILKNET) and asked them to consider the request of users concerning telephone and internet services. Silknet has replied that providing internet to the requested address was not possible due to technical reasons, as the street is too far from the last communication point and the company has exhausted all infrastructural resources on place. Silknet has also added that through implementing new technologies as well as developing alternative infrastructure the company hopes to consider the request once more, taking into account the changed reality.

As the abovementioned information only covers period for 2012-2013 (by November) further details can be found in the last annual report of GNCC prepared in 2013¹¹⁶. According to the report, in 2013 there were a total of 143 appeals received by the Office of Public Defender of the Consumers' Rights and a number of verbal consultations held. Most classified¹¹⁷ appeals (33) refer to lack of quality in provision of telecommunications service, there were 8 cases of reported spam and also 18 appeals on not sufficient information given to users. In case of spam, only 2 cases were partially completed while 6 others were still in the process by the end of 2013.¹¹⁸

Another institution important for protection of users' rights is a new independent body, Office of the Personal Data Protection Inspector¹¹⁹ created in July 2013, with Tamar Kaldani holding the position of Inspector. The Inspector is in charge of legitimacy of personal data processing, ensuring the right to privacy and supervising implementation of the personal data protection legislation. In its first annual report of the Personal Data Protection Inspector states that disproportionate and inadequate access to personal information via internet, e.g. information about debt with financial-credit organizations, is still the case in Georgia.¹²⁰ Importantly, by new legislative amendments made on surveillance the powers of the Personal Data Protection Inspector have been increased. The Inspector has become accountable to the Parliament rather than the Prime Minister, he/she should observe protection of personal data during operational-investigative activities, has access to recordings of crime and operational-investigative activities including information classified as state secret and can inspect any organization without any prior notification.¹²¹

While official bodies for protection of internet users' rights are irreplaceable, in order to better monitor the scope of internet freedom in Georgia, Azerbaijan and Armenia, a new independent tool has been elaborated by non-governmental sector. Namely, IDFI in cooperation with Institute

¹¹⁶ Georgian National Communications Commission, Annual Report 2013, (in Georgian), http://www.gncc.ge/files/3100_2949_280368_Annual%20Report%202013%20Final1.pdf

¹¹⁷ Some appeals are classified in the report as "other"

¹¹⁸ Georgian National Communications Commission, Annual Report 2013, (in Georgian), p. 12, http://www.gncc.ge/files/3100_2949_280368_Annual%20Report%202013%20Final1.pdf

¹¹⁹ Office of the Personal Data Protection Inspector of Georgia, <http://personaldata.ge/en/home>

¹²⁰ Office of the Personal Data Protection Inspector of Georgia, Annual Report 2014, "The State Of Personal Data Protection In Georgia", p.5, <http://personaldata.ge/res/docs/anual%20report%28eng%29%20%284%29.pdf>

¹²¹ News Agency InterPressNews (IPN), The legislative package on secret surveillance passed by third hearing in the Parliament, <http://www.interpressnews.ge/ge/politika/292137-ets-farul-mosmenebze-momzadebuli-sakanomdeblob-paketi-palamentma-mesame-mosmenith-daamtka.html?ar=A>

for Reporters' Freedom and Safety (IRFS), Yerevan Press Club (YPC) has launched a new web-portal www.freedomtointernet.com, an interactive map of South Caucasus which enables all interested people to report about cases of violations of Internet Users' Rights. The platform enables to filter information by categories and countries, to report anonymously, export and share the data etc.

Summing up Internet Users' Rights

Although not commonplace, violations of rights in internet still take place, such as disclosure of personal data information by companies, as indicated in the first report of Personal Data Protection Inspector. The most severe cases of infringements upon privacy have been revealed as a result of illegal surveillance and wiretapping by the governmental agencies, also via illegal intrusion into computer systems, among others.. Although according to Georgian legislation it is prohibited to interfere with privacy or conduct electronic surveillance without court approval or legal necessity, these prohibitions have not been always respected. Tens of thousands of illegal recordings revealed in late 2012 have shown that nonauthorized surveillance and wiretapping by the government has been a systematic practice. While the special interim commission has concluded that no recorded files had any operational value, only small part of the recordings, depicting private life, has been destroyed, while the rest of the documents remained under the control of the Prosecutor General. Besides, law-enforcement agencies still maintained access to surveillance equipment. These conditions have caused a number of CSOs to start a campaign "This Affects You - They Are Still Listening" aimed at advocating legislative changes to control illegal surveillance by the government. The Ministry of Internal Affairs was not entirely supportive of the suggested package of legislative amendments, and although the changes were passed by the third hearing of the Parliament in August 2014, one of the most important clauses limiting direct access of public agencies to surveillance data has been removed under condition to be regulated by November 2014. Some of further positive changes are connected with Open Government Partnership (OGP) initiative, within the framework of which recommendations on improving legislation and proactive transparency on surveillance as well as improved access to the MIA Statistical Data, suggested by IDFI along with other CSOs, have been accepted by the Georgian government to be included in Georgian 2014-2015 OGP Action Plan.

Interestingly, there is no single approach among public institutions towards disclosure of public information on surveillance. While some institutions regard statistical data on surveillance to be classified, new draft bill on "State Secret" may give such attitude legal grounds, by classifying any statistical information connected with operational-investigative activities. IDFI strongly believes that since this is statistical information which does not give any clues as for the content of operational-investigative activities, it should definitely be publicly available.

Regarding institutions responsible for protection of users' rights, there have been a number of significant changes recently. Election of a new Public Defender of the Consumers' Rights, a position that has been vacant for almost ten years, is one of the biggest recent advantages in terms of internet users' rights protection in Georgia. While lack of transparency during the

election process has led a number of Civil Society Organizations to question credibility of the new institution, half a year is not sufficient period to discuss success of the new institution yet. Creation of an independent agency is important in terms of access to information on appealing process; however, effectiveness of the office of the public defender should be mainly evaluated against the extent of revealed and solved problems, in this light further reports of GNCC and the first report of Public Defender of the Consumers' Rights will be of special interest. Importantly, new legislative amendments on surveillance also increased powers of Personal Data Protection Inspector, making the body accountable to the Parliament rather than the Prime Minister and giving it such additional powers as access to recordings of crime and operational-investigative activities including information classified as state secret and right to inspect any organization without any prior notification etc. Besides, www.freedomtointernet.com is an additional independent tool for monitoring and improving state of internet freedom not only in Georgia but also in Armenia and Azerbaijan.

Appendixes

Appendix 1: E-Service development costs of the central government agencies

In 2013 the **Ministry of Agriculture** had agreement with an individual person, who was obliged to create a computer program for administration and financial monitoring of the purchase agreements made by the Ministry for 4800 GEL. In 2014 **Ministry of Agriculture** signed an agreement with “Georgian Microsystems” LTD on purchase of provision updating database of “Codex 2007 R2” (network version) in the amount of 600 GEL.

Both in 2013 and 2014 the **Ministry of Energy** signed an agreement in the amount of 8000.04 GEL (each year) with LEPL Financial-Analytical Department in order to develop, assist, technically maintain and administer automatized e-records management system, meaning user’s documentation, telephone consultations via hot line, video lessons (only in 2013), in case of necessity and/or request from the Ministry trainings for trainers, updates of the existing systems with new versions, reserve copying in tape library, traffic balance, infrastructure maintenance of system, network and security. Another agreement made by the **Ministry of Energy** in 2013 was with LEPL Legislative Herald of Georgia concerning publishing of normative acts on the web-site www.matsne.gov.ge, although the agreement was signed for 7000 GEL, the cost depended on the number of published normative acts and the factual cost amounted to 3105 GEL excluding VAT. Besides, the Ministry purchased from LEPL Legislative Herald of Georgia one year access to systematized normative acts published on the web-site www.matsne.gov.ge for 40 users, which cost additional 7680 GEL not including VAT. In 2014 **Ministry of Energy** purchased from LEPL Legislative Herald of Georgia one year access to systematized normative acts published on the web-site www.matsne.gov.ge for 34 users, which cost 6528 GEL. In 2014 the Ministry of Energy made a new agreement with LEPL Legislative Herald of Georgia on publishing of normative acts on the web-site www.matsne.gov.ge. As in previous year, although the agreed amount was 8000 GEL, payment was made according to the number of published normative acts. During January and February, 2014, the Ministry paid a total of 2455 GEL for this service. However, the final amount for 2014 is not known yet. Besides, the **Ministry of Energy** also signed an agreement with LEPL Smart Logic in order to receive year-long provider services, in particular IT maintenance and provision of services. The agreement with total cost 55 704 GEL (each year) was signed both in 2013 and 2014 and included provision of such services as unified corporate database and module of authorization, network services and local connection, high quality connection with other public institutions, post service via Microsoft Exchange, filtering e-mail spam, organizer of corporate meetings, management of booking meeting room, task management, communication and conference service using Microsoft Lync, video conferencing with possibility of connecting outside user, intranet service using Microsoft Sharepoint, service of file exchange and version control, corporate virus protection, protection from hacker attacks, antivirus service, I level internet – access to state and information web-sites, service of internet filtration using Microsoft TMG, Voice over IP, call center management, online maintenance, on-place maintenance, maintenance of printers and scanners, maintenance of smartphones and computers. Besides, provision of three more types of internet access: II level access (full internet

access excluding entertainment and other websites), III level access (II level access plus Facebook and video streaming) and IV level access (all websites excluding hacked and virus websites). While most employees (93) were connected to I level internet, 60 were connected to II level access, 20 employees – to III level access and only 13 employees had full access to internet.

In 2013 and 2014 **Ministry of Sport and Youth Affairs** has spent 40 020 GEL (each year) on e-Services, with a single contract with LEPL “Smart Logic”. The cost included provision of the same services as in case of Ministry of Energy. In case of Ministry of Sport and Youth Affairs 89 employees were connected to I level internet, 26 – to III level internet and 10 – to IV level internet. Besides, the cost included web-site hosting. In addition, in 2014 the Ministry had another contract with LEPL National Agency of Public Registry to provide unified e-system of records management to identified user and technically maintain the program. The unified e-system of records management is ensuring e-exchange of incoming and created documents with total cost of 15 000 GEL.

Ministry of Regional Development and Infrastructure has signed an agreement with LEPL National Agency of Public Registry in order to provide unified e-system of records management to identified user and technically maintain the program. The unified e-system of records management is ensuring e-exchange of incoming and created documents; the service cost 4232.87 GEL. Another agreement signed by the Ministry of Regional Development and Infrastructure in 2013 was with Marketing Centre “Terra Media” LTD. The company was obliged to provide the Ministry with media-coverage materials of the Ministry (TV, press, internet and radio). The total cost of the service during 3 months was 1200 GEL.

In both 2013 and 2014 **the Ministry of Culture** had an agreement with LEPL Legislative Herald of Georgia for purchase of access to electronic normative acts and information system on www.matsne.gov.ge for 17 users, the cost of which amounted to 3264 GEL each year. Besides, the Ministry signed an agreement with LEPL National Agency of Public Registry on provision of unified e-system of records management, access to identified users, technical maintenance and conducting trainings, which cost the Ministry 13 750 GEL in 2013 and 15 000 GEL in 2014.

In 2013 **the Ministry of Defence** had contract with “Georgian Microsystems” LTD on information update of Codex – system for codified legal acts, which cost the Ministry 2000 GEL for 10 months. The identical contract, but for 12 months and with the amount of 2400 GEL, was signed by the Ministry with “Georgian Microsystems” LTD in 2014 as well.

In 2014 **the Office of the State Minister of Georgia for Reconciliation and Civic Equality** signed agreement with LEPL Financial-Analytical Department in order to develop, assist, technically maintain and administer automatized e-records management system with the total amount of 3036.57 GEL. The service included system installation, administering, training of employees and training for trainers, testing and launch of system, user’s documentation, telephone consultations via hot line, in case of necessity and/or request from the Ministry

trainings for trainers, updates of the existing systems with new versions, reserve copying in tape library, traffic balance, infrastructure maintenance of system, network and security.

According to public information, the only e-service purchased by **the Ministry of Corrections and Legal Assistance** was access to codified normative acts on the web-site of Legislative Herald of Georgia www.matsne.gov.ge, for 30 users, which cost 480 GEL a month, a total of 5760 GEL in 2013.

The **Ministry of Economy and Sustainable Development** has purchased technical maintenance of Customer Relationship Management (CRM) computer program from “CoreSoft” Ltd. The service also includes internet provision, provision of Soft necessary for CS Platform, daily backup, training of the staff on using CRM. For this service the Ministry has signed the contract for more than 9500 GEL in 2013 and for more than 10 000 GEL in 2014.

The **Ministry of Education** signed two agreements of services in 2013. One concerned publishing vacancies on the online web-portal of vacancies www.jobs.ge, which cost 600 GEL. The other agreement was signed with “Orisi” Ltd on purchase of server for computer program “Oris Management” and update of license on the workplace, the total cost of which was 9492,79 GEL.

In 2013 the **Ministry of Environment and Natural Resources Protection** purchased from LEPL National Agency of Public Registry unified e-system of records management, access of 111 identified users and technical maintenance of the program. The records management program ensures recording of the documents, registration, browsing, classification etc. The agreement cost the Ministry 13750 GEL. Analogous agreement was signed with the Registry for 2014, but for 170 identified users and with the total cost of 15000 GEL. Besides, in 2013 the Ministry ordered from “ArtMedia” ltd video and filming service, including one awareness raising video and one graphical-animation video (with the message that throwing litter into paper bin takes only 4 seconds), with total price of 2499 GEL for both. In 2013 the Ministry also signed an agreement with “MSG Marketing” ltd public relations service via Facebook for 2000 GEL. The Facebook campaign aimed at informing the society against mass cutting of fur trees, also on the benefits of the trees and fines in case of illegal cutting and as a final goal had to improve the position of the Facebook page of the Ministry, attracting more users, and achieving no less than 14124 clicks on the page.

Appendix 2: Advertising costs of central government in e-resources

According to the received public information, only two Ministries out of 17 – Office of the State Minister of Georgia for Reconciliation and Civic Equality and Ministry of Finance had incurred advertising costs in internet resources in both 2013 and 2014.

In 2013-2014 the Ministry of Finance has spent a total of more than 105 000 GEL on advertisements. This cost included three contracts: with “News Agency Caucasus News” ltd., “Free Media” ltd. and “Art Media” ltd. The largest amount was spent with “Free Media” ltd – more

than 63 200 USD. The provided services included advertisements in TVs “Rustavi 2” (total of 2394 seconds in such programs as “Good Morning Georgia”, “Courier”, “Post Scriptum”, “Talk-Show Elections”, “Profile”, “Business Courier” as well as films), “Maestro” (total of 1368 seconds in such programs as “News”, “Alarm Clock”, “Politmeter”, “Hidden Camera” as well as TV serials), “GDS” (total of 988 seconds in such programs as “GDS morning”, “GDS hits”, “Top 10” and films) and “Imedi” (total of 722 seconds in such programs as “Morning” and “Chronicle”). Besides, the contract with “News Agency Caucasus News” ltd. obliged the company to publish on their web-site news of the Ministry no later than in 20 minutes after the request from the Ministry, also to prepare an article or interview on the Ministry once a month, to create archive of the materials published on the web-site. These services cost the Ministry 2375 GEL. Analogous conditions were agreed with “Art Media” ltd, costing 3800 GEL.

The advertising costs of the Office of the State Minister of Georgia for Reconciliation and Civic Equality for 2013 amounted to 2206.6 GEL, while in 2014 the contract was signed for 4484 GEL. In both cases the contract was signed with the news agency “Interpressnews”. In 2013 the contract was signed on provision of information service from the agency, meaning providing the Office of the State Minister with daily news and announcements. In 2014 the agreement was extended and besides provision of daily news and announcements also included access to announcements, news and archive, as well as preparation of news and spreading via other media sources on activities and events organized by the Ministry (not more than 10 times a month) and taking photos (no more than 2 times a month).

Appendix 3: Web-site maintenance costs of the central government

As we learn based on the received public information, a total of more than 63 000 GEL was spent on web-site maintenance in 2013, and more than 55 000 GEL – in 2014.

Out of 17 Ministries only 9 had website related costs in either 2013 or 2014. Besides, in case of the **Ministry of Energy**, website maintenance is provided by LEPL “Financial-Analytical Service” free of charge, and updates on webpage are made by the Ministry with its own resources.

In 2013 the **Ministry of Agriculture** has purchased from “Solo Studio” Ltd service of creation of a new web-site that cost 4100 GEL. In 2014 the Ministry had no web-site related costs. The **Office of the State Minister of Georgia for Reconciliation and Civic Equality** has purchased from “Proservice” Ltd virtual space on the server, in the amount of 275 GEL in 2013 and 660 GEL in 2014. In 2013 the **Ministry of Culture and Monument Protection** signed two agreements with an individual person for technical editing of the web-site of the Ministry, which costing 625 GEL and 500 GEL. Besides, in 2013 the Ministry has purchased web-space and domain (art.gov.ge) from “Caucasus Online” Ltd for 360 GEL. The Ministry of Culture also had no website related costs in 2014. In 2013 and 2014 the **Ministry of Defence** signed contracts for website development amounting to a total of more than 98 000 GEL. The service, including video messages (100 Mb server for video files connected with global port), reserve server and secure hosting of the website of Ministry of Defence was purchased from “GTN Technologies” Ltd. The only website related cost incurred by the **Ministry of IDPs from the Occupied Territories** in

2013-2014 was 5300 GEL spent on creation of a new website by “Artmedia” Ltd. As for **Ministry of Sport and Youth Affairs** in 2013 it purchased domain names (youth.gov.ge, myprofession.ge, nohate.ge, studentsportal.ge) from “Caucasus Online” Ltd by 220 GEL, and in 2014 – the Ministry bought web-space for the domain (myprofession.ge) from “Web Solutions” Ltd at the price of 84 GEL. In 2013 and 2014 the **Ministry of Justice** has spent on web-site maintenance a total of 3000 GEL – 30 GEL was spent in 2013 on annual registration of domain www.justice.ge (from “Caucasus Online” ltd.) and with 2970 GEL Certificate of Security Encryption has been updated for www.justice.ge from N(N)LE “Georgian Research and Educational Networking Association – GRENA”. The cost incurred by the **Ministry of Finance** on web-site maintenance in 2013-2014 is 4692.5 GEL. The price includes purchasing domains (www.mof.ge, www.treasury.ge, www.treasury.gov.ge, www.taxdisputes.ge, www.taxtest.ge, www.ia.ge, www.etreasury.ge) from “Caucasus Online” ltd. In 2013 the **Ministry of Economy** spent 60 GEL on purchasing domains (www.greengeorgia.ge, www.economy.ge) from “Caucasus Online” ltd. Besides, it purchased service of domain registration and web-page hosting from “IT innovations” ltd, for 135 GEL.