

December 23, 2021

LEGAL ALERT

Regulation of Law on Digital Transformation of the Administration is published

On December 11, 2021, the Regulation of Law No. 21,180 on Digital Transformation of the State (the "Regulation") was published in the Chilean Official Gazette, which introduces important amendments to Law No. 19,880 on Administrative Procedures. Its purpose is to initiate the process of modernization and digitalization of the administrative procedures that are known by agencies of the State administration in search of greater agility and efficiency, regulating the way in which such procedures will be carried out through electronic means.

The enactment of the Regulation represents a substantial modification in the way in which companies and individuals relate to the State Administration. Thus, it is a regulatory change that speeds up the resolution times of the different procedures that are carried out before the authority, constituting a great advance in the quality of state services.

The main purpose of the regulation is the following :

- The submission of electronic documents by the interested parties in an administrative procedure.
- The form of accrediting the exceptional cases established in the law for submitting documents on paper, and making notifications by a form other than electronic means, as well as the form in which these will be made in these cases.
- The way to check the authenticity and conformity of paper documents and digitized copies submitted by the interested parties directly in the electronic file or in the corresponding Administration unit.
- The cases in which it is not materially possible to digitize documents due to their nature, format or quantity, in accordance with various criteria.
- The cases in which the Administration may be excused from delivering paper copies, as well as those cases in which it may charge for the delivery of paper copies of documents in the event that it has not been possible to digitize them.
- The characteristics and operation of the single registry under the Civil

Registry and Identification Service, on which single digital addresses will be configured, as well as the way in which the information necessary to keep this registry will be obtained.

- The way in which the organs of the State Administration shall practice electronic notifications, consider them to be practiced, as well as the necessary requirements and conditions that ensure their sending, reception or access by the interested party or its proxy, the reliable identity of the sender and the addressee, and the integrity of their content.
- The standards to be met by the electronic platforms referred to in Article 19 of Law No. 19,880, as well as the conditions of accessibility for the interested parties, security, operation, quality, protection and conservation of the documents thereof.

In order to meet these objectives and carry out the digital transformation, the regulation establishes the mandatory use of electronic platforms, through the establishment of a public electronic file that will be permanently accessible to interested parties.

The interested parties may submit documents in said file, obtaining certificates evidencing the date and time of their submission, as well as any other submission or request made in the electronic file.

Additionally, the regulation establishes a Registry of Digital Addresses, whose administration is entrusted to the Civil Registry and Identification Service, which will serve as the means determined by a person to receive electronic notifications in all administrative proceedings. This address may be a single electronic mailbox, which will be created for any person who has a Unique National or Tax Number, or an electronic email address that the person designates for such purposes.

Finally, the first transitory article of the regulation states that it will enter into force on the dates and in the matters determined by the Decree with Force of Law No. 1, of 2020, of the Ministry General Secretariat of the Presidency (DFL 1). This norm establishes the gradual application of Article 1 of Law 21,180, based on "Groups" and "Phases".

The groups are divided into 3 (Group A, B and C), the first of them being the ministries, public services created for the fulfillment of the administrative function that are neither regional governments nor municipalities, the Comptroller's Office, the Armed Forces and the Forces of Order and Public Security, and the regional and provincial presidential delegations.

Pursuant to Article 6 of DFL 1, the provisions of Article 1 of Law 21.180 will

be gradually applied to these groups based on 6 phases, each one oriented to a specific objective of the law, and distributed over 4 years, year 1 of implementation being from the entry into force of Law 21.180 until December 31 of the same year.

As from year 2, the period from January 1 to December 31 of each year will be computed. Pursuant to the second transitory article of Law 21,180, the law will enter into effect 180 days after the last publication in the Official Gazette.

Authors: Ignacio Gillmore; Carolina Baeza; Sergio Cifuentes