

## The Circular Regarding the Use Of Open Source Software in Public Sector Number 2023/13 Has Been Published.

17 Aug 2023

### Purpose and Scope

The Circular Regarding Use of Open-Source Software in the Public Sector numbered 2023/13 ("**Circular**") aims to promote the use of open-source software ("**OSS**") in the public sector in Türkiye, leading to savings in information technology expenses, reducing dependency on software vendors, and enhancing cybersecurity.

The scope of the Circular includes the following institutions and organizations, excluding the Ministry of National Defense, National Intelligence Organization, Presidency of Defense Industries, General Secretariat of National Security Council, General Directorate of Security, Gendarmerie General Command, and Coast Guard Command:

- The listed entities and organizations covered by the Public Financial Management and Control Law include:
- General Budget Scope Public Institutions specified in the first table;
- Special Budgeted Administrations (*Council of Higher Education, Universities and Institutes of High Technology, and Other Special Budgeted Administrations*) specified in the second table;
- Regulatory and supervisory institutions specified in the third table,

Social Security Institutions regulated in the fourth table;

- The above-mentioned public institutions, including affiliated, related public institutions and organizations, provincial special administrations, municipalities, and their affiliated entities, institutions, and businesses.
- Public economic enterprises and all kinds of institutions, institutions, unions, businesses, and companies in which they directly or indirectly have more than half of the capital, alone or collectively.
- Entities subject to private law regulations, funds, revolving funds, and all other public institutions and organizations in which more than half of their privatized shares belong to the public and are subject to private law provisions.

### The Subjects Regulated by the Circular

- *Preparation the OSS Transition Analysis and Roadmap Report*: The institutions and organizations mentioned above are required to prepare "The OSS Transition Analysis and Roadmap Report" in accordance with the official template and "Open Source Software Transition Analysis Guide", including an inventory of commercially licensed software used and potential replacements with the OSS alternatives, to be submitted to the Digital Transformation Office.

- *Necessary measures and evaluation of budget requests:* In line with the generated "The OSS Transition Analysis and Roadmap Report," appropriate financial resources and workforce allocation measures must be taken for the related activities. The Strategy and Budget Presidency shall consider these reports in budget planning and allocation decisions for public institutions' information technology infrastructure and prioritize the relevant budget requests.
- *Exceptions for the Use of Commercial Licensed Software:* During the software procurement process for goods and services, preference must be given to the OSS alternatives over commercial licensed software. In cases; however, where the OSS alternatives are not technically and economically feasible, this provision may not apply; nevertheless, for budget requests of this nature, project proposal forms submitted to the Strategy and Budget Presidency must include detailed technical and economic justifications for not opting for the OSS alternatives in place of the planned commercial licensed software.

Existing OSS, customized and developed by software firms operating in Türkiye and personnel employed in Türkiye, shall be considered during the OSS transition process, even if they do not utilize the OSS licenses through software licensing procedures. These software solutions shall be evaluated based on their technical and financial feasibility to meet the requirements of relevant public institutions and organizations. If suitable the OSS alternatives are not available, the preference shall be given to commercial licensed software.

### **The Transition Process of the OSS**

During the OSS transition process, the Digital Transformation Office will be responsible for ensuring coordination among institutions; furthermore, relevant reports and guidelines will be periodically updated by the Digital Transformation Office, if necessary, and published on the official website.

You can access the Circular through this [link](#).

## **Related Practices**

- [Privacy and Data Protection](#)

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## **Related Attorneys**

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