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OPEN SOURCE SOFTWARE REUSE IN THE PUBLIC ADMINISTRATION: REGULATIONS AND APPLICATION IN THE ITALIAN HEALTH CARE SETTING

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Spreading of technological and organizational solutions that allow cost reductions and faster and safer document flow management, helps in making a Public Administration (P.A.) more effective and efficient. In this direction, the choice of an Open Source (OS) approach, based on the use of free software is common and consistent. In fact, only through the availability of source code, it is possible to understand the structure of the program and the logic behind its implementation, and therefore only in this way it is possible to modify in order to achieve real interoperability with other programs used within a P.A. Furthermore, the reuse of OS Software in the P.A. guarantees a greater cost containment and transparency, and independence of the P.A. from a single vendor. In the Italian context, this perspective has been encouraged by a series of regulations and, in particular, by the modifications to art. 68 of the Legislative Decree 82/2005 - "Digital Administration Code" (CAD), all aimed at giving a preferential road to the use of free software. Despite an initial enthusiasm in the application of this law, with the Legislative Decree n. 179/2016, a turnaround has taken place. Given this context, in the present work, we will analyse the benefits of a widespread strategy that encourages the use of OS software for P.A. in the field of digital healthcare and, in particular, in the context of the Italian federated Electronic Health Record systems (FSE), whose functioning is directly linked to the level of interoperability and the degree of security of the sensitive data processed among the different Regional systems. Finally, we will highlight what consequences this legislative transformation may have on P.A. and what the discrepancies with respect to the international address which privileges OS software could be, as verifiable also by the EU Open Source Observatory.

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