

A2: Template to Review Relevant Legal Mandates Across Agencies

- Who is this tool for? This tool is intended to complement Tool A1, the question guide for identifying barriers to institutional coordination. Where there is reason to believe that obstacles exist in the nature of the legal mandate of any of the agencies involved in population targeting, it will assist those with an interest in improving coordination in clarifying the precise source of the difficulty and considering the next steps.
- How was it produced? The Learning Collaborative on Population Targeting discussed the potential barriers to cooperation, coordination and data sharing that may arise from national legal frameworks in its Institutional Coordination In Depth Workshop, and on subsequent occasions.

Guidance notes

The template below is intended as an aid to identifying any real institutional barriers to coordination and cooperation on population targeting that may exist in the constitutional or legal mandates that underpin the work of the ministries, departments and agencies (MDAs) concerned. The focus is on the requirements imposed by the existing legal framework, but such a review of mandates may also reveal an absence of any legal power or authority for any agency to carry out certain functions that are believed to be necessary, and point to the need for new legislation to rectify this.

Column 1. This column shows the six main functions commonly required by a population targeting system. It may represent a simplification of how things are done in your country, but we have suggested it as a way of organising this material, and encouraging reflection on the different activities involved and how these may be enabled or restricted by the existing institutional framework. The final block allows any relevant cross-cutting provisions which might affect all of these functions to be recorded, for example those which provide general powers for public bodies to act in certain ways, or those such as data protection regulations which may restrict or place conditions on the collection and storage of personal information.

Column 2. In this column you should list all of the legal instruments that may affect the work required to carry out each of the functions – either positively by granting powers or by imposing duties or responsibilities, or negatively by placing restrictions or limits on what may be done, or by whom. These may include Acts of Parliament, regulations, statutory rules, decrees, or Government decisions or resolutions which may in some jurisdictions have the force of law and will in any case be binding on the public bodies concerned. They may also include national policy documents which have been formally adopted by the Government.

Identifying the relevant instruments will be easier if there is a well indexed or searchable compendium of national legislation, though it is probable that the terminology used in the legal documents will not

correspond precisely with the terms used by practitioners to describe some of these processes (e.g. “Onboarding”). The first step should be to ask the MDAs concerned what legal provisions they are aware of that empower or restrict their operations. Add more rows to the table if necessary.

Column 3 provides space to summarize the specific provisions which it is believed may have an effect on the population targeting function concerned. Some may grant powers or impose restrictions or obligations which affect more than one function; this can be indicated in the text of the table entry to avoid undue repetition. Do not forget to record the precise location of the provision (section, clause, paragraph, etc., as applicable) for ease of future reference.

Columns 4a-g allow all of the organizations with an interest or involvement in population targeting to be listed. Some names are shown here simply as examples, but these headings should be adapted as necessary to reflect the situation in your country, and columns deleted or added as needed. Indicate (a tick or a cross in the appropriate cell will suffice) which MDAs are affected by the provision concerned.

Column 5 is where any observations or conclusions can be recorded. Points to look for include:

- Provisions which impose similar duties on or grant similar powers to several different bodies, which should provide scope for administrative agreement about how they can be discharged jointly, and if necessary which organization takes the lead;
- Provisions which contradict one another or impose conflicting duties on different bodies, which may require amendment through the legislative process to put right;
- Provisions which restrict coordination and cooperation, for example by expressly prohibiting an agency from sharing its data, or the use of data collected for one purpose for another.

It is quite likely that in the course of this review many supposed institutional obstacles to coordination will turn out to be less substantial than previously thought. Where they remain, they will be shown in this column and necessary action can be highlighted (bearing in mind that legislative change, where needed, can rarely be delivered quickly and easily).

The template

To use this template, work through each of the seven main functional areas of population targeting responsibility (represented by the rows) and for each, consider the relevant legislation, provisions and position of each agency that might be involved. This can either be done as a desk exercise, or as a collaborative workshop between officials from the different agencies involved. Barriers, gaps, overlaps and inconsistencies can be highlighted in the observations, to be considered for potential remedies.

1. Population Targeting Functions	2. Relevant instruments (Acts, regulations, decrees, policies, etc)	3. Specific provisions (duties, powers, restrictions)	4a. Ministry of Health	4b. National Health Insurance Agency	4c. Min. of Gender, Children and Social Protection	4d. National Identification Registry	4e. Ministry of Foreign Affairs	4f. Ministry of Transport	4g. Ministry of Education	5. Observations
Determining Eligibility Criteria										
Data Generation, Intake and Registration										
Eligibility Assessment										
Onboarding										

Beneficiary Reassessment										
Data Collection for Updating										
Cross Cutting issues (e.g. data protection)										