



DPC/G1.1

ACROSS GOVERNMENT POLICY

Governance – application for exemption (ICT guideline 1)

Purpose

This guideline outlines the steps and issues to be considered when preparing and submitting exemption applications from across-government Information and Communications Technology (ICT) contracts, policies, standards, guidelines, notifications or equivalent instruction. The guideline also describes the appeals process that is available should an application be declined or revoked.

Scope

This guideline governs the application for exemptions from across-government ICT contracts, policies, standards, notifications or equivalent instructions as they apply to compliant authorities (as defined in [ICT Policy Statement 1 – Compliant Authorities](#)).

Background

The Office for the Chief Information Officer (OCIO), within the Department of the Premier and Cabinet, leads the South Australian (SA) Government's technology, cyber security and digital government strategies and policies and is the central service provider for whole of government technology and cyber security services and platforms.

All agencies are required to adhere to across government ICT contracts and policies and must demonstrate sufficient reason if they require an exemption. The authority to approve, decline, or revoke exemption applications resides with the across government Chief Information Officer, OCIO. This decision authority can be delegated, as required.

OCIO manages the exemption process. Its role in this process is to determine the correct pathway for the appropriate consideration of the request, and to utilise relevant expertise across government in the decision process.

Roles and Responsibilities

This document is directed at responsible delegates (e.g. Chief Executives, Chief Information Officers, Chief Technology Officers) and relevant personnel in compliant authorities who are responsible for adhering to across-government ICT contract, policy, standard, notification or equivalent instruction.

Justifying an exemption application

Objectives

The objectives of the exemption process are to:

- ensure that across-government ICT contract, policy, standard, notification or equivalent instruction is implemented whenever possible
- ensure that exemptions are processed in a consistent and systematic manner
- ensure that all important aspects of each exemption application have been thoroughly addressed prior to the application being submitted
- assist agencies having unique and exceptional business requirements, to obtain necessary approvals to proceed with alternate solutions
- avoid the unnecessary re-evaluation of previously selected across-government solutions or previously selected alternate solutions (the latter is intended to reduce the number of different solutions used by the agencies).

Considerations

The starting position of government is that no agency within the scope of a mandated across-government ICT arrangement (i.e. contract, policy, standard, notification, equivalent instruction or other) should be permitted to implement an alternate ICT solution. Agencies must consider re-engineering their work practices and changing their procedures, where required, to fit mandated, across-government ICT arrangements.

Agencies seeking exemptions must comply with this guideline and obtain all necessary internal and external approvals before proceeding with any investigation and/or implementation of alternate proposed solutions (Refer to [ICT Ruling 1, Governance - Exemptions](#) before applying for an exemption).

The granting of an exemption will be based on the agency's current and future business requirements, and will consider:

- the impact of the exemption on across-government ICT and cyber security strategies, including its potential for creating a 'precedent'
- the potential for the objectives of the exemption policy to be compromised
- the possibility that other agencies may require a similar solution
- the possibility that another agency has already implemented a solution that satisfies the business requirements (within the scope of the across-government mandated ICT contracts, policies, standards, notification or equivalent instruction)
- other areas of government policy
- industry trends.

At every stage of the exemption process, the onus will be on the agency to prove its case.

Information to be Compiled

Before lodging an application for exemption, agencies must substantiate the need by giving consideration to the areas listed below. Depending on the type and complexity of the exemption, the evidence gathered will provide much of the supporting information required to complete the appropriate [Exemption Application Form](#). Not all areas will be relevant to all exemptions. For example, the use of a non-standard email address for a one-off event would not necessarily require the advice of the ITSA.

- **Business Requirements**

The reasons and justifications for the exemption, being the business requirements that cannot be met by the existing across-government ICT arrangements (contract, policy, standard, notification or equivalent instruction)

- **Business Process Re-engineering**

The consideration that has been given to amending the business requirements so that compliance with the existing contract, policy, standard, notification, etc. can be achieved

- **Supplier Consultation**

The negotiations that have occurred to establish whether the supplier of the mandated product or service can provide an enhancement or amendment which will satisfy the business requirements

- **Office of the Chief Information Officer (OCIO) Consultation**

The discussions that have been held with OCIO and other relevant agency staff, e.g. cluster groups, etc.

- **Business Benefits**

The benefits to the agency's business

- **Risk Management**

The agency's risk management strategy about the proposed solution

- **Security Assessment**

The outcomes of the agency's Security Assessment, including the advice provided by the agency's ITSA and the manner in which the proposed solution fits with the [South Australian Cyber Security Framework](#)

- **Financial Impact**

The financial impact to the agency and to the rest of government (e.g. will an exemption that provides a financial benefit to the agency precipitate a greater financial penalty to the rest of government because of the erosion of economies of scale?)

- **Exemption Coverage**

The contract(s), policy(s), standard(s), notification(s), etc. that the exemption covers (e.g. Electronic Messaging, Managed Network Services, Notification, etc.)

- **Exemption Impact**

The components of the contract(s), policy(s), standard(s), notification(s), etc. that the exemption covers (describe in sufficient detail to define where the boundary of the exemption is, including a statement of how the proposed solution would impact on the state's ICT infrastructure and security, if applicable)

- **Exemption Term**

The proposed term of the exemption for:

- *ICT Contract:* Either a specified time, or in alignment with the expiration of the across government contract
- *ICT Policy, standard, guideline, notification, or equivalent instruction:* Up to 12 months.

- **Contract Arrangements**

The contracts that are in place for the current solution (if any); what are the exit arrangements for such solutions? What contracts are planned for the proposed solution? Are the conditions comparable to those for the endorsed solution(s)?

- **Contact Details**

The contact details if further information regarding the application is required.

The supply of the above details, together with other information considered to be important, will result in a speedier application response by OCIO.

Agencies are encouraged to contact OCIO during the information compilation stage to ensure that the rationale and business requirement supporting the proposed exemption is clearly understood.

Application Process

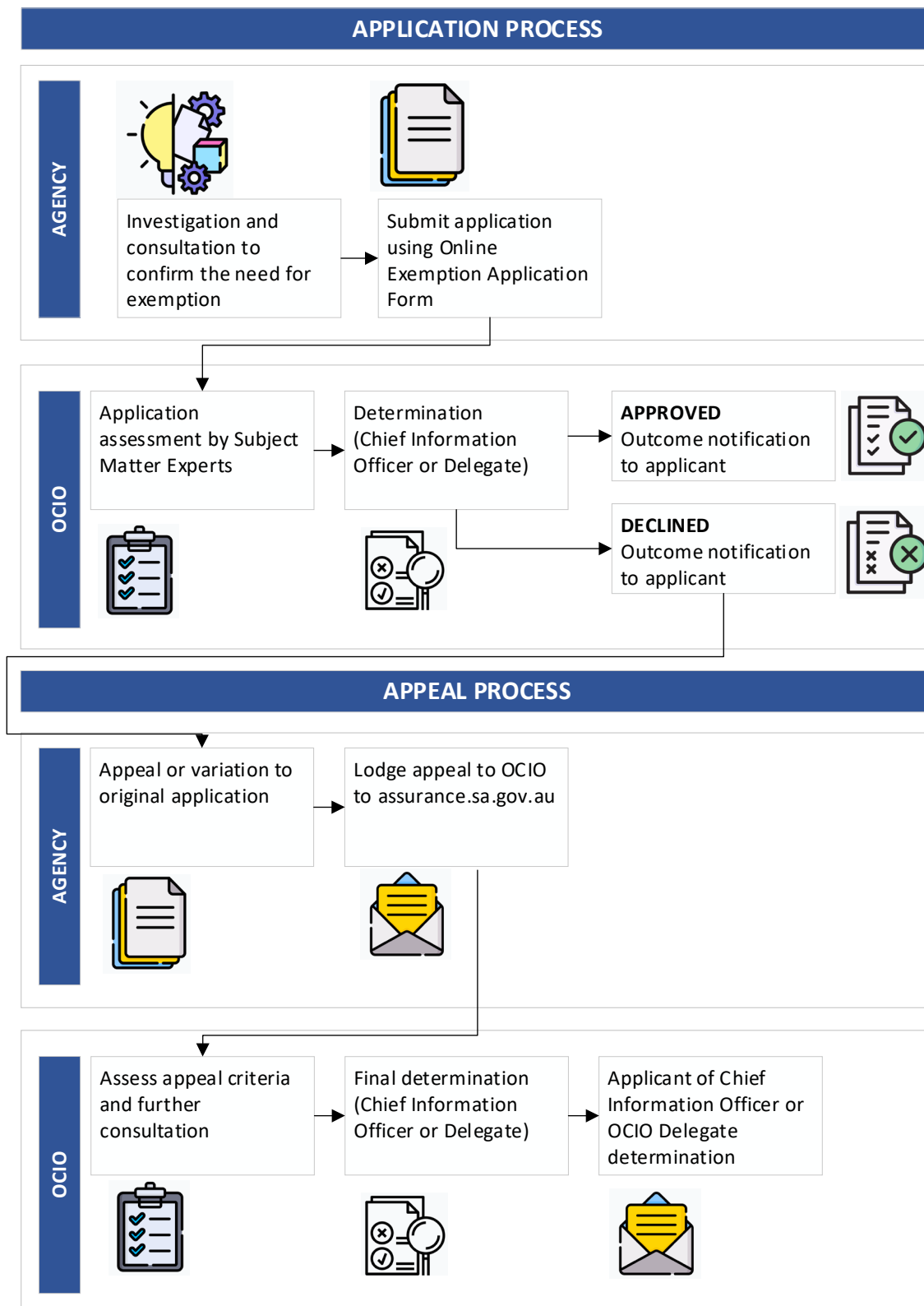


Figure 1

Exemption Applications

Refer to the [Exemption Application Form](#)

Agency Approval

The application must be authorised by the agency Chief Executive, Chief Information Officer or Chief Technology Officer before it can be processed by OCIO. The officer submitting the application is responsible for following up the agency approval.

Assessment of Application

After receiving the application for exemption, it is expected that OCIO will advise of the decision within **15 working days**, depending on the complexity of the application.

The agency will be notified if the process is expected to exceed 15 working days.

The application will be assessed by relevant business units and elsewhere as appropriate. Relevant experts will assess the content against the following criteria:

- Contractual implications
- Architectural implications
- Interoperability considerations
- Security requirements
- Operational issues
- Policy implications
- Agency business requirements
- Business needs being met within existing mandated across-government ICT contracts, policies, standards, guidelines, procedures, notifications or [equivalent instruction](#)
- [Any conditions, caveats](#).

Following the assessment, the across government Chief Information Officer (OCIO) or delegate will make a decision to either approve or decline the exemption application. OCIO will notify the agency of the outcome (and of any applicable conditions should the exemption be approved).

The across government Chief Information Officer (OCIO) or delegate may seek input from the agency Chief Executive, Chief Information Officer or Chief Technology Officer or request further information before making a final decision. Before an application is declined, OCIO will seek clarification from the agency to ensure that it has a clear understanding of the business requirement and rationale behind the submission.

Where an application is declined, the agency may appeal against the decision by providing additional supporting information and/or modifying the proposed solution.

Appeal Process

When an application for exemption is declined, the agency may appeal against the decision, and seek a review of the decision by the across government Chief Information Officer, OCIO. This process is illustrated as part of **Figure 1**.

The agency will be required to submit additional information supporting its assertion that there has been an error in declining the exemption application.

The formal appeal and supporting information is to be submitted to OCIO at Assurance@sa.gov.au. The across government Chief Information Officer, OCIO will consider the additional information, and initiate further consultation with the relevant bodies, prior to making a final decision.

OCIO will convey the decision to the agency as soon as possible after the across government Chief Information Officer, OCIO has made a decision.

Management Responsibilities

Agency Chief Executives are responsible for ensuring the compliance of their entities with the policy, [ICT Ruling 1, Governance - Exemptions](#).

Related Documents

- [ICT Policy Statement 1 – Compliant Authorities](#)
- [ICT Ruling 1, Governance – Exemptions](#)
- [Exemption Application Form](#)

Definitions

Compliant Authority (in this document, used interchangeably with “agency”)	A South Australian Government instrumentality that is required to adhere to government ICT contracts, policies, standards, notifications or equivalent instruction.
Exemption	Approval for exclusion from the implementation or use of a mandated across-government ICT contract, policy, standard, notification or equivalent instruction.

Abbreviations

CIO	Chief Information Officer
CTO	Chief Technology Officer
ICT	Information and Communications Technology
ITSA	Information Technology Security Advisor
OCIO	Office of the Chief Information Officer, Department of the Premier and Cabinet

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