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CIO OFT
NEW YORK STATE OFFICE FOR TECHNOLOGY

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New York State Information Technology Policy	**No:** NYS-P08-005
IT Policy Name: Accessibility of Web-Based Information and Applications	**Effective Date:** 05/17/2010 **Issued By:** NYS CIO/OFT State Chief Information Officer Director Office for Technology **Published By:** Acquisition Services **Policy Owner:** Acquisition Services

1.0 Purpose and Benefits of the Policy

This policy establishes minimum accessibility requirements for web-based Information and Applications developed, procured, maintained or used by state entities. This policy revision supersedes all prior revisions to NYS-P08-005, originally released on August 1, 2008. The benefits of the policy will be a more fully inclusive state workforce and increased availability of governmental services to all members of the public.

2.0 Enterprise IT Policy Statement

Section 2 of Executive Order No. 117 provides the State Chief Information Officer, who also serves as Director of the NYS Office for Technology, the authority to oversee, direct and coordinate the establishment of information technology policies, protocols and standards for State government, including hardware, software, security and business re-engineering. Pursuant to Executive Order 117, "state government" includes all State agencies, departments, offices, divisions, boards, bureaus, commissions and other entities over which the Governor has executive power and the State University of New York, City University of New York and all public benefit corporations the heads of which are appointed by the Governor. Details regarding this authority may be found in NYS CIO/OFT Policy NYS-P08-002, Authority to Establish State Enterprise Information (IT) Policy, Standards and Guidelines.

3.0 Scope of the Policy

This policy applies to all State government entities (as defined in NYS Executive order No. 117) when they develop, procure, maintain, or use web-based Information and Applications. This Policy is based on Federal Section 508 Standards, Subpart B, section 1194.22 and Subpart C, section 1194.3, which the federal government developed in compliance with Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794 (d). This policy only applies to the standards that were in effect at the time this policy is published. CIO/OFT reserves the right to modify, supplement or otherwise revise, rescind or archive this policy when new Section 508 standards come into effect.

4.0 Policy Statement

Web-based information and applications shall be compliant with certain accessibility standards (noted in the table below) developed by the Federal government in compliance with Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794 (d).

Section 508 Standards	
Subpart B, section 1194.22	Web-based Intranet and Internet Information and Applications
Subpart C, section 1194.31	Functional Performance Criteria

Third Party Web-based Information and Application Development

On and after the effective date of this policy, all solicitation documents, contracts and any amendments hereto executed on and after such date shall include the following clause:

> *Any web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Enterprise IT Policy NYS-P08-005, Accessibility of Web-Based Information and Applications as such policy may be amended, modified or superseded, which requires that state agency web-based information and applications are accessible to persons with disabilities. Web-based information and applications must conform to New York State Enterprise IT Policy NYS-P08-005 as determined by quality assurance testing. Such quality assurance testing will be conducted by (state agency name, contractor or other) and the results of such testing must be satisfactory to (state agency name) before web-based information and applications will be considered a qualified deliverable under the contract or procurement.*

The above clause will also apply to the extent that a state agency contracts with a public or private entity, and such contract requires the creation, development, implementation, or hosting of web-based information or applications on behalf of, or for, a state agency. The requirement of this part specifically includes the outsourcing of any of the services identified in this part.

However, portions of an Intranet, the Internet or an extranet that are outside the control of the state agency or the third-party will not be affected.

Exemptions

If making specific web-based information and applications accessible in compliance with this policy would cause a *fundamental alteration* in the service, program, or activity, or would result in an *undue financial and administrative burden* such content may be exempt from this policy. Any *state agency* making a determination of *fundamental alteration* or *undue financial and administrative burden* under this policy will document such determination and maintain such documentation. In the event of an exemption, the *state agency* will identify the information or services subject to such determination on the relevant web page(s) and specify the alternative method for obtaining such information or services. Nothing in this policy alters a *state agency's* independent authority and responsibility to determine what constitutes a *fundamental alteration* or *undue financial and administrative burden*.

OFT may request to review any determinations of exemption from this policy. Such review may include, but is not limited to, review of the technical and business analyses, and other project documentation, technologies or systems which are the subject of this policy or any applicable standards.

5.0 Policy Compliance

The policy goes into effect on 05/17/2010. To assure compliance with this policy agencies are required to:

- Designate a point of contact for accessibility of web-based Information and Applications.
- Clearly post an "accessibility" link on the agency Home Page. The linked page should specify who to contact with questions about the site's accessibility and accessibility of any other web-based application (s) under the control of the agency.
- Test the web-based Intranet and Internet information and application for compliance as new web-based information and application is made available and all public facing information and applications on an annual basis. The CIO must file a report with the CIO/OFT by December 31 of each year attesting to the status of accessibility of all public facing web-based information and applications, including content posted on social networking sites.
- Document receipt of and responses to any and all complaints regarding accessibility of the agency's web-based information and applications. In addition, agencies must document instances of agency non-compliance with this policy due to "undue burden" or

"fundamental alteration" in the nature of the product or application. CIO/OFT may periodically request a review of this documentation.

6.0 Definitions of Key Terms

Web-based information and applications refers to any information or application that is accessed via a web-browser over a network such as the *Internet or an intranet*. The term may also mean a computer software application that is hosted in a browser-controlled environment or coded in a browser-supported language combined with a browser-rendered markup language and reliant on a common web browser to render the application executable.

Fundamental Alteration will mean a major change or modification of the critical function or nature of a program or service.

Undue Financial or Administrative Burden will mean significant difficulty or expense. In determining whether an action would result in an undue burden, *state government* entities must consider all resources available for use in the funding and operation of the service, program, or activity.

A complete listing of defined terms for NYS Information Technology Policies, Standards, and Best Practice Guidelines is available in the "NYS Information Technology Policies, Standards, and Best Practice Guidelines Glossary" (http://www.cio.ny.gov/policy/glossary.htm).

7.0 CIO/OFT Contact Information

Submit all inquiries and requests for future enhancements regarding this policy to:

Attention: Acquisition Office
Enterprise Strategy Governance & Acquisition Services
New York State Chief Information Office/Office for Technology
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Telephone: 518-473-0234
Fax: 518-473-0327

E-mail: oft.sm.policy@cio.ny.gov

The State of New York Enterprise IT Policies may be found at the following website:
http://www.cio.ny.gov/policy/technologypolicyindex.htm

8.0 Revision Schedule and History

Date	Description of Change
06/21/2004	Original Policy Release.
10/25/2006	Revised to add procurement language and to make minor changes to the standards.
08/01/2008	Revised to update the standards and eliminate any exceptions to the policy.
01/14/2009	NYS P08-005, NYS S08-005, and G06-001 Best Practice Guidelines are combined as one document numbered NYS P08-005.
01/27/2010	Made conforming changes to align with Webcasting Open Meetings Standard, NYS-S07-001; eliminated compliance schedule in A.11.1; A.11.2 and A.11.3. Compliance schedule has passed. Made similar conforming changes to Best Practice Guideline.
05/17/2010	Revised to replace customized NYS standard and instead to align with federal standards Section 508, Subpart B, section 1194.22 and Subpart C, section 1194.31.
9/10/2010	Revised to reflect change in reporting date from March 31 to December 31 of each year.
05/17/2012	Scheduled review.

9.0 Related Documents

NYS-S07-001 Webcasting Open Meetings Standard