New York State Information Technology Policy	**No:** ITS-P19-005
IT Policy: **Acceptable Use of Open Source Software**	**Updated:** 03/25/2020
	Issued By: NYS Office of Information Technology Services **Owner:** Chief Technology Office

1.0 Purpose and Benefits

This policy describes the acceptable use of Open-source software (OSS). The purpose is to maximize the impact and benefit of using OSS and to ensure that any technical, legal, or business risks resulting from that usage are properly mitigated. OSS provides an opportunity to reduce development and operational costs. Unlike other software, OSS makes its source code freely available to others who would like to view that code, copy it, learn from it, alter it, or share it.

2.0 Authority

Section 1 of Executive Order No. 117[1] charges the State Chief Information Officer with overseeing and supervising the management and operations of the Office of Information Technology Services (ITS). *Section 102(2) of the State Technology Law* gives the Director of ITS responsibility for the administration of ITS. Details regarding this authority can be found in New York State (NYS) ITS Policy, *NYS-P08-002 Authority to Establish Enterprise Information Technology (IT) Policies, Standards and Guidelines.*

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[1] All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot L. Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011, and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

3.0 Scope

This policy document applies to ITS and its employees (including full-time, part-time, and temporary employees), contractors, consultants, volunteers, interns, and ITS supported agencies ("Client Agency").

4.0 Information Statement

Only the ITS Chief Technology Officer (CTO) or an assigned designee may approve use of OSS. ITS shall keep an approved list of authorized designees.

At minimum, OSS must meet these four (4) conditions to be reviewed:
1. The software must be free to use.
2. The source code of the software must be available on the Internet.
3. The license to use the software must be approved by the ITS Division of Legal Affairs (DLA). A list of approved licenses is listed in Appendix A: Pre-Screened Open Source Licenses.
4. The user is not required to agree to terms or conditions prior to the download; or, DLA has approved the terms and conditions associated with the OSS.[2]

OSS options should be considered first for all potential software solutions. A list of approved OSS can be accessed on the ITS Approved Software List.

5.0 Compliance

This policy shall take effect upon publication. Compliance is required with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in http://www.its.ny.gov/glossary.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

Chief Technology Office
Reference: ITS-P19-005
NYS Office of Information Technology Services
State Capitol, ESP, P.O. Box 2062

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[2] This practice is commonly referred to as "clickwrap" or "click through" agreements. If the user is required to accept terms and conditions, the OSS is not approved (until further guidance is provided) and further questions should be addressed to the ITS Division of Legal Affairs that will coordinate with CTO to provide guidance.

Albany, NY 12220-0062
Telephone: (518) 402-7000
Email: CTO@its.ny.gov

Statewide technology policies, standards, and guidelines may be found at the following website: https://its.ny.gov/policies

8.0 Revision History

This policy should be reviewed consistent with the requirements set forth in *NYS-P09-003 Process for Establishing Information Technology Polices, Standards and Guidelines.*

Date	Description of Change	Reviewer
03/25/2020	Issued policy	Chief Technology Office

9.0 Related Documents

Appendix A: Pre-Screened Open Source Licenses

Please note the version numbers of each license. License versions not listed below are not considered pre-screened.

- Apache License v1.0, v1.1, v2.0
- Berkeley Software Distribution (BSD) License[3]
- Eclipse Public License (EPL) 2.0
- GNU General Public License (GPL) v2.0, v3.0
- GNU Lesser General Public License (LGPL) v3.0
- Massachusetts Institute of Technology (MIT)[4]
- Mozilla Public License v 2.0
- Python Software Foundation (PSF) v2.0

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[3] This license is un-versioned.