



# Office of Information Technology Services

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www.its.ny.gov

<b>New York State Information Technology Policy</b>	<b>No:</b> NYS-P23-002
<b>IT Policy:</b>  <b>Technology Exceptions</b>	<b>Issued:</b> 09/28/2023
	<b>Issued By:</b> NYS Office of Information Technology Services  <b>Owner:</b> Chief Technology Office

## 1.0 Purpose and Benefits

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The purpose of this policy is to establish a method for obtaining an exception from an information technology policy, standard, or solution that is issued or provided by the New York State (NYS) Office of Information Technology Services' (ITS) Chief Technology Office (CTO).

## 2.0 Authority

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*Section 103(10) of the State Technology Law* provides the Office of Information Technology Services (ITS) with the authority to establish statewide technology policies, including technology and security standards. *Section 2 of Executive Order No. 117<sup>1</sup>*, issued January 2002, provides the State Chief Information Officer with 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. Details regarding this authority can be found in NYS ITS Policy, [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines](#).

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<sup>1</sup> 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 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

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This policy applies to all “State Entities” (SE), defined as “State Government” entities as defined in Executive Order 117, established January 2002, or “State Agencies” as defined in Section 101 of the State Technology Law. This includes employees and all third parties (such as local governments, consultants, vendors, and contractors) that use or access any IT resource for which the SE or ITS has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE or ITS. While an SE may adopt a different policy/standard, it must include the requirements set forth in this one. Where a conflict exists between this policy/standard and a SE’s policy/standard, the more restrictive policy will take precedence.

## 4.0 Information Statement

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An exception is required prior to implementing or deploying a technology solution that deviates from a technology policy, standard, or solution issued or provided by ITS. Additionally, certain technology standards may also be enforced through automated processes implemented through ITS’s Information Technology Service Management (ITSM) system.

Technology exceptions may be granted by the ITS Chief Information Officer (CIO), or their designee, where compliance with a technology policy or standard is not feasible, or to deviate from utilizing an established enterprise technology service or an established technology solution when applicable to a required use case. Justification for technology exceptions is limited to:

- Impending retirement of a system.
- Infeasibility to implement the policy, standard, or solution due to some limitation.
- The total cost of ownership of the established service or solution exceeds the total cost of ownership of the proposed alternative.
- There is an elevated risk with the established service or solution based on the business context.

Exceptions are reviewed on a case-by-case basis and their approval is not automatic. Exceptions that are granted will be for a specific period of time. Upon expiration of the exception, an extension of the exception may be requested, if it is still required.

The exception request must be submitted on a completed Exception Request Form and must include:

- The description of the non-compliance or deviation
- The anticipated time-period of non-compliance or deviation
- The proposed assessment of risk associated with non-compliance
- A cost benefit analysis between the standard approach and the proposed alternative
- A proposed review date to evaluate progress toward compliance

The Exception Request Form must be agreed to by the ITS CIO, or their designee, and the requesting agency's Commissioner or an Executive Deputy Commissioner, or equivalent level decision maker. Technology exceptions may be referred to the ITS Chief Information Security Office (CISO) if there are information security implications. The requesting agency will receive a written response from ITS as to whether an exception is being granted or denied and the reasons thereof, or a request for additional information, within ten business days.

## 5.0 Compliance

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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

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Except for terms defined in this policy, all terms shall have the meanings found in [its.ny.gov/glossary](https://its.ny.gov/glossary).

## 7.0 Contact Information

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

**Chief Technology Office**  
**Reference: ITS-P23-002**  
**New York State Office of Information Technology Services**  
**Empire State Plaza**  
**P.O. Box 2062 Albany, NY 12220**  
**Telephone: 518-402-7000**  
**Email: [CTO@its.ny.gov](mailto: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

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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
09/28/2023	Issued Policy	Chief Technology Office

## 9.0 Related Documents

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