



DPC/G1.1

ACROSS GOVERNMENT POLICY

Governance – application for exemption (ICT guideline 1)

Purpose

This guideline outlines the steps that compliant authorities (hereafter also referred to as agencies) should follow when seeking exemption from across-government Information and Communications Technology (ICT) contracts, policies, standards, guidelines, notifications or equivalent instruction.

The guideline addresses the relevant issues to be considered when preparing and submitting exemption applications. The guideline also describes the appeals process that is available should an application be declined or revoked.

This guideline replaces the former OCIO_G1.7 Exemptions Guidelines V1.0.doc in its entirety.

Background

ICT and Digital Government, Department of the Premier and Cabinet (ICT&DG) is responsible for developing and leading the implementation of contemporary customer, ICT and digital services that will drive digital transformation, support the modernisation of the public sector, harmonise technologies and change the way we do business to make government services more efficient, effective and accessible to all South Australians.

This responsibility includes the maintenance of across-government ICT policies to ensure that they support *SA Connected*, our across-government ICT strategy, and maintain a consistent approach and rigour in the development and implementation of new business solutions.

All agencies are required to adhere to these policies and must demonstrate sufficient reason if they require an exemption. The authority to approve, decline, or revoke exemption applications resides with the Executive Director, ICT&DG. This decision authority can be delegated, as required.

ICT&DG 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.

Audience

This document is directed at responsible delegates (e.g. Chief Executives, Chief Information Officers) and relevant personnel in compliant authorities who are responsible for adhering to ICT policy.

Refer to [ICT Policy Statement 1 – Compliant Authorities](#) for an explanation of those entities that are affected by this guideline.

Definitions

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

Abbreviations

CE	Chief Executive
CIO	Chief Information Officer
CTO	Chief Technology Officer
ICT	Information and Communications Technology
ITSA	Information Technology Security Advisor
ISMF	Information Security Management Framework
ICT&DG	ICT and Digital Government, Department of the Premier and Cabinet
PCA	Principal Contract Administrator

Justifying an exemption application

Objectives

The objectives of the exemption process are to:

- ensure that government ICT policy is implemented whenever possible
- ensure that exemptions from government ICT policy 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 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 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 \(Exemptions\)](#) 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 strategy, 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 processes and systems

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

ICT and Digital Transformation Consultation

The discussions that have been held with ICT&DG 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 ISMF

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

Exemption Impact

The components of the contract(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 (note: the maximum period of exemption is the term of the current across-government contract or until the current policy expiry date)

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 ICT&DG.

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

Application Process

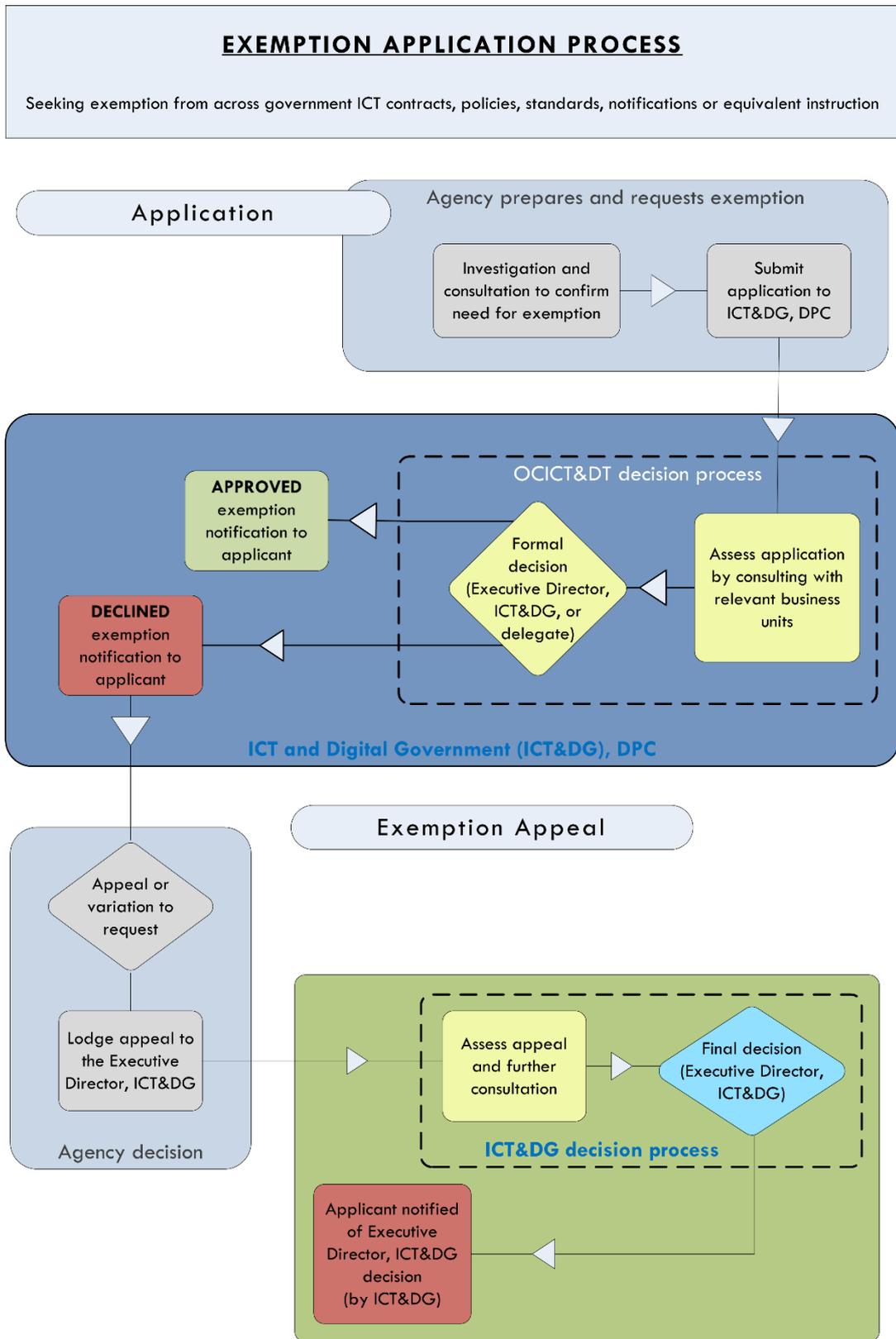


Figure 1: Application for Exemption Process

Exemption Applications

Refer to the [Exemption Application Form](#)

Agency Approval

The application must be authorised by the portfolio/agency Chief Executive, or an **appropriate delegate** before it can be processed by ICT&DG. 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 ICT&DG 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 the 15-day period.

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

- Contractual implications
- Architectural implications
- Interoperability considerations
- Security requirements
- Operational issues
- Agency business requirements.
- Business needs being met within existing mandated across-government ICT contracts, policies, standards, guidelines, procedures and notifications.

Following the assessment, the Executive Director, ICT&DG or delegate will make a decision to either approve or decline the exemption application. ICT&DG will notify the agency of the outcome (and of any applicable conditions should the exemption be approved).

The Executive Director, ICT&DG or delegate may seek input from the agency CE/CIO or request further information before making a final decision. Before an application is declined, ICT&DG 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 Executive Director, ICT&DG. 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 the Executive Director, ICT&DG, who will consider the additional information, and initiate further consultation with the relevant bodies, prior to making a final decision.

ICT&DG will convey the decision to the agency as soon as possible after the Executive Director, ICT&DG has made a decision.

Management Responsibilities

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

References

- [ICT Policy Statement 1 – Compliant Authorities](#)
- [ICT Ruling 1 – Exemptions](#)

Document Control

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