



DPC/R1.1

ACROSS GOVERNMENT POLICY

Governance – Exemptions (ICT Ruling 1)

Background

This ruling supports the South Australian Government's actions to consolidate, standardise, and rationalise its Information and Communications Technology (ICT) resources through the administration of across-government ICT contracts, policies, standards and notifications. The objectives of these actions are to promote efficiency and effectiveness within the public sector and to leverage ICT industry development in the State. The granting of exemptions must be carefully managed to ensure the viability of programs designed to achieve these objectives.

A considered process for granting exemptions ensures consistency and fairness across all exemption situations and also ensures that the experiences of agencies are shared for common efficiency. An exemption is a formal decision that may result in the subsequent issuance of a Determination, or a Ruling concerning a request to be excluded (exempt) from a provision or the entirety of an across-government policy or standard.

ICT Rulings are issued and published by ICT and Digital Government, Department of the Premier and Cabinet (ICT&DG). ICT&DG can be contacted at Assurance@sa.gov.au.

Purpose

This ruling governs the application for exemptions from government ICT contracts, policies, standards, notifications or any other authoritative instruments as they apply to compliant authorities (as defined in [ICT Policy Statement 1 – Compliant Authorities](#)).

Scope

This ruling relates to exemptions from across-government ICT contracts, policies, standards, notifications or any other authoritative instruments as they apply to all aspects of ICT including, but not limited to equipment, software, network infrastructure, security, applications and data management.

Authority

The Executive Director, ICT&DG retains the authority to grant, deny or revoke any exemption application. This decision authority can be delegated, as required. An agency may appeal the decision in accordance with [ICT Guideline 1 Governance – Application for Exemption](#).

ICT&DG is responsible for the maintenance of across-government policies and management of 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.

Ruling

Compliant Authorities (herein referred to as agencies) seeking to waive the requirement to adhere to or implement a mandated across-government ICT contract, policy, standard, notification or equivalent instruction must obtain the approval of the Executive Director, ICT&DG or delegate prior to evaluating or implementing solutions and measures that contravene the aforementioned requirements.

The approval of any exemption may result in the allocation of an ICT Determination¹ (applying to a unique and specific set of circumstances and agency) or an ICT Ruling² (applying to all subsequent circumstances of the same type regardless of the agency).

Any ICT Determination (that confers an exemption to an agency), shall be effective for a fixed duration, and will need to be re-applied for by the requesting agency prior to expiration (unless otherwise varied by the issuance of a subsequent ICT Ruling or Determination).

Applying for an exemption from an ICT contract, policy, standard or notification

Applications

Applications for exemption should be made through ICT&DG, and will be considered in accordance with [ICT Guideline 1 Governance – Application for Exemption](#).

Agencies must have the support and approval of their portfolio/agency Chief Executive or appropriate delegate before pursuing alternative options outside of the mandated across-government processes.

Agencies must provide sufficient evidence:

- identifying where the across-government ICT contract, policy, standard, notification or any other authoritative instrument fails to meet the agency and/or its customer needs, and that these business requirements cannot be modified such that they will be met by the mandated across-government processes
- that due consideration has been given to identifying and managing risk that may arise as a result of the implementation of alternative options outside of the across-government processes
- that there has been consultation with the agency's Information Technology Security Adviser (ITSA) where information security or Information Security Management Framework (ISMF) matters are to be addressed. An independent security assessment may be required.

¹ A Determination is defined as 'A position or opinion or judgement reached after consideration of a specific set of facts.'

² A Ruling is defined as 'An official interpretive statement of general applicability issued and published by a recognised authority.'

Approvals

Each application will be examined on its merits, and the approval of a preceding application cannot be used as sole justification for a subsequent exemption or extension. Exemptions will only be granted if the agency is able to demonstrate that the objectives of the relevant policies are still supported. Exemptions will not be granted solely on the basis of a negative net present value associated with the implementation of a government policy or standard, since the benefits expected from the policy or standard may only be apparent on an across-government level.

Responsibilities

Portfolio/Agency Chief Executives are responsible for ensuring the compliance of their entities with this policy.

Agency Chief Information Officers and Senior ICT Managers are responsible for ensuring that all ICT initiatives within their agency or areas of responsibility conform with the provisions of this ruling when exemptions are required.

References and Links

- [ICT Guideline 1 – Application for exemption](#)
- [ICT Policy Statement 1 – Compliant Authorities](#)

Document Control

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