



DPC/R1.1

ACROSS GOVERNMENT POLICY

Governance – Exemptions (ICT Ruling 1)

Purpose

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

Scope

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

Background

ICT Ruling 1 supports the South Australian Government's actions to consolidate, standardise, and rationalise Information and Communications Technology (ICT) resources through the administration of across-government ICT contracts, policies, standards, notifications or equivalent instructions. The objective is to promote efficiency and effectiveness within the public sector and to leverage ICT industry development in the State. 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 circumstances and also ensures that the experiences of agencies are shared for common efficiency. An exemption is a formal decision that may result in subsequent issuance of an ICT Determination, or an ICT 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 the Office of the Chief Information Officer (OCIO), Department of the Premier and Cabinet. Exemption enquiries can be emailed to Assurance@sa.gov.au.

Authority

The across government Chief Information Officer, OCIO 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](#).

OCIO is responsible for the maintenance of across-government policies and management of the exemption process. OCIO's role throughout the process is to determine the correct pathway for appropriate consideration of requests, and to utilise relevant expertise across government in the decision process.

Responsibilities

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

Agency Chief Information Officers / Chief Technology Officers and Senior ICT Managers (or equivalent) 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.

It is the agency's responsibility to monitor the expiry date of any exemptions approved and resubmit a new application if required.

Ruling

The starting position of government is that no agency within the scope of a mandated across-government ICT arrangement (i.e. contract, policy, standard, notification, equivalent instruction or other) 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 ICT arrangements.

Pursual of an alternative solution or commitment to a supplier outside of a mandated contract, must first be approved by the across government Chief Information Officer, OCIO or delegate via an exemption application.

Approval of any exemption may result in 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 the following periods:

Exemption type	Term of Exemption
ICT Contract	Either a specified time, or in alignment with the expiration of the across government contract
ICT Policy, standard, guideline, notification or equivalent instruction	Up to 12 months.

Should an agency require an extension of the exemption application, the agency will need to reapply for an exemption prior to expiration.

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

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

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

Applications

Applications for an exemption should be made through the online form in accordance with ICT Guideline 1, Governance – Application for Exemption.

Upon submission, agencies must:

- identify where the across-government ICT contract, policy, standard, notification or equivalent instruction 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
- provide a detailed description of current/proposed arrangements and articulate rationale regarding implementation of an alternative solution or commitment to a supplier outside of mandated panels.
- provide evidence that 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
- provide evidence that there has been consultation with their agency's Information Technology Security Adviser (ITSA) and where information security or South Australian Cyber Security Framework matters need to be addressed. An independent security assessment may be required.

Agencies must have support and approval of their agency delegate (i.e. agency Chief Executive, Chief Information Officer or Chief Technology Officer) before pursuing alternative options outside of the mandated across-government processes.

Approvals

Applications will be examined on its merits, and approval of a preceding application cannot be used as sole justification for a subsequent exemption or extension. Exemptions will 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.

Related Documents

- [ICT Guideline 1, Governance – Application for Exemption](#)
- [ICT Policy Statement 1 – Compliant Authorities](#)
- [Exemption Application Form](#)

DOCUMENT CONTROL

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