

# Accessibility and Usability of Information Technology Standard

*From the Office of the Chief Information Officer, State of Minnesota*

**Version:** 3.00  
**Effective Date:** June 14, 2018  
**Approval:** Signature on file

## Standard Statement

Unless otherwise exempt or subject to an exception, all impacted State information systems, tools and information content must comply with the following, in the form adopted as of the effective date of this directive:

- [Section 508](#), as qualified:
  - E202.2 (legacy ICT) does not apply.
  - E205.3: Electronic Content, Agency Official Communication: end text at “business” and exclude the remainder of 205.3.
  - 412.7: append sentence: When ICT is structured to provide focus only on the active speaker there shall be the ability to override automatic focus to ensure access to the desired speaker e.g. sign language interpreter.
  - Any conditions or definitions that are superseded by existing State law or policy, such as the definitions of “agency” and “undue burden.”
- [Web Content Accessibility Guidelines \(WCAG\) 2.0](#) level AA, in accordance with state statute. Level AAA compliance is encouraged.

## Reason for the Standard

The reason for this standard is to improve the accessibility and usability of information technology products and services for all State of Minnesota government end-users. This standard is consistent with the Minnesota Statutes 16E.03, Subd. 9 which directs the development of and adherence to technology accessibility standards for use by the State of Minnesota.

## Roles & Responsibilities

Agencies and their staff who are responsible for creating, modifying, procuring, or otherwise making available any information and communication technology (ICT) for internal or external use must apply the accessibility standard to their work.

Where a State information system, tool, or information content is not able to be brought into compliance, the system or content owner is responsible for reasonable accommodation.

This standard does not apply to external web pages outside of the editorial control of the State of Minnesota or that are supplied to the State of Minnesota. External sites provided under contract where the site provides a service to state employees are included in the standard. Links to external websites should be clearly indicated in such a way that it is clear before clicking the link that the destination is not maintained by the State of Minnesota.

## Applicability

This standard applies to executive branch state agencies as defined in the State of Minnesota Enterprise Security Office Applicability Standard.

Legislative, judicial and other non-executive branch organizations are encouraged to follow this standard.

The standard applies to all information technology procured, developed, or substantially modified or substantially enhanced as of the effective date of this standard, including software available without cost.

The standards do not apply to any procurement or development process initiated before September 1, 2010. ICT procured or developed between 2010 and 2018 remain covered by [v2.0 of the State Accessibility Standard](#).

For exceptions to the Standard, please see Appendix A, "Exceptions and Exemptions to Accessibility and Usability of Information Technology Standard."

The Standard does not apply to:

- Acquisitions (commodities and general services) of \$50,000 and under; and
- P/T (professional and technical services) of \$25,000 and under.

However, the end product or service should strive to meet accessibility guidelines. In addition, other state statutes and federal laws may apply. For more information, consult the related [Accessibility Guidelines](#).

## Related Information

- [State Accessibility Standard, version 2.0](#)
- [Accessibility Guidelines](#)

- Exceptions and Exemptions (Appendix A)
- State statute [16E.03](#), subs. 9 & 10
- State statutory definition of accessibility: [16E.015](#)

## History

Version	Description	Date
1.0	Original version	10/01/2010
1.5	Updated to include additional guidance	4/29/2011
2.0	Updated for new MN.IT formatting and to address disputed contents of 4/29/11 draft	10/03/2013
3.0	Updated to incorporate refreshed Section 508 rule and new title	06/14/2018

## Contact

Office of Accessibility

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# Appendix A: Exceptions and Exemptions to Accessibility and Usability of Information Technology Standard

## Definitions

- Exception: A reason to not apply the standard to a particular situation
- Exemption: A general category where the standard does not apply

## Exceptions

The following are exceptions that can be filed given the proper documentation.

### *Undue Burden*

This exception type is defined by MN Statute (16E.015, subd. 4). Undue burden means significant difficulty or expense determined and documented by the funding agency, including but not limited to difficulty or expense associated with technical feasibility.

### *Best Meets*

Defined in E202.7 in the list of Section 508 [general exceptions](#), the “Best Meets” exception applies when no product in a marketplace provides any demonstrable support for the accessibility standard and yet such a product is necessary for business reasons. While few, if any commercial products are fully accessible, this exception applies when every option presents clear barriers for users with disabilities.

### *Fundamental alteration*

This is an exemption defined in Section 508 and approved by the Technology Accessibility Advisory Committee.

- This standard shall not be construed to require a fundamental alteration in the nature of a product or its components.

### *Single Source*

Single source by itself is not grounds for an exception. A single source acquisition is, where, after a search, only one supplier is determined to be reasonably available for the required product, services, or construction item (16C.02, subd. 18).

If a product provided by a single source vendor cannot be made accessible, then, given proper documentation, the undue burden exception applies.

## Exemptions

The following are exempt from the Standard given the proper documentation.

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### *Alternate Location*

This is an exemption approved by the Technology Accessibility Advisory Committee.

When agencies provide the public with access to information or data through electronic and information technology, agencies are not required to make products owned by the agency available for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public, or to purchase products for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public. Example: An agency would not have the obligation to provide assistive technology for home use.

### *Emergency Purchases*

For the purpose of this subdivision, “emergency” means a threat to public health, welfare, or safety that threatens the functioning of government, the protection of property, or the health or safety of people. (b) The solicitation process described in this chapter is not required in emergencies. In emergencies, the commissioner may make any purchases necessary for the repair, rehabilitation, and improvement of a state-owned structure or may authorize an agency to do so and may purchase, or may authorize an agency to purchase, goods, services, or utility services directly for immediate use.

### *Incidental to a contract*

Defined by MN Statute 16C.08, Subd. 1. The Standard applies to the products and services being procured by State agencies and not a contractor’s own internal workplace ICT. For example, if a State agency enters into a contract to have a web site developed, the web site is required to meet the applicable technical provisions of the state accessibility standard because the web site is the deliverable that is being acquired by the agency (unless, of course, an exception applies). However, the contractor’s office system used to develop the web site does not have to meet the technical provisions, since its equipment is incidental to the contract.

Should the deliverable require State employees or citizens to use a particular application, website, or other tool, then that application/website/tool must be accessible.

### *Infrastructure Hardware*

This is an exemption as defined by MN Statute (16E.03, subd. 9) and is also approved by the Technology Accessibility Advisory Committee.

- 16E.015, Subd. 3: “Infrastructure hardware” means servers, routers, switches, and non-end-user platform devices and their operating systems.

### *State and National Security*

This is an exemption as defined by Section 508 for Federal systems and approved by the Technology Accessibility Advisory Committee for relevant state systems.

Section 508 rule E202.3 exempts “ICT operated by agencies as part of a national security system, as defined by 40 U.S.C. 11103(a),” in which the term “national security system” means a telecommunications or information system operated by the Federal Government, the function, operation, or use of which

- involves intelligence activities;
- involves cryptologic activities related to national security;
- involves command and control of military forces;
- involves equipment that is an integral part of a weapon or weapons system; or
- systems critical to the direct fulfillment of military or intelligence missions, not including those to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

### *Service Personnel Space*

This is an exemption approved by the Technology Accessibility Advisory Committee.

Products located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment are not required to comply with the Standard. For hardware, two conditions must be met before an agency uses this exception when procuring a product.

- First, the agency must intend to locate the product in a physical space frequented only by service personnel.
- Second, the use of the product by the service personnel must be for maintenance, repair or occasional monitoring.

If both conditions are met, the product does not have to meet the Standard. Hardware that might meet these dual conditions includes telephone equipment placed on racks in a “closet” or small room and network routers and storage devices or servers located in rooms or areas frequented only by service personnel for maintenance, repair or occasional monitoring of equipment. In addition, software which is installed or operated on a product which falls under this exception would be exempt from the Standard if the software application could only be operated from the physical place where the product is located. This might include specialized diagnostic software. By contrast, if the software could be operated from a remote workstation, the software would be subject to the Standard, irrespective of who is using it, since the product interface is not located in a physical space which meets the criteria for this exception.

### **Applicability**

These terms apply to the Minnesota Accessibility and Usability of Information Technology Standard, which applies to all departments, agencies, offices, councils, boards, commissions and other entities in the executive branch of Minnesota State Government.

## Appendix History

Version	Description	Date
1.0	Initial release as appendix	06/14/2018