



Office of Information Technology Services

State Capitol P.O. Box 2062
Albany, NY 12220-0062
www.its.ny.gov

New York State Information Technology Policy	No: NYS-P08-005
IT Policy: Accessibility of Information Communication Technology	Updated: 08/19/2024
	Issued By: NYS Office of Information Technology Services Owner: Office of Digital Transformation

1.0 Purpose and Benefits

As government services become widely available online, making those online services accessible for all users is critical. This policy recognizes the importance of universal accessibility and establishes minimum accessibility requirements to ensure that [Information and Communication Technology \("ICT"\)](#), including applications, websites, and other digital interfaces, developed, procured, maintained, or used by State Entities are accessible to all users, including those with disabilities.

This policy serves as ITS guidance required by State Technology Law (STL) Sections 103(20) and 103(21) regarding NYS Executive Law Section 170-f and STL Section 103-D, respectively. These laws require state agencies and each contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a state contract conform any website provided to the most current version of the Web Content Accessibility Guidelines ("WCAG") adopted by the World Wide Web Consortium ("W3C") for accessibility, or any successor guidelines. The most current version of the Web Content Accessibility Guidelines can be found here: <https://www.w3.org/WAI/standards-guidelines/wcag/>. Additionally, this policy also serves as guidance for compliance with the U.S. Department of Justice's rule on nondiscrimination on the basis of disability for the accessibility of web information and services (28 CFR Part 35, hereinafter "DOJ Rule").

2.0 Authority

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*¹, 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](#).

3.0 Scope

This policy applies to all “State Entities” (SE), defined as “State Government” in Executive Order 117 or “State Agencies” as defined in Section 101 of the State Technology Law. This includes employees of the SE and ITS, and all third parties (such as local governments, consultants, vendors, and contractors) that use or access any Information Technology (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, it must include the requirements set forth in this one. Where a conflict exists between this policy and a SE’s policy, the more restrictive requirement will take precedence.

4.0 Information Statement

This policy mandates adherence to the Level AA success criteria and conformance requirements as outlined in the WCAG Version 2.2, adopted by the W3C. Please note that there are important differences between the STL requirements and the DOJ Rule. SEs should consult with the legal counsel regarding the requirements of both.

4.1 DOJ Rule

In accordance with the DOJ Rule, SEs are to ensure that all web content and mobile applications, regardless of creation date unless specifically exempted, are accessible and usable by individuals with disabilities. The DOJ Rule requires compliance with WCAG Version 2.1, Level AA. The terms “web content” and “mobile applications” are defined in the rule.

4.1.1 Exceptions to the DOJ Rule

¹ 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.

The DOJ Rule includes limited exceptions for web content and mobile application compliance with WCAG Version 2.1. The following is more fully described in the DOJ Rule available at 28 CFR Part 35:

- Archived web content;
- Preexisting conventional electronic documents unless those documents are used to apply for, gain access to, or participate in a public entity's services, programs, or activities;
- Content posted by a third party;
- Individualized, password-protected or otherwise secured conventional electronic documents; and
- Preexisting social media posts

4.2 STL Requirements

STL Section 103-d requires that newly launched state agency websites, as well as those undergoing significant "changes to form or function," conform to WCAG Version 2.2, Level AA, to the extent practicable.

STL Section 103-d defines "changes to form or function" as "...modifications to the visual presentation, informational organization, website infrastructure, or other user utility of the website, including but not limited to: 1. redesigns of the site layout, color schemes, graphics, branding elements, or other aesthetic components; and 2. integration of dynamic interfaces." Websites developed or managed through a third-party contract on behalf of an SE must also meet WCAG Version 2.2 AA conformance criteria. Detailed guidelines for achieving accessibility consistent with WCAG Version 2.2 AA are available on the W3C website at <https://www.w3.org/TR/WCAG22/>, which includes comprehensive support documentation under the section "WCAG 2.2 Supporting Documents."

4.2.1 Progress Reports

If a state agency cannot comply with STL Section 103-d by January 1, 2027, they are required to publicly post on their website a written progress report that describes, with specificity:

- 1) Actions the agency has taken to comply with STL Section 103-d;
- 2) Obstacles that have hindered full compliance;
- 3) Efforts the agency has made to overcome these obstacles; and
- 4) An estimated timeframe for achieving compliance.

This report must be updated annually following the initial publication.

4.3 Ensuring Compliance

To ensure compliance with the requirements of this policy, SEs must:

- Ensure that all web content and mobile applications conform to the Level AA success criteria and conformance requirements of WCAG Version 2.1 in accordance with the DOJ Rule by June 25, 2026.
- Ensure that each website either owned or maintained by the SE, including those provided by third parties, conform to the Level AA success criteria and conformance requirements of WCAG Version 2.2, or any successor guidelines, by January 1, 2027, in accordance with STL Section 103-d.
 - The most current version of WCAG Version 2.2, can be found here: <https://www.w3.org/TR/WCAG22/>
- Conduct manual testing of ICT before production use, prior to any fundamental alterations, and biennially thereafter through use of specialized software or services.
- Maintain documented testing reports for each ICT until the next automated and manual testing is completed.
- Keep a list of ICTs and the current compliance status of each.
- Clearly display a link labeled “Accessibility” in the footer of the SE website’s Home Page. The link should direct users to a page with contact information for questions about the site’s accessibility and the accessibility of any other ICT under the control of the SE.

WCAG is backwards compatible meaning compliance with a later version ensures compliance with earlier versions, so agencies whose web content and mobile applications conform to WCAG Version 2.2 will comply with WCAG Version 2.1.

4.4 Website and Application Development by Third Parties

All solicitation documents, contracts, and any amendments executed by SEs containing a scope of work requiring development, procurement, and/or maintenance of ICT shall include the following clause:

Any network-based information and applications development, or programming, including, but not limited to, websites delivered to or by the State pursuant to this contract or procurement, will comply with Section 130-d of the State Technology Law, as amended, Executive Law Section 170-f, as amended, and be consistent with New York State Enterprise IT Policy NYS-P08-005, Accessibility of Information Communication Technology, as such policy may be amended, modified or superseded (the “Accessibility Policy”). The Accessibility Policy requires that State Entity Information Communication Technology shall be accessible to all users, including those with disabilities as determined by accessibility compliance testing. Such accessibility compliance testing will be conducted by [State Entity name, contractor or other] and any report on the results of such testing must be satisfactory to [State Entity name].

4.5 Third-Party Procured Software

During software procurement of any pre-built software with a user-interface (either web-based or operating-system level software), the vendor should supply or complete for review a Voluntary Product Accessibility Template (VPAT) as attestation of the

software's level of accessibility. VPAT details can be found at <https://www.section508.gov/sell/vpat/>

5.0 Compliance

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

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

7.0 Contact Information

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

Office of Digital Transformation
Digital Experience Bureau
Reference: NYS-P08-005
NYS Office of Information Technology Services
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Email: accessibility@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

This policy should be reviewed consistent with the requirements set forth in ITS-P24-003 Process for Establishing Information Technology Policies, Standards and Guidelines.

Date	Description of Change	Reviewer
06/21/2004	Original Policy Release	CIO/OFT
10/25/2006	Revised to add procurement language and to make minor changes to the standards.	CIO/OFT
08/01/2008	Revised to update the standards and eliminate any exceptions to the policy.	CIO/OFT
01/14/2009	NYS P08-005, NYS S08-005, and G06-001 Best Practice Guidelines are combined as one document numbered NYS P08-005.	CIO/OFT

Date	Description of Change	Reviewer
01/27/2010	Made conforming changes to align with Webcasting Open Meetings Standard, NYSS07-001; eliminated compliance schedule in A.11.1; A.11.2 and A.11.3. Compliance schedule has passed. Made similar conforming changes to Best Practice Guideline	CIO/OFT
05/17/2010	Revised to replace customized NYS standard and instead to align with federal standards Section 508, Subpart B, section 1194.22 and Subpart C, section 1194.31.	CIO/OFT
09/10/2010	Revised to reflect change in reporting date from March 31 to December 31 of each year.	CIO/OFT
10/17/2011	Revision to Section 5.0.	CIO/OFT
09/12/2012	Reformatted and updated to reflect current CIO, agency name, logo and style.	ITS
03/26/2019	Scheduled review. Updated template scope authority	WebNY Enterprise Platform Service Bureau
07/17/2019	On page 3 in “Ensuring Compliance”, first bullet. Changed the word “biannually” to “biennial”	WebNY Enterprise Platform Service Bureau
01/24/2022	Updated policy	Chief Technology Office
10/05/2023	Updated WCAG compliance	Chief Technology Office WebNY Enterprise Platform Service Bureau
08/19/2024	Updated policy to include reference to new accessibility legislation NYS Executive Law Section 103-D and require WCAG 2.2 AA compliance	Office of Digital Transformation

9.0 Related Documents
