

Public Sector Remix

Policy for New Zealand

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Goal Accelerate adoption of open data, open standards, and free open source software in the public sector.

Using and re-using free open source software is a way to save money and improve service. It also fulfils the business objectives that depend on Software Freedom:^(w)

- increase interoperability
- reduce supplier dependence
- promote a level playing field and economic innovation

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1. Background

The New Zealand Government's priorities are to improve public services, lift productivity, and manage costs. To help achieve this, the Government's procurement reform programme aims to deliver cost savings, build procurement capability and capacity, enhance New Zealand business participation in government procurement, and improve procurement governance.

At the same time, the Open Government Information and Data Re-use Project at the State Services Commission is developing an approach for opening up New

Zealand’s non-personal government information and data. It is considering how to help create the conditions that encourage use and re-use of government data for the benefit of the New Zealand economy and New Zealanders, whilst ensuring the integrity and privacy of personal information.

The aim of this draft policy is to stimulate discussion on how best to align government software procurement practices with these wider policy objectives. Free open source software doesn’t fit the Procrustean bed of current procurement policy and taxpayers are missing out on its social and economic benefits.

Data and software are inter-dependent and need to be considered as part of a bigger whole. A strategy of *re-use*—of data and software—reduces procurement risk and drives common, joined-up solutions to the common needs of government. Local innovations can be shared, thereby delivering greater return on each dollar invested.

The big emerging idea is that open data standards are not enough; we need open processes too. This means using free open source software to access, share and reuse our data.

These challenges require a step change in behaviour.

2. Disclaimer

The outcomes of this policy work are intended to be used in the same way as the outcomes of the other strands of Public Sector Remix^(w) work—to help inform agencies.

There is no expectation or implication that the “PSR Policy” is endorsed by participating agencies or will become any agency’s policy, even though individuals from agencies have been instrumental in producing this policy.

The working party has assessed what is happening overseas and developed a set of draft policies that we consider will be suitable for a NZ public sector environment.

The software remix demonstrates a 100% free software desktop to draw the greatest contrast with current proprietary desktops. In the same way, the policy takes free software as the target future state for the public sector and seeks to accelerate the pace at which this is achieved.

3. Principles

Competition Efficient competition is a prerequisite for an effective and varied software market. Free open source software can be maintained and developed by multiple vendors. Software vendors must be able to offer their services to the public sector on equal terms.

Control and self-determination Adoption of free open source software ensures agency control over the software used. This allows the individual agency to determine when and how the software will be updated or developed, and whether the software should be re-distributed.

Development and innovation When developing software, agencies must decide which software development model best supports innovation and fast development of new products and services. Software developed in the public sector should be made available to others under a free open source license.

Maximum value for money Individual agencies must be able to acquire the best and cheapest software in the context of local administrative needs. The software must be chosen based on a consolidated business case that takes account of the total lifetime cost.

Interoperability and flexibility Agencies should focus on software constructed of smaller software components which support communication with other software via open standards. This allows the various software components to be replaced independently, which promotes flexibility, reusability and competition.

Software reuse Adoption of free open source software can prevent taxpayers from having to pay for development and use of the same software more than once. Software for which the Crown holds the copyright is owned in common by every country where the Crown is head of state.

4. Proposed policy

1. NZ Government Agencies will actively and fairly assess free open source software alternatives alongside proprietary software.¹
2. NZ Government Agencies will choose software based on cost, functionality, interoperability, and security, taking account of total lifetime cost of ownership, including exit and transition costs.
3. Once software exceeds the minimum requirement, NZ Government Agencies will choose free open source software, on the basis of its additional inherent flexibility and freedoms.
4. NZ Government Agencies will avoid becoming locked-in to proprietary software and will require those proposing proprietary software to specify how exit will be achieved.² In making procurement decisions, Agencies will identify, disclose and mitigate all exit, rebid and rebuild costs.
5. NZ Government Agencies shall identify, disclose and mitigate the cost of using proprietary software and upgrade impacts across other agencies, as an increasing and ongoing cost of compliance and compatibility across the public sector.
6. Bespoke software developed at the Government's cost and risk will be Crown Copyright and made publicly available under a free software licence.³

Adoption will require agencies to:

- *comply* with the policy; or
- *explain* any exceptions; and
- *commit* to removing these

¹ The use of “free” recognises the social and economic importance of software freedom. The use of “proprietary” rather than “commercial” avoids the implication that free open source software is non-commercial.

² If users cannot access their data using *competing* free software products, the vendor has locked users into the vendor's *own* proprietary software product.

³ For an annotated list of free licences, see <http://www.gnu.org/philosophy/license-list.html>.

5. Software procurement

The software procurement challenge is to become more innovative, more agile and more cost-effective. There is an opportunity to adopt new thinking about copyright, licensing, and the availability of information for re-use by others.

5.1 Unbundle software from service

Agencies are encouraged to adopt procurement strategies which unbundle software from related services such as implementation and support. Agencies shall reject software which requires citizens, businesses or students to use a particular proprietary technology, if free open source alternatives exist. Where no free open source alternative exists, agencies shall commit to a timetable for making a free open source option available.

Agencies shall adopt platform-neutral software solutions. Software which locks an agency into a particular operating system reduces future choice and limits opportunities for sharing solutions with other agencies, whilst increasing overall government spend. Where a platform-neutral solution is unavailable, the agency shall secure a commitment from the vendor to provide this within an agreed timetable.

5.2 Free-software-first option

Agencies may adopt a “free software first” strategy. This means agencies evaluate and select free open source software without going to tender for the software, since no purchase or licence fee is involved. Agencies may choose to procure services to identify and evaluate free software options, and recommend a preferred option. Under this strategy, implementation and support services procurement takes place *after* the agency has selected a preferred free open source software option. To promote transparency and knowledge sharing, agencies shall publish a report of their free software evaluation and selection findings. The report shall be released under a free documentation licence.

Agencies rejecting free software options shall document and make publicly available how the options considered fall below the minimum requirements for functionality, interoperability, and security, so that developers can improve the software.

5.3 Software-plus-services option

Agencies may choose to follow a standard RFI and RFP process that combines software and services. Expecting solution providers to respond to a software RFP and offer free open source software, with no means to recover their bid costs, discriminates against providers of free open source software, is anti-competitive, and brings the tender process into disrepute. To ensure Government actively and fairly assesses free open source alternatives to proprietary software, RFI or RFP documents issued on behalf of Government shall:

1. avoid any tender conditions which prevent the successful tenderer of a free open source software solution from recovering bid costs in the form of service fees

2. provide for the successful tenderer of a free open source software solution to recover a one time payment, included in the tender price, to cover the service involved in providing the agency with reliable information on which it can base its software selection decision
3. give the agency the right, on behalf of Government, to publish and share the successful software RFP response with others, under terms proposed by the tenderer

Placing such terms in software RFP will encourage innovative solution approaches and reduce the cost of the tender process for all parties. It will send a clear message that advantage will fall to vendors demonstrating the best overall value. For avoidance of doubt, the proposed approach separates software *adoption* from service *subscription*. It applies only to the free and open source software component of an RFP; support services, local customisations and other subscription services will continue to operate under the existing regime.

5.4 Software-as-a-service option

There is no agreed definition of what constitutes a “free” service. The *Franklin Street Statement*⁴ on freedom and network services documents current recommended good practice.

Agencies purchasing a hosted solution (software as a service) shall:

1. require the hosted data to be covered by New Zealand law
2. select hosted services that use platform-neutral free open source software, able to be downloaded from the service provider’s site under a free licence such as the *GNU Affero GPL*⁵
3. secure the ability to extract the data in full at any time using an open data standard, at no additional cost and with a guarantee of no information loss

5.5 Public software

Citizens and businesses shall be able to use free open source software in any electronic dealings with government agencies. No citizen or business shall be required to use proprietary software to deal with government or to access government data. Any software that government agencies distribute to citizens and businesses shall be made publicly available under a free licence. Agencies hosting software as a service for citizens and businesses shall use platform-neutral free open source software, available for download from the hosting site.

Any non-compliant agencies shall commit to a timetable for achieving compliance.

6. Hardware procurement

The hardware procurement challenge is to keep future software options open and to make sure hardware choices do not erect barriers to adopting free open source software.

⁴ autonomo.us/2008/07/franklin-street-statement

⁵ www.fsf.org/licenses/licenses/agpl-3.0.html

All-of-government procurement of desktop and/or laptop hardware shall be operating system neutral. RFI documents issued on behalf of Government for desktop and laptop hardware shall require manufacturers to:

1. supply to Government desktop and laptop hardware for which GNU/Linux drivers are freely and easily available, including any firmware that the driver needs to install—and to disclose fully in all proposals what component devices are and are not supported and certified under GNU/Linux (and within which main distributions and, if possible, distribution versions)
2. supply desktop and laptop hardware without the requirement to purchase a Microsoft Windows license (and therefore without this built-in cost)
3. offer hardware of the same or equivalent specifications for sale to citizens and businesses, so that those with less purchasing power can also take advantage of systems running free open source software

Responses from hardware vendors that do not meet these criteria shall be assessed as not meeting mandatory requirements and rejected. Placing such questions within any all-of-Government RFI will send a clear message that in order to sell to Government, manufacturers must be free software friendly and, furthermore, that the advantage will fall to those manufacturers who are willing to help overcome the lack of operating system diversity which currently exists in the desktop / laptop market.

7. Desktop data standards

The desktop challenge is ensuring interoperability between heterogeneous office productivity tools, including use of software as a service.⁶ Government agencies must be able to exchange electronic documents with one another and with citizens and businesses, regardless of the software they use.

Implement the ODF (Open Document Format) *standard*⁷ step by step alongside other formats for reading, writing, storing and exchanging documents. Government agencies shall ensure that they:

1. publish RFI and RFP documents in ODF
2. accept tender responses in ODF
3. publish document templates and accept completed documents in ODF, such as application forms
4. accept public submissions and other electronic documents in ODF
5. support ODF as the lingua franca for inter-agency collaboration and document exchange

If agencies use a different format inside their own walls, they are responsible for ensuring that documents they exchange with others are correctly and accurately translated between their own adopted standard and ODF. Such translation must support “round trip interoperability”—receive a document *and* return it to sender with changes. Agencies shall also use ODF to meet their obligations under the Public Records Act 2005 for long term preservation of electronic documents.

⁶ Currently, few free software as a service options are available.

⁷ www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=43485

Any non-compliant agencies shall commit to a timetable for achieving compliance.