

Public Sector Remix

Policy of Other Governments

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“When open alternatives are available, no citizen or company should be forced or encouraged to use a particular company’s technology to access government information. No citizen or company should be forced or encouraged to choose a closed technology over an open one, through a government having made that choice first.”

Neelie Kroes, European Union Competition Commissioner

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1. Key messages

A free open source software Policy for New Zealand^(w) can learn from experiences in other jurisdictions.

1. To achieve open data, open standards are necessary but not sufficient; we need open processes too, which means using free open source software.
2. Standards and processes are truly open only when they are implemented in a choice of software and on multiple platforms.
3. Procurement policies prevent adoption of free open source software if they assume software procurement involves buying a licence from a vendor—such policy is a Procrustean bed.

2. New Zealand's Open Source Policy

NZ Government Agencies are encouraged to assess open source software alternatives (where these exist) alongside commercial software, and should choose based on cost, functionality, interoperability, and security.¹

The policy was published in March 2003.

3. The Netherlands

The Netherlands in Open Connection: An action plan for the use of Open Standards and Open Source Software in the public and semi-public sector. Published by the Ministry of Economic Affairs. The Hague, November 2007.²

The Dutch Cabinet sees interoperability between business and government, between citizens and government, and between government bodies, as a necessary condition for achieving its social goals. It considers use of open standards and open source software by the government and the public and semi-public sector to be important. It has a policy of accelerating the use of open standards and open source software within the sector.

The objectives of its action plan are to:

1. increase interoperability by accelerating the use of open standards
2. reduce supplier dependence through faster adoption of open standards and open source software
3. promote a level playing field in the software market and promote economic innovation by forceful stimulation of the use of open source software and giving preference in contracts to open source software if equally suitable

To achieve its objectives, it is taking a number of policy actions:

1. apply a “comply or explain, and commit” principle to adoption of open standards
 - “comply” means apply established open standards to ICT orders for new systems or rebuilds and ICT contract extensions
 - “explain” means one of 4 exception criteria apply, e.g. no open standard is available or the open standard is not supported by multiple suppliers and on several platforms
 - “commit” means give preference to the application of open standards so that an exception criterion is no longer applicable
2. implement strategies for the tendering, purchase and use of open source software across the public and semi-public sector
 - providers of open source software will have equal opportunities in practice
 - in cases of equal suitability, providers of open source software will be the preference in tender and purchase processes for new systems, renewal and contract extensions
 - applications realised by order of the government at its cost and risk will be made freely available under an open source software licence

¹ <http://www.e.govt.nz/policy/open-source>

² <http://appz.ez.nl/bestel/toon.asp?id=07ET15&arg=open&taal>

3. progressively adopt the ODF (open document format) standard for reading, writing, exchanging, publishing and receiving electronic documents
4. promote open standards and open source software policy in Europe
5. award an annual prize for the Most Open Public Organisation

All undertakings across the sector must comply with the following general conditions:

- continuity and dependability of electronic government services for citizens and businesses must not be jeopardised
- the administrative burden on citizens and businesses must not increase

4. The United Kingdom

Open Source, Open Standards and Re-Use: Government Action Plan. Published by the Cabinet Office. London, February 2009.³

The UK Cabinet recognises Open Source as one of the most significant cultural developments in IT and beyond, while continuing to take the view that the main test for software procurement should be what is best value for the taxpayer. Many government departments have shown that Open Source can be best value for the taxpayer, and Cabinet now wishes to increase the pace, to ensure that government agencies:

1. consider Open Source products fully and fairly
2. specify requirements and publish data using Open Standards
3. seek the same degree of flexibility in commercial relationships with proprietary software suppliers as are inherent in the open source world

The Government considers that positive action is needed to ensure a level playing field between open source and proprietary software and to realise the contribution open source software can make to wider aims of re-use and open standards. To achieve its objectives, the UK Government has adopted a number of policies.

1. The Government will actively and fairly consider open source solutions alongside proprietary ones in making procurement decisions.
2. Procurement decisions will be made on the basis of the best value for money solution to the business requirement, taking account of total life-time cost of ownership of the solution, including exit and transition costs, after ensuring that solutions fulfil minimum and essential capability, security, scalability, transferability, support and manageability requirements.
3. The Government will expect those putting forward IT solutions to develop where necessary a suitable mix of open source and proprietary products to ensure that the best possible overall solution can be considered.
4. Where there is no significant overall cost difference between open and non-open source products, open source will be selected on the basis of its additional inherent flexibility.

³ http://www.cabinetoffice.gov.uk/government_it/open_source.aspx

5. The Government will, wherever possible, avoid becoming locked in to proprietary software. In particular it will take exit, rebid and rebuild costs into account in procurement decisions and will require those proposing proprietary software to specify how exit would be achieved.
6. Where non open source products need to be purchased, Government will expect licences to be available for all public sector use and for licences already purchased to be transferable within the public sector without further cost or limitation. The Government will where appropriate seek pan-government agreements with software suppliers which ensure that government is treated as a single entity for the purposes of volume discounts and transferability of licences.
7. The Government will use open standards in its procurement specifications and require solutions to comply with open standards. The Government will support the development of open standards and specifications.
8. The Government will look to secure full rights to bespoke software code or customisations of commercial off the shelf products it procures, so as to enable straightforward re-use elsewhere in the public sector. Where appropriate, general purpose software developed for government will be released on an open source basis.
9. Where the public sector already owns a system, design or architecture the Government will expect it to be reused and that commercial arrangements will recognise this. Where new development is proposed, suppliers will be required to warrant that they have not developed or produced something comparable, in whole or in part, for the public sector in the past, or where they have, to show how this is reflected in reduced costs, risks and timescale.
10. When suppliers are proposing a third party product there should be full price transparency. If there is a pan-Government agreement there should be the option to source through this where doing so would maximise overall public sector value. The Government will expect to be charged only the cost the supplier incurs unless the supplier can clearly and transparently provide evidence of the additional value created.

5. Denmark

Open Source Software and the Public Sector. Published by The National IT and Telecom Agency. Copenhagen, January 2009.⁴

The Danish Ministry of Science (National IT & Telecom Agency) has published *Open Source Software and the Public Sector* in which principles for strategic use of open source software are outlined. The publication describes open source as dynamic and a tool which promotes innovation and a healthy and competitive software market.

1. Open source software allows distribution and development of software on free terms. This allows IT-businesses to offer services in relation to software and to develop new IT-products. It also makes it easier for public authorities to collaborate on creating interoperable IT-systems.

⁴ <http://en.itst.dk/architecture-and-standards/open-source/>

2. Open source is a pragmatic tool which should be applied where it creates value. When it comes to software, it is not a question of either open source or closed source software.

The Danish Software Strategy states that while IT-solutions must be interoperable across the Danish public sector, the choice of software is a strategic decision for the individual organisation.

Strategic application of open source software can create value, reduce costs and improve the control of the software portfolio. In 2006 the Ministry of Science established The Danish National Software Knowledge Centre and gave it the task of investigating how the open source licence and business model could support the software strategy. In 2007, the Centre launched the website *Softwareborsen.dk*⁵ (The Software Exchange)—a venue for exchange and reuse of open source software in the public sector.

Whenever possible, public authorities must have control over their own software. The open source code of open source software increases this control. Besides being able to modify and improve the software, it allows a larger number of software vendors to offer services in relation to the software. This provides a broader choice of software vendors. It also helps ensure quality and reduces the risk of vendor lock-in.

Open source software can be reused. Under an open source licence, it is permitted to distribute open source software and for others to use it free of charge. Thus, taxpayers can avoid paying for the same software development more than once. Public authorities can act as users of existing open source software or as a provider of software to other authorities or interested parties. Other authorities can also improve the source code and share the improved product with the original user of the software and with other public authorities.

Open source promotes innovation. Innovation is not only about developing new ideas and technologies. Innovation is also about making people aware of existing knowledge and technology and using it in an innovative way. In other words, innovation is also about reuse, renewal, rethinking and developing new combinations not yet thought of. Similarly, it is important to remove the barriers for exchange, reuse and development of software in order to create growth for innovation in IT.

This type of innovation is supported strongly by using open source software because the source code can be redistributed freely. It allows other developers the opportunity to study the software, to further develop the technology and to expand the collective knowledge of the technology. It compares to the world of science, where new ground-breaking advances are often achieved on the basis of other scientists' primary research.

The publication presents various open source cases from the Danish public sector, describing how strategic use of open source promotes growth, can drive digitisation, supports integration and creates open and connected infrastructure. Finally, a set of principles for the use of open source software provide a framework for strategic IT policy in public agencies.

In January 2010, the Danish parliament and the Danish Minister for Science

⁵ www.softwareborsen.dk/welcome-to-the-softwareexchange

agreed that the Danish state administrations should use open standards, including the Open Document Format (ODF), starting on 1 April 2011.⁶

6. Malaysia

Accelerated Adoption for Malaysian Public Sector Open Source Software (OSS) Program. Published by the Malaysian Administrative Modernization and Management Planning Unit (MAMPU). Putrajaya, July 2004 (phase 1) and June 2007 (phase 2).⁷

Following a cabinet decision of the Government of Malaysia in 2002, the Malaysian Public Sector OSS Master Plan was launched on 16 July 2004. Its vision is to create and enhance value using OSS within the Public Sector ICT framework in providing efficient, secure and quality services. MAMPU operates the Open Source Competency Centre (OSCC), which is the single point of reference to guide, facilitate, coordinate and monitor implementation of OSS in the Public Sector.

The master plan is being implemented in 3 phases:

1. laying the foundation and early adoption (2004–2006)
2. accelerated adoption (2007–2010)
3. self-reliance (2010 and beyond)

The Malaysian government's objectives for OSS Implementation are to:

1. Reduce total cost of ownership
2. Reduce vendor lock-in
3. Increase freedom of choice of software usage
4. Increase interoperability among systems
5. Increase growth of the local ICT industry
6. Increase growth of OSS user and developer communities
7. Increase growth of knowledge-based society
8. Reduce the digital divide

Guiding Principles for OSS Implementation in the Malaysian public sector are:

- Fit for purpose
- Least disruptive to operations
- Co-existence with other legacy proprietary system
- Leveraging on existing facilities, hardware, software and expertise
- Not driven or controlled by hardware and software vendors

The OSCC has published detailed *Policy, Guidelines and Standards*⁸ to assist public sector agencies when implementing OSS, including an OSS supplement to the Malaysian Government Interoperability Framework. This document provides detailed recommendations resulting from the research and analysis conducted in the development of the Malaysian Government Interoperability Framework for Open Source Software. It contains information on open source software, open standards and technical specifications recommended for adoption in Malaysia.

⁶ <http://www.osor.eu/news/dk-danish-state-administrations-to-use-odf>

⁷ <http://www.oscc.org.my/>

⁸ www.oscc.org.my/content/view/25/208

MAMPU also collects and tracks OSS adoption statistics and trends for all agencies, and publishes *Agency Adoption Charts and Tables*.⁹

7. Canada

Open Data, Open Standards and Open Source. City of Vancouver, May 2009.¹⁰

The City of Vancouver endorses the principles of:

- Open and Accessible Data—the City of Vancouver will freely share with citizens, businesses and other jurisdictions the greatest amount of data possible while respecting privacy and security concerns
- Open Standards—the City of Vancouver will move as quickly as possible to adopt prevailing open standards for data, documents, maps, and other formats of media
- Open Source Software—the City of Vancouver, when replacing existing software or considering new applications, will place open source software on an equal footing with commercial systems during procurement cycles

<http://intranet.affinity.co.nz/nzoss/PublicSectorRemix/PolicyOfOtherGovernments>

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⁹ www.oscc.org.my/content/view/227/139

¹⁰ <http://vancouver.ca/ctyclerk/cclerk/20090519/documents/motionb2.pdf>