



Government of Malta

Reference: **GMICT D 0097:2010**

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Open Source Software Directive

This document is part of the GMICT Policy Framework

<http://ictpolicies.gov.mt>

Underlined terms are defined in the **Vocabulary Standard**.

Purpose

The objective of this directive is to guide the implementation of cost-effective and non-disruptive Open Source Software (OSS) throughout Government. It also seeks to maximise re-use of procured software by enabling the distribution of Government solutions as OSS under the European Union Public Licence (EUPL), where appropriate.

Scope and Applicability

This Directive covers the procurement of Open Source Software, including the adoption of the related Open Source Business Models throughout the Public Sector to facilitate re-use of such Government procured software.

1 Directive

1.1 Procurement of OSS

1. Government shall procure any OSS in line with the Public Contracts Regulations.
2. Government shall not exclude solutions that are in part, or in full, built on OSS technologies.
3. In the case of Free Software, Government shall accept to consider such software that is in line with the Free Software Definition¹ of the Free Software Foundation. The definition describes four essential dimensions that include freedom to run *program*, freedom to study how the *program* works, freedom to redistribute, and freedom to distribute copies of your modified versions to others. This clause excludes patches, updates and upgrades of acquired commercial software.
4. Government shall only consider OSS that is available in the English language together with other European languages via Internationalisation. Source code and inline comments should ideally be in the English language.
5. Government shall take into account the possibility of capitalising on investments carried out by the EU Member States on OSS published on OSOR.eu
6. The legal risks and responsibilities associated with an OSS License shall be assumed by the respective Ministry, Department or other Entity within Government.
7. OSS solutions implemented within Government shall be registered under the Government OSOR Intranet². OSS packages and OSS distributions shall be registered in whole.

¹ Free Software Definition available at <http://www.gnu.org/philosophy/free-sw.html>

² The OSOR Intranet is at <http://osor.intra.gov.mt>.



1.2 Re-Use of Government Software

1. Government shall seek to facilitate distribution of OSS Government solutions under the European Union Public License.
2. Whenever Government needs to procure software, it shall first take into account OSS solutions that are already well established within the Government of Malta and that provide same or similar functions. The respective Ministry, Department or other Entity within Government shall provide adequate reasons to justify the lack of such re-use whenever requested and where applicable.
3. Government shall consider distributing OSS based Government solutions via <http://osor.eu>

2 Roles and Responsibilities

Roles	Responsibilities
Ministry, Department or other Entity within Government	<ul style="list-style-type: none"> • Responsible to procure in line with the Public Contracts Regulations. • Assume the risks and responsibilities of the OSS licenses.
CIO	<ul style="list-style-type: none"> • Register of OSS under the Government OSOR Intranet. • Seek the services of the Government of Malta Open Source End User Group. • Seek support for OSS software through third parties. • Seek to facilitate the adoption of Open Source business models. • Seek to consider publishing bespoke Government software applications under the European Union Public License (EUPL). • Consider publishing OSS Government Solutions on http://osor.eu



3 Deviations from GMICT Policy

Instances where it may not be technically possible or cost-effective to comply with a particular GMICT Policy requirement shall be reported to Government's ICT Compliance function. This is done in order to evaluate the security, architectural, operational and other risks anticipated to result from the deviation, to identify additional compensating controls required to mitigate these risks and to formally acknowledge any residual risk and assign appropriate responsibility. In such instances, a request for exemption shall be forwarded to the ICT Compliance function for assessment in line with the Exemptions and Waivers Policy and Directive (GMICT P 0048). This also applies to deviations from best practices adopted by the Agent on behalf of Government.

Breaches of GMICT Policy shall be brought to the attention of ICT Compliance function in order to determine appropriate corrective action and potential internal control improvements.

4 Related Documents

Name	Reference	Location
Open Source Software Policy	GMICT P 0097	http://ictpolicies.gov.mt
Desktop Software and Configuration Procedure	GMICT R 0002	http://ictpolicies.gov.mt
Exemptions and Waivers Policy and Directive	GMICT P 0048	http://ictpolicies.gov.mt
Compliance Policy and Directive	GMICT P 0018	http://ictpolicies.gov.mt

5 Modification History

Version	Effective Date
1.0	1 June 2010
2.0	10 August 2010

6 Issuing Authority

This document has been issued with the authority of the **Malta Information Technology Agency**.

7 Contact Information

Government ICT Policies, Directives, Standards and associated publications can be found at <http://ictpolicies.gov.mt>.

Any suggestions, queries or requests for clarification regarding Government ICT Policies, Directives and Standards may be forwarded to ictpolicies@gov.mt.