



Government of Malta

Reference: **GMICT D 0097:2012**

Version: **3.0**

Effective: 17 April 2012



Open Source Software Directive

This document is part of the GMICT Policy Framework

<http://ictpolicies.gov.mt>

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

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.

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.

Compliance

The provisions of this document come into effect on the Effective Date.

1 Directive

1.1 Procurement of OSS

1. Government shall procure any OSS in line with the Public Contracts Regulations.
2. Government shall evaluate solutions that are in part, or in full, built on OSS technologies on the same merits as other solutions.
3. In the case of software that has no up-front cost, 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 modified versions to others. This clause excludes patches, updates, upgrades of acquired commercial software and software available through commercial agreements.
4. Government shall only consider OSS that supports Internationalisation. OSS shall be available in two European languages including the English language. Source code and inline comments should ideally be in the English language.
5. Government shall capitalise on OSS related investments carried out by the European Commission and EU Member states by seeking re-use opportunities on OSS and services available through the European Commission's Joinup² collaborative platform.
6. The legal risks and responsibilities associated with an OSS License shall be assumed by the respective Public Sector organisation.

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

² The Joinup collaborative platform may be found at <http://joinup.ec.europa.eu/>

Unclassified



7. OSS solutions implemented within Government shall be registered with the Agent and shall be listed on the OSS section in the Agent's Portal³. OSS packages and OSS distributions shall be registered in whole. Registration shall be sent by email to oss.mita@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 Public Sector organisation 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 through the Joinup collaborative platform.

2 Roles and Responsibilities

Roles	Responsibilities
Public Sector organisation	<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 with the Agent. • Seek support for OSS software through suppliers or service providers. • 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 through the <u>Joinup collaborative platform</u>.

³ The OSS section within the Agent's Portal is available at <http://www.mita.gov.mt/oss>



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 Policy and Procedure (GMICT P 0048, GMICT R 0048 respectively).

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

5 Modification History

Version	Effective Date	
1.0	1 June 2010	
2.0	10 August 2010	
3.0	17 April 2012	Updates following the launch of the European Commission's Joinup collaborative platform and the OSS section of the Agent's portal.

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.