

## Draft for regulations pertaining to universal design of ICT solutions

Stipulated pursuant to sections 2, 11 and 16 of the Act dated 20 June 2008, no. 42, pertaining to the Prohibition of Discrimination on the Basis of Disability (the Discrimination and Accessibility Act) .

### Article 1 *The purpose of the regulations*

The purpose of the regulations is to set out requirements for ICT solutions to be designed in a manner making them accessible to all, independently of any disability.

### Article 2 *Area of application*

The regulations apply to ICT solutions intended for use by the general public in Norway.

The regulations apply in cases where the ICT solution supports the ordinary functions of an enterprise, and constitutes part of the enterprise's main solution. Application of the regulations is limited to internet-based solutions and automatic devices.

The regulations apply to all areas of society except for family life and other matters of a personal nature.

The regulations do not apply to adaption or facilitation of ICT solutions intended for use by individuals.

The regulations do not apply in cases where the design of ICT solutions is regulated by other legislation.

The regulations do not apply to the territories of Svalbard and Jan Mayen, to installations and vessels engaged in activities on the Norwegian Continental Shelf, or to Norwegian ships and aircrafts, irrespective of their area of operation.

### Article 3 *Definitions*

In these regulations, the following definitions apply:

- a. *Universal design*: refers to the design of products and environments in a manner whereby they may be used by all people, as far as possible, without any requirements for adaption or special design.
- b. *ICT solutions*: refers to technology and systems of technologies used in order to express, create, transform, exchange, store, duplicate and publish information, or which in any other manner is used to make information useable.
- c. *Automatic device*: refers to a machine or other device exclusively operated by the user in order to purchase a product or for the execution of a service.
- d. *Internet-based service/internet-based solution*: refers to the mediation of information or a service made available through the use of a web browser or a corresponding utility, accessible by means of a URI (Uniform Resource Identifier), based on the use of the Hyper Text Transfer Protocol (http) or a corresponding utility in order to make contents available.
- e. *Main solution*: refers to ICT solutions that are an integrated part of the manner in which the enterprise provides information and offers its services to the general public, and which is connected to the ordinary functions of the enterprise.
- f. *New ICT solution*: complete replacement of a technical solution, version upgrade, replacement or major changes to source code and major changes to appearance or design. Gradual changes made over some period of time, accumulating to the point where it constitutes a change as mentioned under this letter of the provision, shall count as a new ICT solution.

- g. *User interface*: refers to the interactive contact between man and machine, and to the part of the machine directly operated by the user, including physical hardware and logic components of software.
- h. *Standard*: a normative document, including specifications, instructions and guidelines.

#### *Article 4 The area of application of the regulations*

The regulations shall apply to enterprises providing information and offering services to the general public through the use of ICT solutions comprised by these regulations.

#### *Article 5 Requirements to the design of ICT solutions*

Internet-based solutions must as a minimum be designed in compliance with standard Web Content Accessibility Guidelines 2.0 (WCAG 2.0)/ISO/IEC 40500:2012 at the A and AA level, with the exception of guidelines 1.2.4 and 1.2.5, or with corresponding standards.

Automatic devices must at least be designed in compliance with the following standards, or corresponding standards:

- a. CEN/TS 15291:2006 - Identification Card Systems: - Man-machine interface: Technical Specification: Guidance on design of accessible card systems
- b. NS-EN 1332-1:2009 - Identification card systems - Man-machine interface - Part 1: Design principles for the user interface.
- c. EN 1332-2:1998 - Identification Card Systems: Man-machine interface - Part 2: Dimensions and location of a tactile identifier for ID-1 cards.
- d. NS-EN 1332-3:2008 - Identification Card Systems: Man-machine interface - Part 3 Keypads.
- e. NS-EN 1332-4:2007 - Identification Card Systems: Man-machine interface - Part 4 Coding of user requirements for people with special needs.
- f. NS-EN 1332-5:2006 - Identification Card Systems: Man-machine interface - Part 5 Raised tactile symbols for differentiation of application on ID-1 cards
- g. NS-EN-ISO 9241-20:2009 - Ergonomics of human-systems interaction - Part 20: Accessibility guidelines for information/communication technology (ICT) equipment and services.
- h. ISO 20282-1:2006 - Ease of operation of everyday products - Part 1: Context of use and user characteristics ISO /TS 20282-2:2006 - Ease of operation of everyday products - Part 2: Test method
- i. ISO/TR 22411:2008 - Ergonomics data and guidelines for the application of ISO/IEC Guide 71 to products and services to address the needs of older persons and persons with disabilities.

#### *Article 6 Supervisory body and requirements for internal control*

The Directorate of Administration and ICT shall perform supervisory functions pursuant to these regulations.

Enterprises that are responsible pursuant to the regulations must be able to document that requirements of articles 4 and 5 are met. The internal distribution of responsibilities within an enterprise and standards applied to the relevant technical solution must be documented.

The Directorate of Administration and ICT may request information and perform verification as necessary in order to meet its responsibilities, including demanding access to ICT-solutions regulated by the regulations.

The right to request documentation or access to premises and ICT solutions pursuant to the third subsection applies irrespective of rules pertaining to confidentiality.

#### *Article 7 Orders pertaining to introduction of measures*

The Directorate of Administration and ICT may order an enterprise to introduce measures as required in order to fulfil the requirements of the regulations pertaining to universal design of ICT solutions. The Directorate of Administration and ICT may set deadlines for compliance with such orders.

#### *Article 8 Enforcement penalties*

The Directorate of Administration and ICT may make decisions pertaining to enforcement penalties pursuant to section 16 of the Act dated 20 June 2008, no. 42, pertaining to the Prohibition of Discrimination on the Basis of Disability. Enforcement penalties will only be imposed when the deadline for complying with orders for introduction of measures has expired. Enforcement penalties are imposed in the form of continual daily fines.

Enforcement penalty will be imposed in cases of failure to meet a new deadline for compliance with an order, and will normally remain in effect until the order has been complied with. An imposed fine may be reduced or cancelled in cases where special grounds exist.

Enforcement penalties shall only be imposed in cases where it is necessary in order to ensure that the order will be complied with within a reasonable period of time, and the size of a penalty should contribute to encourage compliance with the order.

#### *Article 9 Appeals*

Decisions made by the Directorate of Administration and ICT pursuant to these regulations may be appealed to the Ministry of Government Administration, Reform and Church Affairs. The appeal should be addressed to the Directorate of Administration and ICT.

#### *Article 10 Litigation*

Litigation pertaining to the validity of decisions made by the Ministry of Government Administration, Reform and Church Affairs must be initiated within three months after the reception of information about the decision.

Cases may not be filed before courts of law until the right to appeal has been exercised and a final decision made on the appeal.

#### *Article 11 Dispensation*

On the basis of applications received, the Directorate of Administration and ICT may grant dispensation pertaining to the date for compliance with the provisions of these regulations in cases where special grounds exist. The term "special grounds" may refer to such issues as protection of personal information, economy, security or cases where the development cycle of an acquisition cannot be adapted to deadlines and transitional arrangements pursuant to the second subsection of section 12.

#### *Article 12 Entry into force and provisions pertaining to a period of transition*

The regulations enter into force on xxxx

Enterprises subject to obligations pursuant to these regulations must ensure that new ICT solutions are made subject to universal design at the latest 12 months after these regulations enter into force. Existing ICT solutions must be made subject to universal design by 1 January 2021.