

Regulation for universal design of information and communication technology (ICT) solutions

Laid down by Royal Decree. 21st June 2013 pursuant to Act 20 June 2008 No. 42 on the prohibition of discrimination on grounds of disability (Discrimination and Accessibility Act) § 2, § 11 and § 16 Promoted by the Ministry of Government Administration, Reform and Church Affairs.

Article 1 The purpose of the regulation

The purpose of this regulation is to ensure universal design of information and communication technology, without causing an undue burden on businesses. Universal design means that the design or adaptation of the main solution in information and communication technology is such that it can be used by as many as possible.

Article 2 Scope

This regulation applies to ICT solutions intended for use by the general public in Norway. The regulation applies in cases where the ICT solution supports the ordinary functions of an enterprise, and constitutes part of the enterprise's main solution. The regulation is limited to net based solutions and automatic devices.

The regulation applies to all areas of society with the exception of family matters and other matters of a personal nature.

The regulation is aimed at enterprises that inform and offer their services to the public through the use of ICT solutions covered by this regulation. The regulation does not apply to adaption or facilitation of ICT solutions for individuals.

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

The regulation does 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 this regulation, the following definitions apply:

- a. Information and communication technology (ICT): Technology and technology systems that are used to express, create, convert, exchange, store, reproduce and publish information, or otherwise make information usable.
- b. 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.
- c. Net based solutions: 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 protocol in order to make contents available.
- d. 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.

- e. 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 over time, which together constitute a change referred to in this letter, can also be regarded as a new ICT system.
- f. User interface: Refers to the point of 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.
- g. Standard: A normative document, including specifications, instructions and guidelines.

Article 4 Requirements to the design of ICT solutions

Net-based solutions must as a minimum be designed in compliance with standard Web Content Accessibility Guidelines 2.0 (WCAG 2.0) NS/ISO/IEC 40500:2012 at the A and AA level, with the exception of guidelines 1.2.3, 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 Guidance on design for accessible card-activated devices.
- b. NS-EN 1332-1:2009 – Identification Card Systems – Human-machine interface – Part 1: Design principles for the user interface.
- c. NS-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-system 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: Design requirements for context of use and user characteristics.
- i. ISO/TS 20282-2:2006 – Ease of operation of everyday products -- Part 2: Test method for walk-up-and-use products.
- j. 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 5 Supervisory body and requirements for documentation

The Agency for Public Management and eGovernment shall perform supervisory functions pursuant to this regulation.

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

The Agency for Public Management and eGovernment may request information and perform verification as necessary in order to meet its responsibilities, including demanding access to ICT-solutions regulated by the regulation.

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 6 Orders pertaining to introduction of measures

The Agency for Public Management and eGovernment may order an enterprise to introduce measures as required in order to fulfil the requirements of the regulation pertaining to universal design of ICT solutions. The Agency for Public Management and eGovernment may set deadlines for compliance with such orders.

Article 7 Enforcement penalties

The Agency for Public Management and eGovernment 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 8 Appeals

Decisions made by the Agency for Public Management and eGovernment pursuant to this regulation may be appealed to the Ministry of Government Administration, Reform and Church Affairs. The appeal should be addressed to the Agency for Public Management and eGovernment.

Article 9 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 10 Dispensation

On the basis of applications received, the Agency for Public Management and eGovernment may grant dispensation pertaining to the date for compliance with the provisions of this regulation 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 procurement cycle cannot be adapted to deadlines and transitional arrangements pursuant to the second subsection of section 11, second paragraph.

Article 11 Entry into force and provisions pertaining to a period of transition

The regulation enters into force July 1st 2013.

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