

# Arizona Administrative CODE

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This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of April 1, 2019 through June 30, 2019

## Title 2



**ARD** Office of the Secretary of State  
**ADMINISTRATIVE RULES DIVISION**

## TITLE 2. ADMINISTRATION

### CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

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#### The release of this Chapter in Supp. 19-2 replaces Supp. 04-4, 1-2 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

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### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

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*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



Administrative Rules Division
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TITLE 2. ADMINISTRATION

CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

Authorizing Statute: A.R.S. § 18-104(A)(12)

Editor's Note: The name of this Chapter was changed to Government Information Technology effective June 7, 2019 (Supp. 19-2).

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Section R2-18-101, adopted effective July 9, 1998 (Supp. 98-3).

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## CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

## ARTICLE 1. GENERAL PROVISIONS

**R2-18-101. Definitions**

Unless the context requires otherwise, the following definitions apply:

“Accessibility Compliance Representative” is the budget unit’s designated representative for Section 508 compliance matters to receive, investigate and process complaints that allege the budget unit’s failure to comply with accessibility standards.

“Accessibility Standards” means the statewide accessibility standards adopted by the Department to address compliance with Section 508 in developing, procuring, maintaining or using electronic or information technology.

“Appeal” means a written request filed with the Information Technology Authorization Committee (ITAC) by a budget unit challenging a decision by the Arizona Department of Administration to reject the budget unit’s proposed IT Plan or project.

“Comparable Access” means alternative means of access that allows the individual to use the information and data in accordance with applicable state and federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

“Critical information technology project,” as used in A.R.S. Title 18, Chapter 1, means an IT project having total costs greater than \$25,000 and requires monitoring, with monitoring frequency and duration left to the sole discretion of the Department.

“Department” means the Arizona Department of Administration.

“Disapprove” means reject.

“Expenditure and Activity Report” means a standard project status summary that is used by a budget unit to report progress and costs on IT projects.

“Information technology plan” or “IT Plan,” as used in A.R.S. Title 18, Chapter 1, means a documented strategy for information technology resources and practices to support business direction over a specific period of time.

“Information technology project or “IT Project,” as used in A.R.S. Title 18, Chapter 1, means a series of activities, events, and investments to develop and implement new or enhanced IT over a prescribed period of time.

“ITAC” means Information Technology Authorization Committee, which is established under A.R.S. § 18-121.

“Major information technology project,” as used in A.R.S. Title 18, Chapter 1, means an IT project that has total costs greater than \$1 million.

“PIJ” means project investment justification.

“PIJ template” means a standard set of forms and reporting formats to be prepared by a budget unit and submitted to the Department to describe an IT project and to identify resources, technologies, benefits, costs, goals, risks, financials, and other key factors, to establish specific milestones for development and implementation of the project.

“Quality assurance,” as used in A.R.S. Title 18, Chapter 1, means a budget unit’s process of evaluating IT goals, objectives, and activities to promote successful implementation.

“Section 508” means Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended.

“Standards” as used in A.R.S. Title 18, Chapter 1 means requirements associated with development, maintenance, use, and access to IT based on generalized industry benchmarks and best practices.

“Telecommunications,” as used in A.R.S. § 18-101(6), does not include land mobile radio services.

“Temporarily suspend the expenditure of monies,” as used in A.R.S. Title 18, Chapter 1, means an order from the Department to a budget unit to immediately cease expenditures of monies and related project activities.

“Total project costs” or “total costs,” as used in A.R.S. Title 18, Chapter 1, means the IT development and implementation costs associated with an information technology project.

**Historical Note**

Adopted effective July 9, 1998 (Supp. 98-2). Amended by final rulemaking at 10 A.A.R. 4449, effective December 4, 2004 (04-4). Amended by final rulemaking at 25 A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

## ARTICLE 2. INFORMATION TECHNOLOGY PROJECTS

**R2-18-201. Information Technology Project Justification and Monitoring**

- A. If an IT project requires Department or ITAC approval, under A.R.S. Title 41, Chapter 23 and Title 18 Chapter 1, a budget unit shall not commit or spend funds on the project and shall not enter into a project-specific contract or vendor agreement until the budget unit receives written Department or ITAC approval or unless the contract or vendor agreement is contingent upon receipt of such approval.
1. A budget unit shall submit a PIJ describing the value to the public and the state for the IT project, consistent with the approved budget unit IT Plan submitted to the Department under R2-18-301. The budget unit shall use the current PIJ template and submit the completed PIJ to the Department.
  2. If the PIJ is incomplete, the Department shall identify deficiencies and either request additional information or return the PIJ to the budget unit for completion and resubmission.
  3. The Department or ITAC shall use the following general criteria to review each completed PIJ within its authority:
    - a. Whether the proposed solution addresses the stated problem or situation;
    - b. Whether the budget unit is competent to carry out the project successfully;
    - c. Whether sufficient sponsorship and support by budget unit leadership exists;
    - d. Whether cost estimates provided are accurate;
    - e. Whether the proposed project aligns with the budget unit’s Strategic IT Plan; and
    - f. Whether the proposed solution complies with statewide IT standards.
  4. Based on the review, the Department or ITAC shall take one of the following actions:
    - a. Approve,
    - b. Conditionally approve, or
    - c. Disapprove.
  5. The Department shall inform the budget unit of the review decision in writing.
  6. If the Department or ITAC conditionally approves the IT project, it shall identify the conditions the budget unit shall satisfy to proceed with the project. Unless otherwise stated in the Department’s communication to the budget unit, the budget unit may begin the IT project, with

## CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY

Department monitoring, while the identified conditions are in the process of being satisfied by the budget unit.

7. If the Department or ITAC disapproves the IT project, the budget unit shall not begin the IT project, nor commit or spend any funds nor enter into any project-specific contract or vendor agreement.
- B. If the Department determines that an IT project is at risk of failing to achieve its intended results or does not comply with A.R.S. Title 18, Chapter 1, the Department shall temporarily suspend the expenditure of monies and related activities for the IT project or recommend to ITAC that ITAC temporarily suspend the expenditure of monies and related activities for the IT project.
- C. Any temporary suspension under subsection (B) shall only be lifted by the Department or ITAC, as applicable, once the cause for the suspension has been adequately rectified as determined in the sole discretion of the Department or ITAC.

**Historical Note**

Adopted effective July 9, 1998 (Supp. 98-2). Amended by final rulemaking at 10 A.A.R. 4449, effective December 4, 2004 (04-4). Amended by final rulemaking at 25 A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

**ARTICLE 3. INFORMATION TECHNOLOGY PLANNING****R2-18-301. Information Technology Planning**

- A. Under A.R.S. Title 18, Chapter 1, each budget unit shall annually develop and submit to the Department an IT Plan containing goals, challenges, and plans, on or before September 1 each year.
- B. The Department shall review the proposed budget unit IT Plan to determine whether:
  1. Outcomes are measurable,
  2. Quality assurance plan is included,
  3. Disaster recovery plan is included, and
  4. IT goals align with statewide IT standards.
- C. The Department shall either approve or disapprove the IT Plan and shall notify the budget unit of its decision. An approved budget unit IT Plan remains in effect until the end of the fiscal year for which it is submitted.

**Historical Note**

Adopted effective July 9, 1998 (Supp. 98-2). Amended by final rulemaking at 10 A.A.R. 4449, effective December 4, 2004 (04-4). Amended by final rulemaking at 25 A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

**ARTICLE 4. APPEALS OF DECISIONS****R2-18-401. Appeals to ITAC**

- A. A budget unit, which appeals a decision by the Department regarding the disapproval of a budget unit IT Plan or a budget unit IT project, shall file a written appeal with ITAC within 30 days from receipt of notice of the Department decision being appealed.
- B. An appeal shall include:
  1. The decision being appealed,
  2. The specific facts on which the appeal is based,
  3. The associated errors in the Department's decision, and
  4. The action requested of ITAC.
- C. An appealed decision shall remain in effect during the appeal. An appealing budget unit shall not resume or initiate any project activity or expense unless instructed otherwise by the Director of the Department. ITAC shall inform a budget unit regarding its decision on any appeal within 90 days of receipt of the appeal and if ITAC does not do so, the appeal will be considered denied.

**Historical Note**

Adopted effective July 9, 1998 (Supp. 98-2). Amended by final rulemaking at 25 A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

**ARTICLE 5. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY****R2-18-501. Accessibility Standards**

- A. The Department shall prescribe electronic or information technology accessibility standards as authorized by A.R.S. §§ 18-104 and 18-105. Electronic or information technology products covered by these standards shall comply with all applicable provisions. The Arizona Strategic Enterprise Technology (ASET) Office of the Department shall maintain the accessibility standards and make them available to the public.
- B. Each budget unit shall designate an Accessibility Compliance Representative and ensure that their products comply with accessibility standards, unless an undue burden would be imposed on the budget unit. When a budget unit determines compliance with these standards imposes an undue burden, budget units shall provide individuals with disabilities the information and data involved that allows the individual comparable access.
- C. Each budget unit shall evaluate the accessibility of any proposed electronic or information technology system prior to the expenditure of State funds. The budget unit shall include the results of the accessibility evaluation in a written report maintained with the solution documentation. If applicable, the report shall include a declaration that the budget unit has determined that an undue burden or exception exists along with an explanation of the undue burden and how it was determined.

**Historical Note**

Section R2-18-501 made by final rulemaking at 25 A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

**R2-18-502. Complaints**

- A. Any individual may file a complaint alleging that a budget unit does not comply with accessibility standards in regard to its electronic or information technology with the Accessibility Compliance Representative of the budget unit. The written complaint must:
  1. State the name and contact information for the complainant;
  2. Identify the electronic or information technology in question; and,
  3. Describe the non-conformance with the accessibility standards in sufficient detail as to enable a review.
- B. Upon receipt of a complaint, the Accessibility Compliance Representative will review the complaint to respond to and make a good faith effort to resolve any complaint by determining whether the electronic or information technology listed in the complaint is subject to accessibility standards. The representative will conduct a review within 60 days from receipt of the written complaint.
- C. Upon completion of the review, the budget unit shall provide written notice of the results of the review to the complainant and Department of Administration, which shall include at least one of the following:
  1. Documentation that the technology conforms to all applicable accessibility standards;
  2. A documented explanation that any non-conformance with accessibility standards was exempted due to an undue burden; or
  3. An agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable accessibility standards.

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**Historical Note**

Section R2-18-502 made by final rulemaking at 25  
A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).

**R2-18-503. Complaint Review Process**

- A. If a complainant is not satisfied with the complaint response issued by a budget unit, the complaint and the budget unit response can be filed within 30 days of issuance with the Director of the Department.
- B. The Director or the Department's representative or representatives shall evaluate the complaint and budget unit response and may gather additional information as necessary to render an independent decision within 60 days of receipt of the complaint.

1. If it is determined the technology does not comply with accessibility standards, a written notice shall be sent to the budget unit, with a copy to complainant, of such findings and a requirement for a plan of resolution to be sent within 60 days to the Department and the complainant.
2. If it is determined the technology does comply with accessibility standards or that an undue burden does exist and is therefore exempt from compliance, a written notice shall be sent to complainant, with a copy to the budget unit, of such findings.

**Historical Note**

Section R2-18-503 made by final rulemaking at 25  
A.A.R. 1133, effective June 7, 2019 (Supp. 19-2).