

Open Source Software Policy

Reference: GMICT P 0097

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Purpose

To encourage the adoption of cost-effective and non-disruptive Open Source Software (OSS) throughout the Public Administration.

To maximise the distribution and re-use of solutions, in use by Public Administration organisations, as OSS.

Scope

This Policy covers the acquisition of Open Source Software and the adoption of related Open Source Business Models throughout the Public Administration.

Definitions

Underlined terms are defined in the Vocabulary (GMICT X 0003).

Adoption

1. Public Administration organisation shall actively consider and pursue the adoption of Open Source Software (OSS) that is **cost-effective** and **non-disruptive**. All direct and indirect costs, including total cost of ownership, support, exit and transitions costs, are to be taken into consideration when calculating the cost-effectiveness of OSS.
2. In the case of software that has no up-front cost, Public Administration organisations shall consider such software that is in line with the [Free Software Definition](#)¹ 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
 - 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.

3. Non-disruptive OSS should meet the Public Administration's **business requirements** and adopt Government's operational and **security principles** (found in the [GMICT Information Security Policy](#)²) in terms of scalability, promotion of desktop-agnostic concepts, support and manageability.
4. Public Administration organisations shall consider solutions that are in part, or in full, built on OSS technologies **on the same merits** as other solutions.
5. Solution providers shall consider, in part or in full, the use of OSS where applicable.

Procurement

6. Public Administration organisations shall **procure** any OSS in line with the [Public Procurement Regulations](#)³.
7. The Public Administration organisation shall ensure that **support** arrangements for OSS are in place.

Reuse

8. Whenever a Public Administration organisation needs to procure software, it shall first consider reusing OSS solutions that are **already well established** within the Public Administration and that provide the same or similar functions as those required. The respective Public Administration organisation shall provide adequate reasons to justify the lack of such re-use whenever requested and where applicable.
9. Public Administration organisations shall capitalise on OSS-related investments carried out by the European Commission and EU Member states by seeking to re-use OSS and services available through the European Commission's [Joinup collaborative platform](#)⁴.

¹ <http://www.gnu.org/philosophy/free-sw.html>

² https://mita.gov.mt/en/GMICT/GMICT%20Policies/GMICT_P_0016_Information_Security.pdf

³ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9532&l=1>

⁴ <http://joinup.ec.europa.eu/>

Distribution

10. Public Administration organisations shall consider the distribution of software code for which they own the intellectual property, on an open source basis, through the adoption of an appropriate Open Source Business Model, on a case by case basis.

Licensing

11. Public Administration organisations shall **accept Open Source licences** that are in line with the Open Source Definition⁵ (OSD) of the Open Source Initiative (OSI) and that are already approved by OSI. The EUPL⁶, GNU GPL⁷, FreeBSD⁸ licences are deemed to conform to the OSD. Public Administration organisations shall accept the latest version and up to one previous version of the open source licences.

Furthermore, the licence shall:

- allow the free redistribution of the solution and manuals, including the source code
 - allow the solution to be modified in part or in full and be used in other solutions
 - permit the integrity of the Author's Source Code and prevent discrimination against persons, groups or fields of endeavour
 - allow for redistribution of the software through manual and automated processes without the need for additional licences
 - not be specific to a product
 - not restrict other software that is distributed along with the licensed software
 - be as technology neutral as possible regarding any individual technology or style of interface.
12. Public Administration organisations shall **license distribution** of Government OSS solutions under the European Union Public License (EUPL).

⁵ <http://www.opensource.org/docs/osd>

⁶ <http://joinup.ec.europa.eu/software/page/eupl/licence-eupl>

⁷ <http://www.fsf.org/licensing/licenses/gpl.html>

⁸ <http://www.freebsd.org/copyright/freebsd-license.html>

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 assessed and reported as risks.

Breaches of GMICT Policy shall be brought to the attention of the respective CIO office in order to determine appropriate corrective action and potential control improvements involving relevant stakeholders, as appropriate.

Issuing Authority

This document has been issued by the **Malta Information Technology Agency**.

Contact Information

Government ICT Policies may be found at <http://ictpolicies.gov.mt>.

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