

**OFFICE OF THE STATE CIO**  
**IT POLICY LETTER**

NUMBER:

**ITPL 10-01**

SUBJECT:

**OPEN SOURCE SOFTWARE POLICY**

DATE ISSUED:

January 7, 2010

EXPIRES:

Until Rescinded

REFERENCES:

Government Code Section 11545  
State Administrative Manual Sections 4819.2, 4846, 4846.1, 5310, and 5345.1  
Statewide Information Management Manual Section 120

ISSUING AGENCY:

OFFICE OF THE STATE CHIEF  
INFORMATION OFFICER

**DISTRIBUTION**

Agency<sup>1</sup> Secretaries  
Department Directors  
Agency Chief Information Officers  
Department Chief Information Officers

**PURPOSE**

The purpose of this Information Technology Policy Letter (ITPL) is to:

- Formally establish the use of Open Source Software (OSS) in California state government as an acceptable practice;
- Add the OSS definition to the State Administrative Manual (SAM) Section 4819.2;
- Remind organizations of the existing SAM Sections pertaining to software management and security; and
- Announce changes to the Software Management Plan Guidelines [Section 120 of the Statewide Information Management Manual (SIMM)].

**BACKGROUND**

Within the authority of Government Code Section 11545, the Office of the Chief Information Officer (OCIO) has responsibility and authority for the establishment and enforcement of state Information Technology (IT) in California State Government. This includes establishing and enforcing state IT strategic plans, policies, standards and enterprise architecture. This policy provides guidance on the use of Open Source Software (OSS) and will be augmented in the future to address topics of licensing,

<sup>1</sup> When capitalized, the term “Agency” refers to one of the state’s super Agencies such as the State and Consumer Services Agency or the Health and Human Services Agency. When used in lower case, the term “agency” refers to any office department, board, bureau, commission or other organizational entity within state government. Within this ITPL, “agency” and “department” are used interchangeably.

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procurement, and copyright.

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## **POLICY**

The OCIO permits the use of OSS. Consistent with other software, use of OSS is subject to the software management licensing and security practices included in the SAM, Sections 4846, 4846.1, 5310–Item 2 and Item 5 Subsection (f), and 5345.1.

Agencies and departments are required to develop and maintain a Software Management Plan as described in the SAM Section 4846.1, and are reminded to include OSS in their plans as appropriate. Guidelines to assist organizations with the development of a Software Management Plan are available in Section 120 of the SIMM. These guidelines have been updated to include the use of OSS and to reflect changes in the state IT organizational structure.

Use of the SIMM Section 120 Guidelines is not mandatory; however, agencies are encouraged to utilize the Guidelines for assistance or guidance. SIMM Section 120 is located at [http://www.cio.ca.gov/Government/IT\\_Policy/SIMM.html](http://www.cio.ca.gov/Government/IT_Policy/SIMM.html). Changes to SIMM Section 120 are identified on Attachment A.

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## **DEFINITION**

The definition of OSS has been added to Section 4819.2 of the SAM. OSS is defined as <sup>2</sup>*Software that includes distribution terms that comply with the following criteria provided by the Open Source Initiative:*

1. Free Redistribution: The software can be given as part of a package with other applications;
2. Source Code: The code must either be distributed with the software or easily accessible;
3. Derived Works: The code can be altered and distributed by the new author under the same license conditions as the product on which it is based;
4. Integrity of the author's source code: Derived works must not interfere with the original author's intent or work;
5. No discrimination against persons or groups;
6. No discrimination against fields of endeavor: Distributed software cannot be restricted in who can use it based on their intent;
7. Distribution of license: The rights of the program must apply to all to whom the program is re-distributed without need for an additional license;
8. License must not be specific to a product; Meaning that an operating system product cannot be restricted to be free only if used with another specific product;
9. License must not contaminate other software; and
10. License must be technology-neutral.

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<sup>2</sup> The open source definition used here is from the Open Source Initiative and is licensed under a Creative Commons Attribution 2.5 License (<http://creativecommons.org/licenses/by/2.5/>)

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**CONTACT**

Questions regarding this policy should be directed to Lee Mosbrucker, Acting Enterprise Architect at (916) 403-9624, or by e-mail at [Lee.Mosbrucker@state.ca.gov](mailto:Lee.Mosbrucker@state.ca.gov).

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**SIGNATURE**

/s/

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Teri Takai,  
Chief Information Officer  
State of California

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**Summary of Changes to the Statewide Information Management Manual (SIMM)  
January 2010**

<b>SIMM Section</b>	<b>Action Type</b>	<b>Changes</b>
SIMM Section 120, Software Management Plan	Update	<p>SIMM Section 120 is updated to include the definition of Open Source Software (page 2), and to allow for the use of Open Source Software within existing IT policy.</p> <p>In addition, SIMM Section 120 is updated to replace references to the Department of Finance with the OCIO, as appropriate.</p>