

## **DHHS POLICIES AND PROCEDURES**

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<b>Section X:</b>	<b>Information Technology</b>
<b>Title:</b>	<b>Waivers and Appeals</b>
<b>Current Effective Date:</b>	<b>11/21/05</b>
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<b>Original Effective Date:</b>	

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### **Purpose**

The Division of Information Resources Management (DIRM) oversees and coordinates the establishment of the North Carolina Department of Health and Human Services (NC DHHS) information technology policies, procedures, standards and requirements for the department's information resources, including hardware, software, applications, telecommunication networks, and security controls. In doing this, DIRM shall ensure compliance with the policies, standards and requirements distributed by the Office of Information Technology Services (ITS). Applying DHHS enterprise-wide information technology policies, standards and requirements to an organization as diverse as DHHS necessitates a process for the divisions/offices to request a waiver in order to account for extraordinary circumstances and to ensure that the business needs of the department are not compromised. This policy establishes a formal mechanism for DHHS divisions/offices/facilities to request a waiver from the established DHHS information technology policies, standards and requirements that govern the department's information resources.

### **Policy**

The DIRM shall implement and maintain a process for requesting and granting waivers to all DHHS information technology policies, standards and requirements. If the request is outside the scope of authority of DIRM, then DIRM shall notify ITS of the request and serve as the point of contact with ITS.

### **Implementation**

Division/office directors shall submit written requests to the DIRM director to waive adherence to DHHS ITS policies, standards and requirements. The DIRM director shall review and consider all requests for waivers proposed by all departmental directors. The director may seek technical or business consultation from department or external resources before rendering a decision. The review shall include, but not be limited to, a determination of the following to ensure that the DIRM director's decision to grant or deny a waiver is consistent with applicable federal, state or departmental information technology policies, standards, requirements and guidelines:

1. Whether the waiver request violates any state or federal law, statute, rule, published policy, standard, or requirement established by governing bodies external to the department such as ITS or the department's federal partners.
2. Whether the waiver results in the duplication of existing services, resources, or support.
3. Whether the waiver obstructs the state or DHHS ITS strategic plan, enterprise architecture, security plans, or any other ITS policy, standard or requirement.
4. Whether the waiver results in excessive expenditures or expenditures above market rates.

Written requests to waive compliance to DHHS ITS policies, standards and requirements must include the following:

1. The name of the division/office, program, section, building, or facility to be covered by the waiver;
2. A reference to the specific ITS policy, standard or requirement for which the waiver is being requested;
3. A statement of facts including as appropriate to the scope of the request:
  - A. The alternative approach planned to meet the intent of the relinquished ITS policy, standard or requirement
  - B. The business case for the requested alternative approach
  - C. The cost benefit of the proposed alternative approach
  - D. Any requisite condition that must be met before meeting the relinquished ITS policy, standard or requirement
  - E. The timeframe for which the waiver is requested

The DIRM director shall communicate a decision in writing within 10 business days of receipt of the request to the director of the requesting division/office. The communication from the DIRM director shall include:

1. The situation presented in the waiver request;
2. A statement granting or denying the waiver, justification for the decision, any conditions related to the decision, and
3. If granted, the period for which DIRM grants the waiver.

Divisions/offices seeking to appeal a decision of the DIRM director regarding the denial of a waiver may direct petitions to the assistant secretary of finance and business operations. The appeal of the waiver denial will be scheduled for review by the DHHS Management and Technology Advisory Group (MATAG).

*For questions or clarification on any of the information contained in this policy, please contact the policy owner or designated contact point: [Division of Information Resource Management](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).*