

TITLE 1 ADMINISTRATION  
PART 10 DEPARTMENT OF INFORMATION RESOURCES  
CHAPTER 206 STATE WEB SITES  
SUBCHAPTER A DEFINITIONS  
RULE §206.1

Applicable Terms and Technologies for State Web Sites

The following words and terms, when used with this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) 508 compliance--Using testing/validation tools and procedures to check Web pages/content for compliance with the §508 requirements of the Rehabilitation Act relating to Web accessibility contained in 36 C.F.R. Part 1194.

(2) Accessible--A Web page that can be used in a variety of ways and that does not depend on a single sense or ability.

(3) Accessibility Policy-- The policies of a state agency or institution of higher education to ensure that access to its information, services, and programs are accessible, usable, understandable and navigable.

(4) Contact information--a list of key personnel and/or position or program contacts, including public contact telephone numbers, general e-mail address, and other information deemed necessary by the agency or institution of higher education for facilitating public access.

(5) Compact with Texans--customer service standards and performance measures required of state agencies, including institutions of higher education, by §§2113.006 and 2114.006, Government Code.

(6) Home page--The initial page or entry point to a state Web site.

(7) HTML--HyperText Markup Language.

(8) Internet--the network of interconnected networks employing standards published by the Internet Engineering Task Force (IETF).

(9) Key public entry point--A Web page that a state agency or institution of higher education has specifically designed for members of the general public to access official information (e.g., the governing or authoritative documents) from the agency or institution of higher education.

(10) Link Policy--State Web Site Link and Privacy Policy that identify the terms under which a person may use, copy information from, or link to a generally accessible Internet site of a state agency or institution of higher education. The

requirements for these policies for state agencies other than institutions of higher education are set forth in subchapter B, §206.54 and are available at [http://www.dir.state.tx.us/link\\_policy.htm](http://www.dir.state.tx.us/link_policy.htm). The requirements for these policies for institutions of higher education are set forth in subchapter C, §206.74 and are available at [http://www.dir.state.tx.us/link\\_policy2.htm](http://www.dir.state.tx.us/link_policy2.htm).

(11) Logging software and cookies--Particular methods employed for the purpose of tracking visitors to Web sites. The information collected for analysis can include where the request came from, time, pages visited, and identifiable information about the visitor.

(12) Open Records/Public Information Act notice--The policies and practices of the state agency or institution of higher education for providing public access to governmental information and decisions.

(13) Privacy and Security Policy--a statement about what information is collected by the Web site of a state agency or institution of higher education and how the information will be used and protected, under what conditions the information may be shared or released to another party, and the procedure under which a member of the public is entitled to receive and/or correct information that a state agency, including an institution of higher education, maintains about the individual.

(14) Site Policies page--a Web page containing the policies of the state agency or institution of higher education, or a link to each policy.

(15) State Web site--a state agency or institution of higher education owned, - operated by/or for, or -funded Web site connected to the Internet, including the home page and any key public entry points.

(16) SSN--Social Security Number.

(17) SSL--Secure Sockets Layer. The Internet security standard for point-to-point, encrypted connections between Web servers and client browsers.

(18) Statewide Search--a link to the TRAIL Web site.

(19) Survey--An annual assessment report of State Web site compliance with the accessibility standards. The survey will also be used to identify specific requirements for accessibility training for Web content providers/developers. Additional information and resources are included in the State Web Site guidelines available at <http://www.dir.state.tx.us>.

(20) Training/Technical Assistance--Accessibility training and technical assistance for Web content providers/developers on compliance with the accessibility standards. Additional information and on-line resources are included in the State Web Site guidelines available at <http://www.dir.state.tx.us>.

(21) Texas Homeland Security--the Governor's Office Web site with information about current homeland security threat levels in Texas, available at <http://www.texas homeland security.com>.

(22) TRAIL--Texas Records and Information Locator or its successor. Additional information is available at <http://www.tsl.state.tx.us>.

(23) Transaction payment information--bank account and routing number, credit, debit, charge, or other forms of card-based, access device number, and/or Internet based, payment systems. Access device means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone, or in conjunction with another access device, may be used to:

(A) obtain money, goods, services, or another thing of value; or

(B) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(24) Transaction Risk Assessment--An evaluation of the security and privacy required for an interactive Web session providing public access to government information and services. Additional information and guidelines are included in PART 2: Risks Pertaining to Electronic Transactions and Signed Records in "The Guidelines for the Management of Electronic Transactions and Signed Records" available at [http://www.dir.state.tx.us/UETA\\_Guideline.htm](http://www.dir.state.tx.us/UETA_Guideline.htm).

(25) Usability--Web design criteria that focuses on user performance, ease of navigation, is understandable and is visually appealing.

(26) W3C--World Wide Web Consortium. Additional information and copies of the current standards and recommendations are available at <http://www.w3.org>.

(27) Web accessibility standards--Texas Web accessibility standards for Web pages/content that comply with the applicable specifications contained in Subchapter B, §206.50(1) of this chapter for state agencies and Subchapter C, §206.70(1) of this chapter for institutions of higher education.

(28) Web bug--code used to track and/or report information about a visitor to a Web page, or used in an e-mail message. Also known as a Web Beacon or Clear GIF.

(29) Web page--A document that a state agency or institution of higher education has specifically designed for members of the public to access the official information (e.g., the governing or authoritative documents) via the Internet.

## RULE §206.2 Institution of Higher Education

A university system or institution of higher education as defined by §61.003, Education Code.

## RULE §206.3 State Agency

A department, commission, board, office, council, authority, or other agency, other than an institution of higher education, in the executive or judicial branch of state government, that is created by the constitution or a statute of this state.

## SUBCHAPTER B STATE AGENCY WEB SITES

### RULE §206.50 Accessibility and Usability of State Web Sites

Each state agency shall develop and publish an accessibility policy for its Web site and/or Web pages that addresses the following:

(1) Effective September 1, 2006, unless an exception (based on the requirements addressed in §2054.460, Government Code) is approved by the executive director of the state agency, all new or changed Web pages/content shall comply with the following Texas Web accessibility standards/specifications, where applicable:

(A) A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content).

(B) Based on a request for accommodation of a Web cast of a live/real time open meeting (Open Meetings Act Government Code, Chapter 551) or training and informational video productions which support the agency's mission, each state agency shall consider alternative forms of accommodation (examples of different technologies and forms of accommodation and additional information for state agencies to consider in the development of accessible training and informational video and multimedia productions which support the agency's mission are available in the Accessibility Section of the State Web Site Guidelines under "Multimedia, Audio, and Video Files" available from <http://www.dir.state.tx.us>).

(C) Web pages shall be designed so that all information conveyed with color is also available without color.

(D) Documents shall be organized so they are readable without requiring an associated style sheet.

(E) Redundant text links shall be provided for each active region of a server-side image map.

(F) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.

(G) Row and column headers shall be identified for data tables.

(H) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.

(I) Frames shall be titled with text that facilitates frame identification and navigation.

(J) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.

(K) A text-only page, with equivalent information or functionality, shall be provided to make a Web site comply with the provisions of this section, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

(L) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.

(M) When a Web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with the following:

(i) When software is designed to run on a system that has a keyboard, product functions shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.

(ii) Applications shall not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and documented according to industry standards. Applications also shall not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product developer.

(iii) A well-defined on-screen indication of the current focus shall be provided that moves among interactive interface elements as the input focus changes. The focus shall be programmatically exposed so that assistive technology can track focus and focus changes.

(iv) Sufficient information about a user interface element including the identity, operation and state of the element shall be available to assistive technology.

When an image represents a program element, the information conveyed by the image must also be available in text.

(v) When bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images shall be consistent throughout an application's performance.

(vi) Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.

(vii) Applications shall not override user selected contrast and color selections and other individual display attributes.

(viii) When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.

(ix) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

(x) When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.

(xi) Software shall not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55 Hz.

(xii) When electronic forms are used, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

(N) When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

(O) A method shall be provided that permits users to skip repetitive navigation links.

(P) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

(2) Effective September 1, 2006, unless an exception (based on the requirements addressed in §2054.460, Government Code) is approved by the executive director of the state agency, new Web page/site designs shall be tested by the state agency using one or more §508 compliance tools in conjunction with manual

procedures to validate compliance with the Texas Web accessibility standards. State agencies shall establish policies to monitor their Web site for compliance with the Texas Web accessibility standards. Additional information about testing tools and resources are in the State Web Site guidelines that are available from <http://www.dir.state.tx.us>.

(3) Each state Web site shall avoid vendor specific "non-standard" extensions and shall comply with applicable standards (e.g., IEFT (if using secure socket layer (SSL) connections), W3C (if using Cascading Style Sheets (CSS) and validated using the W3C CSS Validation Service), etc. For guidance regarding "non-standard" extensions, emerging technologies and applicable standards, state agencies shall refer to the department's guidelines available at <http://www.dir.state.tx.us>.

(4) The policy should cover testing and validation of Web pages.

(5) Each state Web site should be designed with consideration for the types of Internet connections available to the citizens of Texas, and undergo accessibility and usability testing.

(6) Testing/validation tools and manual procedures for validating §508 compliance satisfy compliance with the Texas Web accessibility standards.

(7) All state agencies shall participate in the survey and should participate in the training identified by the department in the State Web Site guidelines available at <http://www.dir.state.tx.us>. As a minimum, Web content providers/developers should understand the requirements for complying with §508 requirements for the following:

(A) Text Alternatives for non-text content.

(B) Checking for Accessibility.

(C) Accessible Navigation.

(D) Image maps.

(E) Audio & Multimedia.

(F) Accessible Forms.

(G) Accessible Tables.

(H) Scripts and Applets.

(I) Using Style Sheets.

(8)The lack of commercial availability of products, including computer software, and specific technologies that would impose a significant difficulty or expense on state agencies are identified under "Exceptions and Emerging Technologies" in the Accessibility Section of the State Web Site Guidelines available from <http://www.dir.state.tx.us>.

#### RULE §206.51Accessibility Policy

The home page of a state Web site, and key public entry points, shall include an "Accessibility" link to, or a "Site Policies" link to a Web page that contains the state agency's accessibility policy, site validation (e.g., §508), contact information for the agency's accessibility coordinator, and a link to the Governor's Committee on People with Disabilities Web site.

#### RULE §206.52Translation of Web Site Content

To facilitate the usability of state Web sites by people with limited English proficiency, in addition to English language content, agencies should consider providing the content of their Web sites in the primary language or languages used by the people using the Web site. The translation of Web site content into languages in addition to English can be achieved at less cost if the agency translates Web site content into additional languages at the time other changes are made to the Web site. The U.S. Department of Justice issued "Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons with Limited English Proficiency," a guidance document that sets forth compliance standards to ensure that programs and activities provided in English are accessible to individuals with limited English proficiency. These guidelines may be helpful to an agency in determining the parts of its Web site content that should be available in languages in addition to English. The guidelines recommend that agencies consider:

- (1) the number or proportion of people in the eligible service population with limited English proficiency;
- (2) specific requirements for Spanish language content that are addressed in §2054.116, Government Code;
- (3) the frequency with which those individuals contact the program;
- (4) the importance of the services provided; and
- (5) the resources available to the recipient agency and costs.

#### RULE §206.53Privacy and Security of State Web Sites

- (a) Each state agency shall publish a privacy and security policy for its Web site

and post a link to the policy from its home page, or a "Site Policies" page. The privacy and security policy shall address the following:

(1) Notice: This section must disclose the state agency's information practices before the site collects personal information from the public, including the use of cookies, and/or Web bugs as well as information collected by other technologies and processes, and information collected via e-mail and Web-based forms.

(2) Choice: This section must disclose whether and how personal information collected from the public may be used for purposes beyond those for which the information was provided.

(3) Access: This section must address the procedure under which an individual may obtain information about himself or herself from the state agency and/or have the state agency correct information about the individual.

(4) Security: This section must describe the procedures that ensure that information collected from individuals is accurate and secure from unauthorized use.

(b) Web pages designed for children must comply with all applicable federal and state laws intended to protect minors.

(c) Prior to providing access to information or services on a state Web site that requires user identification, each state agency shall conduct a transaction risk assessment, and implement appropriate privacy and security safeguards. At a minimum, state Web sites that require an individual to enter the following information in a Web based electronic form shall use an SSL session or equivalent technology to encrypt the data:

(1) The individual's name and other personal information, such as an SSN;

(2) Transaction payment information;

(3) An individual's access identification code and password;

(4) An individual's e-mail address.

(d) Any Web based form that requests information from the public shall have a link to the associated privacy and security policy.

#### RULE §206.54 State Web Site Link and Privacy Policy

The following outlines the policies for linking to, the use of, or copying information from state agency Web sites and protecting the personal information of members of the public who access state agency information through a state agency Web

site. It also requires that state agencies link to the policy.

(1) Requirements Applicable to Those Linking to State Agency Web Sites.

(A) Linking to State Agency Web Sites. Organizations and individuals (the site owner) are encouraged to link to state agency information. Advance permission is not required before linking. Links should be made using the appropriate base URL of [www.agency-identifier.state.tx.us](http://www.agency-identifier.state.tx.us) or such other URL as the agency may use. Because state agencies may change subpages at any time without notice, the site owner should routinely verify links to state agency subpages.

(B) What Site Owners May Not Do in Linking to State Agency Web Sites. Site owners may not capture state agency pages within the site owner's frames, present state agency Web site content as that of the site owner, otherwise misrepresent the content of the state agency pages or misinform users about the origin or ownership of the content of the state agency Web site. Any link to a state agency site should be a full forward link that passes the client browser to the state agency site unencumbered. The BACK button should return the visitor to the site owner's site if the visitor wishes to back out. Although the content of state agency Web sites is available to the public, certain information on some state agency Web sites may be trademarked, service marked, or otherwise protected as the state agency's intellectual property, and all agency content is protected by federal copyright laws. Use of protected intellectual property must be in accordance with federal and state law and must reflect the copyright, trademark, service mark or other intellectual property ownership of the state agency. Site owners should not link to individual state agency graphics or tables within state agency pages, especially in an effort to place the downloading burden on the state agency servers. Such an action may be considered a misuse of state resources. Site owners should contact the appropriate state agency to request permission to use a copy of the state agency's graphics within the site owner's pages.

(C) Accessibility. Owners of sites linked to state agency pages shall use reasonable efforts to ensure that persons with disabilities may access these sites.

(D) Copying and Use of Information by Web Site Owners Linking to State Agency Sites. The information posted on a state agency Web site may be copied so long as it is presented in a non-misleading way and does not imply that either the site owner or the information, as it is presented on the site owner's Web site, is endorsed by the State. Use of the information must identify the state agency that is the source of the information, its Web address, the date the information was copied from the state agency's Web site by the site owner and must be accompanied by a statement that neither the site owner nor the information, as it is presented on the site owner's Web site, is endorsed by the State or any state agency. A state agency may not charge a fee to access, use or reproduce information on its Web site or to link to information on its Web site, unless specifically authorized to do so by the Texas Legislature. To protect the

intellectual property of state agencies, copied information must reflect the copyright, trademark, service mark or other intellectual property rights of the state agency whose protected information is being used by the site owner.

(E) Links From a State Agency Web Site. A state agency that only provides links to other state agencies and institutions of higher education will post a link to this State Web Site Link and Privacy Policy. A state agency that provides links to private Web sites shall publish a linking policy that includes its standards and criteria for linking to the private Web site. State agencies are strongly encouraged to publish a disclaimer policy that specifically disclaims liability and responsibility for private Web site content. State agencies that link to private Web sites will post a link to this State Web Site Link and Privacy Policy from the Web page that identifies their specific policies.

## (2) Protection of the Privacy Rights of Individuals by Non-Judiciary State Governmental Bodies.

(A) Under Texas law, Chapter 559, Texas Government Code, unless a state governmental body, other than a state governmental body that is part of the judiciary, is allowed to withhold requested information from an individual pursuant to Chapter 552, Texas Government Code (the Texas Public Information Act), the individual is entitled to be informed about information collected by the state governmental body about that individual.

(B) Each non-judiciary state governmental body that collects information about an individual by means of a form that the individual completes and files with the state governmental body in a paper format or in an electronic format on an Internet site shall prominently state, on the paper form and prominently post on the state governmental body's Internet site in connection with the electronic form, that:

(i) with few exceptions, the individual is entitled on request to be informed about the information that the state governmental body collects about the individual;

(ii) the individual is entitled to receive and review the information; and

(iii) the individual is entitled to have the state governmental body correct incorrect information about the individual.

(C) Each non-judiciary state governmental body that collects information about an individual by means of an Internet site or that collects information about the computer network location or identity of a user of the Internet site shall prominently post on the state governmental body's Internet site:

(i) what information is being collected through the site about the individual; and

(ii) what information is being collected through the site about the computer

network location or identity of a user of the state governmental body's Internet site, including what information is being collected by means that are not obvious.

(D) Each non-judiciary state governmental body must establish a reasonable procedure under which individuals may have incorrect information about them that is held by the state governmental body corrected. The correction procedure may not unduly burden the individual seeking to have information corrected.

(E) Each non-judiciary state governmental body shall identify its information collection practices and post that information in its Internet site privacy and security policy. The e-mail addresses of members of the public that are provided to non-judiciary state governmental bodies for electronic communication with state governmental bodies are confidential and may not be disclosed by state governmental bodies unless the affected member of the public affirmatively consents to the disclosure of his or her e-mail address.

### (3) Requirements Applicable to State Agencies.

(A) With the exception of confidential information, information protected by laws designed to protect an individual's privacy interests, information that might assist terrorists or other malevolent actors in exploiting, creating or enhancing vulnerabilities and information not subject to disclosure under the Texas Public Information Act, state agencies are encouraged to post information on the Internet in an accessible format. Information about the design and posting of information on state Web sites is available at <http://www.dir.state.tx.us/standards/srrpub11.htm>.

(B) State agencies may not sell or release the e-mail addresses of members of the public that have been provided to communicate electronically with a government body without the affirmative consent of the affected member of the public.

### RULE §206.55 Linking and Indexing State Web Sites

(a) All new or changed HTML documents on a state agency Web site that meet the criteria of a "state publication" as defined by the Texas State Library and Archives Commission shall include the meta tags required by the Texas State Library and Archives Commission (13 TAC §3.9).

(b) The home page of a state Web site shall incorporate TRAIL metadata and shall:

(1) Provide links to the following State of Texas resources:

(A) Texas home page;

(B) Texas Homeland Security Web site;

(C) Link Policy, or the Site Policies page;

(D) Statewide Search Web site.

(2) Provide individual links to the following information, or to the Site Policies page with links to the following:

(A) Privacy and Security policy;

(B) Accessibility policy;

(C) Contact information;

(D) Description of the Open Records/Public Information Act policy/procedures of the state agency;

(E) Compact with Texans.

(c) All key public entry points shall provide a link to the following:

(1) Agency home page;

(2) Provide individual links to the following, or a link to the Site Policies page with links to the following:

(3) Contact information;

(4) Accessibility policy;

(5) Privacy and Security policy.

**206.70-206.75 Omitted: pertain to  
Higher Education**