



FDIC DIRECTIVE 1370.07

Information and Communication Technology Accessibility under Section 508 of the Rehabilitation Act of 1973

Approval Authority: Sylvia Burns, Chief Information Officer and Chief Privacy Officer

Originating Division/Office: Chief Information Officer Organization

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PURPOSE

This revised Directive establishes guidelines for the FDIC regarding Information and Communication Technology (ICT) accessibility under Section 508 of the Rehabilitation Act. The Section 508 law applies to FDIC when developing, procuring, maintaining, or using ICT. Under Section 508 [29 United States Code (U.S.C.) 794(d)], federal agencies must give employees with disabilities and members of the public with disabilities access to information and data that is comparable to the access available to others. The accessible technology requirements of Section 508 complement and support the accommodation process requirements of Sections 501 and 504 of the Rehabilitation Act.

SCOPE

This Directive applies to all FDIC Divisions/Offices.

AUTHORITIES

See [Appendix](#).

FORMS

None. All Section 508 Services are accessed through a [Section 508 IT Services Portal](#). Section 508 Services include: Document Reviews, ICT Application Test Requests, Section 508 Exceptions, Section 508 Training Requests, and Voluntary Product Accessibility Template/Accessibility Conformance Report Reviews.

SUMMARY OF CHANGES

This Directive supersedes FDIC Directive 2711.1, Information and Communication Technology (ICT) Accessibility Pursuant to Section 508 of the Rehabilitation Act of 1973, dated January 23, 2019.

REVISION, dated June 5, 2023

This Directive had been revised to include current and applicable federal regulations. Roles and responsibilities have been updated. Additional resources to support ICT accessibility have been added.

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BACKGROUND

In 1998, Congress amended the Rehabilitation Act of 1973, requiring federal agencies to make Information and Communication Technology (ICT) [formerly Electronic and Information Technology (EIT)] accessible to people with disabilities. The law [29 U.S.C 794 (d)] applies to all federal agencies when developing, procuring, maintaining, or using ICT. Under Section 508 Technical Standards [Title 36, Code of Federal Regulations (CFR), Part 1194], agencies ensure that:

- Federal employees with disabilities have access to, and use of, information and data that is comparable to the access and use by federal employees who are not individuals with disabilities; and
- Members of the public with disabilities who are seeking information or data from a federal agency have access to, and use of, information and data that is comparable to and provided to members of the public who are not individuals with disabilities.

This Directive implements Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and applies to ICT products and services developed, procured, maintained, or used by the FDIC. This applies to all FDIC electronic content including, but not limited to, electronic files, videos, training materials, external and internal websites, electronic systems, blogs, and social media.

The FDIC increasingly relies on ICT in day-to-day operations and in providing services to all. The FDIC considers accessibility to ICT a priority as it supports a diverse and productive workforce and facilitates responsibility to those seeking information about the FDIC's programs and services.

On January 18, 2017, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published revised Section 508 Technical Standards in the Federal Register entitled Information and Communication Technology Standards and Guidelines, 82 Fed. Reg. 5790 (January 18, 2017). The revised regulations significantly updated the Technical Standards in light of the fundamental technology changes in the fourteen years since the standards were last issued.

For additional information on the Section 508 Program, please contact section508@fdic.gov or visit the [Section 508 Compliance Intranet Site](#).

POLICY

The FDIC is committed to the principles of equal opportunity in all of its ICT programs and activities. ICT developed, procured, maintained, or used during the course of business operations will be as accessible to persons with disabilities (employees, contractor personnel, and members of the public) as it is to persons without disabilities, unless an exception applies as outlined in this Directive.

A. Information and Communication Technology Development and Procurement

1. ICT Development

- a. Section 508 requirements apply to all ICT products developed by FDIC employees and contractor personnel. Design, development, and maintenance refer to all activities that result in the creation or significant modification of any ICT product, system, or service.
- b. All FDIC ICT must follow the [Project Management Life Cycle](#) in coordination with the Section 508 Program Manager.
- c. Information about the specific procedures for design, development, and maintenance of ICT products are obtained through the Section 508 Program Manager and at the FDIC's [Section 508 Compliance Intranet Site](#).

2. ICT Procurement

- a. Section 508 requirements apply to all contracts that specify, or result in, the procurement of ICT including purchase orders, task orders, delivery orders, and Federal Supply Service contracts. In addition, they apply to procurements involving upgrades that result in significant modification of ICT.
- b. General acquisition procedures and requirements regarding Section 508 are outlined in the FDIC's [Section 508 Compliance Intranet Site](#).

3. Testing and Remediation

- a. For all ICT applications, FDIC follows the Department of Homeland Security (DHS) Trusted Tester process, which provides web, software, and mobile testing methodologies.
- b. For web and software, testing is conducted using the DHS Trusted Tester Methodology and performed by certified Trusted Testers (in accordance with the most current version).

- c. The FDIC follows guidance developed by the [Accessible Electronic Documents Community of Practice \(AED COP\)](#) for all electronic documents.
- d. All authorized users are responsible for complying with remediation requirements established by the Section 508 Compliance Program.

B. Official Communications

The following forms of electronic content must comply with Section 508 Compliance Program requirements as stated by the US Access Board:¹

1. Emergency notifications;
2. Initial or final decisions adjudicating administrative claims or proceedings;
3. Internal or external programs or policy announcements;
4. Notices of benefits, program eligibility, employment opportunity, or personnel action;
5. Formal acknowledgements of receipt;
6. Survey questionnaires;
7. Templates or forms;
8. Educational or training materials; or
9. Intranet content designed as webpages.

C. Exceptions

Under Section 508, federal agencies must provide access to persons with disabilities comparable to that afforded persons without disabilities. Even though it is FDIC policy to include Section 508 requirements in ICT development and procurements, law and regulations permit exceptions to comply with Section 508 Technical Standards when certain conditions exist.

An exception may apply for a development or procurement effort under the following circumstances:

1. Legacy ICT. Where any component or portion of existing ICT complies with an earlier standard issued pursuant to Section 508 and has not been altered on or after January 18, 2018;
2. National Security Systems. Where ICT is operated as part of a national security system as defined by 40 U.S.C. 11103(a);

¹ Additional requirements are found at <https://www.access-board.gov/ict/>.

3. Federal Contracts. Where ICT is acquired by a contractor incidental to a contract. For federal government ICT, this exception can only be claimed by federal agencies and components;
4. Fundamental Alteration. Where compliance with Section 508 would require a fundamental alteration in the nature of the ICT. The exception for fundamental alteration applies only to the specific features or functions of the ICT that cannot conform to the Revised 508 Standards without fundamentally altering the nature of the ICT;
5. Undue Burden.² Where compliance with Section 508 requirements would impose an undue burden, which is defined as a significant difficulty or expense considering the resources available to the program for which the ICT is to be procured, developed, maintained, or used;
6. ICT Functions Located in Maintenance or Monitoring Spaces (Back Office). Where status indicators and operable parts for ICT functions are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment; and
7. Best Meets.³ When ICT that fully conforms to the Revised 508 Standards is not commercially available, ICT that conforms best with the Standards, consistent with meeting the agency's business needs, is procured.

All 508 exception requests are submitted through the [Section 508 IT Services Portal](#).

D. Complaints Alleging Violations of Section 508

All Section 508 complaints filed by individuals with disabilities must be filed in accordance with FDIC Directive 2710.15, Accessibility to FDIC Programs and Activities. Any employee or applicant who believes that they have been discriminated against, and who wishes to pursue a claim of employment discrimination, may file an informal complaint with the Office of Minority and Women Inclusion (OMWI) within 45 calendar days from the date of the alleged discriminatory event by submitting FDIC Form 2710/01, Formal Complaint of Discrimination, or by contacting the OMWI Office.

In addition to administrative complaints, individuals with disabilities may file lawsuits in federal district court for violations of Section 508. Alternative Dispute Resolution may be used to attempt resolution of these complaints.

² If this exception is granted, the FDIC must provide individuals with disabilities an effective alternative means of access in coordination with the Section 508 Program Manager.

³ If this exception is granted, the FDIC must provide individuals with disabilities an alternative means of access.

RESPONSIBILITIES

A. Chief Information Officer and Director, Division of Information Technology:

1. Provides for the standardization of information and integrated IT to achieve strategic and information management goals for the FDIC;
2. Ensures adherence to ICT accessibility policies, procedures, standards, and guidance;
3. Designates a Section 508 Program Manager and ensures sufficient budget and resources to adequately operate the FDIC Section 508 Program;
4. Makes (or delegates authority for making) waiver and exception determinations consistent with the provisions of Section 508; and
5. Approves or denies exception requests.

B. Deputy Chief Information Officer for Management, Division of Information Technology Management:

Oversees the Section 508 Program Manager and Section 508 Program.

C. Section 508 Program Manager:

1. Coordinates and supports the implementation of Section 508, and is the central point of contact for information concerning accessibility issues and solutions;
2. Ensures compliance with accessibility policies and procedures;
3. Leads compliance management activities, ensuring ICT procured, developed, maintained, or used by the FDIC is accessible;
4. Leads program governance and oversight;
5. Assesses the maturity of the existing Section 508 program, developing goals and strategies;
6. Leads efforts to address compliance requirements in design, acquisition, development, and maintenance lifecycles and processes;
7. Approves Section 508 content within all Program Readiness Reviews;
8. Ensures all electronic content made available (e.g., webpages, documents, blogs, and social media) conforms to Section 508 Technical Standards;

9. Submits a semiannual Section 508 Program Assessment to the Office of Management and Budget; and
10. Ensures electronic content used for official agency communications conforms to the applicable Section 508 Technical Standards (see [Policy Section B](#)).

D. Section 508 Program Management Office:

1. Supports the Section 508 Program Manager in all initiatives related to maturing the FDIC's Section 508 program;
2. Supports ICT Requestors as they integrate accessibility requirements in FDIC procurement activities;
3. Maintains the Section 508 Intranet Site;
4. Assists with all Section 508 Compliance Trainings;
5. Defines and monitors ICT lifecycle processes, which includes assisting FDIC program offices with Section 508 testing;
6. Develops marketing materials and awareness campaigns; and
7. Administers the FDIC's Certified Trusted Tester program.

E. Division/Office Directors:

1. Ensure compliance with Section 508 Technical Standards; and
2. Assign Internet and Electronic Content Authors and Program Managers, who develop or manage electronic documents, systems, and applications.

F. Section 508 Certified Trusted Testers:

1. Maintain a DHS Trusted Tester Certification for web and software testing;
2. Use DHS-approved testing procedures to validate ICT for Section 508 conformance and report test results; and
3. Provide Section 508 expertise to FDIC ICT development teams.

G. Internet Content Authors:

1. Ensure the document's author has verified Section 508 compliance;

2. Ensure that the Section 508 Program Management Office has access to websites for evaluation by authorized Section 508 compliance tools; and
3. Ensure social media used for official agency communication is fully Section 508 compliant, providing alternatives when social media resources are not fully accessible.

H. Electronic Content Authors:

1. Ensure that electronic documents are Section 508 compliant;
2. Ensure all electronic public facing content conforms to the Section 508 accessibility standards; and
3. Ensure all non-public official communications to be distributed as electronic content conform to Section 508 standards.

I. Project Managers:

1. Ensure that Section 508 requirements are identified early and are implemented properly in ICT development and procurement activities (including market research); and
2. Prepare all [Section 508 exception requests](#) for approval where exceptions apply for a development or procurement effort.

J. Deputy Director, Acquisition Services Branch, Division of Administration:

Provides acquisition policy, procedures, guidance, and information to ensure procurements for ICT include Section 508 compliance requirements.

K. Director and Chief Learning Officer, Corporate University:

1. Ensures all CU-developed training is Section 508 compliant;
2. Uses the Trusted Tester methodology when testing training modules; and
3. Ensures the FDIC learning management system is accessible.

L. Director, Office of Communications:

1. Ensures all intranet and internet content is Section 508 compliant; and
2. Ensures all content posted on social media sites is accessible.

M. Director, Office of Minority and Women Inclusion:

1. Oversees the Section 508 complaint process;

2. Coordinates with Section 508 Program Managers and other officials, ensuring Section 508 complaints are handled appropriately;
3. Maintains data related to complaints filed pursuant to Section 508 and reports it to the Section 508 Program Manager for compliance monitoring and reporting; and
4. Coordinates all IT Reasonable Accommodation requests with the Section 508 Program Manager.

N. Supervisors/Managers:

1. Ensure employees have an understanding of Section 508 compliance;
2. Direct employees to Section508@fdic.gov for specific questions and training opportunities regarding ICT accessibility; and
3. Cooperate with the processing and resolution of any complaint alleging violations of Section 508.

O. Contracting Officers and Oversight Managers:

1. Ensure FDIC contract awards contain a clause referencing this Directive and requiring compliance with Section 508; and
2. Consult the FDIC Section 508 Program Manager to assist with market research and reviewing findings from technical evaluations to ensure that Section 508 technical evaluations factors are considered in ICT selection decisions.

APPENDIX

- The Rehabilitation Act of 1973, as amended (Sections 501, 504, and 508)
- Public Law (PL) 107-347, The E-Government Act of 2002, Section 202(d), Accessibility to Persons with Disabilities
- PL 115-336, 21st Century Integrated Digital Experience Act (21st Century IDEA)
- Title 29, United States Code, Section 794d, Electronic and Information Technology
- Title 12, Code of Federal Regulations (CFR), Part 352, Nondiscrimination on the Basis of Disability
- Title 36, CFR, Part 1194, Information and Communication Technology Accessibility Standards, Appendices A, C, and D
- FDIC Directive 2710.15, Accessibility to FDIC Programs and Activities
- Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act, 2013

GLOSSARY OF TERMS

Authorized Users: Employees, contractor personnel, and any other lawful individuals who use FDIC information technology (IT) resources.

Contractor Personnel: All employees of a contractor or subcontractor who perform under an FDIC contract, including key and non-key personnel.

Information and Communications Technology (ICT): Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content (e.g., computers and peripheral equipment, information kiosks and transaction machines, telecommunications equipment, customer premises equipment, multifunction office machines, software, applications, websites, videos, and electronic documents).

Information and Communications Technology Requestor: An FDIC employee or contractor personnel who initiates an ICT procurement or development on behalf of the FDIC.

GLOSSARY OF ACRONYMS

DHS: Department of Homeland Security

ICT: Information and Communication Technology