

02 Accessibility Legislation

- UK
- EU
- US

UK

Relevant Acts

Equality Act 2010 is the legislation that states both public and private bodies cannot discriminate against those with a disability. It's more rigorous for the public sector and there are increased reporting requirements. It doesn't mention digital accessibility specifically but its broad application includes physical and digital services and resources.

The Public Sector Bodies Accessibility Regulations 2018 (PSBAR) is the legislation that applies to websites and mobile applications, and it only applies to parts of the public sector. Which types of digital content and which organisations within the public sector this act applies to is defined within the legislation, although it is complicated to understand, but there is some simplified guidance here: [PSBAR Scope](#)

To be compliant there are 2 components:

- meet the [Web Content Accessibility Guidelines \(WCAG\) 2.2 AA](#) accessibility standard
- publish an accessibility statement that explains how accessible your website or mobile app is

Intepretation of whether these acts apply to small diamond open access publishers

We would recommend that PSBAR applies to the eBook files (open and closed) and the website (both the public facing and any backend submission processes) of public sector publishers.

Most diamond OA publishers can be considered public sector, especially if the publisher is part of a public body i.e. a university, but also if the publisher has received public funding to start up, or if any content has received public funding at any part of its creation, for example, it has received public money to fund the research, or the publication of the monograph. Where this is unclear it would be advisable to consider the legislation as applicable anyway to avoid problems.

If a small publisher is ever very clearly part of the private sector, then it is covered by the Equality Act which makes discrimination towards those with a disability (and other protected characteristics) illegal. This legislation is less specific as to the standards that apply and companies are not audited for compliance, however, providing inaccessible eBooks could be considered discrimination, and, it is never good for business to exclude large numbers of customers or

readership.

This does not constitute legal advice.

More information about legislative requirements:

[GOV.uk Equality Guidance - Equality Act 2010: guidance](#)

[GOV.uk Digital Accessibility Guidance - Understanding accessibility requirements for public sector bodies](#)

[Make Things Accessible - What are the Public Sector Bodies Accessibility Regulations?](#)

Standards referenced in these acts and how they are audited

Web Content Accessibility Guidelines (WCAG) 2.2 AA

The Government publishes detailed information on [Accessibility Monitoring: how we test](#). Your website might be randomly selected to be audited by the Government Digital Service, and if there are any issues, you have to fix these in 12 weeks. The legislation requires regular self-audits, but does not specify a particular frequency - annual can be seen as the default.

More information about auditing:

[Government Digital Service 2021 Monitoring report](#)

[GOV.uk Accessibility monitoring of public sector websites and mobile apps 2020-2021](#)

[AbilityNet - How well have the public sector accessibility regulations been applied?](#)

Accessibility Statements

An accessibility statement should be published on the organisational website. There is some minimal legal wording for the accessibility statement available on a template here: [Accessibility Statement Template](#). This statement needs to be updated annually.

The template requires information about how accessible the website and eBooks are, including details of all known accessibility issues, contact details for use to report any further issues or request additional adjustments, and any exemptions that you are claiming. It also needs to include the enforcement procedure text provided, and this cannot be changed or modified.

It's likely that one accessibility statement would cover a whole publisher, but you could consider having a separate statement for each distinct part of the organisation, for example, one for the website itself and one that just describes the eBook files. You should make the statement very easy to find from the homepage of your website.

More information about accessibility statements:

[Make Things Accessible - Accessibility Statements - what are they?](#)

[Make Things Accessible - How to write an accessibility statement](#)

[W3C Developing an Accessibility Statement](#)

Examples of accessibility statements:

[Open Book Publishers](#)

[Leuven University Press](#)

[Citizen's Advice](#)

[City of York Council](#)

[The Open University](#)

Exemptions

The following organisations are exempt from the accessibility regulations:

- non-government organisations like charities - unless they are mostly financed by public funding, provide services that are essential to the public or aimed at disabled people
- public sector broadcasters and their subsidiaries
- primary and secondary schools or nurseries - except for the content people need in order to use their services, for example a form that lets you outline school meal preferences

There is no mention of micro-organisations in UK legislation.

PSBAR does not apply to the following content on websites and mobile applications:

- pre-recorded audio and video published before 23 September 2020
- live audio and video
- heritage collections like scanned manuscripts
- PDFs or other documents published before 23 September 2018 - unless users need them to use a service, for example a form that lets you request school meal preferences
- maps - but you'll need to provide essential information in an accessible format like an address
- third party content that's under someone else's control if you did not pay for it or develop it yourself - for example, social media 'like' buttons
- content on intranets or extranets published before 23 September 2019 (unless you make a major revision after that date)
- archived websites if they're not needed for services your organisation provides and they are not updated

There is also an exemption if accessibility would impose a disproportionate burden, but you're legally required to carry out an assessment.

More information about exemptions:

[Make Things Accessible - PSBAR Exemptions](#)

How to evidence disproportionate burden

Disproportionate burden is a clause within the accessibility regulations that provides exemptions based on the size and cost of remediation work relative to the organisation. The disproportionate burden clause is appropriate for smaller organisations, and could apply to many small diamond open access publishers.

You may only be able to evidence disproportionate burden for some accessibility aspects and not others. If you are thinking about making a disproportionate burden claim, it must be for something specific that cannot be accomplished, not general inability to consider improving accessibility at all or problems with testing the current accessibility of outputs. You will still need to respond to individual accessibility requests even if you are exempt due to disproportionate burden.

Organisations are legally required to carry out an assessment of the extent to which compliance with the accessibility regulations imposes a disproportionate burden. You cannot claim disproportionate burden without having completed and documented an assessment first. In essence you are not exempt until the assessment is completed.

Disproportionate Burden Assessments

Overall, a disproportionate burden assessment is balancing the burden that making those things accessible places on your organisation versus the benefits of making those things accessible.

You should describe:

- your organisation's size and resources
- the nature of your organisation (for example, do you have services aimed at people who are likely to have a disability?)
- current accessibility issues and how you audited those
- how long an organisation expects this disproportionate burden to apply (for example, if an update or procurement is about to be completed)
- if the site or service is procured or outsourced, how long the third party supplier is contracted for, and how much it would cost to re-tender or renegotiate the contract to get the issues fixed

You should analyse:

- how much it will cost to fix the issues
- the amount allocated to spend on the digital products annually
- how these extra costs would impact the organisation's budget
- the people or capacity needed to resolve the issue
- the benefits that fixing issues would bring to users
- how often the product is used or how long people spend interacting with it
- the number of users the issue impacts if not fixed

You should also:

- summarise the disproportionate burden assessment in your accessibility statement
- publish your evidence and test outcomes

What Makes a 'Good' Disproportionate Burden Assessment?

Some ways of evidencing disproportionate burden are to be avoided. In the 2021 report linked below, GDS specifically stated, "Lack of time or knowledge does not constitute a disproportionate burden."

According to the 2020-2021 accessibility monitoring of public sector websites review, common issues with assessments include:

- organisations copying the disproportionate burden claim directly from the sample accessibility statement
- organisations claiming disproportionate burden without having carried out an assessment beforehand
- misunderstanding of when the disproportionate burden exemption applies, as opposed to other exemptions from the accessibility regulations

Within the AllAble research linked below, there are some further descriptions of bad practices encountered after requesting to see assessments:

- organisations saying they do not hold this information or no assessment was conducted (disproportionate burden cannot be claimed until this is completed)
- organisations saying they are in the process of conducting the assessment (disproportionate burden cannot be claimed until this is completed)
- organisations stating they originally claimed it but then changed their minds and forgot to take it out
- evidence provided that is dated after the request to see it was made
- organisations stating that the claim was discussed in meetings or calls and that there are no records of the decision

Many of these approaches highlighted as bad practice seem reasonable, but it is not enough within the legislation to consider it to be 'obvious' that accessibility issues have remained unfixed due to disproportionate burden. Even when very obviously out of reach for an organisation it must be assessed and evidenced, and if it really is that obvious then it should not be too difficult to demonstrate.

More information about disproportionate burden:

[GOV.uk Digital Accessibility Guidance - When complying with accessibility regulations might be a 'disproportionate burden'](#)

[DfE Accessibility and Inclusive Design Manual - disproportionate burden](#)

[2020-2021 PSBAR Monitoring Review](#)

[Make Things Accessible - understanding disproportionate burden](#)

[Make Things Accessible - how to write a disproportionate burden assessment](#)

[All Able 2020 Disproportionate burden misuse research](#)

[George Rhodes - an in depth article on disproportionate burden](#)

Examples of disproportionate burden assessments:

GOV.uk Sample accessibility statement (for a fictional public sector website)

Equality and Human Rights Commission

Manchester City Council

University of Bradford

Cardiff and Vale University Health Board

Copyright Legislation

Copyright in the UK is covered by the Copyright, Designs and Patents Act. Exceptions to copyright are required under international legislation covered by the Marrakesh Treaty for print disabled/visually impaired people. This international law does not cover other impairments, such as dyslexia, but the UK's Intellectual Property Office guidance does, as long as the person has lawful access to the original work and there are no commercially available accessible versions.

EU

Relevant Acts

The European Accessibility Act (EAA) is the legislation that states some products and services need to be accessible to those with disabilities. It includes a wide range of devices and online based digital products and services including e-readers, computers, smartphones, payment terminals, websites and access to audio-visual media. It includes all economic providers/economic operators which includes both the public and private sector. It is based on the UN Convention on the Rights of Persons with Disabilities and was passed in 2019, and comes into force on 28 June 2025. The EAA does not specify a technical standard and leaves compliance details down to member states. It is often advised to presume WCAG AA compliance plus a published accessibility statement is the default.

There is also a separate EU Web Accessibility Directive, which applies to public sector websites and apps (and downloadable/embedded documents on them), and is applicable in all countries in Europe and in the European Economic Area. This is applicable to organisations selling to the public sector as well, but just includes online experiences, rather than digital hardware as in the EAA.

The directive requires:

- an accessibility statement for each website and mobile app;
- a feedback mechanism so that users can flag accessibility problems or request access to inaccessible content;
- regular monitoring of public sector websites and apps by Member States and reporting on the results.

The European standard for accessibility requirements for ICT products and services is called EN 301 549. Complying with this standard is a way for public sector bodies to meet the mandatory technical requirements of the current Web Accessibility Directive. New requirements in future versions of EN 301 549 or WCAG will not automatically become legally relevant to the Web Accessibility Directive. This will only be the case if these new requirements are included in Annex A of a new harmonised version of EN 301 549. It is expected that new versions of Annex A will align with Web Content Accessibility Guidelines (WCAG) 2.2 AA.

The EU Web Accessibility Directive was transposed into national law in all EU member states; you can check the full list of national transposition measures.

The Academic Network of European Disability Experts (ANED) maintains a searchable database on disability-related national laws, policies, strategies and initiatives in EU Member States, candidate countries and other associated countries. Accessibility is one of eight topics monitored. The data is compiled by ANED's independent country experts, under the guidance of the network's Scientific Director, and updated periodically.

The W3C Web Accessibility Initiative (WAI) maintains an international list of laws and policies in different countries.

Intepretation of whether these acts apply to small diamond open access publishers

European Accessibility Act

Seeing as the EAA applies to both the public and private sector as long as they are economic operators (as in, an organisation providing products and services, one that needs money to run) then yes EAA applies to diamond open access publishers, but only if there are more than 10 employees AND an annual turnover of more than EUR 2 million. Anything else the legislation refers to as a 'micro-enterprise' making them automatically exempt, which many small publishers will be classed as.

If these organisational limits are exceeded, then the EAA specifically references eBooks, "In the context of e-books, the concept of a service provider could include publishers and other economic operators involved in their distribution." This is not the clearest description of applicability, and it includes the word 'could', and given this it would be advisable to consider the legislation as applicable anyway to avoid problems (but only if you're not classed as a micro-enterprise).

EU Web Accessibility Directive

The Web Accessibility Directive defines the public sector as:

- State, regional, and local authorities
- Bodies governed by public law and financed via public contract (there is a full definition of this in point (4) of Article 2(1) of Directive 2014/24/EU)
- Associations formed by those above, if those associations are established for the specific purpose of meeting needs of general interest, and do not have an industrial or commercial character

Therefore, the Web Accessibility Directive applies if the publisher is part of a public body i.e. a university, but probably also if the publisher has received public funding to start up, or if any content has received public funding at any part of its creation, for example, it has received public money to fund the research, or the publication of the monograph. Where this is unclear, again it

would be advisable to consider the legislation as applicable anyway to avoid problems. The legislation covers websites, and embedded or downloadable files from them.

This does not constitute legal advice.

More information about legislative requirements:

[AbilityNet - European Accessibility Act](#)

[Digital Accessibility Centre - The European Accessibility Act: Understanding Digital Accessibility](#)

[Web Accessibility Directive: Frequently Asked Questions](#)

[European Commission - Web Accessibility](#)

[European Disability Forum - Web Accessibility Directive](#)

Standards referenced in these acts and how they are audited

The current EAA requirements align with [Web Content Accessibility Guidelines \(WCAG\) 2.1 AA](#), but the new updated version that comes into force in 2025 is widely interpreted as aligning with [Web Content Accessibility Guidelines \(WCAG\) 2.2 AA](#). Individual member states may have further specified technical standards.

[EN 301 549 Annex A](#) is the standard required to be compliant with EU Web Accessibility Directive, and it is roughly similar to WCAG 2.1 AA. Annex A also includes additional requirements that are not part of WCAG 2.1. Therefore, demonstrating that a website meets all the success criteria of WCAG 2.1 is not sufficient to provide a presumption of conformity with the Web Accessibility Directive.

National authorities will be responsible for carrying out regular monitoring, including reviewing complaints and following up on any reported non-compliance. The European Commission set out [a methodology for monitoring for the Web Accessibility Directive](#) which specifies either:

1. an in-depth monitoring method to verify compliance, in accordance with the requirements listed in point 1.2

2. a simplified monitoring method to detect non-compliance, in accordance with the requirements listed in point 1.3

The monitoring methodology also describes how to carry out the sampling of websites and mobile applications, and describes what Member States must provide in their monitoring reports, including:

- the detailed description of how the monitoring was conducted;
- a mapping, in the form a correlation table, demonstrating how the applied monitoring methods relate to the requirements in the standards and technical specifications in the directive, including also any significant changes in the methods;
- the outcome of the monitoring of each monitoring period, including measurement data;
- a description of the mechanisms set up by Member States to consulting with relevant stakeholders on the accessibility of websites and mobile applications;
- procedures to make public any developments in accessibility policy relating to websites and mobile applications;
- information on training and awareness-raising activities.

More information about auditing:

[European Commission - A monitoring methodology and the arrangements for reporting by Member States](#)

[W3C Web Accessibility Laws & Policies by Country](#)

[Web Accessibility Directive - Member States Published Monitoring reports 2022-2024](#)

[Member States' bodies in charge of monitoring the Web Accessibility Directive](#)

Accessibility Statements

The Web Accessibility Directive requires public sector bodies to provide and regularly update a 'detailed, comprehensive and clear' accessibility statement on their website or mobile application.

The accessibility statement must include the following information:

- The compliance status of the website or app;
- A list of the content (or functions) that is not accessible, including the content/function for which the disproportionate burden clause is being invoked and the content that is not within the scope of the Web Accessibility Directive;
- The date of the accessibility statement and when it was last reviewed;
- The method used to prepare the accessibility statement;
- A description of, and a link to, the feedback mechanism to be used to notify the public sector body of any accessibility issues or to request access to inaccessible content;

- The contact information of the relevant entity or person (as appropriate) responsible for accessibility and for processing requests sent through the feedback mechanism;
- A description of, and a link to, the enforcement procedure to be used in the case of unsatisfactory responses to any notification or request sent through the feedback mechanism;
- The contact information of the relevant enforcement body.

The accessibility statement can also include optional content, for example:

- An explanation of the public sector body's commitment to digital accessibility;
- Formal endorsement (at administrative or political level) of the accessibility statement;
- The date of the publication of the website and/or the mobile application;
- The date of the last update of the website and/or mobile application following a substantial revision of its content;
- A link to an evaluation report, if available, and in particular if the compliance status of the website or mobile application is indicated as being 'fully compliant';
- Additional phone assistance for persons with disabilities, and assistive technology users support;
- Any other content deemed appropriate.

The declarations made in the accessibility statement should be accurate and based on one of the following:

- an actual evaluation of the website's or mobile application's compliance with the requirements of the Directive, such as a self-assessment done by the public sector body or an assessment carried out by a third party, for example a certification;
- any other measures, as deemed appropriate by the Member States, which provide equal assurance that the declarations made in the statement are accurate.

The statement should indicate the method used.

There is a model accessibility statement in [European Commission - A monitoring methodology and the arrangements for reporting by Member States](#). It provides more detail on mandatory and optional content requirements.

More information about accessibility statements:

[W3C Developing an Accessibility Statement](#)

Examples of accessibility statements:

[Leuven University Press](#)

[European Commission](#)

Exemptions

European Accessibility Act

Microenterprises with less than 10 employees and an annual turnover less than EUR 2 million or an annual balance sheet total less than EUR 2 million are exempt from the EAA accessibility requirements for services. They are also exempted from the requirement to document their assessment.

The EAA does not apply to the following content on websites and mobile applications:

- pre-recorded time-based media published before 23 September 2018
- office file formats published before June 28, 2025
- online maps and mapping services, if essential information is provided in an accessible digital manner for maps intended for navigational use
- third-party content that is neither funded, developed by, or under the control of the organisation using the content
- archived content that is not updated or edited after June 28, 2025

EU Web Accessibility Directive

Exemptions relating to the scope:

- Websites and mobile applications of public service broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit. However, these websites and mobile applications are covered by the European Accessibility Act.
- Websites and mobile applications of non-governmental organisations (NGOs) that do not provide services that are essential to the public. There is no specific definition provided for 'services that are essential to the public' in the directive, only the following example 'such as services that are not directly mandated by State, regional or local authorities'.
- Websites and mobile applications of NGOs that do not provide services that specifically address the needs of, or are meant for, persons with disabilities.
- Member States may also exclude websites and mobile applications of schools, kindergartens or nurseries, except for the content relating to essential online administrative functions.

Exemptions regarding specific types of content:

- Office file formats included in web pages: these are documents such as PDFs, Microsoft Office documents or their open source equivalents. Documents published before 23 September 2018 are excluded unless they are needed for active administrative processes relating to the tasks performed by the public sector body concerned.
- Pre-recorded time-based media published before 23 September 2020.
- Live time-based media. If such media is re-published later or kept on the website, then it will be considered pre-recorded time-based media and this should be made accessible after a period of time, usually after 14 days. The directive states that when it is 'impossible to procure the relevant services in due time', the 14-day period might exceptionally be extended to 'the shortest time necessary to make the content accessible'. The directive also states that priority should be given to 'essential information' relating to the health, welfare and safety of the public.
- Online maps and mapping services intended for navigational use (for example a map to find a public building) as long as essential information is provided in an accessible digital manner, such as postal address and nearby public transport stops. This should be provided in a form that is simple and readable for most users;
- Third-party content that is 'neither funded nor developed by, nor under the control of the public sector body concerned'. The directive states that such content should not be used if it hinders or decreases the functionality of the public service offered on the website (or mobile application) concerned. Where the purpose of content of websites or mobile applications of public sector bodies is to hold consultations or to organise forum discussions, that content cannot be considered as third-party content and should therefore be accessible, except in the case of user-contributed content which is not under the control of the public sector body concerned;
- Reproductions of items in heritage collections that cannot be made fully accessible for one of the following reasons: the incompatibility of accessibility requirements with the preservation of the item concerned or the authenticity of the reproduction, or the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts (or other items in heritage collections) and transform it into content compatible with the accessibility requirements;
- Content of extranets and intranets published before 23 September 2019, until such websites undergo a 'substantial revision';
- Content of websites and mobile applications qualifying as 'archives', meaning that they only contain content that is neither needed for active administrative processes, or wasn't updated or edited after 23 September 2019.

The Web Accessibility Directive also states that delivering accessibility requirements should not impose a 'disproportionate burden' on public sector bodies.

More information about exemptions:

[International Publishers Association - The European Accessibility Act for non-EU members](#)

How to evidence disproportionate burden

The disproportionate burden clause appears within both the European Accessibility Act and the EU Web Accessibility Directive, and it is designed to balance accessibility with the practical limitations of some organisations where the cost of compliance may be too high. National authorities set requirements around the reporting and reviewing of assessments, and applying penalties for non-compliance.

Disproportionate Burden Assessments

European Accessibility Act

Annex VI states specific analyses that must be completed as part of any disproportionate burden assessment.

1. Ratio of the net costs of compliance with accessibility requirements to the overall costs (operating and capital expenditures) of manufacturing, distributing or importing the product or providing the service for the economic operators.
2. The estimated costs and benefits for the economic operators, including production processes and investments, in relation to the estimated benefit for persons with disabilities, taking into account the amount and frequency of use of the specific product or service.
3. Ratio of the net costs of compliance with accessibility requirements to the net turnover of the economic operator.

EU Web Accessibility Directive

This legislation requires similar information in disproportionate burden assessments.

1. The organisation's size, resources and nature;
2. The estimated costs and benefits for the organisation in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website.

What Makes a 'Good' Disproportionate Burden Assessment?

According to the Web Accessibility Directive, measures that would impose a disproportionate burden should be understood as measures that would impose an 'excessive organisational or financial burden' on a public sector body, or would 'jeopardise the body's capacity to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, while taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities'.

The Web Accessibility Directive states that ‘lack of priority, time or knowledge’, and that not procuring or developing accessible software systems, are both not legitimate reasons for claiming disproportionate burden.

If public sector bodies make use of the ‘disproportionate burden’ clause, they have to explain in the accessibility statement which parts of the accessibility requirements could not be complied with and provide accessible alternatives.

More information about disproportionate burden:

[accessible.org Disproportionate Burden Exception under The EAA](https://accessible.org/disproportionate-burden-exception-under-the-eaa/)

[Web Accessibility Directive: Frequently Asked Questions](#)

Examples of disproportionate burden claims:

<https://www.interreg-central.eu/jems-accessibility-statement/>

<https://www.eesc.europa.eu/en/accessibility-statement>

Copyright Legislation

Copyright in the EU is covered by separate legislation in each country; these are broadly in alignment, although not completely the same everywhere. The [European Commission](#) provides an overview and some guidance. Exceptions to copyright are required under international legislation covered by the [Marrakesh Treaty](#) for print disabled/visually impaired people. This international law does not cover other impairments, such as dyslexia, but may be captured in individual European member’s state’s legislation.

US

Relevant Acts

The Americans with Disabilities Act (ADA) is the legislation that states both 'state and local government entities' (Title II) and private/business entities that are open to the public (Title III) cannot discriminate against those with a disability. Title II states that disabled individuals must be able to access and use web content through compliance with WCAG 2.1 AA.

Section 508 within the Rehabilitation Act is the legislation that applies to all electronic and information technology from federal agencies. To be compliant you have to meet the Web Content Accessibility Guidelines (WCAG) 2.0 AA accessibility standard, and this will be updated to require the Web Content Accessibility Guidelines (WCAG) 2.1 AA standard from 24th April 2026.

The Office of Management and Budget (OMB) memorandum on "Strengthening Digital Accessibility and the Management of Section 508 of the Rehabilitation Act" (M-24-08) requires federal agencies to maintain an accessibility statement on their websites.

The Nelson Memo also states that peer reviewed scholarly content should be available in such a format so that it is, "...enabling broad accessibility through assistive devices."

Intepretation of whether these acts apply to small diamond open access publishers

Title II applies to all services, programs, and activities provided or made available by public entities, which are defined as: (A) any State or local government; (B) any department, agency, special purpose district, or other instrumentality of a State or States or local government; and (C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 24102(4) of title 49). Title II also specifically includes a section on web and mobile accessibility, which applies to all 'web content'.

Most diamond OA publishers can be considered public entities, especially if the publisher is part of a public body i.e. a university, but also if the publisher has received public funding to start up, or if any content has received public funding at any part of its creation, for example, it has received public money to fund the research, or the publication of the monograph. Where this is unclear it would be advisable to consider the legislation as applicable anyway to avoid problems. Section 508

similarly applies only to federal agencies.

Title III applies to all private entities offering services to the public, which all open content can be considered to be, and alongside the Nelson Memo means that accessibility needs to be considered in general (both Title III and the Nelson Memo do not specify a digital accessibility standard).

More information about legislative requirements:

[ADA.gov](https://www.ada.gov)

[ADA National Network - What is the Americans with Disabilities Act \(ADA\)?](#)

[ADA.gov Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)

[Section508.gov](https://www.section508.gov)

Standards referenced in these acts and how they are audited

[Web Content Accessibility Guidelines \(WCAG\) 2.0 AA](#)

[Web Content Accessibility Guidelines \(WCAG\) 2.1 AA](#)

Agencies subject to Section 508 are required to report on the implementation of Section 508 to the Office of Management and Budget (OMB) and the General Services Administration (GSA) through the Annual Section 508 Assessment. A primary point of contact will be appointed, and this person will receive details of access to an online assessment reporting tool.

More information about auditing:

[Section508.gov Government-wide Section 508 Assessment](#)

Accessibility Statements

An accessibility statement should be published on the organisational website, which needs to include the following:

1. The accessibility standard applied to the website and any known limitations or alternative versions, as appropriate.
2. The contact information for the Section 508 program manager (name and email address).
3. A public feedback mechanism that allows members of the public to report accessibility problems with agency websites and digital services to the agency's Section 508 program as well as relevant implementation teams.
4. Instructions for filing a complaint alleging a violation of Section 508.
5. Information about the agency's reasonable accommodations procedures for Federal employees and job applicants, consistent with Section 501 of the Rehabilitation Act.
6. Instructions on the use of the telecommunications relay service.
7. Links to any relevant, publicly available organizational policies or procedures on digital accessibility.
8. Date that the digital accessibility statement was last updated or reviewed.

The statement should be linked to from the footer at the bottom of every web page.

More information about accessibility statements:

[Section508.gov Developing a Website Accessibility Statement](#)

[W3C Developing an Accessibility Statement](#)

Examples of accessibility statements:

[General Services Administration \(GSA\) Accessibility Statement](#)

[U.S. Nuclear Regulatory Commission \(NRC\) Accessibility Statement](#)

[US Department of Commerce](#)

Exemptions

ADA and Title III

This legislation does not apply to private clubs or to religious organisations or entities controlled by religious organisations, including places of worship or schools.

Title II Web and Mobile Accessibility

The requirements do not apply to the following:

- Archived web content
- Preexisting conventional electronic documents, unless such documents are currently used to apply for, gain access to, or participate in the public entity's services, programs, or activities.
- Content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangements with the public entity.
- Individualised, password-protected or otherwise secured conventional electronic documents.
- Preexisting social media posts.

Section 508

The requirements do not apply to the following

- Legacy ICT: Agencies may claim a "Safe Harbor" for existing ICT that was accessible and compliant with the earlier standard on or before January 18, 2018 and has not been subsequently changed to affect interoperability, the user interface, or access to information or data.
- National Security Systems: This exception applies to ICT operated by agencies as part of a national security system.
- Federal Contracts: This exception applies to ICT acquired by a contractor incidental to a contract. This exception does not apply, if: The ICT will revert to government ownership; The government directly procures the ICT; or Members of the public or government employees use the ICT.
- Functions Located in Maintenance or Monitoring Spaces: This exception applies to ICT functions located in spaces that are frequented only by service personnel for maintenance, repair, or occasional equipment monitoring.
- Undue Burden or Fundamental Alteration: Conformance to the Revised 508 Standards is required only when it does not impose an undue burden, or result in a fundamental alteration in the nature of the ICT.
- Best Meets: For when no ICT is commercially available that fully conforms to the Revised 508 Standards.

There is no mention of micro-organisations in US legislation.

More information about exemptions:

[accessible.org Web Content Exceptions Under New Title II Rule](https://www.accessible.org/web-content-exceptions-under-new-title-ii-rule)

[Section 508.gov Determine ICT Exceptions](https://www.section508.gov/determine-ict-exceptions)

How to evidence undue burden

The undue burden exception applies only to the specific features or functions of the ICT that cannot be made to conform without imposing an undue burden on the agency or component. The federal agency or component that owns (or will own) the ICT product or service must:

- Decide that conformance to the Standards would impose an undue burden;
- Assess costs relative to resources if claiming the exception based on expense; and
- Assess the difficulties in achieving conformance to claim the exception based on difficulty.

If the answer to all questions is "yes", your ICT may warrant this exception.

1. Have you determined that conformance for some or all features and functions of the ICT item would result in an undue burden on your agency or component?
2. Have you quantified the resources available to the program or component for which the ICT is to be procured, developed, maintained, or used?
3. Has the responsible agency official documented in writing how the difficulty or expense is significant, relative to the resources available? For example:
 1. What % of the expense equals total budget available?
 2. Explain exactly what is significantly difficult, and why.
4. Does your documentation address whether the exception is being claimed for the entire ICT Item, or only specific features and functions?
5. Will the agency provide an alternative means for users with disabilities for the features and functions for which you are claiming this exception?

Undue Burden Assessments

What Makes a 'Good' Undue Burden Assessment?

More information about undue burden:

[Section 508.gov Determine ICT Exceptions](#)

[convergeaccessibility.com How to Comply with DOJ's Seemingly Impossible Web Accessibility Regulation](#)

Examples of undue burden claims:

Copyright Legislation

Copyright in the US is covered by chapters 1 through 8 and 10 through 12 of Title 17 of the United States Code. Exceptions to copyright are required under international legislation covered by the Marrakesh Treaty for print disabled/visually impaired people. This international law does not cover other impairments, such as dyslexia, but the US's Section 121 (Chafee Amendment) does. This permits 'authorised entities' to make accessible copies for 'eligible persons'.