

Equal Rights for People with Disabilities (Service Accessibility Accommodations) Regulations, 5773-2013

Chapter 5: Supplying Auxiliary Aids and Auxiliary Services In Public Services

Article C: Internet Services

35. Definitions

"VAT Law" - Value Added Tax Law, 5736-1975;

"Time-based Media" - as defined by the Internet Accessibility Standard;

"Turnover" - any of the following, as applicable:

- (1) Turnover of a dealer, as defined in section 1 of the VAT Law;
- (2) Turnover of an association, as defined in the Second Appendix to the Associations Law, 5740-1980;
- (3) If the provisions of paragraphs (1) or (2) are not applicable - income as defined in the Income Tax Ordinance, including the income of a non-profit institution, a public institution as defined in section 9(2)(b) of the Income Tax Ordinance, a financial institution as defined in the Value Added Tax Law, a public benefit company pursuant to section 345H(i) of the Companies Law, 5759-1999, or income and fruits of trust assets within the meaning of the Trust Law, 5739-1979, received during one tax year.

"Average Turnover" - the average turnover of the Obligated Entity in the last three tax years prior to the date of the inspection, in which the turnover was not equal to 0;

"Internet Service" - Content in any configuration (format) including writing (text), documents, images or video, transmitted via Internet infrastructure and displayed to the user on websites, documents or applications, intended to provide the user with a public service or information about such a service;

"Internet Accessibility Standard" - Israel Standard 5568: Web Content Accessibility Guidelines, including its various parts and appendices, as amended from time to time, a copy of which is published on the Standards Institute's website.

35 A. Internet Service Accessibility

(a) An Obligated Entity shall provide accessibility accommodations in Internet Service, except for applications within the meaning of regulation 35C and Time-based Media according to the Internet Accessibility Standard in accordance with the guidelines set forth therein, at level AA, and subject to the provisions of this Article.

(b) Notwithstanding the provisions of sub-regulation (a), an Obligated Entity which is not a public authority, that carried out accessibility accommodations to the Internet Service provided by it before October 25th, 2014, at level A of the guidelines, shall be deemed to have complied with the provisions of this Regulation.

(c)(1) A document prepared from October 26th, 2017 onwards, such as a PDF document, and uploaded to a Obligated Entity's website or application, shall be accessible in accordance with the provisions of the Internet Accessibility Standard concerning documents, and as long as there is no such standard, accessibility accommodations to the document shall be carried out using the reasonable accessibility options executable, using the software by which the document was created or edited.

(2) Notwithstanding the provisions of paragraph (1), a form on an Internet Service intended to fill out data or any other information by computer, used in order to receive service, as well as a document prepared after October 26th, 2015 explaining such a form, shall meet the requirements of this regulation, even if prepared before the date specified in paragraph (1).

(d)(1) Deviation from compliance with the provisions of this Article shall not be considered a violation of the accessibility provisions, unless the Obligated Entity was sent notice requiring it to correct it, and the Obligated Entity failed to correct it within a reasonable time, but no later than 60 days from receipt of the notice.

(2) Without derogating from the provisions of paragraph (1), the Obligated Entity as mentioned in said paragraph shall carry out alternative accommodations as soon as possible after receiving the notice, in order to ensure access of persons with disabilities to the service.

35B. Content Edited or Produced by Other Parties

Should an Obligated Entity upload content provided to it by other parties, or should other parties upload content to its Internet Service, while the Obligated Entity is not an Editor or Producer of said content, it will not be responsible to carry out accessibility accommodations to the content, however the Obligated Entity shall provide accessible infrastructure, including creating fields to fill out information accessibly, such as an image description field; in this regulation, an "**Editor or Producer**" – one who edits or produces content himself, or who

purchases or receives content from an entity, that edits or produces content for him in a dedicated manner and according to his instructions.

35C. Applications

(a) Applications intended for devices other than a desktop computer or laptop, such as smartphones and tablets, shall comply with the requirements of an Israel Standard intended for such applications, insofar as such a Standard exists.

(b) If there is no Israel Standard as stated in sub-regulation (a), the following provisions shall apply:

(1) The provisions of this Article shall apply in accordance with the success criteria set out in the Internet Accessibility Standard, as far as possible and to the extent they are relevant to these applications and to the accessibility options executable within the operating system;

(2) The provisions of paragraph (1) shall apply to at least two common operating systems;

(3) The Commissioner may determine in which operating systems the requirements of this regulation need to be complied with, by directive under regulation 107.

(c) Notwithstanding the provisions of sub-regulations (a) and (b), an Obligated Entity shall be exempt from carrying out accessibility accommodations in service provided by an application, if it operates an identical service on a website adapted for use in devices as stated in sub-regulation (a) and the said service meets the accessibility requirements according to the Internet Accessibility Standard; the operator of an application which is inaccessible under said exemption, shall publish a link as accessible as possible, within the application, that links to the accessibility compliant site.

35D. Provisions Regarding Video Content

(a) In this regulation –

"Television Broadcasting Law" - Television Broadcasting Law (Subtitles and Sign Language), 5765-2005;

"Entity Obligated to Carry Out Accessibility in Video Content" or **"The Obligated Entity "** – An Obligated Entity that is a public authority or an Obligated Entity with an average turnover exceeding NIS 5 million, that is an Editor or Producer of recorded Video Content; In this regard, the result of a turnover audit showing an average turnover lower than NIS 5 million will be valid for three years;

"Editor or Producer of Video Content" – Either edits or produces video content himself, or buys or receives video content from an entity that edits or produces it for him in a dedicated manner and according to his instructions;

"Video Content" – Video (clip) within the meaning of the Internet Accessibility Standard for Time-Based Media;

"Program" - A program as defined in the Television Broadcasting Law, which is required to provide accessibility accommodations under said Law.

(b)(1) An Entity Obligated to Carry Out Accessibility in Video Content will carry out accommodations in said Content in accordance with the requirements of the Internet Accessibility Standard in Section 1.2.2 Captions (Prerecorded).

(2) Regarding Video Content that contains information about the service that is needed to obtain the service and is not otherwise provided - an Entity Obligated to Carry Out Accessibility in Video Content will provide an accessible alternative in writing (text) or audio recording.

(c) Notwithstanding the provisions of sub-regulation (b)(1) -

(1) Regarding Video Content that records a conference, discussion or lecture, the Entity Obligated to Carry Out Accessibility in Video Content may provide an alternative that meets the accessibility requirements under this Article, such as a document containing a transcript or protocol of said conference, discussion or lecture;

(2) An Entity Obligated to Carry Out Accessibility in Video Content that provides a Program on its Internet Services, is responsible to ensure that the accessibility accommodations carried out on the Program will also be provided on the Internet Services, unless this is not possible due to technological reasons.

35E. Accessibility Statement in Internet Services

In addition to the provisions of regulations 34 and 91(e), an Obligated Entity shall post a statement in a prominent place on its website and in an application it operates, if there is such an application, in accordance with the guidelines set forth in the Internet Accessibility Standard regarding Accessibility Statements, which shall include information about accessibility accommodations it carried out as well as details of the Accessibility Coordinator and ways of contacting him, if it must appoint one by law, and contact details for notification about accessibility accommodations that are lacking, or for requesting accessibility, including a demand pursuant to Regulation 35A(d)(1).

35F. Exemptions and Reduced Requirements in Internet Service

(a) Should a Licensed Accessibility Expert find, based on the opinion of a professional, that an Obligated Entity uses an infrastructure (platform) or technological interface for its Internet Services that does not enable the implementation of a specific accommodation required by this Article for technological reasons, he may exempt the Obligated Entity from performing it.

(b) In addition, the following provisions shall apply to an exemption as stated in sub-regulation (a):

(1) It will be valid for a period of up to three years and may be renewed for an additional period of up to three years; an additional exemption beyond these two periods may be granted, for special reasons to be noted, by the Commissioner or someone on his behalf;

(2) The aforesaid exemption and opinion shall be prepared in accordance with a form the Commissioner shall publish on the Commission's website.

(c) An Obligated Entity that has received an exemption shall provide alternative accessibility and publish the existence of the exemption and the alternative accommodations in the Accessibility Statement pursuant to Regulation 35E, and at the request of a person with disabilities, shall provide him with the form stated in sub-regulation (b).

(d) An Obligated Entity shall be exempt from carrying out a specific accessibility accommodation in Internet Services that it provides using the infrastructure of a social network, if that infrastructure does not enable its implementation.

(e) An Obligated Entity shall be exempt from carrying out accessibility accommodations in web content of an Internet Service that meets the following conditions, unless a person with disabilities requests to carry out accommodations in said content, and for this purpose the period of time prescribed in Regulation 35A(d)(1) shall not apply:

(1) Access to the Internet Service is limited to pre-registered subscribers;

(2) A maximum of 500 simultaneous participants are registered with the Internet Service;

(f)(1) In the period up until 31 December 2021, the Obligated Entity will be exempt from carrying out accessibility accommodations in documents containing personal information for service recipients, which is provided upon accessing a website requiring identification, provided that at the request of a person with disabilities, the Obligated Entity shall provide the document in accordance with the provisions of this Article within a reasonable time and no later than 14 days from the day the request was submitted, and for this

purpose the period of time prescribed in regulation 35A(d)(1) shall not apply; an Obligated Entity shall enable a person with disabilities to submit his request for a document through the Obligated Entity's website;

(2) A document as stated in paragraph (1), prepared from January 1st, 2022 onwards, shall be accessible in accordance with the provisions of the Internet Accessibility Standard concerning documents, and as long as there is no such standard, accessibility accommodations to the document shall be carried out using the reasonable accessibility options executable, using the software by which the document was created or edited.

(g) An Obligated Entity who is an exempt dealer as defined in section 1 of the VAT Law or whose average annual turnover does not exceed NIS 100,000, will be exempt from carrying out accessible accommodations under this Article.

(h) Until October 26th, 2020, the provisions of sub-regulation (g) shall also apply to an Obligated Entity whose average annual turnover does not exceed NIS 300,000.

(i) An Obligated Entity whose average turnover is NIS 1,000,000 or less shall be exempt from carrying out accessibility accommodations under this Article to a website or application it began to operate before the effective date of these Regulations [October 26th, 2017], provided that the ways of contacting it for service are published on its website, or as far as possible on another website in accordance with the accessibility requirements under this Article; this exemption shall be valid for three years from the end of the last tax year included in the Obligated Entity's average turnover audit, and may be renewed every three years.

(j) The provisions of this Article shall not apply to advertisements, provided there is an accessible alternative to the information about the service that appears in the advertisement.