

**EXECUTIVE ORDER NO.**

**2022-03**

**WHEREAS**, to enhance the services state agencies provide to the citizens of South Carolina, it is necessary to better utilize the State’s information technology (“IT”) resources while strengthening the security of the State’s systems to ensure the safety of the State’s data; and

**WHEREAS**, state agencies can best utilize IT and ensure the security of data when the State’s resources are consolidated and leveraged on a statewide basis; and

**WHEREAS**, effective consolidation of IT resources can be expected to reduce the overall costs of and improve the State’s return-on-investment for providing IT services; increase efficiencies by removing barriers to collaboration among agencies; reduce risks associated with providing IT services and increase information security; improve agencies’ business operations; and better allow for the preparation for, management of, and response to major technology incidents; and

**WHEREAS**, the Department of Administration (“Department”) is required to, *inter alia*, initiate a state plan for the management and use of IT and, more specifically, to develop a Statewide Strategic Information Technology Plan (“Plan”) and provide recommendations to the Governor regarding priorities for state government enterprise IT projects and resource requirements; and

**WHEREAS**, the Department has developed and maintains a Plan under which the Department serves as the IT shared services organization for state agencies to ensure reliable IT services are provided on behalf of the State; and

**WHEREAS**, the General Assembly has adopted a recurring proviso, currently set forth in 2021 S.C. Acts No. 94, Part IB, § 117.112 (“Proviso”), requiring agencies to use shared services provided by the Department and to comply with various rules, standards, plans, policies, and directives related to the implementation of the Plan; and

**WHEREAS**, the Department provides an IT Shared Services Catalog, which contains a wide variety of secure, reliable, and cost-effective IT services available to agencies throughout the State; and

**WHEREAS**, the effectiveness of the Plan and the Department's overall efforts to improve the utilization of the State's IT resources depends upon the successful implementation of the Plan and agency use of the aforementioned shared services offered by the Department; and

**WHEREAS**, in view of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate to take further proactive action to ensure successful implementation of the Plan, facilitate efficient and cost-effective utilization of current and future IT resources, and strengthen the security of the State's systems; and

**WHEREAS**, the South Carolina Constitution expressly provides that the Governor of the State of South Carolina is vested with "[t]he supreme executive authority of this State" and that he "shall take care that the laws be faithfully executed," S.C. Const. art. IV, §§ 1, 15; and

**WHEREAS**, in recognition of the aforementioned authority, article IV, section 17 of the South Carolina Constitution states that "[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements"; and

**WHEREAS**, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to "call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare"; and

**WHEREAS**, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that "[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities"; and

**WHEREAS**, section 1-3-125 of the South Carolina Code of Laws, as amended, creates the Executive Budget Office to "support the Office of the Governor by conducting analysis, implementing and monitoring the annual general appropriations act, and evaluating program performance"; and

**WHEREAS**, section 1-11-10 of the South Carolina Code of Laws, as amended, requires the Director of the Department to assess the Plan, "recommend to the Governor priorities for state government enterprise information technology projects and resource requirements," and "review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services, and cost savings can be achieved through streamlining, standardizing, and consolidating agency information technology"; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the foregoing principles, considerations, and initiatives, the undersigned has determined that it is necessary and appropriate to take additional proactive action to ensure successful implementation of the Plan, facilitate efficient and cost-effective utilization of current and future IT resources, strengthen the security of the State's IT systems and infrastructure, and enhance the ability of state agencies to deliver responsive services to the people of South Carolina.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

**Section 1. IT Shared Services Plan Implementation**

A. As set forth in the Plan and in furtherance of the requirements established by the General Assembly, I hereby direct agencies of the State of South Carolina, as detailed below and further defined in Section 1(H), to use shared services offered by the Department's Office of Technology and Information Services. State agencies shall follow, adhere to, and comply with a shared services plan to be developed by the Department. The Department's shared services plan shall further implement and serve as a supplement to the Proviso, and state agencies shall continue to comply with the requirements of the Proviso and any future legislative directives.

B. The Department shall work with state agencies to perform an assessment of each agency's IT profile and to develop a timeline for implementation of each agency's shared services plan. The Department may provide shared services to state agencies through the Department's internal resources or the Department may procure shared services through contracts with third-party vendors.

C. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct state agencies to cooperate with, accommodate, and assist the Department in conducting the aforementioned assessment and to provide the Department with any and all data, information, documents, or materials requested by the Department in accordance with any timelines established by the Department.

D. Without prior approval from the Department, state agencies shall not take any action to implement or make any expenditure related to the agency's:

1. IT strategic plan;
2. IT organizational plan;
3. IT asset plan;
4. IT software plan;
5. Planned IT projects, as defined by the Department; and
6. IT budget.

Agencies shall provide documentation of the above plans and projects in a manner and form and in accordance with a timeline prescribed by the Department. Agencies shall also provide to the Department documentation demonstrating their multiyear budgeting plans and documentation related to IT funding. Documentation of IT funding shall reflect new requests for funding from the General Assembly and existing budgetary authority for IT-related expenditures, including, but not limited to, expenditures for equipment, software, applications, contracts, and agency personnel. Agencies shall coordinate with and receive approval from the Department prior to submitting IT-related funding requests to the Executive Budget Office.

E. In a manner and form and in accordance with a timeline prescribed by the Department, state agencies shall report to the Department:

1. The agency's progress towards implementing IT shared services;
2. The agency's IT strategic plan and any changes to that plan;
3. The agency's forecast of IT expenditures, the agency's actual IT expenditures, and a reconciliation of any differences between forecasted and actual IT expenditures;
4. The status of the agency's IT-related funding requests (including, but not limited to, approvals, denials, and changes); and
5. The status of the agency's IT projects.

F. I hereby authorize the Department to provide or issue any necessary and appropriate additional or supplemental instructions, guidance, rules, regulations, or restrictions to state agencies regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders

G. The Department shall, on an annual basis, report to the Office of the Governor each agency's compliance with the requirements of this Order.

H. This Order shall apply to any agency, department, or office the director of which is appointed by the undersigned, with or without the advice and consent of the Senate, and is subject to removal from office by the undersigned pursuant to provisions of section 1-3-240(B) or (C) of the South Carolina Code of Laws, as amended. This Order shall not apply to the Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions, and quasi-governmental bodies.

## **Section 2. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 12th DAY OF  
JANUARY, 2022.**

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**HENRY MCMASTER**  
Governor

ATTEST:

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MARK HAMMOND  
Secretary of State