

**FPKI**  
**Legal Policy Working Group (LPWG)**  
**Minutes**  
**March 12, 2001**

I. Introductions

A. Attendees:

Art Purcell- USPTO  
Ashley Hou- SBA  
Judith Spencer- GSA  
Brant Petrick- GSA  
John Purcell- Treasury FMS  
Karl Boettcher- Treasury FMS  
Jeanette Plante- DOJ EOUSA  
Roger Bezdek- Treasury  
Jan McNutt- DISA- DoD  
Gene McDowell- NOAA  
Jerry Walz- DOC

B. Next Meeting Date: Monday, April 23, 2001 (tentative) Location TBD

II. Announcement of another Co-Chair: Mark Giguere (NARA)

III. Projects/Comments

A. Approaching PKI related ERM

In view of the interest in the ERM issues surrounding PKI, a plan of approach is being worked on by Mark Giguere and Art Purcell for the Wednesday Steering Committee Meeting.

B. CP Review re States-

1. "What is the Liability?"

The group engaged in a lively debate centered regarding the question of "what is the liability?" for the Federal Bridge and for other Bridges or organizations when they cross-certify with the Federal Bridge. One suggestion was to analogize to the credit card and the division of risk of loss in the relationship between consumer, merchant and credit card company that is largely a matter of contract within some limits set by law. Another suggestion was to analyze the problem under tort law. It was generally agreed that we are attempting to define trust relationships. The possibility of enabling legislation, regulations or rules was also raised. In any case, representations and warranties made to the all parties must be examined carefully.

Part of the discussion focused on the difference in monetary liability and risk in a fraudulent transaction and less quantifiable risks from exposure of SSA data, medical records, etc.

2. Possible references for background research on liability issue

a. American Bankers Association liability document

- b. Digital Signature Trust
  - c. Insurance policies that various vendors utilize to resolve liability issue
  - d. DoD's memorandum from the DISA General Counsel outlining the liabilities
3. Review of CP divided among the members in attendance. As each member reviews their section of the CP, they must assess whether the language would pose an obstacle to interoperation with State CPs or other CPs, such as the higher education bridge. Ashley has noted the who is responsible for the various sections. Members should be ready to present finding at the next meeting.

C. Bibliography of relevant L/P Resources

- 1. American Bankers Association liability paper
- 2. American Bar Association Info Sec. Section

D. X509 Version 4 - The newest version is out and users should be alert to the different requirements for mandatory and non-mandatory extension which would make this version compliant with existing standards is different than in Version 3.

E. GAO PKI Report

The report was published on February 27, 2001 and is available on the GAO site. Please review it and prepare any comments for next meeting. Document will be available on [www.gao.gov](http://www.gao.gov).

IV. Newsletters and Mailing Lists - The following email lists are useful resources. Please provide LPWG with useful links or discussion lists, or other information that you've come across to help build our resources files.

- A. Baker and McKenzie Global E-law Alert- [www.bakerlaw.com/elaw](http://www.bakerlaw.com/elaw)
- B. CommerceNet- [www.CommerceNet.net](http://www.CommerceNet.net)
- C. BNA Electronic Commerce & Law Report- [www.bna.com](http://www.bna.com) (Subscription Necessary)
- D. System Administration, Networking & Security Institute – [www.sans.org](http://www.sans.org)