Federal PKI Legal & Policy Working Group
August 25, 2003 Meeting Minutes

The group discussed the new records management project, for transaction records. Funding is being made available from the Steering Cmte FY03 budget, for obligation under an existing USPTO contract. Art Purcell (USPTO) and Mark Giguere (NARA) will manage the project. Art is awaiting an Interagency Agreement from Judy Spencer. Mark voiced a concern that the project have sufficient support from eAuthentication to satisfy NARA management that the output of this effort will be useful and well received beyond the FPKI SC/FICC. Art will follow up with Judy to assure that the E-Authentication Initiative participates adequately throughout the project to develop this guidance.

There was also an observation that during the companion project for administrative records people showing up for focus groups needed a PKI 101, and so for the new project we could offer that ahead of the focus groups. Gene stated that the LPWG could arrange to do that ourselves, since it was outside the scope of the funded project.

Concerning CP requirements for "Records Archival" (a heading in the standard CP/CPS format), first, it was agreed that a CP should state a requirement such that a corresponding CPS would have to contain something in response. (At present, the FBCA CP and "Common Policy" say "No stipulation" under this heading.) Second, the proper term for Federal agencies is "Records Management" (following NARA terminology, in which "archival" refers to records kept forever). We need to make clear that the term as used in a CP (if we can't avoid the "archival" language) is used in the sense of "long-term temporary records". NARA does not foresee that PKI administrative or transaction records will ever need to be kept forever. Art and Mark suggested that the requirement in a CP for Federal agencies could (at least) be to comply with the Federal Records Act, which means to have a NARA-approved Records Schedule for administrative records generated in the operations of a certificate authority (such as the FBCA). Such disposition authorities are articulated in the FBCA records schedule that gives definitive language that should be used in the FBCA CP, in the "Common Policy" now in near final draft, and in agency-specific CPs. Similar language should be included for transaction records. An agency might have different (i.e., longer) retention requirements than the FBCA, based on its business process requirements.

The liability language for agency CPs is awaiting John Cornell's determination of who to send it to at Justice, where there has been considerable turnover.

Gene outlined the next steps with the ID proofing project. There are about 21 agencies represented in the LPWG (depending on how one counts sub-agencies). We've received responses from seven (two of which might provide more information) and preliminary information from two more. An additional six have expressed an intent to respond, but nothing has been received from them. Among the responses, there is considerable consistency, so we should get a baseline of current practices.

In summarizing the information obtained, Gene will separate the ID proofing part and the credentialing part. For ID proofing we will be able to list the source documents that agencies use; the data elements used for identification and others used as adjuncts to the ID proofing process; and examples of "manual" and automated methods of verifying a claimed ID (to establish the identity, to disambiguate it, and to establish that the applicant is the same person as the owner of that identity). One result will be some questions for the FICC to consider regarding ID proofing and credentialing. For example, how does the current baseline as reported by the respondent agencies compare to the OPM requirements; how should the ID proofing part of the "Common Policy" relate to the baseline; how should the FBCA CP (Basic, Medium, High) language relate; how should the ID proofing requirement at each assurance level be expressed for comparison with the procedures of non-Federal entities? For language in a CP, it will be useful to separate the authentication of an applicant's claimed identity for the preparation of a credential and the determination of identity for delivery of the credential.

Attendance:
Gene McDowell, NOAA
Theresa Trentacoste, USDA/NFC
Woody Roberson, IRS
Donna Canode, Treasury
Art Purcell, USPTO
Mark Giguere, NARA
James Bruno, DOL
Jo Brooks, State
Lisa Spears, Treasury/BPD