

**FPKI**  
**Legal Policy Working Group (LPWG)**  
**Minutes**  
**June 25, 2001**

**Attendees**

Art Purcell-USPTO  
Mark Giguere- NARA  
Ashley Hou- SBA  
Gene McDowell- NOAA  
Jennie Plante- DOJ  
Jan S. McNutt- DISA  
Jerry Walz- DOC  
Brant Petrick- FPKISC  
Peter Alterman – FPKISC  
Kavita Kalsy- Bureau of Public Debt  
Roger Bezdek-FPKISC  
Herwood Roberson- IRS  
Ron Sann- Education  
Charles Froelich- State Department  
Lee Zeichner- Critical Infrastructure Assurance Office (CIAO)  
Judith Spencer- FPKISC  
Rebecca Kahn- FPKISC  
Alex Wilson- OMB

- I. Lee Zeichner of the Critical Infrastructure Assurance Office will be joining our meetings and has volunteered to pull together a hypothetical for the next meeting which will facilitate our discussions on federal bridge and liability issues.
- II. Rebecca has sent to us her business process plan and identified a few issues
  - What can be shared between State and Federal in its reporting of information;
  - What are the obstacles to bridge partnering with the states?
  - Can we agree to hold each other harmless? Is it necessary?
  - If a State CA issues a fraudulent certificate and a third party gets it, who is harmed and how does the person with the certificate seek relief and from whom?

We can seek guidance from other associations such as the State CIOs, and BITS. We may consider inviting either group to our meeting to give us a presentation on their progress.

Also, we can model the electronic relationship of state and federal after the paper relationship that is already in place.

- III. The hypothetical for the Office of Legal Counsel should address these questions
  - Can the bridge deny liability?

- What are the defenses that it can assert?
- What are the defenses that can be asserted with respect to state entities or private entities?
- What legal entity can be sued? The bridge? FPKI Policy Authority? GSA?
- What are the potential damages? Monetary? Criminal penalties?
- Is there disclaimer language which may be effective?
- What representations can the bridge make safely?
- What risk management practices and standards should be followed?
- Do consumer protection laws, or any violation of them, implicate liability to the bridge?

IV. Lee Zeichner will find the name of a contact for us at the Office of Legal Counsel and prepare the hypothetical for the working group's review.

Next meeting Monday, July 23, 2001 @ GSA Room 5700 at 1:30- 3:30 p.m.