

FPKI
Legal Policy Working Group (LPWG)
Minutes
April 23, 2001

I. Introductions

A. Attendees:

Art Purcell- USPTO
Ashley Hou- SBA
Judith Spencer- FPKISC
Brant Petrick- FPKISC
Manuel Palau- FDIC
Jennie Plante- DOJ EOUSA
David Temoshok- GSA
Tice DeYoung- NASA
Rebecca Kahn- FPKISC
Roger Bezdek- Treasury
Peter Alterman- HHS
Shauna Russell- DoD GC
Jan McNutt- DISA- DoD
Gene McDowell- NOAA
Jerry Walz- DOC
Ron Sann- ED

B. Next Meeting Date: Tuesday, May 29, 2001, 1:30-3:30 p.m.
Location GSA Room 5700

II. Announcements

A. Judy Spencer announced that a Certificate Policy Working Group is being formed to address policy concerns and to make recommendations to the Policy Authority. Department of Defense has been selected to be a co-chair of this group. They are currently seeking another co-chair from the Department of Commerce, Justice or Treasury. Art Purcell agreed to be a temporary co chair until another was installed.

III. Projects/Comments

A. Recap of ABA ISC Meeting

The Steering Committee hosted one day of the ABA Information Security Committee Meeting in April and a productive and educational exchange occurred.

B. ABA PAG Document

Copies of version 19 of the PKI Assessment Guidelines are being made available for FPKI comment and review. The ISC is especially interested in contributions

from the Federal players regarding the sovereign immunity issues that arise when the Government is the CA in a transaction.

The PAG is the result of work over 5 years by some 100 contributors and provides much legal and technical context which is valuable for anyone interested in the legal policy issues surrounding PKI. Federal and State individuals made some of the contributions to the PAG.

C. Discussion of FBCA CP

1. Under section one, the language throughout the CP refers to “agency”, which will need to be expanded if this policy is to include non-federal entities. If this is to include international entities cross-certifying with the FBCA, then we need to clarify this in a definitional section.
2. Under section two, a non-federal agency will need to be defined.
3. Section 2.2-2.4 pertains to liability. This section will require major re-drafting to clarify the enabling authority for deciding disputes. Clarify whether “dispute resolution” is used as a legal term of art or not. Clarify the availability of alternate dispute resolution under Federal Laws. Art Purcell agreed to identify the liability sections of the PAG.
4. Section 3, 5, & 6 not discussed since persons assigned these sections were not in attendance.
5. Records Management- There is a need to determine mapping for records management from state to federal entities. Minimum requirements for retention need to be address for long term non-repudiation of electronic documents. Consideration must also be given to keeping records of history of use of signatures.
6. No other comments on section 7 or 8.

IV. Plan of Action

We plan to submit a hypothetical to the Department of Justice, Office of Legal Counsel for their determination of the liabilities and risks that FBCA CP may encounter.

A. Action Steps

1. Judy will draft a document defining all the business relationships
2. LPWG to brainstorm on the points of vulnerability in these relationships whether based in tort or contract.
3. Review ABA’s PAG for any instructive materials regarding the liability issue.

V. Each member to submit a short summary of the section of the FBCA CP they reviewed to co-chairs.