identitycommons

August 30, 2011, Response
To [Docket No. 110524296-1289-02] Notice of Inquiry
Models for a Governance Structure for the National Strategy for Trusted Identities in Cyberspace
Issued by
Office of the Secretary, U.S. Department of Commerce and National Institute of Standards and
Technology, U.S. Department of Commerce

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About Identity Commons
Identity Commons is not-for-profit 501(c)(6) community of working groups fostering innovation that
promotes privacy across the entire ecosystem of Internet identity, data sharing, and relationship
management. Identity Commons' numerous working and liaison groups include Internet Identity
Workshop (IIW), Personal Data Ecosystem Consortium (PDEC), the Information Card Foundation
(ICF), the OpenID Foundation (OIDF), Vendor Relationship Management (VRM) and NSTIC.US.
The organization also has working groups that focus on identity life cycle issues (children and
estates), and coordinates with other related organizations such as OASIS and Kantara. Identity
Commons participants include strong supporters of the Federal Identity Credential and Access
management (FICAM) initiatives that led to the decision to create the NSTIC Program Office. By
design, Identity Commons a loosely coupled organization and believes a distributed organization is
key to supporting innovation in and evolution of this area. Some working groups of Identity
Commons may provide their own responses.

This response consists of two parts: a general response and a response to specific questions.

General Response

Identity Commons strongly supports NSTIC's public-private partnership approach to this important and complex area. The adoption of "externally issued" Internet identity credentials is still at an early stage so this strategy will be much more effective than legal or regulatory efforts. In developing the governance approach it is crucial that the governance supports continued agile innovation and the evolution of improved solutions. We appreciate NSTIC's goal of fostering innovation and not prematurely selecting "winners".

To support the self organization of the Identity Community, Identity Commons participated in a July 13th NSTIC Stakeholder Meeting convened by Don Thibeau and Rich Furr at Deloitte offices on 555 12th Street NW Washington, DC.

It is important that we build on what has already been accomplished (and not re-invent the wheel or break things that are already working). FICAM and NIH have made significant progress in enabling the use of certified third party identity credentials. The challenge is to build on this success. The general practice of defining trust frameworks and certifying participants of a trust framework is an example of a practice that as evolved as part of a successful public-private partnership that should be continued and leveraged.

The creation of an NSTIC Steering Group is an important opportunity to continue supporting useful activities in the community and to enable key activities that have not yet developed organically in the open identity community. To ensure the success of the NSTIC Steering Group and to get broader adoption of higher level of assurance (LOA) credentials it is crucial that some additional steps be taken.

Many persons have been working on the challenge of how to organize the industry for quite some time. We have indeed self organized into an ecosystem of interconnected organizations, each focusing on a component of the problem. There are still some components that are not yet fully addressed, and there is a need for a group that can further facilitate the exchange of information between the various organizations in support of self organization within the community. Despite numerous conversations over the last few months about which of the existing organizations are best positioned to be that coordinating organization, there is no one existing organization which could support all the community needs and the recommendation is to create a new steering group, rather than choose an existing organization. This recommendation is made in full knowledge of the effort required to create new groups, harmonize existing groups, and shut down organizations that are end of life.

Recommendations for NSTIC Governance Principles and Concepts

The purpose of these proposed ideas and guiding principles is to create a framework establishing a Steering Group that is a voluntary collaboration among existing organizations and individuals to define, implement and ultimately operate the Identity Ecosystem envisioned by the National Strategy for Trusted Identities in Cyberspace (NSTIC).

In designing a governance structure, the following guiding principles are essential:

1. **Leverage**: Rely upon the expertise and efficiency of existing stakeholders and organizations by coordinating ongoing projects and activities in the federated identity community.
2. **Self-Organization**: Leverage the "wisdom and validation of the crowd". Go where the energy is. There is wisdom in where people chose to put their energy.
3. **Participation**: Establish a broad population of potential contributors both to oversee and contribute to the work of developing and delivering on the NSTIC vision.
4. **Balance and Inclusion**: Provide an opportunity for all stakeholders (organizations, groups, or individuals) to have a proportional voice in the process.
5. **Leadership**: Define a leadership framework that may be established quickly, would have the support of all stakeholders within the community, and would be able to identify, define, organize, assign responsibility, and confirm NSTIC-related work projects.

The following specific organizing ideas and principles could be implemented to achieve these goals.

Constitution:

Organization: A Steering Group that is a collaboration of organizations (businesses, standards organizations, trade associations, advocacy groups etc.) and individuals interested in developing NSTIC.

Population: Any interested organization or individual may join the collaboration. Persons that are primarily affiliated with an organization should be represented by that organization. Individuals that are not affiliated with an organization may join separately.

Goals: Promoting and facilitating the rapid development of a reliable, secure, and trustworthy Identity Ecosystem on the Internet that can serve governmental, commercial and other private use and permits individuals to manage and control their electronic identity online.

Transparent Communication: Follow the lead of existing "open organizations" and use internet applications like web sites, wikis, e-mail and collaboration suites to make all activities public, readily accessible and openly transparent. (Decisionlens is an example of a tool some agencies use to build consensus along multiple dimensions.) Other than balloting of the entire population for leadership appointments, all collaboration and leadership activities should be transparent and open. The Steering Group's job is to facilitate the evolution and implementation of distributed solutions by voluntary community participation, not make identity standards "decisions" for the community.

Operations:

Groups and Tasks: The members (organizations and individuals) of the NSTIC Steering Group will work together in small focused groups on particular activities and tasks that are deemed necessary to further define and develop the Identity Ecosystem. The Steering Group may leverage existing working groups in the community or new groups may be created.

Project Management: The leadership of the Steering Group should identify activities with contained goals and timeframes, particular collaboration parties, and specific deliverables,

schedules and checkpoints. Once the leadership obtains "buy-in" from the collaborating parties, they should track, guide and manage these tasks to completion.

Economics and Funding:

Voluntarism: For the most part we envisioned the collaboration as a volunteer body with organizations and individuals contributing their efforts, time and covering their own costs of participation. The Steering group will be responsible for determining its own funding model.

Response to Specific Questions

1.1. Given the Guiding Principles outlined in the Strategy, what should be the structure of the steering group? What structures can support the technical, policy, legal, and operational aspects of the Identity Ecosystem without stifling innovation?

The ideal structure for the Steering Group would be representatives from the various stakeholder organizations in the community. The Steering group will be responsible for evolving overtime to meet its changing needs. In the interest of moving quickly, NSTIC could choose to initiate the Steering Group by declaring the organizations that it and FICAM have already been working with part of the initial Steering Group. The Steering Group would then be responsible for reaching out to additional members and establishing its operating practices.

1.3. Are there functions of the steering group listed in this Notice that should not be part of the steering group's activities? Please explain why they are not essential components of Identity Ecosystem Governance.

The government's role should be stakeholder, rather than an administrator. The Steering Group should be facilitating collaboration and coordination amongst the stakeholders (e.g. identifying goals, rather than administering milestones.) The government is an important stakeholder. It has a very large number of websites and systems that would benefit from participating as Relying Parties (RPs) in an Identity Ecosystem and also provides breeder documents that are used by Identity and Attribute Providers.

1.4. Are there functions that the steering group must have that are not listed in this notice? How do your suggested governance structures allow for inclusion of these additional functions?

The primary function of the Steering Group should be to facilitate the self organization of the community. In addition, the community has identified three crucial areas that have not yet been fully addressed by the existing community. To be successful, the Steering Committee must address these issues. NSTIC could also help in these areas.
1. *Education. End user education about how to protect one's privacy online and engage in secure transactions is a key component of success.*
2. *Pilot implementations. Evolution of an ecosystem requires feedback. Adoption is a crucial step. Therefore pilot implementations are very important part of the process, and the Steering Group needs to foster pilot projects and facilitate the sharing of the learnings from these projects. Stakeholders that represent RP's should be encouraged to identify appropriate candidates for pilots. The government could use its buying power to identity pilot candidates. Time is of the essence. Planning for how to facilitate and leverage pilot experiences should continue without delay. Pilot program planning typically includes such categories as desirable characteristics of pilot projects, expectations of pilot participants, approaches for the collection and dissemination of feedback, etc.*
3. *Provision of seed resources to bootstrap the Steering Group. Some modest resources will be needed during the initiation phase, before the group evolves a model for self funding. While we would welcome Steering Group seed funding from NSTIC, the community should not and*

is not letting such funding be a gating factor. For example Identity Commons and its Internet Identity Workshop (IIW) Working Group have stepped forward to host an NSTIC day workshop on October 19th. Identity Commons wishes to support the initiation and ongoing phases of this initiative.

1.5. To what extent does the steering group need to support different sectors differently?

The goal of NSTIC is not a single way to do identity. It is a group of solutions. There is no need to provide a single homogeneous solution. As per the NSTIC document, different use cases have different risk profiles. There are use cases for pseudonymity in some industries, and in others there are requirements for LOA-3 credentials. The need for multiple solutions varies within as well as across sectors.

1.8. What are the most important characteristics (e.g., standards and technical capabilities, rulemaking authority, representational structure, etc.) of the steering group?

The Steering Group's chief roles are coordination and facilitation. It should be transparent, and open. Thus it needs to represent the various stakeholders in the ecosystem. It is not a rulemaking authority per se. The only rules it will be making are for the governance of the Steering Group itself.

1.9. How should the government be involved in the steering group at steady state? What are the advantages and disadvantages of different levels of government involvement?

The chief role of the government is as a stakeholder. This is true during the early parts of the process and at steady state. Government could participate as a Relying Party and or as a provider of attributes and credentials. All levels of government (federal, state, local, tribal, territorial and foreign), are stakeholders in one or more parts of the Identity Ecosystem.

2.1. How does the functioning of the steering group relate to the method by which it was initiated? Does the scope of authority depend on the method? What examples are there from each of the broad categories above or from other methods? What are the advantages or disadvantages of different methods?

It is important that the Steering Group be run by and for the Stakeholders. Direct management of the group by NIST would inhibit the public private partnership. NIST is a stakeholder and should participate as a stakeholder.

2.2. While the steering group will ultimately be private sector-led regardless of how it is established, to what extent does government leadership of the group's initial phase increase or decrease the likelihood of the Strategy's success?

It is important that government be a stakeholder, not an administrator of the Steering Group.

2.3. How can the government be most effective in accelerating the development and ultimate success of the Identity Ecosystem?

As a significant stakeholder in the ecosystem, there are four key ways that government can accelerate the process and contribute to its success.

- *Leverage its power to convene.*
- *Provide modest initial administrative seed resources, if possible.*
- *Identify and help recruit pilot RPs. There are many government RP's that could benefit from this initiative.*
- *Tie NSTIC end user education into other planned outreach programs*

2.4. Do certain methods of establishing the steering group create greater risks to the Guiding Principles? What measures can best mitigate those risks? What role can the government play to help to ensure the Guiding Principles are upheld?

If government leads the group, it will slow down the process of innovation. It is crucial that government participate as stakeholder.

2.5. What types of arrangements would allow for both an initial government role and, if initially led by the government, a transition to private sector leadership in the steering group? If possible, please give examples of such arrangements and their positive and negative attributes.

Since the NSTIC document calls for the creation of a Steering Group, NSTIC could initiate the group with the existing community organizations with which it is working. This initial group would then be tasked with expanding to represent all the stakeholders.

3.1. What should the make-up of the steering group look like? What is the best way to engage organizations playing each role in the Identity Ecosystem, including individuals?

The Steering Group should represent the stakeholders. One first task for the Steering Group would be to identify all the stakeholders and to sponsor a public list (on a wiki or other technology) where stakeholders could self identify and indicate their interest in participating. If more stakeholder organizations indicate an interest in participating than is practical for steering group management, the group could elect a representative executive committee.

As one means to identify the relevant stakeholder organizations, Identity Commons organized an ad hoc breakout session during the NSTIC privacy workshop on June 28, 2011 to create a map of the various organizations in the community. We identified over seventy different organizations in that exercise, see below. Note the grouping below is just one of many possible groupings. For example some trade associations are also involved in standards development. Another approach would be to group those organizations that are already participants in an identity federation or trust framework.

Higher Education
- TERENA *

- Internet2 *
- Shibboleth (Internet2) *

Trade Associations
- SAFE-BioPharma Association *
- TechAmerica *
- Information Technology Association of America *
- AeA *
- Security Industry Association *
- CableLabs *
- Kantara (Liberty Alliance)
- Identity Commons *
- Information Trust Initiative *
- American Bar Association *
- GSM Association *
- Network Advertising Initiative *
- Interactive Advertising Bureau *
- American Association of Advertising Agencies *
- Smart Card Alliance
- Open Identity Exchange
- Online Trust Alliance
- Personal Data Ecosystem Consortium
- UnitedID.org

Privacy Advocacy
- SITA *
- Electronic Frontier Foundation *
- Center for Democracy and Technology *
- Electronic Privacy Information Center *
- Cato Institute *

Standards Development Organizations
- International Telecommunication Union *
- International Organization for Standardization *
- International Electrotechnical Commission *
- Internet Engineering Task Force *
- World Wide Web Consortium *
- OASIS (organization) *
- Open Web Foundation *

Standards
- Security Assertion Markup Language *
- OpenID *
- Extensible Resource Identifier *
- XDI *
- Information Card *
- Higgins project *

Internet Stakeholder Organizations
- Internet Assigned Numbers Authority *
- ICANN *

- Internet Society *
- Internet Governance Forum *
- Global Network Initiative *
- WEIS (Workshop on Economics of Information Security)#

Multi-Gov & International Organizations
- Organisation for Economic Co-operation and Development *
- Society for Worldwide Interbank Financial Telecommunication *
- World Economic Forum *

Research Centers & Universities
- MITRE Corporation *
- Brookings Institution *
- SRI International *
- MIT Media Lab *
- Berkman Center for Internet & Society *
- Stanford Center for Internet and Society *
- Sobey School of Business *
- PICOS Project *
- eCitizen Foundation

US Government Organizations
- National Strategy for Trusted Identities in Cyberspace *
- National Institute of Standards and Technology *
- National Telecommunications and Information Administration *
- United States Department of Commerce *
- United States Department of Homeland Security *
- Federal Trade Commission *
- National Do Not Call Registry *
- United States Department of Transportation *
- United States Department of Veterans Affairs *
- Identity, Credential and Access Management subcommittee of the Federal CIO Council

Government Companies/Associations
- United States Postal Service *
- American Association of Motor Vehicle Administrators *
- NASPO

Included in a compendium of organizations on this list that are documented on Wikipedia, available at http://dl.dropbox.com/u/6534205/NSTIC-Orgs.pdf

This list is not exhaustive. For example it doesn't include state CIO organizations. Some of the organizations listed above such as Identity Commons and The Center for Democracy and Technology are focused on end user concerns. End user input is important. During the NSTIC Stakeholder's meeting on July 13, it was suggested that as part of the NSTIC outreach, PEW or a similar organization should be engaged to pole users about relevant issues such as privacy, security and convenience. Polling at the beginning of the initiative and periodically during the initiative would also be valuable in gauging the success of outreach efforts.

3.2. How should interested entities that do not directly participate in the Identity Ecosystem receive representation in the steering group?

While the size of the Steering Group or the executive committee of the Steering Group must be limited in size due to practical concerns, the most important role of the Steering Group is to facilitate self organization amongst the community.

There are a number of potential categories of ecosystem participants. These include, but are not limited to:

- *Trust Framework organizations*
- *Trust Framework Certifying organizations*
- *Standards Development Organizations (SDO's)*
- *Organizations representing the user*
- *Organizations representing privacy*
- *Other advocacy organizations*
- *Large RPs*
- *Small RPs*
- *Identity Providers*
- *Attribute Providers*
- *Identity Proofers*
- *Educational / research organizations (not government affiliated)*
- *Industry specific trade organizations*
- *Individuals who are not otherwise affiliated*
- *Government organizations (all levels)*
- *Large identity software vendors*
- *Small identity software vendors*
- *Open source identity software providers*
- *Identity system implementers*
- *Other observers and experts as invited from time-to-time*

Once the Steering Group is established, it would be responsible for adjusting its size and composition to meet evolving needs.

3.3. What does balanced representation mean and how can it be achieved? What steps can be taken guard against disproportionate influence over policy formulation?

A successful Steering Group will have participation from all stakeholders.

> ***Steering Group Leadership:*** *Relatively Small, balanced (proportional representation from various groups), odd total number of people (to break ties), qualified and interested "experts".*

> ***Authority:*** *The authority of the Steering Group derives from the collaboration population that elects them. The steering group is entrusted by the population to guide, lead, coordinate and manage the activities of the collaboration.*

Representation Balance: *To ensure that there is not overwhelming influence afforded to any particular class of members a proportional formula for constituents of the Steering Group would be mandated.*

Leadership Candidates: *Candidates for leadership positions would be nominated by the population including both peer and self nomination. Candidates would publish (electronically) a CV and statements of interest and commitment for all members of the population to read.*

Leadership Election: *To the extent necessary, Steering Group leadership would be elected by the population, with each organization or individual in the population having a single vote. An efficient means of polling the entire population (such as Single Transferrable Voting methodology) could be used to ensure both efficient and proportional fulfillment of leadership vacancies.*

3.4. Should there be a fee for representatives in the steering group? Are there appropriate tiered systems for fees that will prevent "pricing out" organizations, including individuals?

To ensure that there is adequate representation from both non-profit organizations and individuals it is important to separate the Steering Group funding and participation models. Once the Steering Group is initiated, it will be responsible for establishing its ongoing funding model.

3.6. Should all members have the same voting rights on all issues, or should voting rights be adjusted to favor those most impacted by a decision?

Such details should be left up to the Steering Group to determine after its initiation. The Steering Group is a voluntary group. Though many of its members may be standards bodies, it itself is not a standard body. The expectation is that Steering Group voting would only be on mattering concerning governance of the group itself. The Steering Group may sponsor exercises in multi-dimensional consensus building as part of its activities to provide visibility to the knowledge imbedded in the community.

3.7. How can appropriately broad representation within the steering group be ensured? To what extent and in what ways must the Federal government, as well as State, local, tribal, territorial, and foreign governments be involved at the outset?

It is important that any organization that wants to participate as a member be able to participate. Many of the existing industry organizations active in the identity community are international, so multi-jurisdictional representation is already present in the community. The initial Steering Group should reach out to existing stakeholder organizations as part of its initiation process.

4.1. How should the structure of the steering group address international perspectives, standards, policies, best practices, etc?

Many of the existing industry organizations active in the identity community are international, so multi-jurisdictional representation is already present in the community. The initial Steering Group should reach out to existing stakeholder organizations as part of its initiation process.

4.2. How should the steering group coordinate with other international entities (e.g., standards and policy development organizations, trade organizations, foreign governments)?

The Steering Group should leverage existing international organizations that are present in the community and welcome participation from new organizations.

4.3. On what international entities should the steering group focus its attention and activities?

The Steering Group should start by leveraging those international entities that are already participating in the ecosystem.

4.4. How should the steering group maximize the Identity Ecosystem's interoperability internationally?

The Steering Group should build on the international representation of the existing organizations in the ecosystem.

4.5. What is the Federal government's role in promoting international cooperation within the Identity

This is a sensitive point. It is important that the international community feel welcome to participate if they so choose. Numerous stakeholders have already participated in various organizations in the ecosystem. The announcement of a NSTIC Steering Group could be an opportunity to reinforce that international cooperation, is welcome.