

To: Annie Sokol

July 22, 2011

National Institute of
Standards and Technology
100 Bureau Drive, Mailstop 8930,
Gaithersburg, MD 20899
Re: NSTIC NOI

Comments from Inman Technology
Submitted by Sarah Cortes

Dear Ms. Sokol,

Inman Technology would like to provide comment on the NSTIC Steering Committee and governance issues.

General Summary of NSTIC governance issues

We believe it is important, that the Steering Committee in particular and NSTIC governance in general must be perceived as

- balancing corporate, government and individual interests
- open and transparent
- broadly inclusive and representative

A fundamental concern is balancing privacy vs. the significant desire to exploit data that is the byproduct of identity management.

Also, while business and government can fund staff resources to participate, those representing private citizens are volunteer resources.

A critical mass representing industry will make it more likely the resulting recommendations are actually implemented. How to ensure this critical mass, while not allowing that group to dominate the discussion of civil and individual liberties requires extra effort to include those representing the latter group.

Finally, government can have an inherent conflict due to its law enforcement role. Concerns about coercive government uses for identity management must be addressed and managed at every step, as they have been thus far.

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?”

Similar to the NIST SmartGrid CyberSecurity Working Group (CSWG) governance

structure, NSTIC would benefit from an overall governance structure with functional working groups that reported back to everyone. Appointed Team leaders would facilitate progress on broad objectives.

1.4

“Are there functions that the steering group must have that are not listed in this notice? **None identified.** How do your suggested governance structures allow for inclusion of these additional functions?”

1.5. To what extent does the steering group need to support different sectors differently? **Sectors include government, business and private citizens. The steering group needs to recognize that business and government can fund resources to participate, while those representing private citizens should be recognized as not being funded, but volunteer, resources.**

1.6. How can the steering group effectively set its own policies for all Identity Ecosystem participants without risking conflict with rules set in regulated industries? To what extent can the government mitigate risks associated with this complexity? **NIST SmartGrid CSWG has successfully navigated this issue by issuing observations and recommendation and avoiding setting regulatory policy or creating laws.**

1.7. To what extent can each of the Guiding Principles of the Strategy—interoperability, security, privacy and ease of use—be supported without risking “pull through” regulation from regulated participants in the Identity Ecosystem? **Again, NIST SmartGrid CSWG has to a great extent successfully navigated this by pointing out where legislation can and cannot be effective.**

1.8. What are the most important characteristics (e.g., standards and technical capabilities, rulemaking authority, representational structure, etc.) of the steering group? **Broadly representative of interests in government, individuals and business, made up of individuals with recognized privacy and security cybertechnology credentials**

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? **Government can facilitate similarly to NIST SmartGrid CSWG, providing meeting facilities and a forum, basically.**

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? **The legitimacy of the Steering group derives to a great extent to the credentials and capabilities of the members, and their track record of balancing individual liberties with corporate and government interests. The scope of authority is not derived from any regulatory power, but from its power of influence based on the respect of its members.**

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? **Government leadership enhances the likelihood of success as it provides a moderating influence**

2.3. How can the government be most effective in accelerating the development and ultimate success of the Identity Ecosystem? **By continuing to use its position as a consumer of technology and its position to provide a forum that is a crossroads of interests.**

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?

Methods of establishing the Steering group include:

1. Including everyone who expresses interest
2. Recruiting balanced membership representing corporate, government and individual interests
3. Appointing individuals recommended by a majority of nominators

Risks include:

- Perception of lack of openness and transparency
- Risk that the group will be too large to be effective
- Perception that the group membership lacks credentials and/or expertise and/or a stake

The government can help ensure the guiding principles are upheld by maintaining transparency and inclusiveness at every step, and modeling itself on existing best practices of other successful groups like the NIST SmartGrid CSWG.

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.

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 makeup should include member of business, government and groups representing individuals and civil liberties.

3.2. How should interested entities that do not directly participate in the Identity Ecosystem receive representation in the steering group? **By applying and participating, the same as others.**

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? **Balanced membership means equal numerical representation.**

3.4. Should there be a fee for representatives in the steering group? **No**

Are there appropriate tiered systems for fees that will prevent “pricing out” organizations, including individuals? **no**

3.5. Other than fees, are there other means to maintain a governance body in the long term? If possible, please give examples of existing structures and their positive and negative attributes.

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? **All members should have the same voting rights**

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? **The Federal government can facilitate collaboration and an open, participative process**

4.1. How should the structure of the steering group address international perspectives, standards, policies, best practices, etc? **By including information on this perspective in its recommendations and publications**

4.2. How should the steering group coordinate with other international entities (e.g., standards and policy development organizations, trade organizations, foreign governments)? **By identifying itself and seeking appropriate participation to those groups**

4.3. On what international entities should the steering group focus its attention and activities? **This is a question for the group to address after its formation**

4.4. How should the steering group maximize the Identity Ecosystem’s interoperability internationally? **By identifying and contacting appropriate groups early**

4.5. What is the Federal government’s role in promoting international cooperation within the Identity Ecosystem? **This is a question for the group to address after its formation**

We hope this is helpful.

Yours Truly,

Sarah Cortes
President
Inman Technology