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**TO: Office of the Secretary, U.S. Department of Commerce
and National Institute of Standards and Technology, U.S.
Department of Commerce.**

**REGARDING: Janrain's response to the NOI on Models for a
Governance Structure for the National Strategy for Trusted
Identities in Cyberspace**

[Docket No. 110524296-1289-02]

On behalf of Janrain Inc., thank you for this opportunity to share input on the standards process towards furthering the development of an Identity Ecosystem.

Janrain has long been committed to collaboration and interoperability on identity specifications internationally, contributing to both the advancement of the OpenID Foundation's efforts on standards and through its contributions to the ecosystem's development libraries. Janrain serves more than 350,000 companies with consumer-facing identity solutions worldwide and offers the industry's only hosted registration and social profile storage solution.

We are pleased to respond to your Notice of Inquiry and we welcome dialogue on the advancement of identity standards.

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?

Private sector, civil society organizations, and the public agencies that will all be directly affected by the standards should each be represented. Identity standards require the involvement of all three in order to establish a thriving identity ecosystem. Individuals from each of the three affected groups should be included in the make up of a steering group.

A process of working drafts that are cooperatively and public developed would allow for both continuous input and reference implementations to be developed in tandem.

1.2. Are there broad, multi-sector examples of governance structures that match the scale of the steering group? If so, what makes them successful or unsuccessful? What challenges do they face?

Structures of previous IETF and others such as ETSI, IEEE, ATIS all have a similar scale. Early milestones, hard dates, and a focus on working examples that prove the specifications can be implemented and move the conversation along are key.

Reference the [acm.org](http://queue.acm.org/detail.cfm?searchterm=standards&id=1028900) document found here:

<http://queue.acm.org/detail.cfm?searchterm=standards&id=1028900>

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.

No comment.

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?

No comment.

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

The steering group should be diverse and have a multi-sector background to ensure that different industry sectors are engaged as early as possible in strategy creation, standards specifications and the deployment of pilot programs. Some industry sectors may require additional standards specifications and support based on their respective use cases.

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?

No comment.

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?

NSTIC solutions will ideally be used across all industries, including both regulated and unregulated industries. “Pull through” refers to the concept that when implementing an NSTIC solution that touches some regulated industries, individuals or firms implementing those solutions would then find that they are subject to the specific regulations for those industries. This could create a confusing policy and legal landscape for a company looking to serve as an identity provider to all sectors.

No comment.

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

Setting the schedule, the goals, driving interoperability and participation.

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?

Continuous government involvement will be necessary to adjust the goals and dates as projects progress. Making requests of the participants.

2. Steering Group Initiation

In its role of supporting the private sector's leadership of the Identity Ecosystem, the government's aim is to accelerate establishment of a steering group that will uphold the Guiding Principles of the Strategy. The government thus seeks comment on the ways in which it can be a catalyst to the establishment of the steering group. There are many means by which the steering group could be formed, and such structures generally fall into three broad categories:

- a) A new organization, organically formed by interested stakeholders.**
- b) An existing stakeholder organization that establishes the steering group as part of its activities.**
- c) Use of government authorities, such as the Federal Advisory Committee Act (FACA), to charge a new or existing advisory panel with formulating recommendations for the initial policy and technical framework for the Identity**

Ecosystem, allowing for a transition to a private sector body after establishing a sustainable Identity Ecosystem, or through the legislative process..

An existing stakeholder organization would be both the expedient choice and the best way to ensure the right composition of stakeholders, though care should be taken to add the affected groups that may have not been previously involved.

Questions:

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?

No comment.

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?

In this case the government itself is a stakeholder with its own agenda and deadlines. So its participation can only add to the momentum.

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

The government can be most effective by publicizing opportunities and by enabling private sector participation that is driven by their own 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?

The Guiding Principles themselves are enough to guide any group or sub-group that is formed around them.

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.

No Comment.

3. Representation of Stakeholders in the Steering Group

Representation of all stakeholders is a difficult but essential task when stakeholders are as numerous and diverse as those in the Identity Ecosystem. The breadth of stakeholder representation and the voice they have in policy formulation must be fair and transparent.

The steering group must be accountable to all participants in the Identity Ecosystem, including individuals. An essential task for the steering group will be to provide organizations or individuals who may not be direct participants in the Identity Ecosystem, such as privacy and civil liberties advocacy groups, with a meaningful way to have an impact on policy formulation.

Given the diverse, multi-sector set of stakeholders in the Identity Ecosystem, representation in the steering group

must be carefully balanced. Should the influence skew in any direction, stakeholders may quickly lose confidence in the ability of the steering group to fairly formulate solutions to the variety of issues that surround the creation and governance of the Identity Ecosystem.

Questions:

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 National Institute of Standards and Technology can take a leadership role by bringing together a diverse group of stakeholders that are representative of the Identity Ecosystem.

We are pleased to see the Federal Government reaching out across sectors to seek input into the formulation of this steering group. The majority of U.S.-based identity providers, relying parties, attribute providers and standards bodies are owned and operated by the private sector. To maximize the adoption, security, privacy and interoperability of an Identity Ecosystem Framework, the framework should leverage existing technologies and activities from the private sector as much as possible and broad industry consensus should help shape policy and standards.

No one company or organization can address policy on its own, nor should leadership be affected by potential adverse market conditions placed on one business. A steering group should be balanced and representative of the entire ecosystem that it supports. Stakeholders should include identity providers, attribute providers, relying parties, service providers and those involved with research and innovation, the public sector and those user communities served by the Identity Ecosystem.

It is our opinion that the steering group should be diverse and made up of approximately 11 members including one

chairperson. The group should be of adequate size so that multiple perspectives are incorporated into the core working committee. Steering group members should be selected to serve for two-year terms. The chairperson should serve a one-year term. It is important that term limits are structured so that the committee is well positioned to incorporate new innovation and contributors. Steering group members should not be selected to participate for more than two full terms.

Pilot programs should be assembled that focus on broad, multi-sector use cases. Legitimate public input from individuals can be attained through ensuring that such pilot programs are diverse and are of scale. Successful long-term adoption of the Identity Ecosystem Framework hinges on developing a strategy that incorporates new technology innovations and addresses real user needs and use cases.

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

The steering group should regularly and openly engage with centralized advocacy groups so that interested parties can share their viewpoints. A subcommittee or an association framework could be established underneath the steering group to enable interested parties to more specifically address core issues.

Subcommittees could take the shape of the following:

- Technical, Security and Interoperability Advisory Group
- Privacy & Community Outreach Advisory Panel

In this way and through structured pilot programs, collecting input from interested parties across industry sectors and from state, local and tribal governments can be an integral component of the identity strategy.

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?

Group selection should include representation across sectors and should include members familiar with the issues of identity providers, enterprises, data and service companies, technology providers, small businesses, educational sector, state, local and tribal governments.

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?

The creation of the steering group should have a unified and open approach that does not prevent potential contributors from providing their viewpoints or expertise. It is our position that no fees should be charged for participation in the creation of standards.

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.

Yes. The steering group should conduct itself in the spirit it was formed and an emphasis should be placed on evolving its membership to best incorporate innovation and new industry contributors. Two-year terms should be put in place with staggered term end dates so that governing body’s mission and vision is carried forth while no more than half of the steering group turns over at any time.

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?

No one organization or voting entity should have greater influence than another in the voting guidelines of the steering group.

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?

Participants in the steering group should be diverse and bring multi-sector expertise to the table. Successful adoption of an Identity Ecosystem Framework requires that the steering group consider a wide array of identity use cases that span the public and private sectors. Steering group term limits can help allow new entrants with innovative technologies to contribute as new technologies are introduced.

Government should be intimately involved in the communications and outreach efforts of the steering committee. Regular communications should be made to local, tribal, territorial and foreign governments so that interested parties are informed and will have the option to engage the steering group through working groups, subcommittees or through centralized advocacy groups.

4. International

Given the global nature of online commerce, the Identity Ecosystem cannot be isolated from internationally available online services and their identity solutions. Without compromising the Guiding Principles of the Strategy, the public and private sectors will strive to enable international interoperability. In order for the United States to benefit from other nations' best practices and achieve international interoperability, the U.S. public and private sectors must be active participants in international technical and policy fora.

No single entity, including the Federal government, can effectively participate in every international standards effort.

The private sector is already involved in many international standards initiatives; ultimately, then, the international integration of the Identity Ecosystem will depend in great part upon private sector leadership.

Questions:

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

The OpenID Foundation is a standards body that is international in scope, which has actively championed the application and adoption of identity standards and OpenID worldwide. The OpenID Foundation encompasses local chapters around the world each of which foster interoperability and adoption amongst their local constituencies. The OpenID Foundation's goals on adoption and interoperability are well aligned with the goals of NTISC and its progress and internal outreach approach should be fully leveraged.

Janrain is one of the earliest companies that supported OpenID and the OpenID Foundation, having developed software libraries for the identity ecosystem's participants dating back to 2005.

Janrain has long been committed to collaboration and interoperability on identity specifications worldwide, contributing greatly to both the advancement of the OpenID Foundation's efforts and to best practices of the Internet identity community at large. In 2006, Janrain developed a means of performing Simple Registration Information Exchange (SREG) that enabled primitive profile exchange and the sharing of identity attributes.

<http://lists.danga.com/pipermail/yadis/2006-March/002304.html>

Janrain has integrated more than 22 identity providers worldwide

into its consumer-facing identity services platform and it is actively integrating additional platforms to serve an international user base. Committed to both platform and international interoperability, Janrain led development of extensions including Attribute Exchange (AX) and OpenID 2.0. myOpenID was the first OpenID provider and continues to be managed by Janrain. The company maintains OpenID libraries for the global developer community and hosts these resources on its website:

<http://www.janrain.com/openid-enabled>

Representatives of the steering group should be well versed in the issues facing the global identity ecosystem. As part of this strategy, the steering group should engage with existing globally recognized standards bodies to actively champion interoperability efforts.

As a non-identity provider and forward-thinking independent commercial service provider with global reach, Janrain is uniquely positioned to help lead and provide guidance to the identity ecosystem. Janrain has continued to demonstrate this commitment to fellow service providers and the community by collaborating with Google on the recent development of its identity toolkit and by powering PayPal's OpenID service platform.

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 should work through existing global and regional standards bodies, governments and trade organizations to build consensus and to strengthen identity policy standards worldwide.

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

The steering group should synchronize interoperability efforts with existing global and regional standards bodies that are committed to advancing identity specifications worldwide. These organizations include but are not limited to OASIS, the IETF, the W3C, the OpenID Foundation and its regional chapters across the globe.

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

The steering group should work to incorporate existing standards with broad user or technology adoption worldwide where possible. The steering group should be mindful to include interested standards groups globally through ongoing collaboration, research and development, work sessions, use case deployment, communications, outreach and advocacy.

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

The Federal government can best promote cooperation internationally by helping formulate a steering committee that is diverse in nature and one that is mindful to work closely with international standards bodies worldwide. Select use cases and pilot programs should be international by their nature. The Federal government can also promote progress and cooperation by actively helping to provide outreach and communications.

Dated:

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Patrick Gallagher

Under Secretary of Commerce for Standards and

Technology

13