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Response to

[Docket No. 110524296-1289-02]

Models for a Governance Structure for the National Strategy for Trusted Identities in Cyberspace

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

By: Personal Data Ecosystem Consortium.

Kaliya Hamlin, Executive Director

Dear Patrick Gallagher,

The challenge of fostering the emergence and governance of an Identity Ecosystem is vast. The Personal Data Ecosystem Consortium agrees with the broad vision articulated by NSTIC. The approach companies in our consortium are taking transcends the “Do Not Track me so I have Privacy” vs. “Business as Usual Stalking (via cookies and device IDs)” market tension. There are several dozen startups all around the world working developing personal data stores / banks / vaults / lockers and services that allow people to collect, manage and gain value from their personal data.

Broader Trust & Accountability Framework Adoption is Good

We are keen on seeing the emergence of trust and accountability frameworks¹ that enable individuals to control data flow from services that hold their personal data and that they control. The kind of data that these companies are focused on is large and goes beyond what I originally thought NSTIC covered. I was invited to present about PDEC’s activity and industry developments around personal data at the NSTIC privacy and usability. After participating in that workshop I am more convinced than ever that the companies who have joined the consortium are on the cutting edge of where NSTIC is headed.

Government as Participant with Industry

NSTIC calls for private sector leadership to make the vision of the strategy real with government participation. PDEC is active in engaging with government officials around the world about how our model provides a way for consumers to be empowered, businesses to get value and government’s who’s responsibility to fulfill this mandate. We don’t think this can be solved by the private sector alone and some baseline regulation will likely be needed. You can see our responses to the FTC Do Not Track White Paper² and Commerce Department Green Paper³ to learn more about this.

¹ Accountability Frameworks a new name for Trust Frameworks <http://www.identitywoman.net/accountability-framework> by Kaliya Hamlin

² PDEC’s Response to the Federal Trade Commission “Do Not Track” white paper - <http://www.ftc.gov/os/comments/privacyreportframework/00472-57974.pdf>

³ PDEC’s Response to the Commerce Department Green Paper - <http://ssl.ntia.doc.gov/comments/101214614-0614-01/comment.cfm>

We share the view that government should be an early adopter. Hopefully this will include emerging technology standards and legal frameworks that are being innovated by companies in our consortium.

Space for Innovation

Our organization is very new, less than a year old, and the companies represented in our Startup Circle are small. They don't have time or money to actively engage in protracted industry negotiation where the companies with the most resources talk the longest "win". We think it is essential to use effective, structured, time bounded ecosystem mapping processes like Polarity Management and Value Network Mapping that build consensus amongst diverse stakeholders. We are applying both in our Consortium.

We have questions about how our innovative emerging sector can participate when most of the entrepreneurs are heads down building products. Serious consideration must be given to how space for emerging technical innovations such like personal data lockers with individual user control over data; business innovation such as services that as part of their Terms of Service give you the right to leave with your data; and legal innovations around the way permissioning is managed for personal data by the person themselves. We have two examples within the Ecosystem currently the Owner Data Agreement developed by Personal. Companies or services that wish to access an individual's data stored in their data vault must sign it. The founders of SwitchBook and Mydex have led the information sharing rights group at Kantara (it is also a working group of Identity Commons) and Mydex has applied to be a Trust Framework Authority to list at OIX.

How is being an innovative small company not a gating factor in terms of being a stakeholder with a voice in this effort? If the large companies such as those on the boards of OIX, OpenID, Kantara, the Smart Card Alliance and any number of large established trade associations are the only companies whose voices are heard when seeking private sector leadership there is a danger they could structure the rules that emerge in their favor as incumbents and box out innovative approaches that disrupt existing business and market models. We think the government has a role as a participant in the Identity Ecosystem giving extra attention to creating space for the little companies in emerging industries.

One suggestion is for the NSTIC Program Office to proactively document emerging industries every year to ensure that they know this effort exists and there are avenues for them to participate. I chose to respond to this NOI because of my long term involvement with the user-centric digital identity movement. If not for this personal experience PDEC as an organization might not be responding. An example of a very similar community that is nascent but cutting edge and will be very important is Augmented Reality and the efforts being led by Christine Perey to coalesce that industry⁴. Another example might be the Quantified Self movement. I imagine there are others to.

Mixed Metaphors

On the one hand NSTIC calls for a highly interoperable broad Identity Ecosystem to evolve. On the other hand the governance NOI is focused on questions around spinning up a steering group. Steering is a metaphor that comes from driving car, bike or boat. Machines people build that are

⁴ <http://www.perey.com/ARStandards/fourth-international-ar-standards-meeting/>

responsive in a linear way to actions of the driver. Ecosystems in nature and business ecosystems are not linear and can't be steered.

We chose the word Ecosystem for the name of our consortium quite consciously as a metaphor for how we achieve our goal which is a personal data ecosystem where individuals have can collect, manage and get value from their personal data. The metaphors we lean towards for how we work are drawn from ecosystem processes like catalyzing, planting seeds, nurturing ideas, cultivating dialogue, facilitating convergence, making space for divergence (all systems need to breathe), scanning the horizon, collaborating with neighbors, enabling the flow of information, creating shared resources (common goods). We hope that the authors of NSTIC also lean towards these metaphors when considering how to support private sector leadership emerging and the ongoing processes and structures chosen by the Program Office to move forward in its recommendations released after the results of this NOI are released.

Listening to Regular People/End Users is Important

We see the participation of end users in giving feedback to the system as essential. We believe that there are many effective time tested methods that go well beyond town-hall meeting formats, blog commenting, surveys or polling and voting. The National Coalition for Dialogue and Deliberation is a great resource that should be tapped along with the expertise of skilled designers and facilitators of public dialogues and consultation. Methods that should be considered are World Cafe, Open Space, Dynamic Facilitation and Creative Insight Councils.

The number of individual stakeholders for systems of identity online stretches to everyone who uses network systems and with 5 billion phones on the planet the potential number is fast approaching every person on the planet. The diversity of the world population in terms of life experience is huge. The vast majority of people are not privileged in one or more aspects of their life and the freedom to participate in cyberspace with anonymous and pseudonymous identifiers that enable them to transcend - or set aside "real world identity" is a key freedom that must be maintained, and protected, even as more systems level accountability is developed.

It is important to ensure that system defaults for various setting around data and personal information sharing in the Identity Ecosystem work for most of the people most of the time. Libertarian paternalism⁵ is a term that has been used to describe this. In most technical and financial sectors Individuals never change their default settings. We think the government could play a role in funding research about how the paradox of choice⁶ can be effectively addressed within the ecosystem.

There is a huge range of human life experience that ranges from qualities like race and ethnicity to gender expression, religious faith and practice, life stage, mental and physical disability. It is important that services in this ecosystem not just build for the dominant demographics of the technology industry of the United States. Fostering a culture of inclusion and respect of this vast range of human experience and there for potentially very different needs is key. This must be thought about when shaping the governance structures and processes for the organization and an ongoing area of attention that government should continue to highlight even after the startup phase of this steering group is over.

⁵ http://en.wikipedia.org/wiki/The_Paradox_of_Choice:_Why_More_Is_Less

International Concerns

Our consortium is International, with six companies in our startup circle based in Europe, one in New Zealand, one in Canada and a potential member in South Africa. We are clear that standards and accountability frameworks for personal data must work across the globe. We are glad to see NSTIC recognize that the strategy the importance of international collaboration. Drawing on the evolution of the user-centric identity community that many of our international startups were a part of we would be happy to share insights about processes and cultural practices that can help foster greater international collaboration.

Effective Information Sharing

Knowing what groups are in an ecosystem is a key first step but information sharing and coordination between organizations and communities who are participants in an ecosystem is key to getting it to become real.

I have heard it said more than once by those seeking to develop tools and systems for this emerging identity ecosystem – that they wish there was just “one place” where it all could be found, where all the technology would be developed. Given the vast number of organizations this is never going to be the case but what can be facilitated is much more robust information sharing systems across technical standards development organizations and communities focused on solving key challenges for a real ecosystem. There could be role for government to proactively provide this information aggregation and distribution.

We look forward to collaborating with the government and others in the private sector on evolving the Identity Ecosystem.

Warm Regards,

- Kaliya Hamlin

Personal Data Ecosystem

Executive Director.

Response from the Personal Data Ecosystem Consortium

To [Docket No. 110524296-1289-02] Notice of Inquiry
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issued by

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

July 22, 2011

Inquiries about this response should be directed to:

Kaliya Hamlin, Executive Director
Personal Data Ecosystem Consortium
Kaliya@presonaldataecosystem.org

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