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Transforming our Relationships with Information Technologies

NSTIC Governance: A Climate of Trust

**Recommendations and key assumptions in the
formation and structure of the proposed NSTIC
steering group**

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What is this note?

This note is drafted in response to the “Notice of Inquiry” published by the US Department of Commerce in June 2011 as part of the Department’s review of governance models for a ‘steering group’ that will administer the processes for policy and standards adoption for the ‘Identity Ecosystem Framework’ foreseen within the National Strategy for Trusted Identities in Cyberspace (NSTIC), approved by the White House in April 2011.

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The Notice explicitly seeks comments “in the form of recommendations and key assumptions in the formation and structure of the steering group”, explicitly regarding the initial establishment of the group and its structure and functioning once in “steady state”.

This note therefore constitutes my response to the Notice of Inquiry.

Who am I?

I work as an independent business and technology consultant in Los Angeles.

I am currently Chairman of the Board of Directors of OASIS, one of the most prominent global open standards organizations whose mission is to “advance open standards for the information society”.

My professional interests and experience are in organizational governance and stakeholder analysis; in electronic identity frameworks; in Service-Oriented Architecture (SOA); in public sector policy making for the information society; and in developing solutions that achieve balance between what is technologically feasible; politically desirable; and publicly acceptable.

Subject Matter expertise

More explicitly, I am an editor of the OASIS “Reference Model for Service Oriented Architecture (SOA)”, the more detailed “SOA Reference Architecture Framework” and currently working on the “Transformational Government Framework (TGF)”, cited during the recent NSTIC governance workshop as a possible methodology for NSTIC. I am also active in other technical work including “Identity in the Cloud” and the “Privacy Management Reference Model” that was presented at the NSTIC privacy workshop.

I was detached from the European Parliament in 2005, to go to work with the Austrian Federal Government, working there on their citizen-centric electronic identity framework. I also coordinated work with other EU member states and the European Commission as part of the European Union’s 2005-2010 eGovernment Roadmap.

Governance, political and process expertise

I am familiar with the delicate and intricate nature of large scale, public-private programs, as well as with the dangers, opportunities and challenges that they present. My experience in various EU projects; working with national and world leaders in political, legal and organizational projects; and chairing the Board of Directors of OASIS; have all given me extensive practical experience to go with

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the formal standards work I have done over the years covering issues of stakeholder governance, requirements analysis, and formal modelling of complex ecosystems. The most recent “Transformational Government Framework” (TGF) is a major piece of work that provides a *managed process* of ICT-enabled change in the public sector, which puts the needs of citizens and businesses at the heart of that process and which achieves significant and transformational impacts on the efficiency and effectiveness of government.

Why am I responding to the Notice of Inquiry?

I am responding because I believe that both my personal experience and the experiences of the organizations with whom I have worked over the last 25 years (in public, private, for-profit and not-for-profit sectors) offer valuable insights into a particularly complex program of work that needs to be addressed with diplomacy, courage and professionalism.



Key Assumptions

1. Time is of the essence

The National Strategy was signed by President Obama in April this year. The National program Office, proposed in the strategy, needs to be supported as soon as possible by a stakeholder-driven steering group. The June 2011 Governance Workshop in Washington, D.C., stressed that the timeline for the strategy would probably take the program through to January 2016. It is inconceivable therefore, that NSTIC would use a considerable part of that timeline just to put its governance infrastructure in place. A core part of the steering group, if not the whole steering group, should be in place by October 2011.

2. NSTIC should not attempt to re-invent the “governance” wheel

NSTIC is faced with the challenge typical of any complex multi-annual program – putting in place governance structures, rules of procedure, accountability, publication and dissemination of its decisions, etc.

In the initial *Notice of Inquiry*, reference is made under “2. Steering group Initiation” to three broad categories of means by which the steering group could be formed, broadly, “build your own”, “use an existing organization”, “use Federal legal instruments”. There is also a variant of the second option: to use an existing organization’s governance model as a template for a new body.

Whichever approach be taken, NSTIC should avoid re-inventing the wheel and allow itself to use existing organizations – or, at the very least, the *governance models* of such organizations – rather than start ‘from scratch’.

3. All Stakeholders cannot be represented on the NSTIC steering group

At the NSTIC Governance Workshop in Washington, D.C., in June 2011, various suggestions were made about the size of the proposed steering group (between 15 and 25 seemed to dominate as proposals) as well as its composition. I believe the figures are artificial and reflect implicit assumptions about whom and what the steering group should represent.

Frankly, the atmosphere at the workshop was dominated by a Shrek-like quality with many participants desperately calling, like Shrek's friend Donkey, "Pick me, pick me". Furthermore, the motive was, more often than not, to seek that a particular solution or way forward be picked out as preferential.

Given the range of commercial, academic, consumer, privacy, not-for-profit as well as public sector actors, the steering group cannot possibly 'represent' all stakeholders. The best it can do is to ensure that the individuals chosen to be on the group can collectively reflect the broadest possible range of stakeholder interests.

4. "Balance" is illusory. Transparency is key

What is the point of balance? Both in the sense of "at what point can the steering group be said to be 'in balance'?" as well as in the sense, "why bother?"

The interests being brought to the table cannot be plotted along a single axis or using a single criterion. It is illusory therefore to imagine that there exists some objective point of balance that can be achieved by the right number of participants on different "sides" of this balance point. For example, a strong privacy advocate might also be personally hostile to a particular technology or platform; a valued identity service provider may nonetheless have strong views about the mix of federal, state and local government involvement; and so forth. Blindly pursuing some mythical "balance" as a goal in itself is potential damaging and certainly distracting.

5. NSTIC needs to hit a critically important "sweet spot"

The White House has already ruled out that the NSTIC will be driven by public policy alone. The strategy is explicit about the private sector taking a leading role.

Equally, it is not a citizen-driven initiative. Considerable Federal Government resources are earmarked for the program.

If NSTIC is pursued as a purely technology-driven program, however, without due attention to public policy or public concerns, it will also fail.

6. NSTIC needs to establish a climate of trust

NSTIC is a high-profile, potentially high-risk and high-reward strategy. Its core mission is about trust – even the most secure online system amounts to nothing if it is not trusted and used as foreseen. The most common vectors of attack on online security remain social and human and it will be the

capacity of the strategy to address these weaknesses – engendered by lack of trust – that will be a major success factor for the program.

4 Recommendations

In response to assumption 1:

1. Keep it simple

The NSTIC, as both a strategy and a multi-year program, will be complex but this is not an excuse to set up an elaborate and top-heavy infrastructure from the get-go. The original strategy document underlines that the Federal government will play a largely background role – letting the private sector drive the large part of the initiative – but nonetheless needs to ensure that the core principles are adhered to. Favor therefore a simple governance structure that is easy to understand and hold to account.

2. Establish program leadership as soon as possible.

Consider appointing a small ‘core group’ as soon as possible, including the future chair of the steering group, in order to establish unambiguous program leadership (see also Recommendation 8).

Unless there is a decision to establish a Federal Advisory Committee – in which case many of the operations, nomination of members, etc. will be covered by the provisions of law¹ - the sponsoring agency, NIST, will have some margin of maneuver in the procedures that it intends to follow. Even if not used, FACA nonetheless represents a “good practice” guideline whose provisions (including chartering, committee management, membership, public access, federal ethics and conflict of interest laws) can be used for any steering group that is established.

3. Establish a brand as soon as possible

In order to create a pole of attraction around which initial discussion can focus, the national program office should set about creating a simple but attractive corporate identity by which the national strategy and program can be known publicly. NSTIC hardly trips off the tongue – either as an abbreviation or stated in full. An example would be something like “TrustUSA.gov”.

In response to assumption 2:

4. Don’t look for an artificial starting point: start from where you are.

The appointment of a small core group by NIST or the Secretary of Commerce would “bootstrap” the whole process of chartering and creating the steering group. That group could start work immediately in performing a stakeholder analysis and identifying the best method for identifying, selecting and nominating the remaining members of the steering group.

¹ Federal Advisory Committee Act (FACA) 1972, as amended.

5. Identify, in the first instance, stakeholder organizations with a governance model that fits NSTIC requirements

As Chair of the Board of Directors of OASIS², I am proud of the organization's record in hosting and managing consensus and oversight groups. OASIS will be responding separately to the Notice of Inquiry and I do not intend to make their case here. However, I do believe that the governance model that OASIS uses – particularly for its so-called “Member Sections” – is particularly well suited to NSTIC and this model should at the very least be considered when establishing the criteria for the steering group.

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The core group should take the result of any stakeholder analysis and identify which of the models for a steering group is most appropriate and may also identify existing stakeholder organizations that it wishes to recommend to the NPO as a “host” for the NSTIC.

6. FACA may not be an appropriate instrument but is a useful stick or carrot.

Federal Advisory Committees can be created “only when they are essential to the performance of a duty or responsibility conveyed upon the executive branch by law.”

It could be argued that an FAC is not essential, as the objective (or soliciting input and advice) can be achieved by other means. Furthermore, the role of the private sector as lead actor in the strategy has been underlined, which would tend to rule out an FAC as an appropriate instrument of Federal government involvement. See however Recommendation 8 regarding its possible initial role.

If the experience in the early days of trying to establish the steering group prove too painful and/or consensus is difficult to achieve, the “stick” of establishing a FAC could prove decisive in marshaling stakeholders to come to an agreement without further intervention.

7. Consider establishment of a *sui generis* organization to host the steering group only as a last resort.

If it is not possible to identify a suitable host organization and if the approach of establishing an FAC is not pursued, then the program office can resort, practically “off the shelf”, to a palette of policies, tools and procedures from existing organizations and that can be employed at relatively short notice, provided that there is a “bootstrap” mechanism to kick-start the whole steering group.

² Organization for the Advancement of Structured Information Standards, www.oasis-open.org

In response to assumption 3:

8. Leadership is needed to bootstrap the steering group

6 If left entirely to itself to establish a steering group, the “stakeholder community” – however defined – is likely to be caught up in potentially interminable discussions about size of group, representation, functioning and procedures, rather than getting down to work.

Although potentially unpopular in the short term, a “guiding hand” from the Federal Government (whether that be the Executive Office of the White House; the Secretary of Commerce; or NIST as the PMO) should help the process along by nominating: 1) a small group (3-4 person) charged with stakeholder consultation to establish the full steering committee; and 2) the chair of the steering group.

This group – and the chair in particular – have the responsibility of ensuring that the steering group functions effectively and that its members, collectively and individually (both the core group and the whole steering group), remain faithful to the guiding principles of the National Strategy.

9. The qualities of the core group should be leadership and accountability; of the steering group, a collective commitment to representation

The persons nominated in the initial core group need to “remain above the fray” – they should be individuals selected for their personal qualities and proven abilities to work with and achieve consensus among diverse stakeholder interests; not associated with any particular stakeholder group; willing to stand up for and defend the core principles of NSTIC when others may seek to undermine them; willing to be held to account by the Secretary of Commerce and the White House Executive Office.

The members of the steering committee together need to pledge collectively to represent all stakeholder interests and to recognize that they each, individually, play multiple roles in the group and thus need to be transparent about when their views reflect a particular interest group.

10. Rather than attempting to represent every stakeholder, identify the range of stakeholder types which need to be taken into account and represented in the steering group.

The function of the steering group members, individually and collectively, is to ensure that as many as possible stakeholder interest types, personal qualities and experiences are represented around the table. It should be neither the objective nor the function of any individual steering group member to seek to “represent” a specific stakeholder or group. The steering group should rather *collectively* seek to represent all stakeholder interests.

11. The size of the steering group is an important criterion.

The size of the steering group should be a reflection of manageable dynamics and breadth of interest. A group that is too small will not reflect a broad range of qualities, experiences and

interests. A group that is too big will impede effective decision-making. A group size of 11-15 would be ideal.

The work of such a steering group should be complemented and supported by a wider “Stakeholder Forum”, possibly further organized into distinct “Communities of Practice”. The Forum should provide mechanisms in which the voice of any stakeholder, large or small, can be heard. It remains the responsibility of the steering group to ensure that the voices heard are nonetheless reflected in proportion to their overall relevance and importance to the NSTIC.

In response to assumption 4:

12. Stakeholder mapping is key to identifying the stakeholder interests that need to be represented.

There is an all too prevalent assumption that elected or appointed “representatives” bring a single and undifferentiated stakeholder interest to the table. We are all complex individuals and bring a range of interests and influences to bear in any situation, oftentimes not the interests for which we were originally chosen.

The process of rapid but nonetheless detailed stakeholder mapping³ will reveal the *types* of stakeholder whose interests need to be taken into account and thus represented within the steering group.

13. Representativity of the overall steering group is important.

The steering group should strive to reflect and represent as wide a range of views as possible but it is most relevant to recognize and publicly acknowledge that each person on the steering group will bring a complex mix of interests and points of view on a wide range of criteria. It is the ability of the group as a whole to speak up for all types of stakeholder that is important, not a (probably doomed) attempt to have every stakeholder represented directly.

14. While balance may be illusory and not possible, transparency is both possible and necessary.

Transparency around what each steering group member reflects, believes, and argues about, is of central importance. Each member of the group will, at one time or another, take a position seemingly at odds with the stakeholder group that they would, nominally, be most associated with. This is an inevitable and positive result of having a wide mix of interests and talents around the table. Provided that any contribution does in fact add to the value of the group’s work and that the overall work continues to reflect overall stakeholder interest, this is to be welcomed – but should be known to all.

All correspondence, postings, meeting proceedings and documents considered by the steering group should be public⁴. The ability of the steering group to maintain its authority will depend on

³ See for example the ‘Collaborative Stakeholder Governance Model’, part of the *Transformational Government Framework*, under development in OASIS, <http://www.oasis-open.org/committees/tgf/>

both its ability to work as a collective on behalf of all stakeholder interests and its willingness to conduct its work under public scrutiny.

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In response to assumption 5:

15. Identify the NSTIC “sweet spot”

For any and every technology-related strategy or program like NSTIC to succeed, a mix is needed of:

- what is technologically feasible;
- what is ‘politically’ desirable as public policy; and
- what is publicly acceptable.

Finding the “sweet spot” for NSTIC will be key to the program’s success. The mix will be different in countries and regions around the world. The steering group needs an explicit debate and agreement about what will be the ‘right mix’ for the USA.

Understanding this will also be key to identifying the types of stakeholder that should be represented on the steering group.

16. Ensure that the steering group is capable or articulating this balance

Members of the steering group coming from an intensely technological background may not be able to articulate sensitive political concerns. Public sector representatives may not be able to stress the predominant role of the private sector in this initiative. The core leadership group bears a heavy responsibility to articulate the balance of forces that drives the NSTIC and its program and need to bring media and diplomatic skills to the table.

17. Ensure that NSTIC work is motivated to keep on target

The steering group needs a set of critical success factors and measurement criteria that can be used to continually assess to what extent NSTIC work remains on target and in conformity with the Guiding Principles laid down.

In response to assumption 6:

18. “Trust” is a keyword throughout the strategy and program.

The strategy needs to create a climate of trust. If people – whether acting as individuals or on behalf of an organization or business – are to trust the Identity Ecosystem Framework that is being developed in their name, they need to trust the solutions themselves but also the stakeholders involved and the processes by which the solutions are created, managed, authenticated, certified and maintained.

⁴ notwithstanding any overriding national security imperative, personal data protection or other legal requirement.

For these reasons, transparency is critical (see recommendation 14) – whatever formal “hat” each member of the steering group carries, there should be visibility and insight into their reasoning and arguments in favor and against different decisions of the group. This sort of accountability will strengthen the climate of trust.

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19. The NSTIC Steering Group must lead by example

In its leadership, its composition, and its ability to work collectively to represent the collective will of all interested stakeholders, the steering group carries a considerable responsibility to engender the climate of trust needed to bring the strategy to successful completion of defined milestones. The group generally, and any core group in particular, must demonstrate its ability to stand above the fray and lead in the interests of all Americans.

Bibliography

Transformational Government Framework (TGF), currently under development in OASIS, <http://www.oasis-open.org/committees/tgf/>, includes so far:

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- *TGF Primer – a detailed introduction to the Framework, concepts and use*
- *TGF Pattern Language – a formalization of the Framework expressed as a pattern language*