



SAFE-BioPharma Response to the National Strategy for Trusted Identities in Cyberspace Notice of Inquiry

In response to the Department of Commerce's Notice of Inquiry requesting public comment from on potential models for the formation and structure of the Steering Group, SAFE-BioPharma offers the following input.

These comments were submitted on 2011-07-22

Background:

SAFE-BioPharma is a 501(c)(6) non-profit association originally implemented to provide a standard means for the biopharmaceutical industry to manage digital identities in response to regulatory requirements and business process needs. Subsequently, the development of requirements in the healthcare spectrum resulted in the expansion of the SAFE-BioPharma standard to that industry as well. SAFE-BioPharma is actively involved with multiple other identity frameworks including Kantara and OIX. In addition, we operate a PKI bridge certification authority that is cross-certified with the US Federal Bridge at the basic and medium CBP assurance levels and is in the process of Federal Identity, Credentialing and Access Management (FICAM) program certification at levels 2 and 3 assurance. We are also one of the conveners, with OIX, of a cross industry initiative developed to discuss and coalesce responses to this NOI. This group has developed a set of 10 principles that it thinks should drive the formation of the NSTIC Steering Group which are cited in our response as noted herein. SAFE-BioPharma strongly believes the NSTIC is a viable means to provide a coordinated, industry and citizen led means to assure strong internet identity management and attendant enhancements to citizen privacy and security.

On July 13, 2011 a group of potential industry and commercial stakeholders came together to develop a set of principles they felt helpful in driving the NSTIC forward. The group included organizations that operate PKI bridge infrastructures that are cross certified with the Federal Bridge CA and Trust Frameworks that are either currently certified, or in the process of becoming certified by the FICAM program. This group came to agreement on the July 13th Ten Points of Consensus, which we believe directly address many of the NOI questions. The Points of Consensus, including references to the NOI questions, follows:

1. Government is a stakeholder, not administrator

- No government to have oversight power in steady-state
- Could be own stakeholder group (i.e. federal, state, tribal, local, foreign etc.)
- Could be involved in more general stakeholder groups as both a Relying Party and an IdP

NOI Sections: 1.9; 2.5; 3.7

2. Government provides seed money

- Will need both monetary and in-kind support to get Steering Committee off the ground in initial stages
- Included in that is the funding of pilots
- Government will also need to deliver customers

NOI Sections: 2.2; 2.3

3. Peer relationship among members

- Steering Committee working groups should be liaisons with existing SDOs/Industry Working Groups
- Must avoid choke points

NOI Sections: 1.1; 3.1

4. Steering Committee processes will be transparent, deliberative, and open

- Think in terms of GOALS not MILESTONES
- Ensure targets, but limit liability to have to justify them

NOI Sections: 1.3; 1.8

5. Smart Grid is a sector specific, yet useful model of phased development (Stage 1: Design, Stage 2: Rules, Stage 3: Execution)

- Organizational model as discussion starter: <http://collaborate.nist.gov/twiki-sggrid/pub/SmartGrid/SGIP/SGIPStructure.png>
- Development of Steering Committee must come in phases, and prepare to be flexible
- Must prioritize designation of stakeholder groups
- No “NIST Oversight” in steady-state (see also Point of Consensus 1)

NOI Sections: 1.1; 1.2; 2.1; 2.2; 2.3; 2.4

6. Conscious effort to involve privacy/consumer/end-user constituencies

- Ensure that all stakeholders have a voice on Steering Committee, including smaller or newer contributors to the online identity space
- Steering committee must initiate education/communication platform for end-users
- Leverage organizations that are already engaging broad populations of people (e.g. NGOs like AARP, Trade Groups, SDOs)

NOI Sections: 1.1; 3.1; 3.2; 3.3

7. Steering Committee creates a sustainable funding model, without pay-to-play relationship

- Government to provide seed money, but up to Steering Committee to determine funding structure moving forward
- Representation not contingent on fee
- Must not muscle-out stakeholders with less financial resources
- Funding source could be excise revolving fund from trustmark fees

NOI Sections: 1.4; 3.4; 3.5

8. Sensitivity to requirements for international collaboration

- Diplomacy
- Open, collaborative approach
- Definition of stakeholders must take international community into account
- International community should be informed by

NOI Sections: 3.7; 4.1; 4.2; 4.5

9. Minimize adverse legal impacts caused by government involvement (e.g. FACA)

- If the Steering Committee is perceived as advising the government on policy, then Federal Advisory Committee Act (FACA) will be triggered.
- FACA is painful: red tape, oversight, etc.
- *If private sector leads as by design, (and government becomes a stakeholder participant) then FACA can be avoided.

NOI Sections: 1.1, 1.9, 2.2, 2.3, 2.4

10. Don't break anything that's working today

- Focus should be on building up from existing infrastructure, standards
- Identifying weaknesses and action plans to address them
- Helping the visibility of trusted identity

NOI SECTIONS: 1.6 2.1, 4.4.

As one of the co-conveners of this group along with OIX, SAFE-BioPharma accepts these principles and has built its response with the principles in mind.

Specific responses follow.

1. Structure of the Steering Group

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?

Response: The Steering Group must be an organization of peers drawn from groups with vested interests with a conscious effort to include the privacy/consumer and end user constituencies. Every effort must be made to ensure that all stakeholders have a representative voice on the Steering Committee, including smaller or newer contributors to the online identity space. The Steering

Group should leverage existing work that has been done by other groups and some of the associated models that have proven effective, e.g., Smart Grid, Kantara, OIX, SAFE-BioPharma, CertiPath, the FBCA and the Research and Education Bridge, American Bar Association, etc. The Steering Group should consider implementing a set of technical and policy working groups that would liaise with existing SDOs, SSOs, and Industry Working Groups, among other tasks. In forming the Steering Group, an ad hoc committee should ensure that stakeholder groups are prioritized in terms of membership on the Steering Group. We suggest this ad hoc committee include at least the interested parties that met in Washington to develop consensus principles and this group identify additional organizations/communities to include as stakeholders. The government should be a stakeholder but only as either a peer to other stakeholders or an observer (i.e., not as the directing force).

In addition to being ultimately responsible for the specification of the Identity Ecosystem Framework, the Steering Group should also facilitate the creation of working groups of experts and stakeholders, offer guidance to the working groups, and co-ordinate communication and overall direction between them. The Steering Group itself should not make unilateral decisions but should rather ratify recommendations of its supporting working groups, unless there are conflicts or inconsistencies between the working groups that would affect the viability of the Identity Ecosystem Framework.

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?

Response: Smart Grid is a sector specific, yet useful model of phased development (Stage 1: Design, Stage 2: Rules, Stage 3: Execution). Smart Grid provides a good organizational model as discussion starter at : <http://collaborate.nist.gov/twiki-sggrid/pub/SmartGrid/SGIP/SGIPStructure.png>. SAFE-BioPharma suggests that the development of Steering Committee must be phased and flexible in terms of accommodating input from various stakeholders.

We suggest the Steering Group create a set of subordinate working groups, composed of participants to that would address specific questions and issues with the goal of making recommendations to the steering group for approval. These working groups should include representatives from necessary areas of expertise and might even be structured to include specific groups to address technical, legal, policy, privacy, security, and operational questions. Groups should also work to ensure stakeholder representation from ecosystem participants: public sector, private sector, end-user, and international. We suggest that the Steering Group does consider whether the NSTIC can move forward rapidly and effectively as a fully volunteer staffed effort.

The Kantara Initiative and SAFE-BioPharma offer models for the creation of such groups. Such voluntary groups expand the opportunities for participation under the guidance of the steering group.

In addition, SAFE-BioPharma suggests that the Department consider two other multi-sector examples for useful structures to consider. First, the Common Criteria Evaluation and Validation Scheme (CCEVS) that involves both NSA and NIST could offer a very instructive structure since it involves an oversight body known as the CCEVS Validation Body (which could be analogized to the Steering Group for NSTIC), testing laboratories (which could be analogous to the entities that would certify participants in the NSTIC), an accreditation function, and participants with products or services to be certified. See the figure on p.7 of the CCEVS Publication #1 at <http://www.niap-ccevs.org/cc-scheme/policy/ccevs/scheme-pub-1.pdf>.

A second entity to consider would be the Internet Engineering Task Force (IETF), which also involves a framework with analogs that could work well for the NSTIC.

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.

Response: The stated functions of the steering group;

- “the steering group will administer the process for the adoption of policy and technical standards, set milestones and measure progress against them, and ensure that accreditation authorities validate participants’ adherence to the requirements of the Identity Ecosystem Framework”;

may be broadly interpreted and offer sufficient opportunity to operate. The key will lie in how the steering group defines, and implements, more specific functions in support of each of the broad functions included in the NOI. This includes such efforts as developing a sustainable revenue model; working group creation and implementation; working group recommendation approval process; certification criteria and management process; citizen education and communication; approving accountability measures, and others to be determined as the effort evolves.

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?

Response: The stated functions of the steering group;

- “the steering group will administer the process for the adoption of policy and technical standards, set milestones and measure progress against them, and ensure that accreditation authorities validate participants’ adherence to the requirements of the Identity Ecosystem Framework”;

may be broadly interpreted and offer sufficient opportunity to operate. The key will lie in how the steering group defines, and implements, more specific functions in support of each of the broad functions included in the NOI. This includes such efforts as developing a sustainable revenue model; working group creation and implementation; working group recommendation approval process; certification criteria and management process; citizen education and communication; and others to be determined as the effort evolves.

1.5. To what extent does the Steering Group need to support different sectors differently?

Response: The Steering Group must be mindful that some sectors may be more highly regulated or have different requirements than others. For example, sectors that handle sensitive information, support the DIB, or interact with critical infrastructure will likely have different needs than others. Therefore, the Steering Group must make every effort to ensure adequate representation and voice for the different sectors. In some cases, the Steering Group may have to accept special provisions based on input from the relevant working groups. The Steering Group must monitor the balance of sectors within the working groups to ensure adequate voice. The Steering Group should also ensure that guidance to the working groups includes the requirement to ensure adequate review of regulatory requirements where they exist.

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?

Response: As noted above the Steering Group should ensure sector representation of regulated industries. The Steering Group needs to have a mechanism that ensures the authorities responsible for sector regulation verify that recommendations do not conflict with current requirements or that there may be a case for changing regulations based on new and evolving practices and technology. As the NSTIC evolves and leads to improved processes, practices, and technology opportunities to revise current regulatory requirements may arise and lead to more efficient and productive use.

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 2 **regulation from regulated participants in the Identity Ecosystem?**

2 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.

Response: Regardless of the impact on regulated sectors, the Steering Group should provide clear guidance to non-regulated sectors to ensure these sectors can implement appropriate provisions of recommendations in such a manner that they are not adversely affected or otherwise burdened by any non-applicable regulatory requirements. Imposing such regulatory requirements on all stakeholders could create a situation where adopters wind up abandoning the ecosystem. As just one reasonably close analogy, consider the result of the imposition of key escrow and related issues during the crypto wars of the early 1990’s. Entities that did not want or need such features banded together and effectively killed the Clipper chip, the mandatory government algorithms, and key escrow.

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 must operate as a consensus-driven governance and proactive/directed communication entity. Other characteristics, some of which were introduced previously, include awareness and knowledge of existing and evolving identity management standards and technical capabilities; rulemaking authority derived from the inherent nature of the group and not necessarily mandated by government action or process; an inclusive representational structure (including representation of the U.S. Government); ability to foster and promote public-private partnerships; and knowledge of international issues that impact identity. Regarding the rulemaking aspect of the Steering Group, we stress the voluntary industry-led nature of the Steering Group and participation in the NSTIC proper. As such rulemaking should not suggest legal or government fiat, but rather should emanate from the NSTIC itself in such a manner that rules, processes and procedures that may be established come from the actual operation of the working groups and are validated by the Steering Group.

The Steering Group must include individuals with established expertise and experience in relevant fields (e.g., identity management, privacy, legal and technical interoperability), ideally with cross sector awareness and understanding. The Steering Group should be at a reasonable size (no more than fifteen (15)) members to enable flexibility and reasonable expectation of consensus. Above all, the Steering Group **MUST NOT** be perceived as controlled by the government, a single sector or lobby, or a small minority of sectors or lobbies. The Steering Group must

be balanced so that the agenda of any one sector does not dominate the legitimate interests and participation of any others. Unless circumstances require confidential treatment of proceedings or discussions (such as involving unpatched threats or law enforcement investigations) the work of the Steering Group should be completely open and transparent to the public.

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?

Response: Federal, state, local, and tribal governments should participate as fully recognized stakeholders. That stakeholder group should have the same rights as other stakeholder groups represented on the Steering Group, with no disproportional vote or influence over any other participant. More specifically, the U.S. Government (as a stakeholder) should not have any special privileges, e.g. veto power, over decisions of the Steering Group.

The federal government has already publicly stated that the NSTIC must be drive by the commercial sector. While government applications and needs must be supported, those of the commercial and civil sectors must be the primary focus of the NSTIC. Therefore federal government should resist the urge to promote federal-specific requirements – e.g., through the imposition of FISMA on largely civil and commercial sectors just because they interact with the federal government. Such a requirement would impose significant burdens, including cost and other operating inefficiencies, upon many private entities and organizations.

SAFE-BioPharma suggests that maintaining government participation is important for the steady state, but only with the understanding amongst all stakeholders that the government(s) involved have no privileges or power any greater than any of the other stakeholders. Government intervention to a minimum in the steady state should be established as a policy goal.

Because of its existence primarily as a commercially driven structure to support the needs of the commercial community (both business and consumer), the Steering Group must not be established as a formal advisory committee subject to the Federal Advisory Committee Act, nor should it be treated as a U.S. Government contractor. To the greatest extent possible, it should operate as a private organization with multi-level government participation as a peer stakeholder and participant in open and public discussions. The government participants should determine for themselves the benefits of their participation and how they choose to apply the results.

2. Steering Group Initiation

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?

Response: SAFE-BioPharma does not support option (c) as defined in the NSTIC NOI (i.e., use of government authorities). Further, while we are a member of and participated in the development of the Kantara Initiative response to this NOI, we do not support the establishment of the Steering Group within any existing organization (including any of the currently cross certified PKI infrastructures or the currently certified FICAM Trust Framework providers), as suggested by option (b) in the NOI. While there are potential advantages to this approach, SAFE-BioPharma suggests that the importance of this effort and the breadth of support and participation required would be best served by a new organization created by the participating stakeholders. We suggest that the participating stakeholders should include those organizations that might fit in option (b) and that these stakeholders would contribute their expertise and experience to facilitate the development and implementation of the steering committee and its supporting work groups. This option also eliminates any possibility of a perception on the part of stakeholders that any one existing organization is somehow perceived as the superior among equals.

SAFE-BioPharma further suggests that the authority for a new organization formed per option (a) will be stronger as a result of the agreement amongst the forming stakeholders as opposed to a pronouncement by the government, which might be the perception resulting from using either of the other options.

Regardless of the method used and despite the expectation that the commercial sector be the primary driver, we perceive a need for significant funding from the NSTIC program office during the period of initiation and maturation of the NSTIC effort. A significant part of the responsibilities of the steering committee will relate to the development of a funding model to support operations at steady state.

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?

Response: As stated above, SAFE-BioPharma recommends the government take a role as an equal stakeholder and source of initial funding for the steering committee. The government should neither lead nor direct the steering committee, and during this initial phase should resist any tendency to assume such a role.

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

Response: The government can be most effective by facilitating support during the initial stages of steering group development with direct financial and other material support (e.g., subject matter expertise) rather than leading or directing the work of the Steering Group.

The initial work includes developing the scope and objectives for the Steering Group, and implementing as soon as possible. SAFE-BioPharma believes there will be significant effort to define the Steering Group charter, processes, procedures and rules of participation. SAFE-BioPharma suggests the initial set-up and early-stage development may require between 12 and 36 months. Material support may include hosting physical and virtual environments (e.g. a web site, group lists, teleconference and physical meeting facilities) as well as paying for secretariat and other key posts.

The government, regard of the fact that it will make its own internal rules, must resist the urge to impose needlessly restrictive rules on the commercial sector. For instance, the government must resist the urge to impose the levels of security and operations in use to support the Defense and Intelligence communities on commercial entities that will never have such requirements. The NSTIC must be free to operate a completely risk based infrastructure that supports the tenet of minimally stringent rules and requirements for given needs, government and commercial.

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?

Response: The organically formed route suggested by option (a) might carry greater risks but these can be mitigated by requiring adoption of specific operating processes and procedures as part of the charter of each Working Group. No individual stakeholders or groups of stakeholders must be allowed to dominate or control the group. Open representative and democratic processes are the best way to manage the risk that the Steering Group might be derailed by special interests.

The use of an existing stakeholder organization suggested by option (b) could also present greater risks. The endorsement of an existing organization might be interpreted by some as a tacit endorsement of that organization and its policies by the government and/or any other entities that provide such endorsement. This could result in reluctance to participate on the part of other stakeholders.

The US Government's role might therefore be modeled on the role it plays in

sponsoring research and development. These include promoting open solutions developed outside of government.

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.

Response: SAFE-BioPharma suggests a phased implementation for the strategy as noted in our response to question 1.2. The government is currently establishing the NSTIC Program Office as a facilitator to set initial high-level goals. The government should relinquish this role to the Steering Group at an early stage. SAFE-BioPharma suggests the government role include the following:

- a) facilitation of the Steering Group and supporting working group formation ensuring the three fundamental principles (openness, democracy, broad representation);
- b) undertaking an early assumption of a role as a peer stakeholder within the Steering Group and supporting working groups, to meet the goal of an industry-led group;
- c) participate, as an equal member of the Steering Group, in decisions related to Steering Group execution of the NSTIC budget, such that the government, which is providing significant early stage funding of the effort, has transparency into expenditures;
- d) proposing and supporting proposed changes to legislation or international agreements and shepherd them through the legislative and, potentially, international agreement processes.

3. Representation of Stakeholders in the Steering Group

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?

Response: The Identity Ecosystem includes diverse **entities** including industry, government, and other private sector organizations. To entice such participation, the Steering Group should consider development of appropriate messaging for such entities (e.g., tailored messages as to why it would be helpful to the organization to participate and what the benefits would be to the members of that particular group.

At a high level these organizations should include those that represent:

- a) Identity Providers;
- b) Attribute Providers;
- c) Consumer, Privacy and Civil Liberty organizations;

- d) Communication and information technology infrastructure and application providers;
- e) Certification and Education Organizations;
- f) Standards Development and Standards Setting Organizations;
- g) US Government agencies;
- h) State, local, tribal, territorial and other sovereign government agencies;
- i) Identity management application and infrastructure providers;
- j) Organizations representing users and consumers of online services that rely on trusted identities.

The Steering Group should draw its leadership and/or subject matter, policy and operational expertise from these organizations. The Steering Group should leverage other research and development think tanks and domestic and international identity policy development fora to address particular areas of interest and challenge in establishing an Identity Ecosystem that meets the goals of NSTIC.

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

Response: Steering Group processes and records should be fully transparent and open to public observation and public comment periods. The Steering Group should provide at large seats for individuals who can provide leadership and expertise, despite not participating directly in the Identity Ecosystem. The Steering Group should publicize a process for interested entities and their representative individuals to register their interest and become involved in the NSTIC process. The Steering Group could design a means to facilitate an appropriate level of participation by such individuals and groups. A possible model might be derived from the American National Standards Institute (ANSI) Essential Requirements, in which due process requirements for ANSI standards were designed to ensure that the interests of all persons who are directly and materially affected by standards-setting activities are considered in standards-setting processes. This same process could be implemented for indirect participants

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

Response: Balance requires that representation on the Steering Group include a solid cross section of stakeholders in the ecosystem outlined in 3.1. Pure size does limit the number of representative stakeholders. Stakeholders should apply to be part of the Steering Group. In this case, the government (and the group of participants in early voluntary meetings related to establishment of the Steering Group) may provide a reasonable filter. The Steering Group must allow no more than one individual from a particular firm/organization to be a formal member of the Steering Group. The

Steering Group should aim to include organizations small and large, for profit and not-for profit, as well as a balance of providers and users. This can be achieved by allocating seats on the Steering Group to representatives of different interest groups within the Identity Ecosystem.

A super-majority voting requirement with each member receiving one vote regardless of any contributions in terms of money or other resources could be used for matters involving policy in order to guard against disproportionate influence. SAFE-BioPharma believes that while consensus is a good goal, it is likely that it will be difficult to attain in many cases, therefore the recommendation for super majority. To support this and maintain some level of achieving such a super majority there must be a means of ensuring quorum to the maximum extent possible. There are models again in existing organizations. One such model is the Kantara model for its working groups in which voting rights are only maintained if the voting member is present for meetings. If a member misses two consecutive meetings their voting rights are removed. These rights may be reestablished by voice request at the next meeting the member attends so the removal is not permanent. In this way the number of votes required for passage of an action varies according to the actual attending members.

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?

Response: SAFE-BioPharma recommends that, at least during start-up fees should not be a source of funding. As suggested earlier, we support initial funding via the NSTIC Program Office while the Steering Group works to determine long-term goals, resource requirements and possible funding models. If some sort of fee model is the eventual outcome, we strongly recommend that participation **NOT** be tied to the fees. We suggest this is essential to maintaining the open and participatory focus of the organization.

If fees are eventually used to offset some levels of government funding they should be structured so that the Steering Group does not discriminate against organizations based on size or wealth. Many organizations use tiered pricing ensure open and affordable. The Steering Group should make it a policy to achieve this goal. Participation in the Steering Group must not viewed as any type of pay to play situation.

If the Steering Group determines fees must be levied from the beginning, we suggest a tiered structure that makes participation possible for the various types of entities that are needed to assure success.

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.

Response: SAFE-BioPharma suggests that the NSTIC review the financing models of previously referenced organizations such as IETF, Smart Grid, Kantara, etc.

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?

Response: The Steering Group must operate to ensure equal, adequate and effective representation of all stakeholder groups. Implementation of any “weighted” system of voting would depend on how representation was established. If participation in the Steering Group was carefully balanced, the assumption would be that equal voting rights would be adequate. If some stakeholders are not adequately represented, weighted voting might be necessary but such a determination should be left to 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?

Response: We suggest that previous answers have clarified our position on this question. However, we suggest that a continuing review of its membership by the Steering Committee may provide on-going assurance of balance.

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.

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

Response: One of the many Steering Group goals should be the development of an

Identity Ecosystem that international governments and organizations can eventually implement to the maximum extent possible. This would be a US initiated activity that would seek active input and participation (including at some point, funding) from global governments and quasi- international organizations, e.g., the Porvoo Group, Project STORK, etc.

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

Response: SAFE-BioPharma suggests that many standards and policy development organizations, trade organizations and foreign governments are slowly realizing that although there are some pockets of limited successful change, especially in some EU member states, they cannot continue to espouse the status quo which has been proven not to work.

We believe the Steering Group must forge new ground and support out of the box thinking whereby broad input from all participants is gathered, reviewed, and all input, regardless of national, commercial or other source is given a fair and impartial review. A number of current organizations in the identity management sector operate very effectively with participation from global governments. The cross fertilization of ideas in such an environment has proven extremely effective in enhancing the acceptance of the output of these organizations.

The Steering Group must implement a directed, proactive program of international outreach and engagement, reporting and interaction.

4.3. On what international entities should the Steering Group focus its attention and activities?

Response: We have identified a number of applicable entities in the answers to previous questions, but include key organizations such as Project STORK, Porvoo Group and the EU Seamless cross border electronic procedures (SPOCS) project.

Other key international groups are those involved in privacy, particularly for the individual citizen, which are generally far more mature than in the US.

4.4. How should the Steering Group maximize the Identity Ecosystem's interoperability internationally?

Response: SAFE-BioPharma believes that international acceptance and implementation should be a design goal for the Steering Group. If it can operate as a source of strong identities, trusted internationally, this will benefit governments, global businesses and global e-commerce.

We believe that the Steering Group should, as a priority, set a series of design goals

that can be seen as being beneficial to the US and other international governments, global businesses, trans-national citizens, and other interested parties.

We suggest some initial goals for international interoperability to include:

- a) citizen privacy and security protections are particularly important and must meet international requirements;
- b) all stakeholders can consume and trust a strong identity issued in compliance with the standards of the ecosystem regardless of the country of origin;
- c) standards and other deliverables implemented in support of the Identity Ecosystem must be open, vendor and country agnostic allowing them to be used in any participating country.

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

Response: It is highly likely that international participation and acceptance will have to be managed via international government-to-government agreement or treaty. The Federal government can assist in forging such cooperation, especially with foreign governments. At the same time industry, commercial and citizen advocates must work with international counterparts to ensure an interoperable identity management systems capable of supporting the global infrastructure emerges from this effort.