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DEPARTMENT OF COMMERCE Office of the Secretary

National Institute of Standards and Technology

[Docket No. 110524296-1289-02]

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

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

ACTION: Notice of Inquiry.

**[NOTE: Original NIST questions in black; Unisys responses in blue]**

Questions:

- 1.1 Given the Guiding Principles outlined in the Strategy, what should be the structure of the steering group? What structures can support the technical, policy, legal, and operational aspects of the Identity Ecosystem without stifling innovation?

Perhaps a structure that supports individual working groups for each guiding principle that feeds to a larger collective group that represents NSTIC as a whole. These individual working groups would work their particular domain and report findings, recommendations, etc that align with the overall vision of NSTIC and the other domains.

- 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?

One example I can think of is standards bodies. In particular, I've participated in INCITS M1, Biometrics, and the structure seems to be quite effective in providing focus at the domain level with a reporting structure to a higher level. The governance structure is defined and followed, allowing a definitive path for group agreement and insight from various 'members'. Additionally, the individual sub-committees are made up of government (including NIST), industry, and academic members, providing far reaching input and innovation from various perspectives.

- 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.

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?

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

What if I do not want to be limited to a single persona online? Some people will feel this is a way for the government to force them into a single persona and will resist this effort.

Overarching standards, policies, and regulations of different industries will have to be considered. What is good for the commercial environment may not work in government and may not work in the financial world.

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?

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”<sup>1</sup> regulation from regulated participants in the Identity Ecosystem?

Items meeting the NSTIC guiding principles and ‘approved’ by the NSTIC steering group could be deemed as ‘recommendations’ and compliant with NSTIC guiding principles. As such, they could be denoted with an icon or similar indicator of a compliant service. That way, it is recognized in the industry as NSTIC compliant.

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

Ensure that all concerned parties are represented - private industry – e.g. Google wallet, Paypal as the digital wallet, etc.? They’re all going for it. They want to be honored in the real world. So they’d want a voice.

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?

The government definitely needs to be involved but shouldn’t be given power over other members simply due to the fact they are government. Different levels of government should be involved to include a small representation of a particular agency, perhaps providing feedback to the representatives from internal NSTIC working groups. For instance, Treasury

would have their own NSTIC group within Treasury that would report to their representatives, which would in turn provide their input to the respective NSTIC working groups.

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?

Imagine a video chat room, where the discussion goes on. Representatives could take their turns to raise their concerns or address agenda items via an appropriate process.

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?

A consortium involving both Federal government and private entities ensures that there will not be competing and (somewhat) mutually damaging standards initiatives – a “one voice” approach involving a diverse set of stakeholders will enhance the credibility and adoptability of any final standard.

Federal government leadership, or stewardship, will ensure the process does not get ground down or lose momentum. It is critically important that the NSTIC continues moving forward and the Federal government – through NIST – is ideally suited to ensure this does occur.

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

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?

If the “big fish” own the sea – if credibility and value are viewed directly proportional to the size of the entity – then we risk losing valuable input. We need to have a representative model that values all stakeholders engaged in the steering group.

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.

Agenda could be constructed, again via crowd-sourcing or targeting particular industry heads / academicians etc. I'm certain the government already has a ton of questions / discussion items, these could be supplemented. It looks like they have plans to reach out to various industries / groups etc. It should be as expansive as possible as this involves us ALL.

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?

All concerned parties to include the American public. Many of the ethical or privacy concerns that might be raised as questions could be crowd-sourced a la the town hall or on twitter. This would instill a sense of trust in the people if performed *legitimately*.

The steering group should be made up of member organizations with individuals being allowed access to certain information. Again, the recommendation is to reference structures similar to standards bodies.

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

Groups have a limited time to register to be heard and may only elect one leader. Applicants are sanity screened for infantile behavior in application.

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?

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?

Any fees should follow a tiered approach, in that educational institutions or not-for-profits have valuable perspectives to consider but do not have the financial resources of large multinational organizations. Any fee structure also should ensure that the amount of money paid does not somehow give additional weight or importance to contributors.

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

3.6. Should all members have the same voting rights on all issues, or should voting rights be adjusted to favor those most impacted by a decision?

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?

Seek ambassadors from groups such as Anonymous to ask them for their opinion. These people are deeply concerned with security and privacy and while not a traditional source may have valuable input if you can handle the approach. At the very least you'd figure out if new groups that represent a reason of motivation the government and ALL of us will have to deal with online can present avatars – or including members on the committee who will act as their proxy. Also include political groups, activists etc. Let them come and give reason for their concerns and have the committee justify its reasons.

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

The NSTIC perspective should at a minimum respect the work that has gone into any international standards organization, since the validity of an organization such as ANSI or ISO is directly related to how it is perceived to have respected an international perspective. Acceptance of any standard that crosses international boundaries (or has global presence) requires that that standards body consider an international perspective.

Similar again to standards bodies, an international arrangement can be set up. Each country wishing to participate in the NSTIC effort may form a body consistent with governance rules and meet occasionally with other member countries at a single event to discuss initiatives, status, standards, etc.

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

Parties from all over the world should be invited to attend as I assume it is mutually beneficial for us to do trade and we can all agree to that.

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

Old powers really only have hold of the infrastructure right now, and its tenuous, so it might be wise to garner alliances with the new or start to understand that arena.

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

Translators should simultaneously provide text feed of the current speaker. The acknowledgement that multiple nationalities (and languages) will have important contributions is important.

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