Essential Elements of Governance

Building the Identity Ecosystem Framework

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The Ecosystem Framework Consists of Two Parts

- **<u>Technical and Operational Specifications</u>**
  - Content
    - Technical specifications, process standards, policies, procedures, performance rules and requirements, assessment criteria, etc.
  - Goals
   - Make it work
    - Make it trustworthy

- **<u>Legal Rules</u>**
  - Content
    - Existing law
    - Contractual obligations
  - Goals
    - Regulate Technical and Operational Specifications
    - Make Technical and Operational Specifications legally binding on the participants
    - Define and govern the legal rights and responsibilities of the participants

Technical and Operational Specifications: Components Necessary to "Make it Work"

Technical Specifications

Identity Proofing

Credential Issuance

Privacy Standards

Authentication Requirements

Security Standards

Reliance Rules

Audit & Assessment Oversight

Credential Management

Enrolment
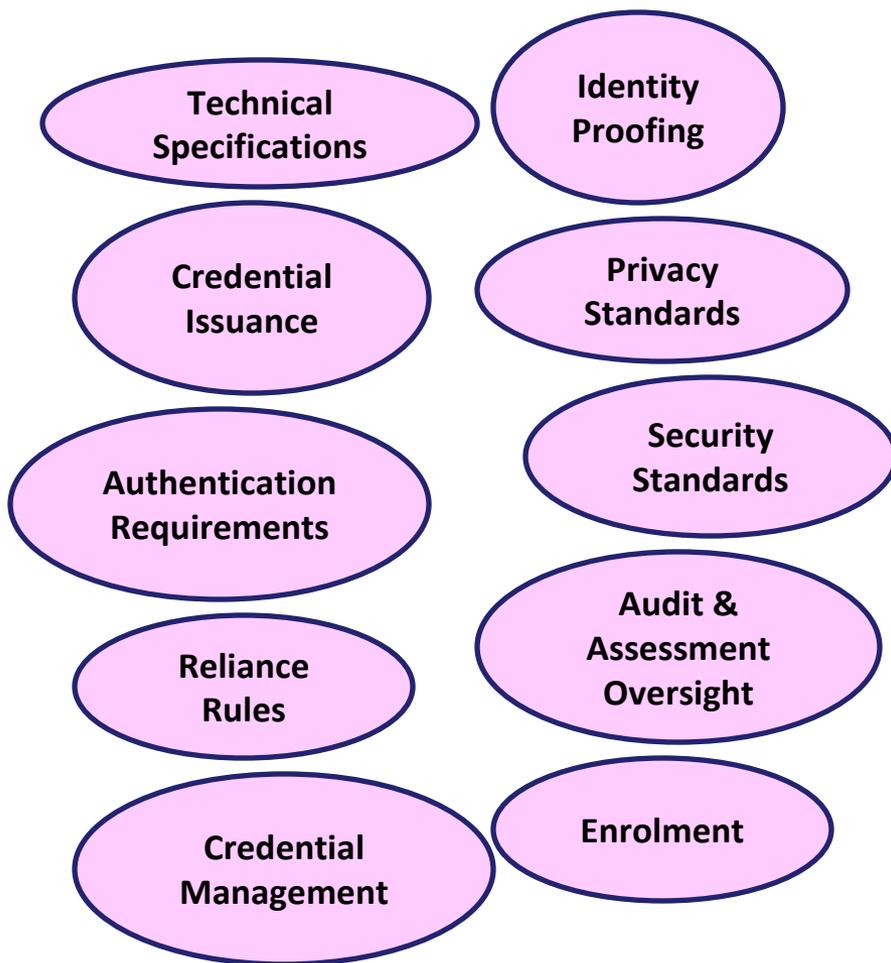
Partial listing of Technical and Operational Specifications

Technical and Operational Specifications: Regulated by Existing Law

Technical Specifications

Identity Proofing

Credential Issuance

Privacy Standards

Existing Law

Authentication Requirements

Security Standards

Reliance Rules

Audit & Assessment Oversight

Credential Management

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Partial listing of Technical and Operational Specifications

NOTE: Must comply with any existing law;
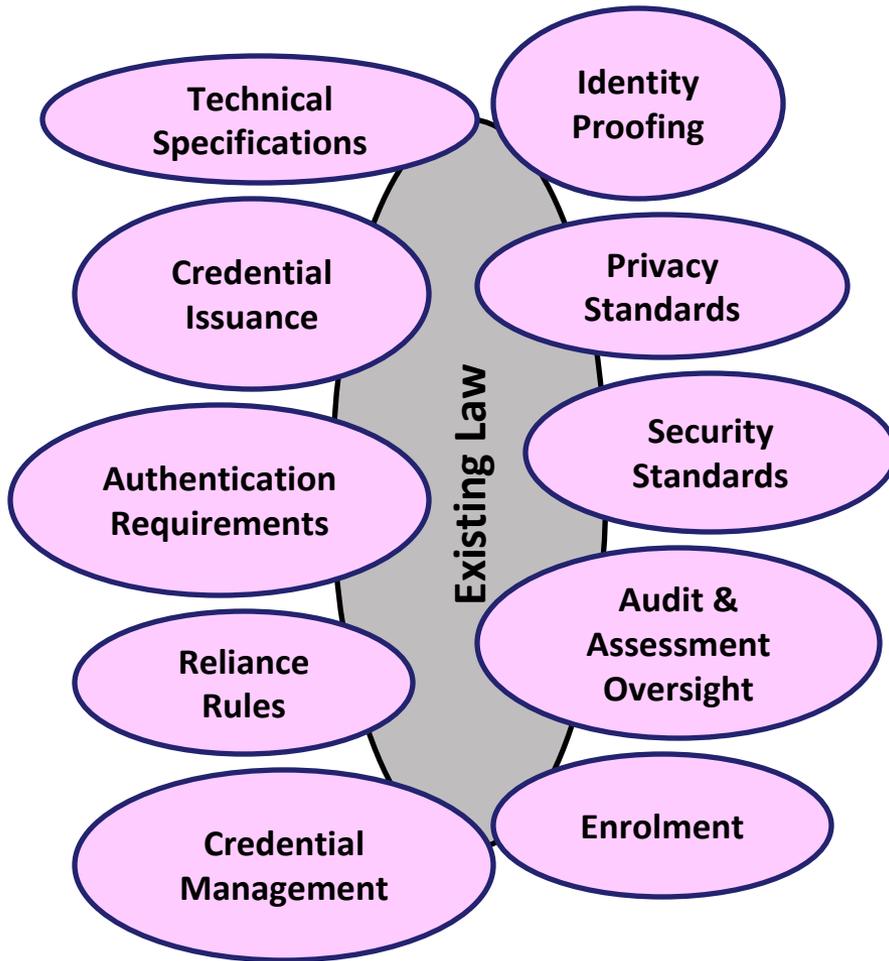
Also supplemented by existing law
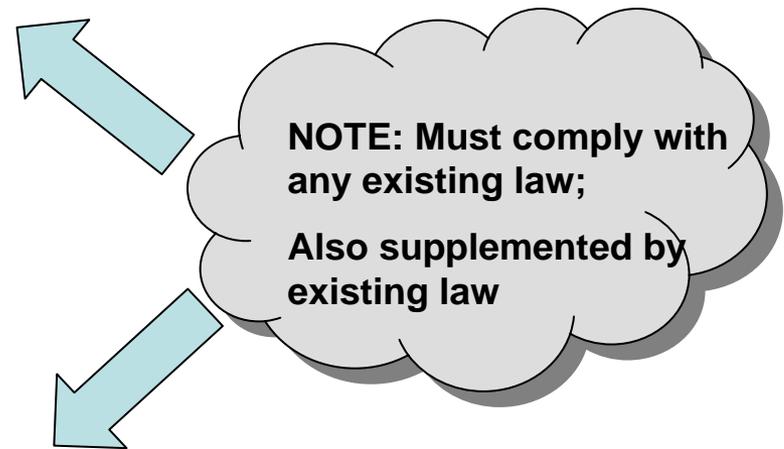
Legal Rules
To Govern Legal Rights of the Parties

Existing Law as Supplemented and/or Modified by Contract

Partial listing of Legal Rules

Liability for Losses

Warranties

Existing Law

Termination Rights

Dispute Resolution

Enforcement Mechanisms

Measure of Damages
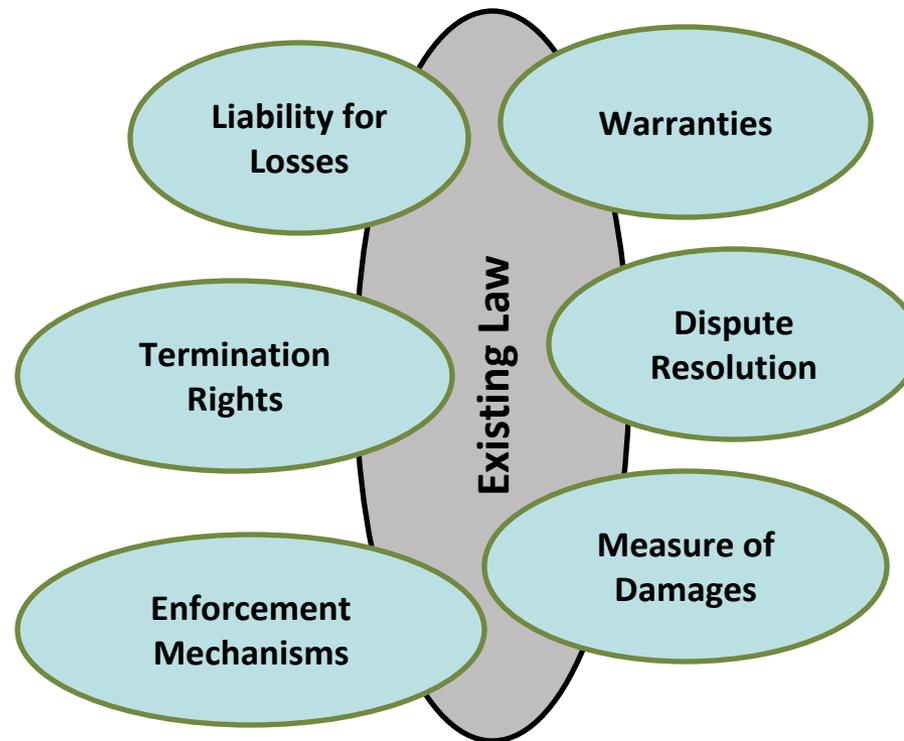
Ecosystem Framework: Putting It All Together

Technical and Operational Specifications

Enforcement Element

Technical Specifications

Identity Proofing

Credential Issuance

Privacy Standards

Authentication Requirements

Security Standards

Existing Law

Reliance Rules

Audit & Assessment Oversight

Credential Management

Enrolment

Law or Contract: "I Agree" to . . .

Legal Rules

Liability for Losses

Warranties

Termination Rights

Existing Law

Dispute Resolution

Enforcement Mechanisms
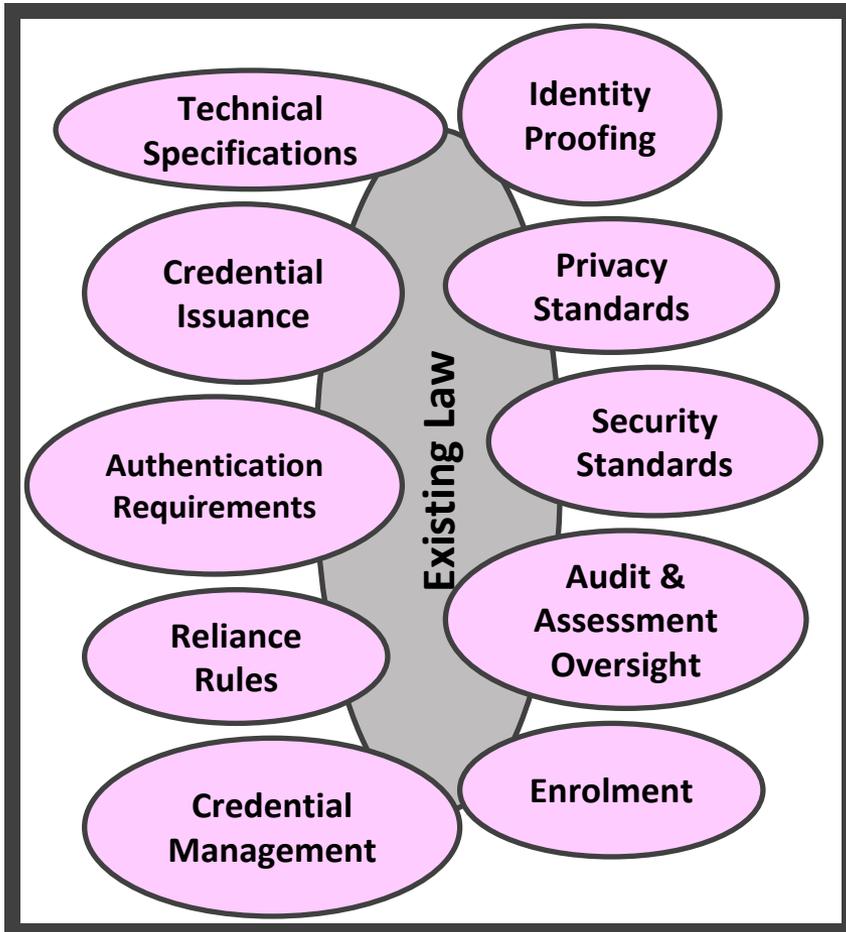
Measure of Damages

Common Legal Barriers
to Be Addressed By the Ecosystem Framework

- Key Issues

  - Defining rights and responsibilities of all parties

  - Protecting privacy rights

  - Allocating risks and liability

- Interaction with Existing Law

  - Compliance with existing law

  - Resolving uncertainty and ambiguity in existing law

  - Ability to modify existing law by agreement

  - Cross-jurisdictional differences / conflicts in law

- Addressing Enforceability

  - against all participants

  - vis-à-vis non-participants

Further Information

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