Essential Elements of Governance
Building the Identity Ecosystem Framework

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The Ecosystem Framework Consists of Two Parts

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

• **Legal Rules**
  • **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”

Partial listing of Technical and Operational Specifications

- Technical Specifications
- Credential Issuance
- Authentication Requirements
- Reliance Rules
- Credential Management
- Identity Proofing
- Privacy Standards
- Security Standards
- Audit & Assessment Oversight
- Enrolment

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Technical and Operational Specifications: Regulated by Existing Law

- Technical Specifications
- Credential Issuance
- Authentication Requirements
- Reliance Rules
- Credential Management
- Identity Proofing
- Privacy Standards
- Security Standards
- Audit & Assessment Oversight
- Enrolment

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

Partial listing of Legal Rules

Existing Law as Supplemented and/or Modified by Contract

- Liability for Losses
- Warranties
- Dispute Resolution
- Measure of Damages
- Termination Rights
- Enforcement Mechanisms
Ecosystem Framework: Putting It All Together

Technical and Operational Specifications

- Technical Specifications
- Credential Issuance
- Authentication Requirements
- Reliance Rules
- Credential Management
- Identity Proofing
- Privacy Standards
- Security Standards
- Audit & Assessment Oversight
- Enrolment

Enforcement Element

- Law or Contract: “I Agree” to . . .
- Legal Rules

Existing Law

- Liability for Losses
- Warranties
- Termination Rights
- Dispute Resolution
- Measure of Damages
- Enforcement Mechanisms

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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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