

# IDEF REGISTRY

## DISPUTE AVOIDANCE AND RESOLUTION PROCESS

June, 2016

This IDEF Registry Dispute Avoidance and Resolution Process (or "Process") is incorporated by reference into the IDEF Registry Supplemental Terms of Use, and is subject to its terms. The IDESG has developed this Process to establish a set of common understandings of the expected processes and behaviors to support constructive engagement among the IDESG, Service Providers, IDEF Registry Users, and other stakeholders in connection with its IDEF Registry program.

This Process is generally designed to address two categories of disputes about listing information: disputes by IDEF Registry Users involving the content of a particular Listing, and disputes by Service Providers involving their own listing or participation in the IDEF Registry program. The IDEF Registry serves only as a public forum for posting self-assessments of compliance. IDEF Registry Users, who encounter information in IDEF Registry Listings that they in good faith believe are false, may submit a complaint to [registry-remediation@idesg.org](mailto:registry-remediation@idesg.org), as described below. The IDESG will provide a copy of all such complaints to the relevant Service Provider, as well as posting them publicly. However, the IDESG does not adjudicate disagreements about disputed facts, other than the limited issue of whether the Service Provider is a legitimate digital identity service provider in the identity ecosystem. The IDESG will remove the IDEF Registry Listing of any Service Provider that it concludes is not a legitimate digital identity service provider in the identity ecosystem.

### **Dispute Avoidance Is Part of the Process and Spirit of IDESG.**

This process is called the Dispute Avoidance and Resolution Process in an effort to remind potential disputants of the context in which the IDEF Registry is being offered, and with recognition of the ongoing efforts by many stakeholders to continue to improve the IDEF Registry. The reference to dispute "avoidance" is a call for patience and an invitation to participate in the IDEF Registry development process.\*

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\* At the early stages of any relationship, including relationships among IDEF Registry stakeholders, there is potential for misunderstanding until the parties develop reliable and predictable patterns of interactions that are the foundations of trust. The IDEF Registry brings together Service Providers and IDEF Registry Users by providing a common focus for expectations through the IDEF Baseline Functional Requirements, which serve as a shared "vocabulary" for conversations about security, privacy, user experience and interoperability in online identity.

The process cannot, however, efficiently handle misunderstandings and disputes without the cooperation of the parties involved. Accordingly, each Service Provider and IDEF Registry User considering pursuit of an issue agrees to engage in a good faith attempt to resolve any disagreement or dispute related to the IDEF Registry in an amicable, professional, and expeditious manner. The IDESG is entitled to decline, at any time, to process requests or respond to parties who do not honor those commitments.

**<1> Overview.** The IDESG's involvement in IDEF Registry disputes is limited to the issue of whether a particular Provider's Listing Information, or part of it, should continue to be included in and displayed by the IDEF Registry. Any issues beyond that "continuing inclusion" question are beyond the scope of this Dispute Avoidance and Resolution Process. The IDESG is interested in maintaining the best possible accuracy of information on the IDEF Registry, but it will not independently confirm any Listing Information it receives. Therefore, the IDESG depends on the IDEF Registry community to identify potential circumstances where Listing Information is believed to have been posted in error, or in violation of the IDESG's rules and policies.

**<2> Subject Matter and Scope.** The issue for a IDEF Registry Listing Information dispute under this Process is not whether legal rights are violated, but rather whether the Listing Information conforms to the IDESG's rules, particularly the Service Provider's obligations under the Supplemental Terms of Use. The IDESG's dispute resolution activities under this Process in response to Complaints raised by IDEF Registry Users are limited to determining whether a Service Provider should be listed in the IDEF Registry as a legitimate digital identity service provider in the identity ecosystem. (If a Service Provider raises a dispute involving the Listing Information of another Service Provider, the disputing provider is treated for that purpose as an IDEF Registry User.) The IDESG does not provide a forum or remedy for disputes where parties wish to directly take action against, or seek redress from, each other. Such rights against other parties are determined by law, rules and contracts external to the IDESG, so any disputes involving such rights should be addressed through other venues.

**<3> A Public Process.** Communications of IDEF Registry Users regarding disputes under this process are considered public information, and "feedback" licensed to the IDESG as provided under the Supplemental Terms of Use. If an IDEF Registry User believes in good faith that Listing Information appearing on the IDEF Registry is in violation of the Supplemental Terms of Use, that IDEF Registry User may submit a Complaint to [registry-remediation@idesg.org](mailto:registry-remediation@idesg.org). The IDESG will acknowledge receipt of the complaint and forward it to the Service Provider's designated Point of Contact.

#### **<4> Disputes Regarding Content of Listing Information: Complaint Process.**

**<4.1> Complaint.** The first step is for an IDEF Registry User to submit a written complaint to: [registry-remediation@idecosystem.org](mailto:registry-remediation@idecosystem.org). Please note (see Section 3) that the complaint information will be made public.

**<4.2> Contents of Complaints.** Complaints must include (a) the IDEF Registry User's name, (b) an accurate and complete description of the challenged Listing Information, (c) a statement asserting the basis upon which the complaint is made, (d) a statement by the IDEF Registry User that he/she has a good faith belief that the challenged Listing Information is false or misleading, (e) contact information for the IDEF Registry User, and (f) the physical or electronic signature of the IDEF Registry User.

**<4.3> Disposition of Complaints.** If the IDESG determines that the Service Provider is not a legitimate digital identity service provider in the identity ecosystem, it will remove the Service Provider's Listing Information. Otherwise, Service Providers are responsible for addressing any disputes or disagreements, as they may elect, directly with the IDEF Registry User making a Complaint.

**<4.4> Second Level Review.** If a Service Provider disagrees with the removal of its Listing Information, it may submit a Request for Second Level Review in accordance with Section 6 below.

#### **<5> Disputes of Service Providers Involving their Own Listing or the IDEF Registry Program: Complaint Process.**

**<5.1> Notice of Dispute.** The IDESG posts information, as provided by the Service Provider, for each listing. If any information is incorrect, the first step is to contact the IDESG and ask that the information be corrected. Service Providers should first attempt in good faith to address any misinformation or misunderstanding and resolve it by apprising the IDESG of the issue. Service Providers should contact the IDESG at [registry-remediation@idecosystem.org](mailto:registry-remediation@idecosystem.org). However, if a Service Provider believes that an issue has not been satisfactorily resolved, it may initiate this formal dispute resolution process by sending a Notice of Dispute, from the Point of Contact designated by that provider, which must include a description of the nature of the dispute, disagreement or claim, to [registry-remediation@idecosystem.org](mailto:registry-remediation@idecosystem.org). The sending of the Notice of Dispute initiates a time period after which the Service Provider may request Second Level Review, as provided in Section 4.3 above and Section 6 below.

**<5.2> Posting of Materials and Issues Presented by Service Provider.** The IDESG will post information provided by the Service Provider and may invite other stakeholders to provide a response. Please note that materials provided by Service Providers regarding disputes will be

made public on the IDEF Registry website. Any such communications will be considered to be "feedback" licensed to the IDESG by the Service Provider under the IDEF Registry Supplemental Terms of Use.

**<5.3> Good Faith Discussions.** The parties will thereafter engage in good faith discussions in an effort to resolve the dispute consensually.

**<5.4> Request for Second Level Review.** If these discussions do not resolve a dispute within thirty (30) days of the submission of the Notice of Dispute to the IDESG, then within ten (10) days following such thirty-day period, a Service Provider may escalate a dispute by sending a Request for Second Level Review to the IDESG at [registry-remediation@idecosystem.org](mailto:registry-remediation@idecosystem.org). See Section 6 below.

**<6> Second Level Review.** A Request for Second Level Review must be submitted to [registry-remediation@idesg.org](mailto:registry-remediation@idesg.org) and contain: (a) the Service Provider's name, (b) a statement describing the dispute, (c) contact information for the Service Provider, and (d) the physical or electronic signature of an authorized representative of the Service Provider.

Within thirty (30) days of receiving a Request for Second Level Review, a party designated by IDESG to act as its review officer will review the dispute, and post on the IDEF Registry website a descriptive summary of the dispute and its resolution, including any findings or conclusions as necessary. If a Second Level Review does not conclude within thirty (30) days of the written request for Second Level Review (by public posting of the dispute's resolution) and if the thirty-day period has not otherwise been extended in writing by the IDESG, then the Request for Second Level Review is deemed denied.

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