

## IDESG Minority Report

for

Standards Developer: National Institute of Standards and Technology (NIST)

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The National Institute of Standards and Technology (NIST) is a large organization with many people working with dedication in diverse areas. Many good things have come from NIST. To be sure NIST is an important participant and leader in the Standards development process within the United States and has influence internationally. There are today, however, signs of gaps in the quality of NIST's Standards leadership in standards policies and guidance. The purpose of this Minority Report for approval of NIST as an IDESG Standards Developer according to the IDESG Standards Adoption Policy V1, is to describe and discuss these signs. The hoped for outcome is that the IDESG, NIST, the NPO, the Department of Commerce and ultimately the authors and supporter of NSTIC will find it useful for improving the processes and the way forward for implementing National Strategy for Trusted Identities in Cyberspace (NSTIC).

This is a minority report for NIST as an organization not any particular NIST standard.

One of the overarching challenges in the NSTIC context of IDESG has been the difficulty of separating NIST's role from the NPO's role within the IDESG. This ambiguity should be cleared up as soon as possible. The IDESG, now a non-profit corporation, needs to be an independent steering group functioning on the basis of its own Rules of Association dedicated to serving the NSTIC principles. The integrity and value of the IDESG including Standards Evaluations depends to it.

Confusing public reports about NSTIC/NIST activities that IDESG volunteers have no knowledge of and could be counter to IDESG operating practices should be avoided.

The following is a list of Criteria that NIST *Does Not Meet* as measured by the IDESG Standards Adoption CriteriaV1 approved by the IDESG Plenary. There should be more granular provisions for evaluation rather than the binary meets/does not meet. This work is already underway.

### **Participatory openness (4.2)**

There is a need to consider the down-scalability and consequences of designing standards suitable primarily for large complex organizations. Today innovation, economic development, and better income equality have greater potential in real terms to come from individual entrepreneurs and micro to small business. More effort needs to go into understanding down-scalability so that smaller entities have a chance to co-create standards that are practical and efficacious from their point of view. Innovation needs to be undertaken in the way standards are developed perhaps starting with a context criteria. Individuals and micro and small businesses need to not just be allowed but welcomed. Entrenched

expertise can lead to stagnation and stalemate. Most perspectives have something important and new to bring to the table of consensus. It is unwise to leave large numbers of our citizens outside the trust generating consensus process. Today too many gaps are left in systems viability and resilience. A new goal of creative-simplicity needs to be established and undertaken. The mystique of technical information must be avoided and minimized. One bias that has come to light over the last many years is that when a population or community is not valued it is often not studied nor its needs designed into statistical analysis.

#### **Transparency: (4.2)**

NIST participants have been an active presence in the leadership of the IDESG Standards Coordinating Committee among other Committees. One of the foundations of good standards development is sound and careful document provenance and curation. The IDESG has always had an inadequate and troubling document curation and provenance record. This is an area of expertise where NIST could advise IDESG.

The IDESG has had instances in which Standards and TFTM documents change in unexpected ways and times, in hard or impossible to track steps and by what authorship it is not clear. It is reasonable for volunteers to ask why is this happening.

Without good processes in place and a depth of transparency it can be pointless with hours and days being spent over documents to figure out how and when dubious changes were made. This inertia discourages all but can tend to favor those with more resources to weather the delays and put more personnel into researching and understanding what is going on. Often Standards simply apply to larger entities because smaller entities can't and don't comply leaving the term voluntary as a murky quality of affordability. The result is that large holes emerge in our collective governance ozone where opportunist and bad actors can enter.

#### **Affordability (4.2)**

Because the NIST Standards that are applicable to IDESG and NSTIC are more applicable to large complex entities such as the US government, the cost of participation in and implementation of relevant standards can be very high. By making standards applicable primarily to an entity of the size and complexity of the US government NIST has carried forward an institutional bias that continues to box out smaller more agile and innovative economic activity in some ways encouraging large entities to buy up the intellectual property of smaller entities and to reinforce the feeling and the fact that smaller entities don't have a chance to make it on their own. In many ways the innovation and intellectual property of US citizens are being harvested in this way. There may be efficiencies for governing fewer entities but the risk is that large numbers of innovative and productive citizens will lose out. At the very least NIST should not reinforce these biases. Tragically our current climate has become unbalanced enough that large entities often do not have enough in common with smaller entities to build common methods and processes let alone standards.

## References:

### From Section 515 of Public Law 106-554

#### **Information Quality Guidelines** Department of Commerce

"The U.S. Department of Commerce ("Commerce" or "Department") is one of the most diverse Federal departments, both in terms of its mission and the information it provides to the public.

We are responsible for daily weather reporting, facilitating the use of technology both at home and in the workplace, collecting statistics that assist the public and private sector, and supporting the environmental and economic health of U.S. communities. Our mission is to promote job creation and improve living standards for all Americans by creating an infrastructure that encourages economic growth, technological competitiveness, and sustainable development, conservation, and wise use of living marine resources.

To carry out this mission, three strategic goals have been identified. They are to provide the information and the framework to enable the economy to operate efficiently and equitably; provide the infrastructure for innovation to enhance U.S. competitiveness; and observe and manage the Earth's environment to promote sustainable growth."

"Commerce provides the basic economic data necessary to develop sound business decisions, producing many of the commonly used economic statistics issued by the U.S. Government.

The Department also produces information designed to encourage the use of science and technology in the production of consumer goods and services."

"Our goal is to ensure and maximize the quality of the information we release to the public. We are committed to making the methods, models, and processes that produce our information transparent and rigorous. At the Commerce Department, we have a long tradition of producing relevant, credible, high quality information to the public at large, the academic community, and the private sector."

#### **OMB'S Information Quality Bulletin for Peer Review**

#### **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY GUIDELINES, INFORMATION QUALITY STANDARDS, AND ADMINISTRATIVE MECHANISM**

##### **PART I: BACKGROUND, MISSION, DEFINITIONS, AND SCOPE**

##### **BACKGROUND**

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554), hereinafter "Section 515," directs the Office of Management and Budget (OMB) to issue government-wide guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies." OMB complied by issuing guidelines which direct each Federal agency to (A) issue its own guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by the agency;

##### **MISSION**

NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

##### **DEFINITIONS**

The definitions in this section apply throughout these Guidelines and Standards.

**Quality** is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four statutory terms, collectively, as "quality."

**Utility** refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of information that the agency disseminates to the public, NIST considers the uses of the information not only from its own perspective but also from the perspective of the public. As a result, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, NIST takes care to ensure that transparency has been addressed in its review of the information.

Information quality is composed of three elements - utility, integrity and objectivity.