

NSTIC AUGUST 15/16, 2012 CHARTER AND BY-LAWS AMENDMENT PROPOSAL
PROPOSED BY DAZZA GREENWOOD

Need for Amendment:

Current Scope of NSTIC Governance Omits Most of NSTIC.

Proposed Amendment:

Explicitly Relate NSTIC Governance to the NSTIC Strategy Document, Not Just the Guiding Principles.

Brief Explanation:

There are several explicit and important statements in the text of NSTIC that are currently out of scope of the by-laws and charter. Currently the scope of the charter and by-laws requires adherence only to the Guiding Principles of NSTIC, and thereby omits many other key provisions. Some of the omitted statements from NSTIC are important to several stakeholder groups and were added based on the many rounds of feedback and negotiations leading up to publication of NSTIC. It was the text of the NSTIC strategy document that garnered support for this initiative, not merely the Guiding Principles. Please link NSTIC governance to the NSTIC Strategy Document.

ALTERNATIVE 1 (SHORT FORM) PROPOSED AMENDMENT
Offered by Dazza Greenwood

I move that the recommended Charter (posted at: <http://nstic.blogs.govdelivery.com/discuss/recommended-charter>) and By-laws (posted at: <http://nstic.blogs.govdelivery.com/discuss/draft-by-laws>) be amended by adding the following statement at the start of each document.

[Alternatively, if only the Charter or the By-laws are under consideration, I move individually to amend the document being considered].

“Wherever this document references conformance or alignment with, adherence to or support of the Guiding Principles, that provision shall be construed to include conformance or alignment with, adherence to or support of the entire NSTIC Strategy Document.”

Example: An example of the application of the above amendment would be as follows:

“By-law 2.2. Identity Ecosystem Management Council

The Management Council shall provide guidance to the Plenary on the broad objectives envisioned by the NSTIC, produce workplans to prioritize work items and monitor progress, and ensure that Steering Group work activities align with the NSTIC Strategy Document ~~NSTIC Guiding Principles.~~”

Example Important Omitted Provisions of NSTIC:

From my perspective, some of the key missing provisions of NSTIC include:

PAGE 17:

Individuals' privacy will be enhanced **The Identity Ecosystem will limit the amount of identifying information that is collected and transmitted in the course of online transactions.** It will also **protect individuals from those who would link individuals transactions in order to track individuals' online activities.**

PAGE 21:

Identity Ecosystem Execution Components

An individual is a person engaged in an online transaction Individuals are the first priority of the Strategy

PAGE 26:

She knows that she can supply only minimal personal information because the hospital requires only the information necessary to complete the transaction Privacy enhancing technology enables the cell phone provider to issue a credential that the hospital can validate without contacting the cell phone provider, so **Keisha does not leave traces of her online activities for all the participants to aggregate into a complete picture of her life.** Under the baseline privacy policies of the Identity Ecosystem Framework, the participants manage and protect the personal information that they do maintain about her.

PAGE 29:

Objective 1.1: Establish improved privacy protection mechanisms.

The Identity Ecosystem Framework must offer individuals better means of protecting their privacy by establishing clear **rules and guidelines based upon the FIPPs. These rules and guidelines must address not only the circumstances under which a service provider or relying party may share information but also the kinds of information that they may collect and how that information is used.** New privacy protections will shift the current model of application-specific collection of identity information to a distributed, **user-centric model that supports an individual's capability to manage an array of cyber identities and to manage and assert personal attributes without having to provide identifying data.** The new model will reduce the number of service providers with whom individuals must share their personal information in the course of everyday transactions

PAGE 30:

- Provide appropriate mechanisms to **allow individuals to access, correct, and delete personal information;**
- **Protect, transfer at the individual's request, and securely destroy information** when terminating business operations or overall participation in the Identity Ecosystem;
- **Provide effective redress mechanisms for, and advocacy on behalf of, individuals who believe their data may have been misused.**

Note: At nist.gov/nstic the link to the NSTIC document is referred to as "[Full NSTIC Strategy Document](#)". That phrasing of the NSTIC NPO is therefore tracked verbatim in the proposed amendment below. The amendment covers first the Charter and second the By-laws.

ALTERNATIVE 2 (LONG FORM) PROPOSED AMENDMENT
Offered by Dazza Greenwood

I move that the recommended Charter (posted at: <http://nstic.blogs.govdelivery.com/discuss/recommended-charter>) and By-laws (posted at: <http://nstic.blogs.govdelivery.com/discuss/draft-by-laws>) be amended as follows.

[Alternatively, if only the Charter or the By-laws are under consideration, I move individually to amend the document being considered].

[In the Charter]

1.1. Mission

The Steering Group will always operate in accordance with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC's Guiding Principles.

1.1.1. Objectives

... Ensure that the Identity Ecosystem and Identity Ecosystem Framework conform to the [full NSTIC Strategy Document generally and specifically with the](#) four NSTIC Guiding Principles (as detailed in section 1.3).

1.2.1. Adopt and Establish Standards

The Steering Group shall establish forums and procedures to review applicable standards and adopt those that support achievement of the NSTIC vision, conform to the [full NSTIC Strategy Document generally and specifically with the](#) Guiding Principles, and meet other established requirements.

1.2.2. Develop and Maintain Policies

The Steering Group shall establish the mechanisms necessary to develop, implement, and maintain policies that are appropriate for use in the Identity Ecosystem and conform to the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles.

1.2. Adherence to the NSTIC [Strategy Document and](#) Guiding Principles

The Identity Ecosystem Steering Group, its components, and its members shall at all times operate in accordance with [full NSTIC Strategy Document generally and specifically with the](#) four Guiding Principles set forth in the NSTIC. They are:

2.1.3. Plenary Working Groups

Usability and Accessibility Working Group. This working group is responsible for evaluating technologies and identity solutions within the Identity Ecosystem to confirm that they are easy-to-use and accessible for all potential users, in accordance with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles. Security Working Group. This working group is responsible for evaluating technologies and identity solutions within the Identity Ecosystem to confirm that they meet applicable requirements for confidentiality, integrity, and availability, and are capable of timely restoration after any disruption. The work of this group should be conducted in accordance with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principle for the security and resilience of identity solutions.

3. Identity Ecosystem Management Council

The Management Council shall provide guidance to the Plenary on the broad objectives envisioned by the Strategy; produce workplans to prioritize work items and monitor progress; procure necessary resources; and ensure that Steering Group work activities align with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles and Goals.

3.1. Management Council Composition

The Vice-Chair: This position shall assist the Steering Group in maintaining alignment with [full NSTIC Strategy Document generally and specifically with the](#) NSTIC objectives and the NSTIC Guiding Principles. The Vice-Chair shall be a non-voting officer.

The Ombudsman: This position shall be responsible for upholding the [full NSTIC Strategy Document generally and specifically the](#) NSTIC Guiding Principles and Steering Group charter, representing and advocating for consumers or other individuals and underrepresented groups, safeguarding against individual stakeholder groups exerting excessive influence, monitoring and reporting on Management Council activities, managing grievances from the Plenary, and facilitating public comment and citizen outreach. The Ombudsman shall be a non-voting officer.

4. Secretariat

The Secretariat shall serve as the administrative body of the Steering Group. In this role, the Secretariat shall manage the internal operations of the Steering Group to include human and financial resources, meeting coordination, communications, and material support and interaction with external organizations. The Secretariat shall be responsible for maintaining transparency, openness, and alignment with the [full NSTIC Strategy Document generally and specifically with the](#) Guiding Principles in all Steering Group operations. The Secretariat shall appoint an individual to act as the Identity Ecosystem's Ombudsman.

[In the By-laws]

Terms:

Identity Ecosystem Management Council (Management Council): Provides guidance to the Plenary on the broad objectives envisioned by the NSTIC; produces, prioritizes and monitors progress of Steering Group work plans; provides necessary resources, and ensure that Steering Group work activities adhere to the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles and Goals; and ratifies policy and standards recommendations approved by the Plenary.

Management Council Vice-Chair: This officer shall assist the Steering Group in maintaining alignment with [full NSTIC Strategy Document generally and specifically with the](#) NSTIC objectives and the NSTIC Guiding Principles. This position shall be filled by the Director of the NPO.

Ombudsman: This officer serves to support equitable representation of all stakeholders and individual participants in the Identity Ecosystem and upholds the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles.

2.1.4.1. Administration

... All charters will support the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles and the Steering Group operating principles.

2.2. Identity Ecosystem Management Council

The Management Council shall provide guidance to the Plenary on the broad objectives envisioned by the NSTIC, produce workplans to prioritize work items and monitor progress, and ensure that Steering Group work activities align with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles.

2.2.5. Management Council Responsibilities

The Management Council shall provide guidance to the Plenary on the broad perspectives envisioned by the NSTIC and ensure that Steering Group work activities adhere to the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles. The Management Council shall ratify policy and standards recommendations approved by the Plenary.

2.3. Secretariat

The Secretariat shall serve as the administrative body of the Steering Group and promote alignment of the Steering Group's operations with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles. The role and responsibilities of the Secretariat are described in the sections that follow.

2.3.2. Secretariat Responsibilities

Support the Steering Group's efforts to ensure alignment with the [full NSTIC Strategy Document generally and specifically with the](#) NSTIC Guiding Principles and operating principles.

Talking Points:

1. The text of NSTIC goes far beyond the four guiding principles, and many statements and design requirements from the sections of the document outside of the guiding principles are both important to the success of the future Identity Ecosystem Framework and also represent many key points brought forward by stakeholders through the many rounds of feedback that led to support of NSTIC.
2. There has been no process for proposing, discussing, combining or otherwise addressing the need for amendments to the proposed Charter and By-laws. On the recent webinars, it was stated several times that there had been no discussion or little discussion on the drafts and evidently no demand for changes. However, as I indicated in my comments during the last webinar, I had proposed this very amendment on the first day the Charter and By-laws were published for comment. The government published the documents at: <http://nstic.blogs.govdelivery.com> and requested comments. I posted the following comment and have to this day received no feedback from the government proposers of the Charter and By-laws.

<http://nstic.blogs.govdelivery.com/discuss/draft-by-laws/>

Dazza Greenwood says:

June 29, 2012 at 3:08 pm

This looks like a great step forward. I'd suggest that the final bylaws should be tied back, directly or indirectly, to the scope and purposes of NSTIC as articulated in the strategy document itself. At the Internet Identity Workshop in Mountain View last week, Scott David led a session related to discussion of NSTIC bylaws at which he suggested the NSTIC governance body could be formed as a legal entity known as a "Benefit Corporation" (see: http://en.wikipedia.org/wiki/Benefit_corporation). If this route were taken, the bylaws would be tied to the "Articles of Incorporation" which would in turn be tied to a "Charter". The Charter would be an appropriate place to link the scope and purpose of the Governance body to realizing the aims of the strategy document, and as a conservative matter, it would be well to also reference acting within the scope of the Charter in the bylaws themselves. There are many very positive statements made in the strategy document, including with respect to security, privacy, promotion of a robust private marketplace, the use of pseudonyms, that the individual is the most important player within the Identity Ecosystem, and many other statements. The statements within the strategy literally "are" what NSTIC "is", and account for the support NSTIC has received from the wide range of stakeholders have promoted NSTIC. Therefore, it is very important to tie downstream governance and activities of NSTIC to the NSTIC strategy document and not to lose some of those statements along the way. Whether that is done through a Charter in a Benefit Corporation, or in other ways, it is very important to ensure that the bylaws – which will be the key operational and procedural

governing document of the governing body – is directly tied to the scope and content of the strategy. Over time, it is always possible to amend the documents to reflect changed values, purposes or scope, but the starting position should and must directly reflect the strategy as the scope and purpose or what follows should not be called NSTIC.

There is virtually no time on the agenda to discuss the proposed Charter and By-laws, much less propose, debate or vote on amendments. The agenda item for this topic refers merely to “Ratification”. Among my unanswered questions on the Government and Secretariat webinar on August 2, 2012, were the following:

- Dazza Greenwood: I posted a recommended amendment to the blog. There has been no next step. Jeremy indicated there was an open door. I have tested that and it did not seem there is any process for suggesting alternative. What is the appropriate process to suggest and discuss amendments?
- Dazza Greenwood: There is no time on the agenda to discuss and vote, if needed, on amendments. there is only "ratification". How will we have amendments?
- Dazza Greenwood: Hi Kalie - for the current speaker, who is asking for feedback on process and fairness, I'd like to understand how election voting would happen with people who are participating online but not in the room? I heard some reference to a ballot for voting for nominated position, but there is also voting on amendments and possibly other matters that will emerge DURING the meeting... how - if at all - will online participants be able to vote? If more work is needed to work this out, I'd be happy to volunteer to work with the Secretariat and others in advance to develop a plan or at least alternatives that can be chosen at the event if/when this question arises. Thanks.

There must be some latitude to consider some amendments to ensure integrity of the process, and it is important there is adequate opportunity at least to address the above request for amendment that was duly made through the only channel provided by the government and presented at first opportunity on July 29, 2012.