Building the Trust Framework

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The Framework Consists of . . .

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

- **Legal Rules**
  - Content
    - Existing law
    - Contractual obligations
  - Goals
    - Regulate Operational Specifications
    - Make Operational Specifications legally binding on the participants
    - Define and govern the legal rights and responsibilities of the participants
Operational Specifications: Things Necessary to “Make it Work”

Partial listing of Operational Specifications

- Technical Specifications
- Credential Issuance
- Authentication Requirements
- Reliance Rules
- Credential Management
- Identity Proofing
- Privacy Standards
- Security Standards
- Audit & Assessment Oversight
- Business Processes
Operational Specifications: Regulated by Existing Law

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

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

Partial listing of Legal Rules
Trust Framework: Putting It All Together

Operational Specifications

- Technical Specifications
- Credential Issuance
- Authentication Requirements
- Credential Management
- Identity Proofing
- Privacy Standards
- Security Standards
- Audit & Assessment Oversight
- Business Processes
- Enforcement Mechanisms
- Legal Rules
- Liability for Losses
- Warranties
- Dispute Resolution
- Measure of Damages
- Termination Rights
- Operational Specifications

Contract: “I Agree” to . . .
Common Legal Barriers to Be Addressed By a Governance 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