

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

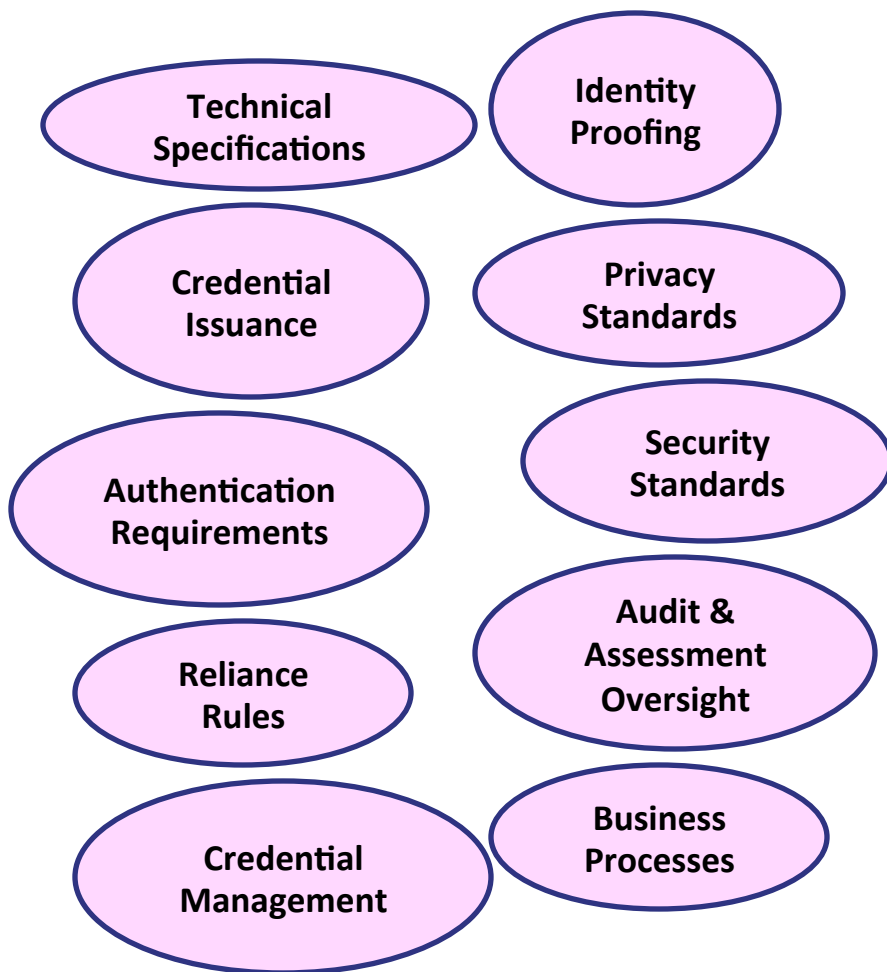
- **Legal Rules**

- 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”



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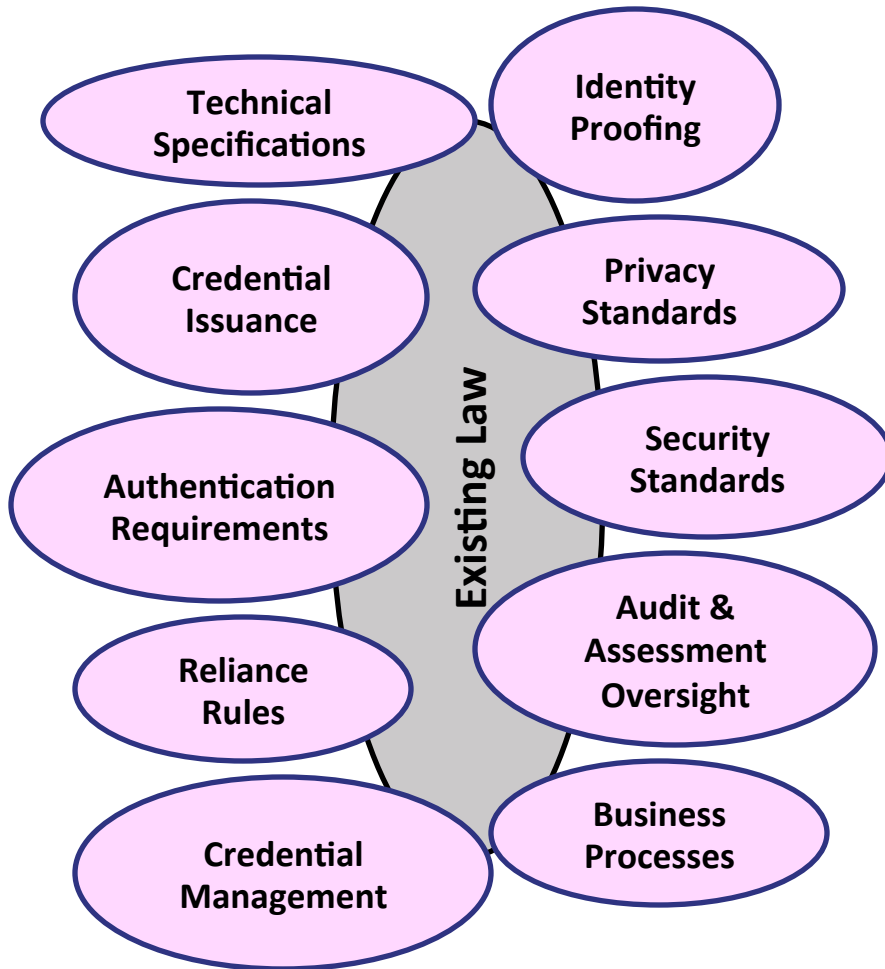


Partial listing of
Operational
Specifications

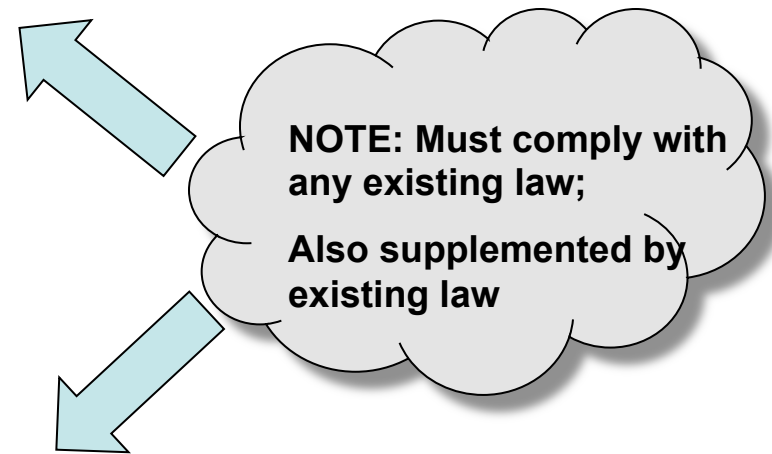
Operational Specifications: Regulated by Existing Law



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Partial listing of
Operational
Specifications



Legal Rules

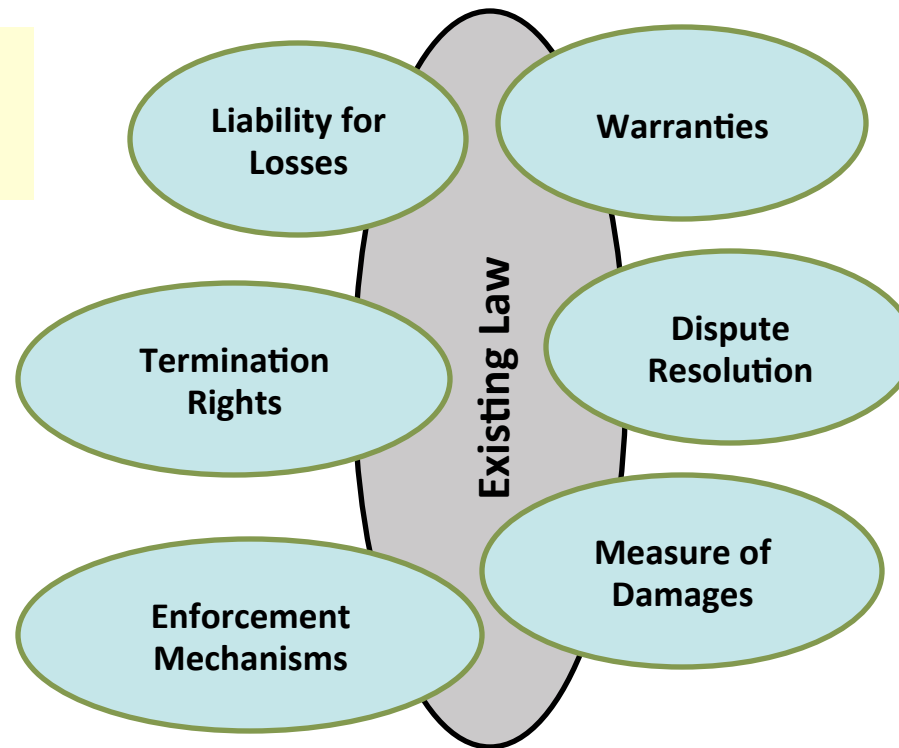
To Govern Legal Rights of the Parties



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Existing Law as Supplemented and/or Modified by Contract

Partial listing of
Legal Rules

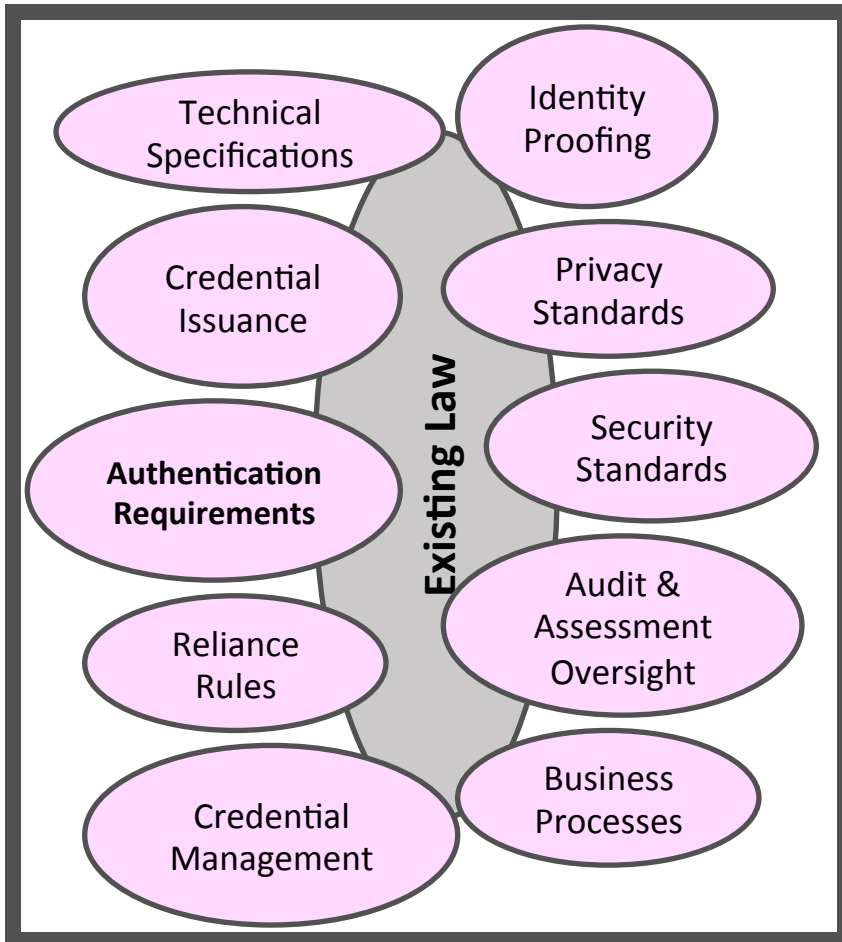


Trust Framework: Putting It All Together



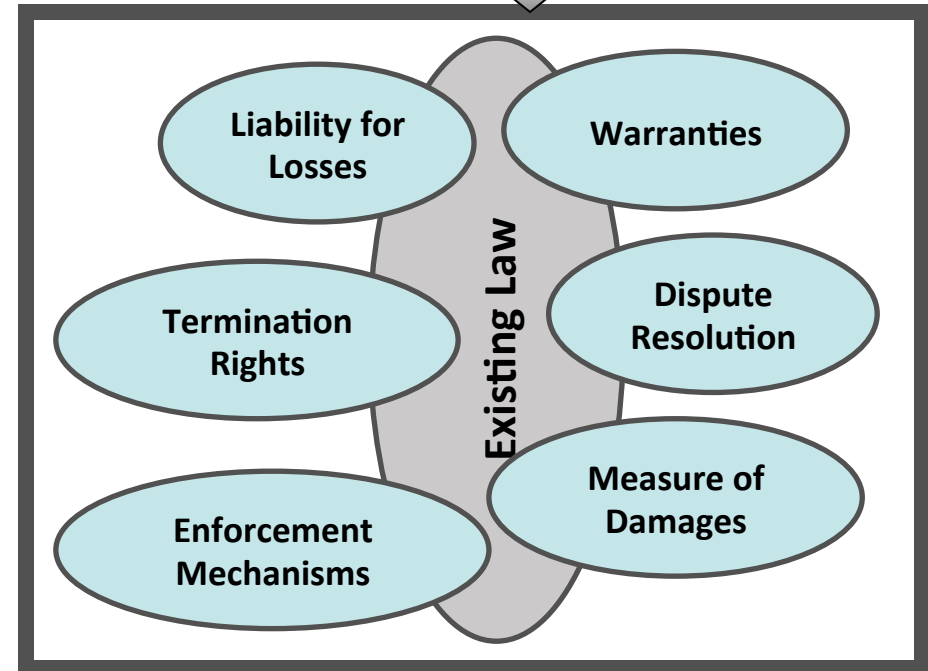
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Operational Specifications



Contract:
"I Agree" to ...

Legal Rules



Common Legal Barriers to Be Addressed By a Governance Framework



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- 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