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# National Strategy for Trusted Identities in Cyberspace

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COST-EFFECTIVENESS AND ECONOMIC IMPACTS »

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In order for Trust Frameworks to fulfill the critical and essential role envisioned within this strategy, a special focus on the role of individual people is needed at the business, the legal and the technology layers. At the legal layer there will eventually be a need for legislative, regulatory and policy measures to support and reflect a citizen-centered architecture. Specifically, the question of liability will need to be squarely addressed and it is instructive to look at precedent as part of assessing what needs to be done with the emerging jurisprudence of identity. Trust Frameworks find their lineage from the so-called "Operating Regulations" and "Operating Rules" and other similar multi-lateral contractual cross-boundary instruments governing and defining the credit card industry. The Visa Operating Regulations are an excellent example. A key reason these contractual models work well is precisely because consumer liability has been squarely addressed - in that case by statute (the Electronic Funds Transfer Act) and Regulations (Reg E and Reg Z, interalia) which cap individual liability for fraudulent transactions at \$50. The remaining liability is therefore carefully allocated, managed and mitigated by the business parties in a superstructural system called the Operating Rules - a multi-volume contractual system of agreements and specifications and rules and exceptions and governance and much more. Similarly, for identity to blossom to the next level, a direct legislative limit on liability for innocent individuals is needed, and the consequent "Trust Frameworks" will therefore allocate, manage, mitigate, shift and otherwise address the risk and liability with a clear, obvious and highly motivating focus. Innocent citizens must be protected and - as history shows - this is also what will help create and grow a vibrant market for businesses and other services providers, including non-profits that will develop to directly serve the interests of citizen-centered identity solutions. The types and limits and details of liability limits are matters for much study, but the model of a simple and direct and very significant protection - as we see with credit cards and other similar models (e.g. the Electronic Benefits Council of governments, banks, merchants, etc) is a good example of what can work and what is needed. The NSTIC policy draft makes sense, but to apply well the entire ecosystem must be addressed and that includes real legislative and regulatory actions that serve the people - not just half measures or hopes that the private framework will somehow take care of the problem based on good will and well wishes. An anchor point is needed to structure business, legal and technical architectures around and this is it. More information and discussion on this idea and others can be found at [www.nstic.us](http://www.nstic.us)

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Submitted by [Dazza Greenwood](#) 2 months ago

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