



**UCITA Advisory Committee**  
**Wednesday, October 26, 2011 10:00 a.m.**  
**General Assembly Building, Speaker's Conference Room**

- Call to Order & Introductions

The chairman of the advisory panel, Senator John Watkins, called the meeting to order. Everyone attending the meeting, either in-person or via teleconference, introduced himself.

- Discussion of Identity Credentials in Virginia

Tim Reiniger, member of the UCITA Advisory Committee, reviewed the history of the draft legislation currently under consideration by JCOTS: HB 2259 from the 2011 Regular Session of the General Assembly had been referred to JCOTS for further study during the interim. The bill aims to provide liability protection for those entities that issue identity credentials to individuals who use those credentials to access highly secure data environments. Those issuing entities believe they experience uncertain liability risks with regard to whether those credentials are misused or are based on incorrect identifying data. The ABA formed a task force regarding the issue, and the bill draft was largely informed by that effort.

The chairman called for comments from various members of the business and public sector communities to discuss various aspects of the identity credentials at-issue, including the benefits that would be derived by the current proposed legislation.

Among the topics discussed by the attendees was the role that driver's licenses, issued by the Department of Motor Vehicles, play as a general-use identity credential, not just as proof of driving competency. Identity proofing in any form is almost always reliant upon state-issued credentials, such as birth certificates, driver's licenses, etc.

The discussion also included the question of the role that private credentialing can play. Private entities are subject to liability risks, while state agencies are protected by sovereign immunity. Additionally, there would need to be something

in place that would bolster the end-user's confidence in the credential, such as a common standard by which all entities issue their credentials. What recourse can end users who rely on these privately-issued credentials pursue if these standards are not followed? By pursuing the proposed legislation, Virginia would help to resolve many of the uncertainties that currently prevent many private credentialing entities from entering the realm.

Currently, VITA and DMV, as well as other state agencies, are looking into the possibility of establishing state-wide services that would allow citizens to conduct business with the state with their state-issued ID. Such an effort takes into consideration not just the importance of validating a person's identity, but also the purposes for which the credential may be used.

The chairman concluded the conversation by suggesting that a lot of work needs to be completed before any legislation can be submitted to the General Assembly. He suggested that perhaps further study through JCOTS, along with other state agency representatives, could take place over the coming interim. The chair directed staff to draft a study resolution that would ask JCOTS to continue to study various aspects of the issue during the coming interim.

The meeting concluded. No further UCITA Advisory Committees will be held during the current interim period.