



Electronic Identity Management Advisory Committee
Senator John C. Watkins, Chairman
Tuesday, May 21, 2013 1:00 p.m.
House Room C, General Assembly Building

The Electronic Identity Management Advisory Committee held its first meeting of the 2013 Interim on Tuesday, May 21, 2013. Senator Watkins called the meeting to order. Committee members, as well as members of the public participating in the meeting via conference call, introduced themselves.

Jeff Nigriny, Chief Executive Officer at Certipath and an active participant in the work of the Advisory Committee, submitted a proposed legislative draft for the Committee's review. A copy of the draft is available on the JCOTS website. The draft attempts to define out third-party civil liability in Virginia for private-sector identity issuers. Tim Reiniger, a consultant with Future Law, has worked closely with Mr. Nigriny and presented the draft to the committee. He said that the draft came out of years of work with the American Bar Association. He said the Bar Association is excited that Virginia has stepped forward to try to tackle the liability issues, and that Virginia's work could set a good model for other states. Mr. Nigriny, who participated in the meeting via conference call, said that he hopes the draft addresses the idea that Virginia has to ability to decide what rule sets are appropriate in issuing identity credentials, and that a relying party will understand that if it accepts a credential issued under these rules, then the liability and risk is understood.

Other meeting participants raised concerns that the bill itself did not set a cap on damages, but would leave that to be determined by individual trust frameworks. Questions were also raised about the role that the Commonwealth would play in approving the trust frameworks used by private entities. When asked if this bill was being proposed in response to any particular cases or incidents, Mr. Nigriny replied that the bill was an attempt to be pro-active because he found that many private entities are not embarking on this path because of unmitigated risk. This bill seeks to address that.

Senator Watkins asked for others to continue to review the proposed bill, and to provide staff with comments regarding the proposal. He also asked participants from state agencies to think about the implications, if any, that the bill would have for the public sector, or for public-private transactions.

The meeting was adjourned.
