



## **2013 Identity Management Advisory Committee Report**

Legislative Member: Senator John Watkins (chair)

- ◆ In addition to the legislative members, the Advisory Committee was comprised of six individuals appointed by JCOTS representing the Office of the Secretary of Health and Human Services, the Office of the Secretary of Technology, the Office of the Secretary of Veteran Affairs and Homeland Security, the Office of the Attorney General, VITA, and the Department of Motor Vehicles.
  - ◆ The committee also solicited active participation from members of the private sector interested in identity management issues. A conference call was set up every meeting, and interested parties as far away as Washington State, Minnesota, and Illinois participated and provided their input regarding the issues addressed by the Advisory Committee.
  - ◆ After spending the bulk of the 2012 Interim learning and developing an understanding about identity management efforts going on at the state level, and the new Commonwealth Authentication System, focus in 2013 shifted to the private sector.
  - ◆ A private sector participant drafted a legislative proposal for the Advisory Committee to consider that would address liability issues facing private sector entities that issue identity credentials.
  - ◆ Proponents of the legislation argue that the liability issues are currently unknown in the private sector, and are thus a barrier to the private sector actively entering the marketplace. The proponents suggest that by Virginia could be a leader in identity management solutions by adopting legislation that defines the liability.
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- ◆ Opponents are concerned that liability is not a "one size fits all" proposition, and that liability might differ from industry to industry. Opponents also suggest that the liability issues might be solved through contract and the marketplace, instead of through legislation.
- ◆ The issues addressed in the proposed legislation are very complex, and not something to be rushed into. The legislation also raises additional questions, such as what is the state's role in identity management, and if the state should play a role, which agency of the Commonwealth should take the lead. The Advisory Committee would like to receive more feedback and solicit more input before making any legislative recommendations.
- ◆ The drafter of the proposed legislation offered to create a memo or policy brief that could be distributed to other private sector entities in an attempt to gather more information, comments, and feedback. This has not yet been completed, but it is anticipated that the issue can and should be continued to be discussed during the 2014 Interim.

