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Certification – Business Need

- Qualification for liability protection under the Electronic Identity Management Act ("the Act," §§ 59.1-550 et seq.) requires Trust Framework Operators (TFOs) to demonstrate compliance with the Commonwealth’s adopted minimum specifications and standards
- Determination of compliance will remain subjective and open to dispute without a certification process
- Absence of a certification process will burden the court to make determinations on TFO compliance at the time of each petition for liability claim
• Establishes objective, consistent criteria for evaluating TFO compliance based on adopted minimum specifications and standards (GD2)

• Enables setting of requirements for TFOs to maintain an audit of compliance as part of the certification process

• Provides the courts with objective criteria based on adopted minimum specifications and standards (GD2) to evaluate liability claims and to determine whether TFO has been compliant
• Remains consistent with statutory provisions and limitations in the Act and §§ 2.2-436 – 2.2-437

• Aligns with European Union’s model for certification established in the eIDAS (standards-based)

• Applies criteria for certification authorities consistent with EU’s eIDAS Regulation No. 910/2014
Discussion Points

- Liability of certification authorities pursuant to the Act
- Contracts between TFOs and candidate certification authorities
- Limitations in the Act to address (or accommodate) federation
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