

From: Tim Reiniger
Sent: Monday, August 10, 2020 11:38 AM
To: dig-comments-RFC <dig-comments-rfc@nist.gov>
Subject: Comments on Digital Identity Guidelines RFC

Dear Madam/Sir,

Thank you for the public invitation to provide comments on the NIST 800-63 series digital identity guidelines. My comments (and recommendations) are based on both legal and policy experience with identity proofing/authentication in the online environment. Here are the comments according to the specific document:

NIST SP 800-63A

1. In Section 10.1 (General References), it is important that the reference to “FBCA Supplementary Antecedent, In Person Definition July 16, 2009” be retained.
REASON: This policy has been expressly referenced in the Virginia notary code since 2012 and legally supports tens of thousands of notarial acts that have relied upon this as a method for confirmation of a signer’s identity.
2. In Section 5.3.4 (3), add a third sentence as follows: “The binding process may include an antecedent process in accordance with the FBCA Supplementary Antecedent policy.” REASON: This would provide a lawful basis for Trusted Referee notaries, who are not commissioned under Virginia law, to leverage the use of the FBCA Supplemental Antecedent policy.
3. In Section 5.3.4, add as a new sub-paragraph (5): “A notary acting as a Trusted Referee may certify a official Protest as a redress mechanism for purposes of Section 4.2(5) and Section 8.4 of NIST SP 800-63A and Section 4.2, Section 7.3, and Section 10.2.2 of NIST SP 800-63C.” REASON: This would add a tremendously powerful existing legal option as a redress mechanism available to CSPs.

Please do not hesitate to contact me if you would like additional information or have any questions. Thank you for your consideration.

Regards,

Timothy Reiniger