

## SENATE JOINT RESOLUTION NO. 15

*Directing the Joint Commission on Technology and Science to study electronic identity credentials and possible liability concerns therewith. Report.*

Agreed to by the Senate, February 14, 2012

Agreed to by the House of Delegates, February 24, 2012

WHEREAS, the Internet has become a fundamentally important forum for the conduct of business transactions in, through, and with the Commonwealth; and

WHEREAS, confidential information may be accessed by or passed between or among public and private entities as well as members of the general public; and

WHEREAS, user and data security is under constant and ever-increasing risk of unauthorized access and misappropriation; and

WHEREAS, the validation and authentication of authorized user identities is imperative to maintaining the security and integrity of information that may be accessed or transferred through the Internet; and

WHEREAS, authorized users are commonly issued certain electronic security credentials that allow their identity to be verified and authenticated so they may access restricted data or engage in certain business transactions over the Internet; and

WHEREAS, certain electronic security credentials may be issued by private entities who are in the business of providing such credentials for use in restricted-access data transfers and in certain business transactions over the Internet; and

WHEREAS, electronic security credentials issued by private entities may become increasingly prevalent tools by which user identities will be validated in order to obtain access to certain confidential or classified data or to engage in business transactions over the Internet; and

WHEREAS, electronic security credentials that are used to validate and authenticate user identities are commonly based upon state issued identifying documentation such as birth certificates and driver's licenses; and

WHEREAS, certain liability concerns may arise concerning private entities that issue electronic security credentials; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Commission on Technology and Science be directed to study electronic identity credentials and any possible liability concerns therewith.

In conducting its study, the Joint Commission on Technology and Science shall (i) coordinate with stakeholders in both the public and private realm to identify opportunities, challenges, and strategies for the issuance of electronic security credentials; (ii) identify potential uses of electronic security credentials in transactions involving the Commonwealth; (iii) identify the role the Commonwealth should play in the issuance of identification documentation used by private electronic security credentialing services; (iv) identify policies and craft legislation that would facilitate the use and issuance of electronic security credentials; (v) identify and address through policies and legislation any liability considerations that may arise through the issuance of electronic security credentials by private entities; and (vi) consider such other related issues as the joint commission deems appropriate.

Technical assistance shall be provided to the Joint Commission on Technology and Science by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the Joint Commission on Technology and Science for this study, upon request.

The Joint Commission on Technology and Science shall complete its meetings by November 30, 2012, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2013 Regular Session of the General Assembly. The executive summary shall state whether the Joint Commission on Technology and Science intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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