

**Radio-Frequency Identification Document Advisory Panel Meeting
914 Capitol Mall, Room 500
Sacramento, CA**

**Summary
February 6, 2008**

Panel Members in Attendance

Susan Hildreth, Chair
Steve Keil
Bill Newell
Nicole Ozer
Randy Vanderhoof
Paul Preston
J. Clark Kelso
Jennifer King
Leilani Yee
Beth Givens
Roxanne Gould

The meeting came to order at 10:00 a.m.

1. Welcoming Remarks by Susan Hildreth, Chair

2. Remarks by Chris Marxen, Assistant Director, California Research Bureau

The California Research Bureau received written comments from the October 31, 2007 meeting. Combined with public testimony, all recommendations were integrated into a single database. The CRB extrapolated three main topics and created an outline, which is being distributed today as a PowerPoint presentation. The Panel is being asked to discuss each topic today. If there is a consensus to change any part of the outline, the CRB will make the change. If there are dissenting opinions, these will be included in an appendix in the final paper. The CRB intends to produce a draft report from this outline within three weeks. The Panel will have the opportunity to read and respond to it. It is the CRB's intention to present a final report of recommendations to Senator Simitian by March 15.

Nicole said she had hoped the advisory panel could come up with technical options, expert opinions for CRB. The letter from Senator Simitian and the CRB press release are different from the goal of today's meeting. Chris explained that CRB met with Senator Simitian and that he had agreed that the scope of the recommendations should cover more than just RFIDs, but all electronic identification documents.

Roxanne said that a “one size fits all” determination could wind up more costly.

Beth suggested that the panel discuss each recommendation as they come up.

Leilani and Paul expressed concern about changing course, moving away from RFID to more general scope.

Chris - RFID is only one type of identification document (ID). Different types, frequencies, specifications are out there. To outline only a specific type of ID or reader is possible, but with this range of technology, more general recommendations need to be given. We need to recommend a process for analyzing the need and acquiring an ID, not provide technical specifications that might become obsolete in a short time. The future is unknown. New technology is being invented all the time. Privacy and security concerns apply not just to RFID but all digital technology. But the core problems – privacy, security – remain the same. These problems surpass just RFID technology. It is not abnormal for the scope of an advisory panel’s mission to change.

Nicole – We need to be tech-specific because individual agencies have few resources to make good technical decisions.

Bill agreed that there are many different ID technologies, and agreed with the philosophy behind the CRB approach.

Jennifer – RFID should has core principles, properties. 1) Not readable without the user’s consent. 2) Whatever data is stored cannot be read by a 3rd party without the user’s permission.

Clark stated he is fully supportive of the direction CRB has taken in this matter.

Paul stated that it has become obvious there are other technologies to be considered. It is important to keep other identification document types secure as well.

Beth stressed that she would hate to see recommendations watered down.

3. Topic One – Chris Marxen, Presenter

page 3

Clark – Check for unintended consistencies. Check current laws. Don’t let conflict of law happen at the state level. State vs. Local. The state CIO office has regulatory authority over state agencies, but not over local agencies.

Susan – We may not want to frame it so specifically that the state will dictate policy for local government.

page 4

Clark – RE: 1A, page 4 – Can an agency assess its own current technology and its own level of future need? Central guidance needed for outcome achieved.

Nicole – Agreed.

Roxanne – Public decision-making process may not be needed in all venues. Again, beware the “one size fits all” approach. Parking lot passes, etc. may not need the same decision-making process as a universal ID card.

Steve – Public agency should expect parameters, but cannot expect such process all the time. Gridlock.

Nicole – Only for public ID docs, not small acquisitions.

p. 5

Clark – Public hearing may not be the place for judgments, as results of technology are inconclusive, and consensus is hard to come by. Half the public testimony could come from vendors who are trying to position themselves to win contracts. Can reduce to technology arguments over specific technology to be employed.

p. 6.

Clark – Best practices do not include selecting technology before identifying the need.

Steve – Define the term “agency”.

Susan – We want to consider equally the cost, feasibility of systems.

Nicole – Cost is not just in terms of the product, but the cost of privacy, security.

Susan – Include the word “mandatory” in 1A.

Nicole – Some ID, such as driver’s licenses, are not mandatory for identification.

Bill – “Mandatory” is not the point where government is concerned.

Clark – In 1B, beware of a list. An agency may take the bureaucratic route and make such as list in their feasibility study.

p. 7

Steve – County agencies are affected by state policies, forms, procedures, etc. May not need 58 assessments of technology for county [welfare] agency that is a subsidiary of the state [welfare] agency. Sometimes county agencies may have to defer to the state’s operational decisions.

Randy – Is a self-assessment enforceable?

Chris – The privacy impact assessment (PIA) is a California version of a federal requirement.

Susan asked if CRB had checked with the Office of Privacy Protection.

Chris – Yes, but the OPP does not have a California version of the federal PIA.

Jennifer – When PIAs have been conducted, quality is always questionable. Agencies not accountable to anyone. Need an enforcement piece.

p. 8

Clarifications

p. 9

Chris – Last October at the first panel meeting, there was no testimony that the ability to be read without user knowledge is real. Should we still include?

Panel – Yes.

Roxanne suggested it is better not to have the list.

p. 10

Chris explained that there are end of life concerns related to the environment.

p. 11.

Roxanne – Not sure should be included. Testimony?

Susan – It's okay to leave it for now.

Turn off the RF remotely? Disallow readers to accept a document at the point of transaction.

Randy – Need to discern between disposal and lost or stolen ID. Two different sets of rules. Make 2 different statements: use of credential, and information contained within the credential.

p. 12

Clark – This is an Integrated Waste Management Board issue. Move to strike the whole page.

Panel concurred.

Public comments

1. Dominic DeMare, Infineon

- a. Mr. DiMare agrees with the direction the panel is taking.
2. Valarie Small-Navarro
 - a. Need very specific policy suggestions for the Legislature. This work so far is too abstract. State mandate on an abstract set of rules is too costly.
 - b. The playing field is unequal. Industry has more influence than privacy rights orgs.
3. Matt Back – HID Global
 - a. Exactly what documents are we talking about? Why talk about future, not present, technology?

Lunch

4. Topic Two – Pam Martin, Presenter

p. 13

Susan – Take out the sentence on vendors?

[no consensus in group]

Beth – Make the second paragraph worded in a positive manner.

p. 14

Clark – Feasibility study, then public hearing.

Nicole – Would need an extremely robust process to make the public aware. A task force would be an active effort by an agency, similar to this RFID advisory panel.

Paul – Schools already have public hearings in play. No additional work or mandate is needed.

Nicole – Has seen parents at odds with schools on privacy issues. That's why an active task force process is needed.

Paul – The law is not spelled out.

Jennifer – Review level depends on the scope of ID under review. Small – scale ID to get into a single building is a different scope than large scale, multi-use ID.

Paul – “Task force” is undefined.

Susan – Advisory body responsible for vetting an agency's need, privacy, security needs.

Pam – Scalability – small ID system might need small committee.

Clark – Large-scale systems get vetted already by the LAO, Legislature, etc. Small systems / agencies – waste of time and money.

Nicole – Small agencies need task force especially.

Beth – Depending on the scale of the project, shall do all of the following: 1) task force comprised of (etc.), 2) public forum, 3) public info and comment period.

Randy – Federal system of review process

Beth – Federal also uses a public forum or workshop.

Randy – Seems rational to recommend public involvement up front. Parameters transparent. What’s the federal rule-making process? Possible to adapt it to the state?

p. 15

Beth – Fair info Practices Act from 10/31/07 meeting

p. 16

Nicole – Include information on how to protect info from being stolen.

Susan – How info is being protected.

Randy – Take out B. It’s redundant.

Nicole – Not only on readers, but everywhere a user might not know a reader is present. Also, take out the word “exact”.

p. 17

Change wording

p. 18

Change wording on section B. OISPP?

p. 19

Concur

5. Topic Three – Chris Marxen, Presenter

p.20

Chris – A new term is being introduced here: “electronically coded data”. Explained.

Clark – Call the State Security Officer, show p. 20 to her and she will tell us what data management laws currently exist.

Nicole – Add that a core issue is, don't collect more info than is needed. Should include in the overall key issues at the beginning. Guidance is necessary.

p. 21

Chris – Move to strike the first sentence. Panel: Concur.

p.22

Clark – Are we sure penal and civil code doesn't already have a law about agency theft or misuse of data?

Chris – CRB will check. Further scoping of laws is necessary.

Susan – Appropriate to mention policies in place re: penalties toward misuse of data? Employee discipline, termination, etc.

Nicole – SB 31 has penalty language the Legislature saw and liked. Refer to that language.

Public comments

4. Carol Hinton – EFF
 - a. “mandatory” government issued ID? [Panel: No.]
 - b. “System” – change to something more specific.
 - c. Will these recommendations be for existing ID, or new ID?
 - i. Pam – SB 30 says new only.
 - ii. Nicole – for RFIDs, but how about others?
 - iii. Bill – some applies to existing docs as well.
 - d. Deployment of new technology.
 - e. Level of security needs to match the sensitivity of info.
5. Valarie Small-Navarro
 - a. What's being suggested here is too cumbersome and expensive to fly. Look at the bill instead.

Closing

Senator Simitian spoke a few words about how grateful he is to the panel and the CRB for the work they are putting in on this matter.

Susan – Are we recommending legislation?

Bill – No.

Clark – For our recommendations to take effect at lower levels, it would have to result from enacted legislation.

Nicole – the goal is to give viable options to agencies. this means legislation. When the law says ‘agencies”, it means state, local, special districts, municipalities, etc.

Susan – Don’t hear unanimity on this issue. Could the panel members draft a letter?

CRB has the final say on wording, not the panel.

Susan – Does the panel feel another meeting is needed? [Panel: Yes.]

Heather Barbour (Senator Simitian’s Office) – Clarification would be helpful though would like sooner rather than later.

Susan – CRB to get the new draft written by the end of February. The meeting will be announced at least 10 days prior to the date. The next meeting will be the week of March 10. Will probably only take half a day.

Meeting adjourned at 4:00.