

National Identity Exchange Federation Framework for Addressing Operational Liability as an Identity Trust Framework Provider

The National Identity Exchange Federation (NIEF) Center at the Georgia Institute of Technology (GIT) has been formed:

- To advance and support programs that facilitate the sharing of justice and public safety information among Federal, state, local, and tribal justice and public safety agencies in a timely and cost efficient manner, and
- To enable, operate, maintain, enhance, and expand the secure, standards based, inter- and intra-state sharing of information through the Global Federated Identity and Privilege Management (GFIPM) concept, and
- To provide education concerning the associated standards and concepts of operation, and
- To establish, operate, govern, and maintain the National Identity Exchange Federation (NIEF) and perform the role and all of the associated duties and responsibilities of the Federation Manager on behalf of the members of the NIEF Center.

Members sign a membership agreement with the Georgia Tech Applied Research Corporation (GTARC) acting on behalf of the units of GIT that perform the role of Federation Manager. GTARC is a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (Code) and is a supporting organization of the Georgia Institute of Technology (“GIT”) under Section 509(a)(3) of the Code. Employees, independent contractors, subcontractors, consultants, and student assistants of GIT will facilitate and perform the activities of the NIEF Center in furtherance of the tax-exempt charitable purposes of GTARC, which functions as an extension of GIT.

As part of the membership agreement, a member executes a Participation Agreement appropriate to its role as a member (i.e. one or more of the following roles: Identity Provider Organization, Service Provider Organization, Trusted Identity Broker Organization, or Service Consumer Organization). Each is required to meet high standards of care and performance which must be documented to the satisfaction of NIEF. The NIEF Center as Federation Manager is responsible for evaluating all evidence and representations provided by candidate members for compliance with the standards of membership in the Federation.

Members agree as part of their membership to abide by the Bylaws of the NIEF Center and bear responsibility for their actions. The following sections are pertinent:

5.6 **Indemnification.** Member agrees to and does hereby indemnify, hold harmless, and save from liability GTARC, Staff Members, the NIEF Center, the Georgia

Institute of Technology, and the Board of Regents of the University System of Georgia, including their officers and employees, from and against any and all claims, demands, and actions arising out of or relating to Member's use of reports, information, or technology licensed to Member under the Bylaws.

- 5.7 **Warranty Disclaimer.** GTARC, the NIEF Center and the Georgia Institute of Technology disclaim any and all warranties both express and implied with respect to the services to be performed hereunder and any deliverables resulting therefrom, including their condition, conformity to any representation or description, the existence of any latent or patent defects therein, and their merchantability or fitness for a particular use or purpose, the use of any of the inventions or intellectual property will not infringe upon any rights of third parties.

General Liability Insurance protects employees of the State, employees of the Georgia Institute of Technology and employees of the University System of Georgia against personal liability for damages arising out of the performance of their job duties. The limits of liability are \$1,000,000 per person and \$3,000,000 per occurrence. The excess limits of liability are \$50,000,000. In most cases suit must be filed in Federal Court. Legal representation is provided by the Attorney General of the State of Georgia.

In addition, State Tort Claims Liability coverage protects the State, the Board of Regents of the University System of Georgia and the Georgia Institute of Technology against liability for torts committed by their employees while acting within the scope of their official duties or employment. The limits of liability are statutorily set at \$1,000,000 per person and \$3,000,000 per occurrence.