

14 April 2023
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Submission for the Digital Identity Guidelines SP-800-63-4

Centre for Inclusive Design (CfID) welcomes the opportunity from the National Institute of Standards and Technology (NIST) to provide feedback on the SP 800-63-4 Digital Identity Guidelines. Our overarching feedback is that for any digital identity system to advance equity, it must be developed with, not for, the communities which will use it. The guidelines are an opportunity for NIST to highlight the importance of community consultation and developing systems with the community rather than on their behalf. CfID also recommends ensuring the guidelines are flexible in how they approach equity and reinforce the importance of advancing, rather than achieving, equity. As the definition of equity varies greatly depending on the context, it is important there are allowances for the unique challenges in some contexts.

This submission focuses on four areas of the Digital Identity Guidelines:

- Inclusive design
- Human rights
- Equity
- Usability

Inclusive Design

To ensure digital identity systems are inclusive, CfID recommends embedding an inclusive design approach into the guidelines. Inclusive design uses human-centred design principles to eliminate points of exclusion. It means accounting for the uniqueness and diversity within the population by designing with a 'one-size-fits-one' approach. The process of inclusive design involves designing solutions with, not for, edge communities; those communities sitting on the margins of society and are excluded from traditional design processes.

Inclusive design is particularly critical in designing digital identities. Edge groups in this context may include people with disabilities, low literacy, low digital literacy, older people, and other excluded cohorts. Due to systemic structures and social inequalities, it is unlikely these groups are represented in the design teams creating digital identities. Users from these groups, however, will be critically impacted if there is a failure in the system. Inclusive design also gives designers feedback before prototyping and testing phases, when it is often too late to make significant changes.

CfID recommends the process of inclusive design to be adopted into the lifecycle of digital identity systems. Organisations should seek a holistic perspective from the community on how they want to interact with the system. In some instances, a digital identity function may not be the best avenue for achieving the organisations' goal and another channel may be more appropriate. If a digital

solution is preferred, it is essential community engagement and co-design continue throughout the design process and any future iterations, not just at conception. As these digital identity systems evolve and as technology advances, it is critical the most underserved communities do not become an afterthought.

Human rights

CfID is pleased continuous evaluation of potential impacts has been mandated in the drafted guidelines. There are concerns, however, that human rights have not been explicitly addressed in this section or in the management of risks. The concern comes from instances where digital identities limit human rights, including the right to privacy, equality, or non-discrimination.

CfID believes it is important guidelines include appropriate safeguards to protect individuals from breaches of human rights. A solution could involve a human rights risk assessment as part of a risk management model. An example of this in practice is the Human Technology Institutes' *'Facial Recognition Technology: Towards a Model Law'* report. A similar model could be used in the context of digital identity systems, outlining factors requiring consideration and a decision-making framework to assess the impact on human rights.

CfID also recommends the guidelines include a mandate to continuously assess human rights impacts. It will ensure implementing organisations conduct human rights due diligence and respond to any breaches of human rights resulting from digital identity solutions.

Equity

CfID is in support of the addition of equity as a key focus in the guidelines. Equity means going beyond fairness and accounting for the biases existing within equality. This means recognising and addressing the systemic and social barriers diverse groups experience within a population. It also means understanding how different cohorts are situated regarding digital literacy, access, affordability, and the skills required to access digital identity systems.

Advancing equity, however, is a localised challenge. Inequity will be experienced by different communities in different global contexts. For example, the Executive Order 13985 outlines several underserved communities, however, this list is not exhaustive. The guidelines must account for other unlisted communities, including those outside of the US context.

By placing this responsibility on organisations, how digital identity systems advance equity will be better suited to each context. Having flexibility also means the guidelines can be used effectively by organisations with differing levels of maturity.

Usability

In terms of usability, CfID supports the inclusion of Web Content Accessibility Guidelines (WCAG). The current WCAG 2.1 Level AA Success Criteria is correct at present; however, it is currently being updated and will continue to do so as technology and requirements change. We believe the

appropriate approach is to focus on usability, rather than compliance, and include successor standards. For example, stating 'the most up-to-date version' or 'successor of 2.1 AA WCAG'. It will ensure, as new accessibility standards are released, digital identity solutions are accessible for all users in the future.

About Centre for Inclusive Design

Centre for Inclusive Design works with governments and the private sector to help connect with communities of people who traditionally have been excluded or unable to access products, services and the built environment. The organisations' expertise lies in bringing together different perspectives to the design process, to deliver solutions that are useful and usable by as many people as possible. Centre for Inclusive Design also hosts the Eastern Chapter of W3C (World Wide Web Consortium).