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Trust Services / Digital Identities Landscape New threats and challenges

ENISA Trust Services Forum – October 27 – Berlin



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Topics covered in this session

- First some good news
- Landscapes of Providers for Qualified Trust Services, Remote Identification and Digital Identity
- Adoption of eIDAS instruments in public sector: Facing the hurdles
- Legal, technological and economic influences
- UK-EU: Mutual recognition of Trust Services endangered
- Adoption of eIDAS instruments in private sector – and the interests of stakeholders



Some good news first for QTSPs

There are many opportunities for Qualified Trust Services Providers

Together with corresponding orchestration systems – orchestrating processes for identification and/or signing and/or document handling QTSPs are able to deal with complex legal and regulatory requirements and hence having increasing strategic relevance – also sometimes considered as being part of the critical infrastructure (as seen in peak pandemic times)

Increased strategic relevance of trust service providers and identity orchestration platforms

Identity-related functions are becoming increasingly important or are required such as strong user authentication, identity proofing, digital identity wallet integrations, or use of digital certificates issued by a trusted entity

Basic Electronic Signature is increasingly offered as core functionality in content services platforms or feature in other purpose-built software, even browsers (e. g. Mozilla Build 106) ... However, awareness is raising that basic e-signatures often come with a lack in evidence hand have more a “decorative” character.

Now, let's face the challenges...

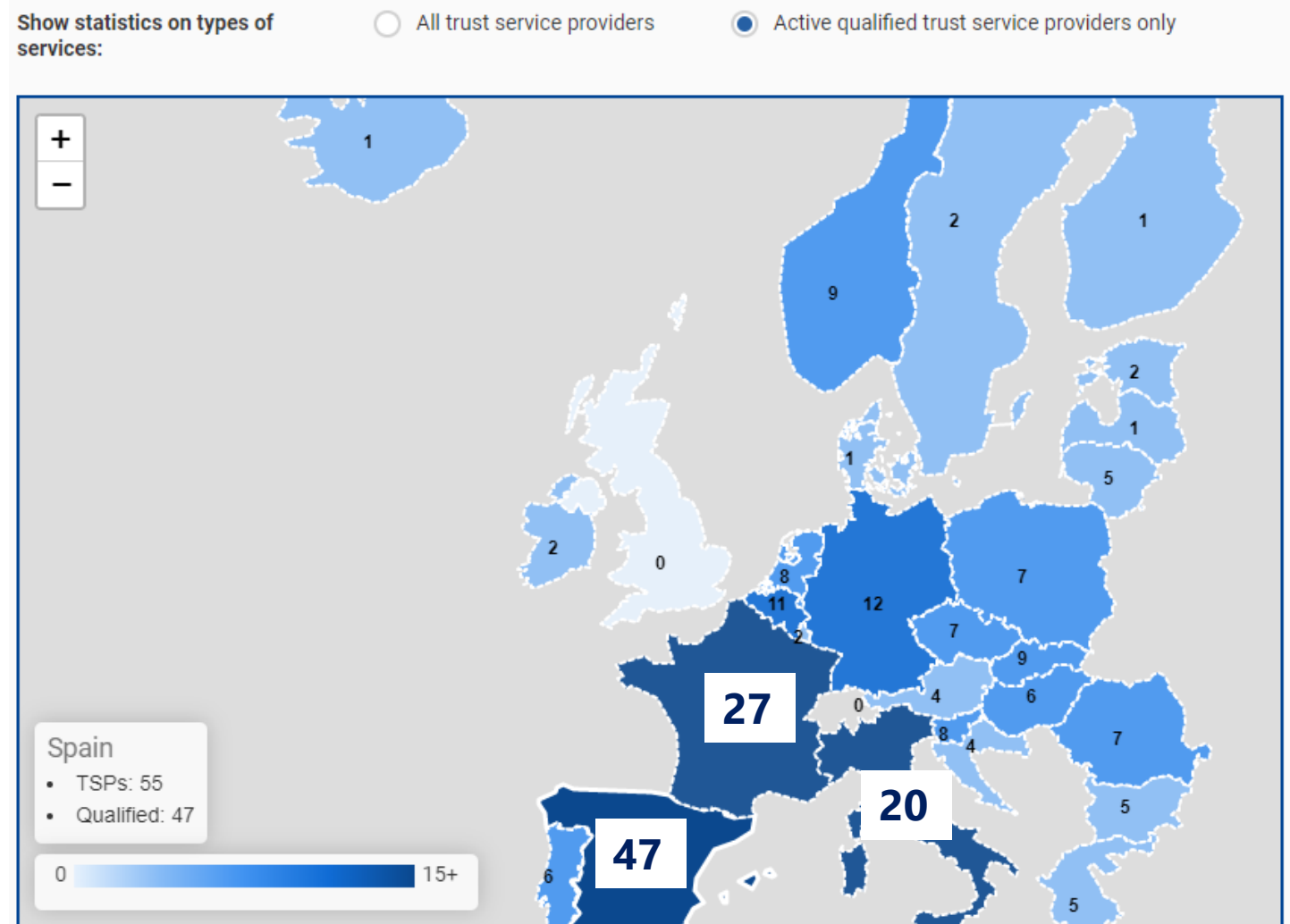


Qualified Trust Service Provider Landscape

222 active Qualified Trust Service Providers (QTSPs) in 29 countries - operating with different backgrounds

- Ownership: state owned vs. privately owned
- Technology: Increasing number of QTSPs operating based on PKI as a service
- Business Cultures: e .g. Nordics / Baltics different to Mediterranean
- Level of Trust in Government and its ability to digitize

Spain, France and Italy have 42% of the active QTSPs due to an active role of their respective Public Admins to foster digitization & usage of digital certificates for the delivery of citizen services (subsequent familiarity of the private sector with these digital solutions)



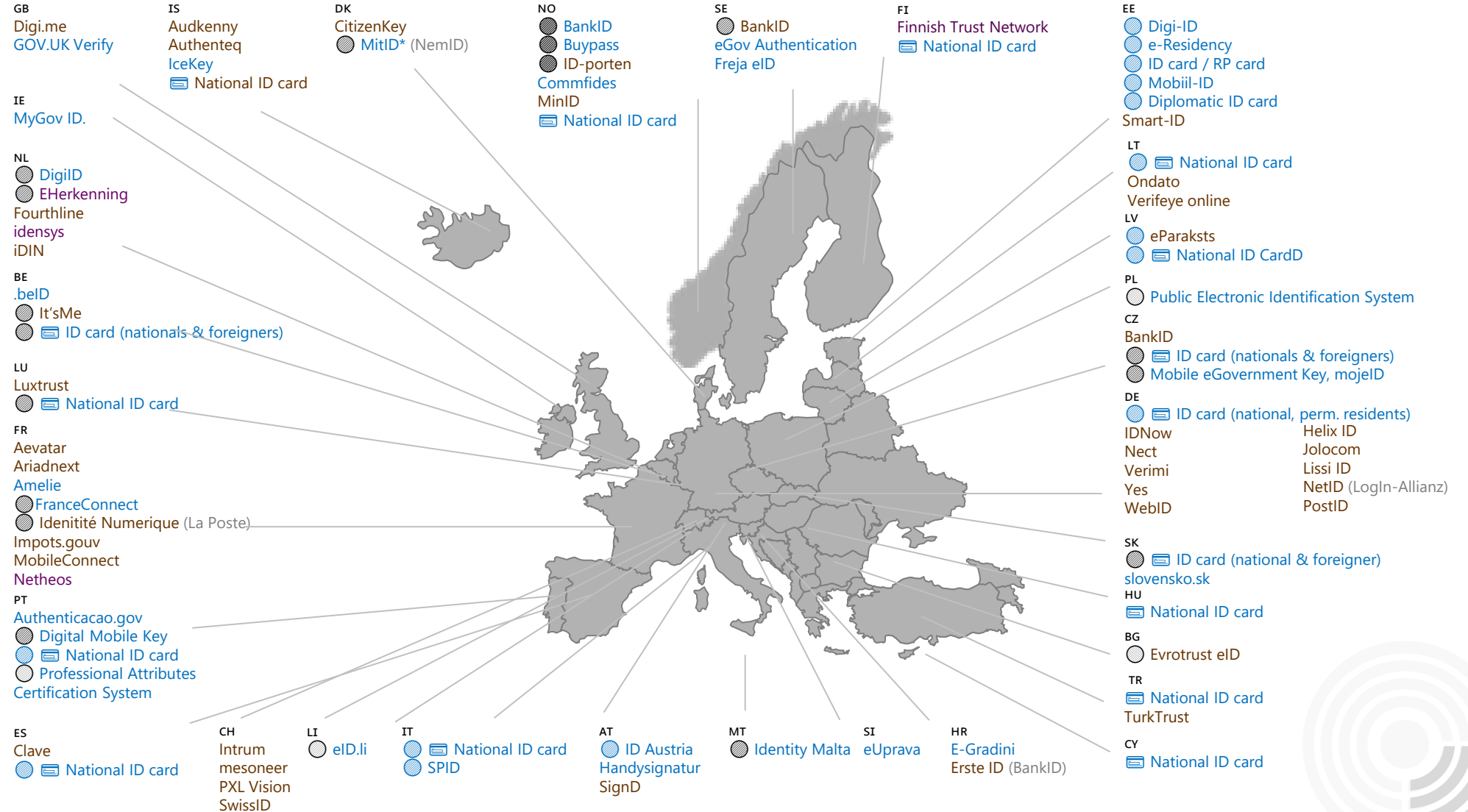
<https://esignature.ec.europa.eu/efda/tl-browser/#/screen/statistics>

Screenshots taken October 21, 2022

Landscape Remote ID Proofing & Digital Identity

Public Sector Solution
 Private Sector Solution
 Private Public Partnership

eIDAS - eID scheme**
 ○ Pre-notified
 ● Peer Reviewed
 ● Notified
 Card-based electronic / digital identities



Last update: October 24, 2022 © Joerg Lenz Namirial ; Information provided without guarantee for accuracy and completeness of data displayed; For clarity reasons organizations are only listed in their home / main country

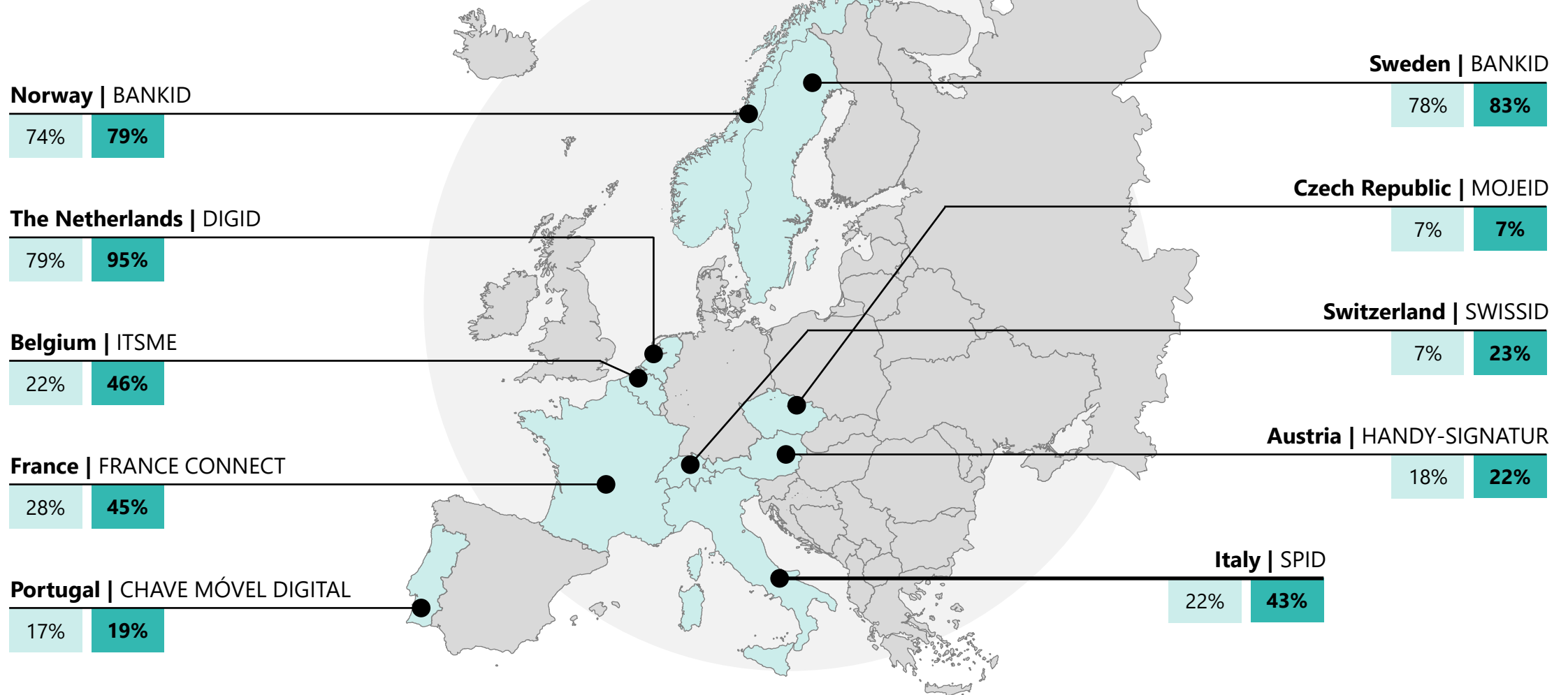
* Source: Namirial Research and European Commission - eID User Community: Overview of (pre-)notified eID schemes (i. e. those that can be used across national borders thanks to their integration with the eIDAS network) <http://bit.ly/eIDSchemes-eIDAS>





Digital Identity Adoption

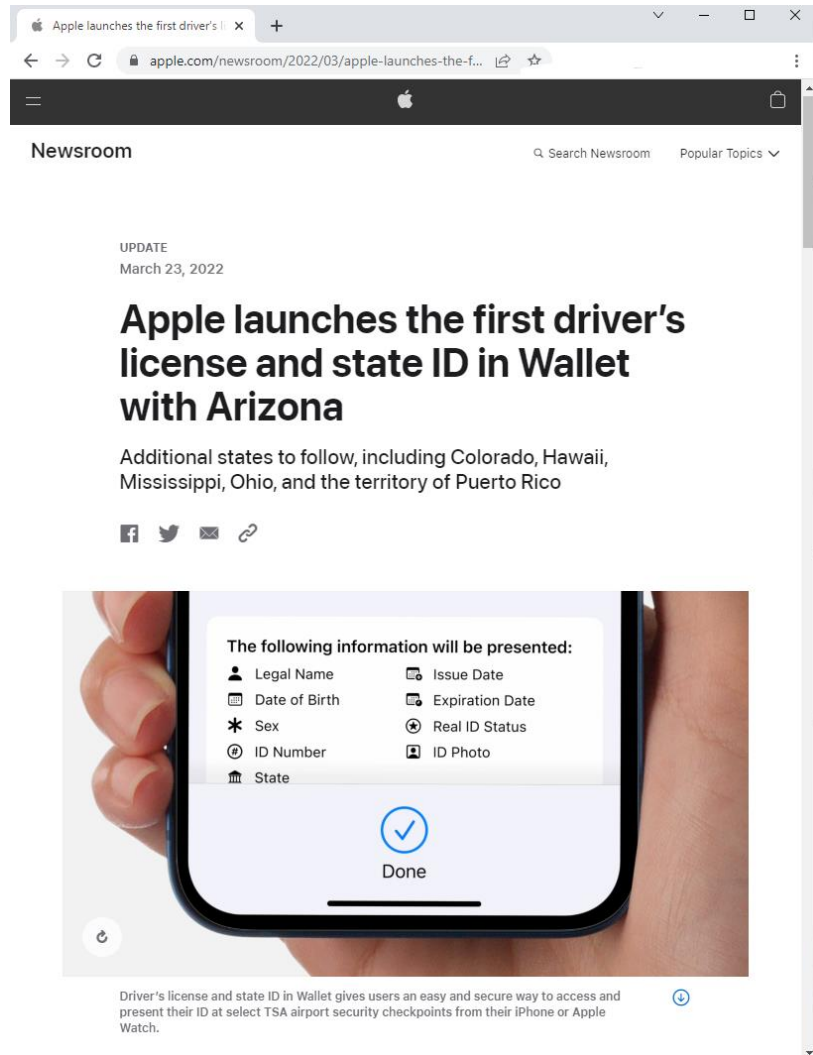
% of Population owning a Digital Identity



Source of data in image: Digital Innovation Observatories of the School of Management of Polytechnic University Milano –Working Group Digital Identity –Results presented in Workshop November 19, 2021

2020 2021

Facing the competition: Winning Hearts and Minds because of UX?

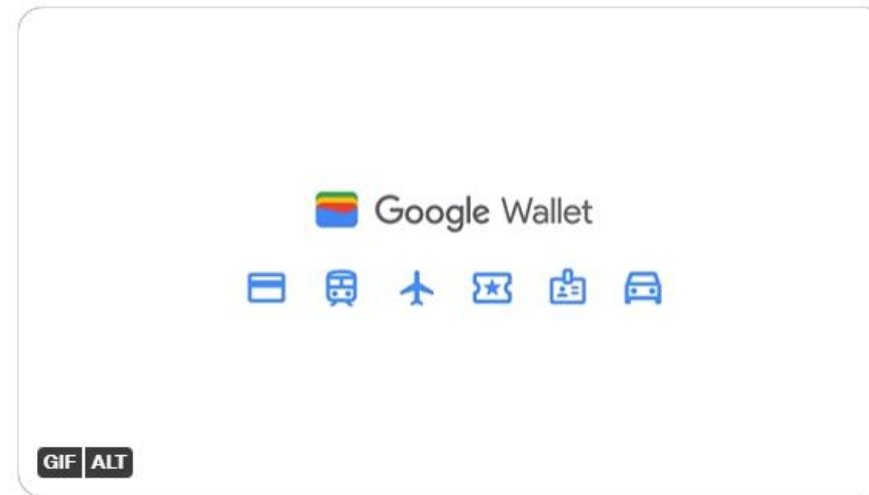


apple.com/newsroom/2022/03/apple-launches-the-first-drivers-license-and-state-id-in-wallet-with-arizona/



Phone, keys ... Google Wallet. Coming soon to Android, Google Wallet gives you fast, secure access to all your everyday essentials — including payment cards, boarding passes, vaccine cards, event tickets and soon even your driver's license. #GoogleIO

[Tweet übersetzen](#)



8:16 nachm. · 11. Mai 2022 · Sprinkl

224 Retweets 71 Zitierte Tweets 964 „Gefällt mir“-Angaben

twitter.com/Google/status/1524453491963568131?s=20&t=sp-11bE7G-BGk7Bj4jQwVA

Self Sovereign Identity & eIDAS 2.0

A chicken, egg ... and grassland problem

To exchange attributes there need to be at least three parties:

1. User equipped with a wallet (e. g. new employee)
2. Attribute source (e. g. university certifying a degree)
3. Consumer of attributes (e. g. employer)

Essential keys to SSI success

- Usability: Users need to understand - in simple and effective manner which objective which attributes they are providing to whom
- Real Interoperability: To be automatically processed by a computer system from relaying parties, automatic management of attributes is requiring their description following some ontologies (or other semantic-level approaches)

eIDAS 2.0 Compliance

What it exactly is has to be defined in – a lot of – standards, often intertwined together
Having them perfected will take some time (as it took time for eIDAS 1.0)



Public Sector & eIDAS adoption: German Patchwork

Distributed responsibilities plus hesitant, slow decision making

= Many smaller silo measures causing resulting in various hen and egg problems

eID on National Identity Card
(launched 2010, Ministry of the Interior)

Smart eID
(enacted 2021, launch pending)

EU Regulation eIDAS
(Revision triggered 2021 followed by Ministry
of Economics and Climate)

eID Showcase projects
(Ministry of Economics and Climate)

eID Pilot project
(Chancellery)

Online Access and Digital Administration Act
(Ministry of the Interior)

Register modernization

Citizen ID

Bridging solutions

Interministerial laboratory format
("Digitallabor")

....

Public Sector & eIDAS adoption: The German Struggle

Adoption is highly depending on ambition and ability of government to execute, enabling and motivating public administration to digitize their processes.

Some issues of one of the laggards in eIDAS trust services adoption – Germany:

- Scattered responsibilities among departments on various levels (federal, state, municipalities) with little successful orchestration so far. Results of Online Access Act way behind initial plan
- Lack of uptake on instruments in public administration – e. g. electronic seal
- Lack of change management orchestration: E. g. eID Missing evangelization of initial touch point of citizens: Employees in citizen bureaus often have no idea what can be done using
- Digital Strategy not ambitious enough: No goals on actual usage - just availability of technology
- Missing so far for electronic identity: interdepartmental and action-driven strategy
- National overregulation keeps sending “anti-digitization” signals* – e. g. recent transposition of EU Directive 2019/1152 on transparent and reliable working conditions into Act on Evidence of Working Conditions (Nachweisgesetz): Continued exclusion of electronic form in Art. 2 (1) s. 3 continues to block usage of QES
- Start of promised digital checks on new laws delayed into 2023

* Corresponding reading: [linkedin.com/pulse/almost-one-month-down-road-germanys-anti-digital-law-place-joerg-lenz/](https://www.linkedin.com/pulse/almost-one-month-down-road-germanys-anti-digital-law-place-joerg-lenz/)

Public Sector & eIDAS adoption: German Anti-Digital Law

International echo on Act on Evidence of Working Conditions August 2022:

The screenshot shows a Washington Post article from August 3, 2022. The title is "Germany's Anti-Digital Law Is a Case Study in Stunting Progress" by Andreas Kluth. The article discusses how Germany's new law on employment contracts is seen as a digital laggard, hindering progress in the gig economy and teleworking. It mentions a directive from Brussels requiring EU members to update legislation on hiring conditions.

The tweet by Miriam Partington (@mparts_) reads: "Germany is banning the use of e-signatures on fixed-term employment contracts. How does it expect companies (especially remote-first ones) to hire international talent if a wet ink signature is needed?" The tweet has 155 retweets, 108 quoted tweets, and 1,197 likes.

The screenshot shows a tweet thread on Twitter. The top tweet is from Alvaro Mendizabal (@alvaromendizabal) with the hashtag #nachweisgesetz, saying "Absolute Madness." Below it is a reply from Sarah Al-Hussaini (@sarahal-hussaini), Co-Founder & COO at Ultimate, who asks "GERMANY COME ON Banning the use of e-signatures on employment contracts?! Back to signing with wet ink?!" and questions the impact on attracting global talent. She mentions a petition to revoke the law.

Lots and lots of extra work for trust service providers explaining it's still possible to e-sign employment contracts – when using a side letter explain some working conditions regulated in NachweisG

Sources of the screenshots: Click on image in PDF to access the links

Member states are „allowed“ to add complexity

EU Regulation 910/2014 Art. 2 (3)

"This Regulation shall be without prejudice to national law or Union law concerning the conclusion and validity of contracts or other legal or procedural formalities."

Result: EU Member states "may" choose to make it more complicated than others in the EU and some gladly are doing so – Germany being one of them



Members States are also „allowed“ to make eIDAS really work

AGID Agenzia per l'Italia Digitale ...
43,543 followers
1mo • 🌐

👤 **#SPID**: continua la crescita delle identità digitali rilasciate, che toccano quota 32 milioni. Oltre 12.000 le Amministrazioni aderenti.
Guarda i dati qui ➡ <https://lnkd.in/dPNGzdR>

[See translation](#)



[linkedin.com/posts/agenzia-italia-digitale_spid-activity-6977624762294394880-ebT4](https://www.linkedin.com/posts/agenzia-italia-digitale_spid-activity-6977624762294394880-ebT4)



Mutual recognition of Trust Services endangered

How the United Kingdom intends to deal with trust services after Brexit: [UK Data Protection and Digital Information Bill](#) - July 18, 2022

Options for the Secretary of State to remove recognition of EU Standards - see p. 103

publications.parliament.uk



Data Protection and Digital Information Bill
Part 4 – Other provision about digital information

(9) In paragraph 58(1) of Schedule 20 to the 2018 Act relating to the PEC Regulations) for “regulations 2, 31 and 1 to,” substitute “regulation 2 of”.

Trust services

87 The eIDAS Regulation

In sections 88 to 91, “the eIDAS Regulation” means Regulation 2014 of the European Parliament and the Council of 2014 identifying and trust services for electronic transaction market.

88 Recognition of EU conformity assessment bodies

In Chapter 3 of the eIDAS Regulation (trust services),

“Article 24B

Recognition of EU conformity assessment

For the purposes of Articles 20(1), 21 and 24(1)(d), a trust service provider (and trust service) if it is a conformity assessment body in relation to that description of provider (and service) equivalent EU law.”

89 Removal of recognition of EU standards etc

(1) The Secretary of State may by regulations—

- (a) amend Article 24A of the eIDAS Regulation (recognition of EU standards etc for qualified trust services) so as to remove circumstances in which something is to be treated as qualified under that Regulation for the purposes of a provision or measure specified in paragraph 1 of that Article;
- (b) revoke that Article;
- (c) revoke Article 24B of the eIDAS Regulation (recognition of EU conformity assessment bodies);
- (d) revoke Article 51 of the eIDAS Regulation (transitional measures for electronic signatures);
- (e) amend a provision listed in subsection (3) so as to remove a reference to a trust service provider established in the EU;
- (f) amend a provision listed in subsection (4) so as to remove a reference to European standards or provisions of equivalent EU law.

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- (d) revoke Article 51 of the eIDAS Regulation (transitional measures for electronic signatures);
- (e) amend a provision listed in subsection (3) so as to remove a reference to a trust service provider established in the EU;
- (f) amend a provision listed in subsection (4) so as to remove a reference to European standards or provisions of equivalent EU law.

(2) The power under subsection (1)(a) includes power to amend or remove an assumption in Article 24A(2) of the eIDAS Regulation.

(3) The provisions mentioned in subsection (1)(e) are—

- (a) Article 13(1) of the eIDAS Regulation;
- (b) Articles 2(1)(a) and 4(1)(a) of the Implementing Decision.

(4) The provisions mentioned in subsection (1)(f) are—

Private sector & eIDAS adoption

Digitization goals (examples)



Reduce
Process Costs



Accelerate
closures



Compliant
processes



Delight
customers

Frequent temptation for private sector to focus rather on cost savings, conversion etc. than compliance

Focus interest on	Operational excellence (OPEX)	User / customer experience (UX / CX)
Project stakeholders (Examples)	Teams in ... <ul style="list-style-type: none"> • Compliance and Risk Management • Contract / subscription management 	Teams in... <ul style="list-style-type: none"> • Sales & Marketing • Customer success and loyalty

Secret sauce
for successful
projects

Compliance meeting **Simplicity**

eIDAS 2.0: In need of clarification

Current sticking points

- Wallet: Itself as an identification instrument?
- Level of Assurance: Will a focus on “high” result in poor adoption as for many use cases in the private sector “substantial” is sufficient. Could history be repeating in poor adoption of wallets – similar to eID on national IC cards in several EU countries?
- Persistent Identifier: How about users of multiple wallets (e. g. in case of dual citizenship)
- Wallet Certification: Process to be defined, standards to be developed for conformity assessments
- Notification of Relying Parties

Czech Republic Council Presidency pushing for compromise with series of compromise proposals

Architectural Reference Framework (ARF) by toolbox group: Initially announced to become available in finalized version Oct 30, 2022, now communicated as subject to be updated iteratively (= moving target)

Thank you for you attention



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