

Terms of Reference Guidance for Collaborative Technical Communities

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Introduction

At the 12th International Common Criteria Conference in Malaysia, the Common Criteria Development Board (CCDB) requested that industry study and recommend “terms of reference” for the formation and operation of collaborative technical communities that develop collaborative protection profiles and related documents for Common Criteria evaluation of information technology products.

Several efforts were undertaken by members of the Common Criteria Forum (CCF) and Common Criteria Vendors’ Forum (CCVF) – refer to Prior Work at the end of this paper – and industry was invited to collect and continue this work at the 1st CCRA Industry Workshop in Tokyo, Japan. A response to the CCDB request was submitted during the 1st CCRA Industry Workshop that covered aspects of terms of reference for technical communities that were requested by the CCDB (see References).

Among the findings of all of the studies on technical communities was that there are many ways to form and operate successful technical communities. Additional details and further key elements were identified that should be considered in the formation and operation of technical communities. Each technical community should consider those elements and document their decisions as an important part of the formation of a Collaborative Technical Community.

This document enumerates those elements and provides guidance on issues to be considered within each element. It is intended to be used by people who are forming a technical community (TC). It can also be used by those who want to review or formalize an existing TC.

The elements are organized in three phases: Initiation, Development/Operation, and Maintenance. This organization reflects the phase during which elements become impactful. However, all of the elements should be considered, decided, and documented during the formation of a technical community.

Some of these issues have been effectively answered by the CCDB in their collaborative PP vision statement, Liaison Statement to CC(V)F, or response to the “Lipner et al” paper, or by the Terms of Reference paper submitted to the CCDB by the participants of the 1st CCRA Industry Workshop. Such answers are identified in **red text** with a reference to their source:

- [VS] Vision statement for collaborative PP and supporting document development, April 2011
- [LS] Liaison Statement to CC(V)F from CCDB, March 2012
- [LR] Lipner et al CCDB Response, March 2012
- [TR] Terms of Reference for Collaborative Technical Communities, March 2012

Note that all of these answers are subject to update by the CCDB, especially those marked [TR].

Initiation

Formation

Issues to consider

- Who decides what technology areas are appropriate for a TC?
 - **The CCDB asks the CCRA Management Committee for approval for each technology area [VS].**
- Who can initiate the formation of a TC?
- Who must or should be involved in pre-formation activities?
- How is formation publicized?
 - **All CPPs should be announced at the CC-portal [LR] (therefore, logically, all TCs should be announced at the CC-portal).**
- Are there stakeholder quorum requirements for the formation of a TC?
 - **Minimally: one or more sponsoring schemes, one or more vendors in that technology area, and one or more representatives of procurement policies/requirements [TR].**
- Who approves the formation of a TC?
 - **Communities are appointed or accepted by the CCDB [VS].**
- What are the criteria for approval of a TC?

Sponsorship

Issues to consider

- What is the role of a sponsor, during and after formation of a TC?
- Does a sponsor provide funding?

Membership

Issues to consider

- Who can join a TC?
 - Truly open to all [LS].
- Must or should they have an active role in the specific technology area of the TC, or is interest in the CC sufficient?
- Should members identify their role in the technology area (or interest in CC)?
- Are there any kinds of members who should not be allowed to join?

Incorporation

Issues to consider

- Must or should a TC be incorporated as or as part of a legal entity?
- Are there any kinds of legal entities in which a TC must not be incorporated?

Infrastructure

Issues to consider

- Are there minimum infrastructure requirements?
- Are there security requirements for that infrastructure?

International-friendliness

Issues to consider

- How is the TC organized so that it best accommodates international stakeholders? Examples: meeting locations/time zones, representatives or liaisons, languages.
 - Working practices must accommodate geographical differences (travel, time zone differences etc.) [LS].

Costs and funding

Issues to consider

- Aside from the time and travel expenses of the individual participants, what costs (if any) should be expected, such as for operating the TC, providing meeting facilities or technical infrastructure, paying for formal evaluations, etc.?
- Which stakeholder groups should provide the funding?
- Should those stakeholder groups be required to share in the funding? If so, how are the costs to be equitably divided among different groups or among different organizational sizes within a group? If not required, what benefits can be offered to those stakeholders who do share in the funding?
- How are such costs estimated or planned in advance?
- How will funds be collected, accounted for, and dispersed?

Transparency

Issues to consider

- What information must be made public (beyond the TC membership), such as announcements, meeting minutes, drafts, or results of major decisions?
 - **Work in progress/intermediate outputs shall be open for all interested parties and will be referenced on the CC portal [VS].**
- Is there information that must not be made public?
- Should there be any retention policies for any information?

Legal protection

Issues to consider

- How are participants (commercial enterprises in particular) protected from anti-trust charges, litigation, etc.?
- Are there other legal protections that must or should be provided (such as liability insurance for meeting hosts)?

Development and Operation

Meetings

Issues to consider

- How are meetings to be held in such a way that they do not restrict participation (such as by travel expense, time zone, language)?
 - **Working practices must accommodate geographical differences (travel, time zone differences etc.) [LS].**
- Should any face-to-face meetings be required?

Organization

Issues to consider

- What organizational structure is needed for the general operation of the TC and for effective communication inside and outside of the TC?
- What specific officials must or should there be, and what are their roles?
 - **All CPP TCs need to establish formal liaisons with the CCDB [LR].**
 - **The TC shall define the process for communicating with the CCDB to report status and exchange information such as CC interpretations and national policies [TR]**

Policies and procedures

Issues to consider

- Under what general policies and procedures must or should a TC operate?
 - **Terms-of-Reference (describing rules for membership, voting procedures, etc.) and regular liaison statements are needed [VS].**
- Is there a minimum, common set under which all TCs must operate?
 - **ToRs must include CCDB support [LS].**

PP / EP / SD Authoring

Issues to consider

- Who authors the work product(s) of the TC?
- How are work products managed (such as with regard to revisions)?

Solicitation and resolution of inputs and comments during drafting

Issues to consider

- How are inputs solicited in the early stages of development, and from whom?
- How are comments solicited during drafting, and from whom?
- How are those inputs and comments resolved?
- What documentation must or should be associated with input and comment collection and resolution?

Change management policies

Issues to consider

- How are change requests handled after an agreed-upon document freeze?
- How are change requests handled after publication?
- How frequently can the work product(s) be formally updated after publication?
- When must a work product be reviewed for reaffirmation or revision?

Voting policy

Issues to consider

- What decisions must be voted on?
- Who can call for a vote?
- Which stakeholder groups are eligible to have voting rights?
 - **The TC shall define eligibility requirements for voting [TR]**
- Under what circumstances are voting rights granted (or revoked)?
- Is there a single voting policy for everything, or are there different policies for different things (such as election of officers versus resolution of issues versus approval of drafts, etc.)?

Decision-making

Issues to consider

- How are decisions reached, even in informal cases where voting is not employed?
 - Each TC shall define the criteria for recognizing consensus [TR]
- Must or should there be advance notice of decisions?
- Are there quorum rules or other criteria for making binding decisions?
 - The TC shall define appropriate quorum criteria for decision-making [TR]

PP Evaluation

Issues to consider

- Are work products (especially PPs) formally evaluated, and if so, by whom?
- Are there specific evaluation criteria to be met, such as CCRA conformance?
 - CCRA conformance [VS].

Intellectual property

Issues to consider

- Is there a need to protect participants' intellectual property?
- If so, how? (e.g., NDA)

Patent policy

Issues to consider

- Is there a need to ensure that the use of the work product is not encumbered by patents.

Maintenance

Ownership of work product

Issues to consider

- Is there a legal owner of the work product(s)? (an entity that can hold international copyright)
- Is there a functional owner of the work product(s), or does control remain with the TC?

Sustainability of the TC

Issues to consider

- After the initial work products have been completed, what is the continuing role for the TC? If someone has questions or issues, how do they contact the TC?

Sustainability of the work products

Issues to consider

- After the initial work products have been completed, how are they maintained?
- How are questions or issues raised?
- How are they resolved?
- How are resolutions or other updates communicated to users?

Worksheet for forming Technical Communities

Based on the elements and issues described in this paper, a worksheet is provided in the Appendix that can be used as an aid for forming a new technical community, or evaluating an existing one, and documenting the results.

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References

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[TR] 1st CCRA Industry Workshop, *Terms of Reference for Collaborative Technical Communities*, March 2012, <http://ccvendorsforum.org/ctc-tor/Terms%20of%20Reference%20for%20Collaborative%20Technical%20Communities%20v2.docx>

[VS] CC Development Board, *Vision statement for collaborative PP and supporting document development*, April 2011, <http://www.commoncriteriaportal.org/files/communities/2011-04-001%20Vision%20statement%20for%20Collaborative%20PP%20development%20v1%200final.pdf>

[LS] CC Development Board, *Liaison Statement to CC(V)F from CCDB*, March 2012, [http://ccvendorsforum.org/ctc-tor/Liaison%20Statement%20to%20CC\(V\)F%20from%20CCDB%20March%202012.pdf](http://ccvendorsforum.org/ctc-tor/Liaison%20Statement%20to%20CC(V)F%20from%20CCDB%20March%202012.pdf)

[LR] CC Development Board, *Lipner et al CCDB Response*, March 2012, <http://ccvendorsforum.org/ctc-tor/Lipner-Et-al-CCDB-Response-v2.pdf>

Prior work from the CCVF and CCF

Lipner, S. et al, *Technical Communities and Collaborative Protection Profiles*, January 2012, <http://ccvendorsforum.org/ctc-tor/Technical%20Communities%20and%20Collaborative%20Protection%20Profiles%20review%20draft%2017%20January.pdf>

CCF/CCVF ToR Study Group, *Terms of Reference study for CC Technical Communities*, slides presented at CCF/CCVF meeting, February 2012, <http://ccvendorsforum.org/ctc-tor/2012-02-27ToRpresentation.pptx>

CCF/CCVF ToR Study Group, *Terms of Reference study for CC Technical Communities*, spreadsheet presented at CCF/CCVF meeting, February 2012, <http://ccvendorsforum.org/ctc-tor/2012-02-23-ToRsummary.xlsx>

Additional reading

Malcom, J., *Multi-Stakeholder Governance and the Internet Governance Forum*, Terminus Press, 2008, ISBN 978-0-980-50840-6

Hemmati, M., *Multi-stakeholder Processes for Governance and Sustainability*, Earthscan Publications, 2002, ISBN 1-85383-870-5

Sachs, S., and Ruli, E., *Stakeholders Matter: A New Paradigm for Strategy in Society*, Cambridge University Press, 2011, ISBN 978-0-521-19639-0

Appendix: TC Worksheet

The worksheet is available in Excel format here: <http://ccvendorsforum.org/ctc-tor/tc-worksheet.xlsx>.

Phase	Element	Issue	Answer
Initiation	Formation	Is the TC's technology area an approved technology area?	(CCDB recommends, CCMC approves technology areas)
		Who is the initiator of this TC?	
		Who has been involved in pre-formation activities?	(list, or attach)
		How has formation been publicized?	(As a minimum, TC formation should be announced on the CC portal)
		Does the TC meet stakeholder quorum requirements for formation?	(As a minimum , one scheme, one vendor, one representative of procurement policy/requirements)
		Has this TC been appointed by or submitted for approval to the CCDB?	(TCs are appointed or accepted by the CCDB)
	Sponsorship	Who is the sponsor of this TC?	
		What is the role of the sponsor?	
	Membership	Is the membership open to all?	(TCs must be open to all)
		Are there membership rules?	(attach)
	Incorporation	Will the TC be incorporated as a legal entity?	
	Infrastructure	What technical infrastructure will be used by the TC?	
		What security requirements will be applied to that infrastructure?	
	International	What geographic locations and languages need to be considered for this TC?	
		How will international issues be addressed?	(Working practices must accommodate geographical differences)
	Costs and funding	What costs are expected for the TC?	(Consider costs for incorporation, services, meeting facilities, technical infrastructure, lab/scheme fees...)
		Who provides funding, and how are costs allocated to providers of funds?	
		How are funds to be collected, accounted, and dispersed?	

Phase	Element	Issue	Answer
	Transparency	What information will be made public?	(Minimally, work in process must be open for all interested parties and referenced on the CC portal)
		What information will not be made public?	
		What are the retention policies?	
	Legal	How are participants protected from anti-trust or similar issues?	
		Are there other legal protections, such as liability insurance for meeting hosts?	
	Development and operation	Meetings	How will meetings be held?
Will there be face-to-face meetings?			
Organization		What is the organizational structure of the TC?	
		What officials will there be, and what are their roles?	(Minimally, there will be a formal liaison with the CCDB)
Policies and procedures		What are the terms of reference for this TC?	(attach; must include membership rules voting procedures, reporting to CCDB)
Authoring		Who will author the work products of the TC?	
		How are those work products managed (such as revision control)?	
Comments and resolution		How will inputs be solicited in early stages of development?	
		How will comments be solicited during draft stages?	
		How will inputs and comments be resolved and documented?	
Change management		How will change requests be handled after document freeze?	
		How will change requests be handled after publication?	
		How frequently can work products be updated?	
		When must a work product be reviewed (for reaffirmation or revision)?	
Voting		Who has voting rights, and how are they granted or revoked?	(attach voting policies and procedures)

Phase	Element	Issue	Answer
		Who can call for a vote?	
		What decisions must be voted on?	
		Are there different voting policies for different kinds of decisions?	
	Decision-making	How are decisions reached when not put to a formal vote?	
		Are there rules about advance notice, quorum, or other criteria, for making binding decisions?	
	Evaluation	Are work products (especially PPs) to be formally evaluated?	
		Are there specific evaluation criteria that must be met?	(Minimally, CCRA conformance)
	Intellectual property	How will participants' IP be protected?	
Patent policy	How will the TC ensure that work products are not encumbered by patents?		
Maintenance	Ownership	Who is the legal (e.g., copyright) owner of the work products?	
		Who is the functional owner of the work products?	
	Sustainability	What is the role of the TC after publication of work products?	
		How can the TC be contacted after publication?	
		How are questions or issues raised and resolved after publication?	
		How are resolutions, clarifications, and other updates, communicated to users?	