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## **AT-LARGE ADVISORY COMMITTEE**

### **ALAC Statement on Proposed gTLD-Registration Data Access Protocol (RDAP) Profile**

#### **Introduction**

Alan Greenberg, At-Large Advisory Committee (ALAC) Chair, Joanna Kulesza, ALAC NomCom Representative for the European Region, and Jonathan Zuck, North American Regional At-Large Organization (NARALO) Member, developed an initial draft of the statement on behalf of the ALAC after several discussions during weekly At-Large Consolidated Policy Working Group (CPWG) calls.

On 12 October 2018, the first draft of the statement was posted on its [At-Large workspace](#). On the same day, ICANN policy staff in support of the At-Large community sent a call for comments on the statement to the At-Large community via the ALAC work mailing list.

On 13 October 2018, the ALAC Chair submitted comment, and requested that staff open an ALAC ratification vote.

In the interest of time, the ALAC Chair requested that the statement be transmitted to the ICANN public comment process, copying the ICANN staff member responsible for this topic, with a note that the statement is pending ALAC ratification.

## **ALAC Statement on Proposed gTLD-Registration Data Access Protocol (RDAP) Profile**

The At-Large Advisory Committee (ALAC) recommends that ICANN adopt the Registration Data Access Protocol (RDAP) quickly and effectively because it is an essential step for ICANN to deploy a tiered-access model adequately. RDAP implementation, in turn, puts ICANN in a better position to be more compliant with the European Union's General Data Protection Regulation by ameliorating the relevant deficiencies to the contemporary WHOIS model. As the community is aware, the current WHOIS seven-bit ASCII system cannot hold international registration information (e.g., name or address) and that, in turn, leaves the entire DNS community, including end-users, vulnerable to various online threats. RDAP is a solution ICANN has long had to resolve these issues and the At-Large implores its wide adoption expeditiously to resolve these matters.

Additionally, the ALAC appreciates the RDAP's revised structure that intends to distinguish the policy-independent elements and policy-dependent elements. Assuming the RDAP Profile appropriately defines such distinctions, this will ensure that ICANN removes the technical implementations of the RDAP from political considerations and debate, and, as a result, not bog down its adoption.

In its current form, the RDAP appears to emulate some of the ambiguities that exist within key provisions of the European Union's (EU) General Data Protection Regulation (GDPR), and it would behoove ICANN to address these concerns as it moves through RDAP's implementation. Examples of such ambiguities are:

- What constitutes a "legitimate purpose" as it is articulated in Para. 4.4, particularly as it relates to the notion of "accurate reliable and uniform (...) based on legitimate interests not outweigh by (...) fundamental rights";
- the framework to address appropriate law enforcement needs under Para. 4.4.9;
- handling contractual compliance monitoring requests under para. 4.4.13;
- provisions in Annex A para. 4 that requests operators to "provide reasonable access to [data] to third parties on the basis of legitimate interests pursued by that party, except where such interest is overridden by the interests of fundamental rights and freedoms...pursuant to Article 6(1)(f) GDPR"; and
- requirements in Appendix C, particularly ones related to outlining obligations for data registrars operating in the EU.

The ALAC appreciates the opportunity to comment on this important matter.