

Decision Points/Action Items: PSWG/PP IRT Discussion at ICANN59

Topic 1: Scope of “Requested Information” (Section 1.4)

Edit proposed by PSWG, discussed: Requested Information: “the data asked for by the requester, and this must be detailed in the request submission. While the focus of this document is “Disclosure,” this will not preclude LEA requests for other data held by Providers as pertinent to an investigation where issued as a properly submitted request using the appropriate legal processes.”

IRT feedback—the second sentence may not be necessary, or may not belong in this paragraph. The beginning of the Framework could be edited to provide an overview, noting that this only applies to “Disclosure” requests.

Nick Shorey asked if this would satisfy other PSWG members. No audible response on remote.

Topic 2: Further definition of “high priority” requested by IRT (Section 1.5)

PSWG feedback—this looks reasonable

Topic 3: Designated PP requester point of contact

IRT feedback (prior to meeting)—publicly posting this contact would result in spamming/abuse of the contact, making it difficult to quickly action LEA requests; Open to other ideas from PSWG; Other options could include (1) Provider publishing a mechanism for LEA to request the designated LEA contact info from the Provider’s website; (2) Providers could be required to keep LEA contacts up-to-date with ICANN so that ICANN could maintain a list of these contacts that could be requested by LEA

Nick Shorey—the important point from LEA point of view is that the contact info is easy to obtain for LEA; cybercrime agencies who know Providers may have an easier time finding info than local LEA; when those who do not liaise frequently with Providers they need to have confidence that they can find the contact info quickly; whatever we agree on, needs to be clear, simple, consistent and easy-to-find

Lily (last name inaudible) (PSWG)—in consideration of response time, how long would the proposals above take for LEA to obtain the contact info? (e.g., if 24 hours, would this be 24 hours, plus two business days, plus 24 hours for action?); how would LEA find smaller providers that they don’t know?

Laureen Kapin: I think Option 1 is easier for LEA and quicker than Option 2. LEA may not think to go to ICANN or even know what ICANN is. Provider could require LEA to provide some sort of credential—picture of LEA ID, etc to show the LEA is legit

Michele Neylon—as a small Rr, how do we know that the entity actually is LEA? Not an issue in IE, not so easy in other jurisdictions

Laureen Kapin—could we determine what Providers would be satisfied with for verification? May not be 100% solution but could be a bit of a filter

Steve Metalitz: The two alternative options could be combined: the e-mail for the ICANN -maintained directory could be published on the provider website. So even LEA's that don't know about ICANN would be directed.

Volker Greimann—why don't we do the same thing we did in RAA? We generally receive LEA requests through regular abuse reporting channel. Does a database exist of LEA contact points that we could access?

Catherine (no last name provided): using Rr system might be an option, but this info is public for the Rrs, so the request could go through that contact and contact wouldn't need to be requested again; also, please keep request process option for LEA outside your local jurisdiction so that PP at least has the option to respond

Multiple IRT members—PPs could choose to respond to requests outside of jurisdiction, but should not be a requirement (could raise data protection and other issues)

(note—Section 6.1 addresses the issue of requests from LEA outside Provider's jurisdiction)

Jason (no last name)—there's nothing preventing LEA from asking if data exists from outside the jurisdiction, and then if the information does exist, LEA will go get the required legal documentation to obtain the info.