

Working Group’s Policy Recommendations to Privacy & Proxy Services (“P/P Services”) Provider Accreditation Agreement (the “Agreement”) and Policy

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
Adoption of certain definitions	Yes	Section 1 (pp. 1-5)	Section 3	Note that edits are being proposed in PPAA draft to certain terms to accommodate other defined terms, to be discussed with the IRT (for example, changing “beneficial user” to “Customer.” Once these are finalized, edits will be made if needed to Policy document.
No knowing acceptance of P/P Services from non-accredited providers	Yes	Section 2.4 (p. 6)	Section 4.1	
No distinction in treatment of P/P Services	Yes	No distinction in the treatment of P/P Services in the Agreement.	No distinction in treatment of P/P services in Policy	No distinction in treatment of P/P services in draft Applicant Guide
P/P Services should remain available to registrants irrespective of status	Yes	The Agreement does not contain any restrictions on who can receive P/P Services.	The Policy does not contain any restrictions on who can receive P/P Services.	
No distinction in the data fields to be displayed if the domain name is registered or used for a commercial purpose or by a commercial entity instead of a natural person	Yes	The Agreement does not distinguish between domain names registered for a commercial purpose or by a commercial entity instead of a natural person.	The Policy does not distinguish on this basis.	
Label registrations involving P/P Services in WHOIS	Yes	Section 3.16 (p. 17)	Section 5.	
Validation and verification of P/P customer data in manner consistent with WHOIS Accuracy Program Specification	Yes	Customer Data Accuracy Program Specification (pp. 48 – 50)	Section 6.1.2.	

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
Service Registration Agreement sets out all rights, responsibilities and obligations of registrants, P/P Service customers and P/P Service providers (including conditions under which service may be terminated in case of transfer of a domain name, and how requests for transfer of domain names are handled)	Yes	Section 3.5 (pp. 8-11)	Section 6.1.3.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to include on website, and in all Publication and Disclosure-related policies and documents, a link to a list/form listing criteria provider requires to determine whether to comply with third party requests	Yes	Section 3.9.2 (p. 13)	Section 6.1.6.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to publish terms of service (including pricing) on website	Yes	Section 3.9.3 (p. 13)	Section 6.1.3.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to clarify when terms refer to Publication requests (and their consequences) and when they refer to Disclosure requests (and their consequences)	Yes	Section 3.5.4.12 (p. 10)	Section 6.1.3.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to explain the meaning and consequences of Publication	Yes	Section 3.5.4.13 (p. 11)	Section 6.1.3.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to specify grounds upon which customer details may be Disclosed or Published or	Yes	Section 3.5.4.14 (p. 11)	Section 6.1.3, Section 6.1.4, Section 6.1.5, and Section 6.1.6.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
service suspended or terminated, including Publication in the event of customer's initiation of transfer of underlying domain name				
P/P Service providers to clarify whether or not customers: (1) will be notified upon receipt of Publication or Disclosure request from third party; and (2) may cancel domain registration prior to and in lieu of Publication or Disclosure	Yes	Section 3.5.4.16 (p. 11)	Section 6.1.3, Section 6.1.4, Section 6.1.6.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
If P/P Service providers allow cancellation prior to and in lieu of Publication or Disclosure, they may not do so if domain name is subject of a UDRP proceeding	Yes	Section 3.5.4.17 (p. 11)	Section 6.1.3, Section 6.1.4.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers must clarify that Requester will be notified in timely manner of provider's decision to notify customer of request and decision whether to comply with request	Yes	Section 3.9.4 (p. 14)	Section 6.1.3, Section 6.1.4.	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
P/P Service providers to facilitate and not obstruct transfer, renewal or restoration of a domain name by customers, including a renewal during a Redemption Grace Period and transfers to another registrar	Yes	Section 3.19.2 (p. 18)	Section 6.1.5.	Transfers will likely be discussed in greater detail with IRT.
P/P Service providers to use commercially reasonable efforts to	Yes	Section 3.19.3 (p. 18)	Section 6.1.5.	Transfers will likely be discussed in greater detail with IRT.

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
avoid need to disclose customer data in process of renewing, transferring or restoring domain names				
P/P Service providers to include in terms of service a link to ICANN website (for definitions and meaning of specific terms)	Yes	Section 3.5.4.15 (p. 11)	Section 6.1.3	Disclosure/ToS requirements in PPAA referenced only in general terms in Policy.
ICANN to maintain and publish public list of all accredited P/P Service providers	No	N/A. To be handled by ICANN outside of the Agreement.		This will be handled by ICANN outside the Policy/Contract.
Registrars to provide web link to P/P Services run by them or their Affiliates as a best practice.	No	N/A. Not an actual requirement.		As this is a best practice, not included in current Policy draft. But could be added as a “SHOULD” in Section 4. IRT to be consulted.
P/P Service providers to declare their Affiliation with registrar (if any) as a requirement of the accreditation program	Yes	Section 3.22 (p. 19)	Not in draft policy.	This has been incorporated into draft applicant screening procedures. See Draft Applicant Guide.
P/P Service providers to maintain a designated point of contact for abuse reporting	Yes	Section 3.13 (p. 16)	Section 6.1.6.	
P/P Service providers should be fully contactable (through publication of contact details on website)	Yes	Section 3.12 (p. 15-16)	Section 6.1.1	
Inclusion of list of malicious conduct to be covered by designated point of contact at P/P Service provider.	Yes	Section 1.1 (definition of “Abuse”) (p. 1)	Section 6.1.6	
Designated point of contact for P/P Service provider to be authorized to	Yes	Section 3.13.2 (p. 16)	Section 6.1.6.	

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
investigate/handle reports and information requests received				
Uniform set of minimum mandatory criteria to be followed for purpose of reporting abuse and submitting requests should be developed	Yes	Section 3.9.2 (p. 13); Section 3.13.3 (p. 16)	Section 6.1.6.	
P/P Service provider to state jurisdiction in which disputes should be resolved on any forms used for reporting and requesting purposes	Yes	Section 3.9.1 (p. 13)	Section 6.1.6.	
Must Relay all communications required by RAA and ICANN Consensus Policies	Yes	Section 3.17.1 (p. 17)	Section 6.1.4.	
P/P Service Providers may elect one of two options for Relay of all other electronic communications	Yes	Section 3.17.2 (p. 17)	Section 6.1.4.	
P/P Service providers to publish and maintain mechanism for Requesters to follow up/escalate original request	Yes	Section 3.17.3 (p. 17)	Section 6.1.4, 6.1.6.	
All requests alleging abuse by customer will be relayed to customer; Requester will be notified of persistent failure of delivery that P/P Service provider becomes aware of	Yes	Section 3.17.2.2 (p. 17); Section 3.17.4 (p. 17)	Section 6.1.4, Section 6.1.6.	
Persistent Delivery Failure definition	Yes	Section 1.17 (p. 2)	Section 6.1.4.	
If Persistent Delivery Failure of an electronic communication, P/P Service provider to, upon request, Relay a further notice to customer	Yes	Section 3.17.5 (p. 17)	Section 6.1.4	

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
(P/P Service provider has discretion to select appropriate means of Relay)				
P/P Service provider may impose reasonable limits on number of requests made by same Requester for same domain name	Yes	Section 3.17.6 (p. 17)	Section 6.1.4, Section 6.1.6.	
If P/P Service provider becomes aware of Persistent Delivery Failure, it is obliged to perform verification of customer's email address	Yes	Section 3.17.4 (p. 17); Section 1.f of Customer Data Accuracy Program Specification (pp. 48 – 49)	Section 6.1.4, Section 6.1.2.	
P/P Service provider not precluded from taking additional action in event of Persistent Delivery Failure	Yes	Section 3.17.7 (p. 18)	Section 6.1.4.	
No intension to alter prevailing practice of reviewing requests manually or facilitating direct resolution of an issue between a Requester and customer	Yes	Section 3.18.3 (p. 18)	Section 6.1.4.	
Illustrative Disclosure Framework to apply to Disclosure requests made to P/P Service providers by intellectual property (i.e. trademark and copyright) owners	Yes	Intellectual Property Disclosure Framework Specification (pp. 60 – 67)	Section 6.1.6	In next draft of Policy, should update reference IP and LEA framework specs.
P/P Service providers to comply with express requests from law enforcement not to notify a customer where required by applicable law	Yes	Section 4.2.2.2 of Law Enforcement Authority Disclosure Framework Specification (p. 58)	Section 6.1.6	In next draft of Policy, should update this section to specifically reference LEA framework spec.
Law Enforcement Agency Requests: Requestor must comply with all applicable data protection laws and	Yes	Section 6.2 of Law Enforcement Authority Disclosure Framework Specification (p. 59)	Section 6.1.6.	In next draft of Policy, should update this section to specifically reference LEA framework spec.

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
use any information disclosed only to determine whether further action is needed, to contact the customer, or in a legal proceeding				
Law Enforcement Agency Requests: No disclosure required where specific information, facts and/or circumstances show that Disclosure will endanger safety of customer	Yes	Section 4.2.2.3 of Law Enforcement Authority Disclosure Framework Specification (p. 58)	Section 6.1.6.	In next draft of Policy, should likely update this section to specifically reference LEA framework spec.
Customers to be notified in advance of de-accreditation of a P/P Service provider	TBD	See Section 3.19 generally (Note: De-accreditation process to be discussed with Working Group) (p. 18)		This will be built into de-accreditation process, currently in development for additional IRT discussion, pending resolution of work in subteam 3 re: third-party providers.
De-accreditation becomes effective for existing customers 30 days after notice of termination	TBD			This will be built into de-accreditation process, currently in development for additional IRT discussion, pending resolution of work in subteam 3 re: third-party providers.
Steps in de-accreditation process should be designed to minimize risk that customer's personally identifiable information is made public	TBD			This will be built into de-accreditation process, currently in development for additional IRT discussion, pending resolution of work in subteam 3 re: third-party providers.
Where Change of Registrant takes place during de-accreditation,	Yes	Section 3.19.1 (p. 18)		This will be built into de-accreditation process, currently in development for additional IRT

Policy Recommendation	Addressed in Draft PPAA?	Location in PPAA Draft (Section, (page))	Location in Draft Policy Document	Notes
Registrar should live mandatory 60-day lock at request of beneficial use				discussion, pending resolution of work in subteam 3 re: third-party providers.
In deciding whether or not to comply with a Disclosure or Publication request, P/P Service providers should not mandate that the Requester must have first made a Relay request	Yes	Section 3.18.2 (p. 18)	Section 6.1.4, Section 6.1.6.	
ICANN should perform general “compatibility check” of each propose implementation mechanism with the then-current IRTP.	No	N/A. To be handled by ICANN outside of the Agreement.		Additional work re: Transfer Policy is possible. This item has been flagged for resolution after any additional work re: Transfer Policy.
Public outreach and educational program for Registrars, P/P Service providers and customers regarding the P/P Service accreditation program	Yes	Section 3.8 (p. 13); Section 3.11 (p. 16)		This will be handled by ICANN processes outside Policy; completion of educational program will be a requirement of obtaining accreditation, per IRT input (See Draft Applicant Guide).
P/P Service providers to maintain statistics on the number of Publication and Disclosure requests received and provide statistics to ICANN for publication	Yes	Section 3.20 (p. 18-19)		Specific requirements for format and timing to be handled outside of Policy as part of Provider onboarding.