**Recommendation 12: Query Policy**

Based on the staff support team review of the feedback provided by the different groups by the deadline on the discussion table, the following topics / issues are being put forward for discussion during Thursday’s meeting. The input on these topics / issues, as well as non-controversial changes identified or where responses were aligned in the discussion table, will be used to develop a next iteration of the recommendation text for EPDP Team review. Note, known concerns, which have been considered and discussed previously have not been included and will not be discussed again unless new information has been provided.

**Assumptions / Takeaways:**

* Because the language in paragraph b regarding abusive use was debated extensively by the Team, unless there was unanimous agreement that an issue needs further discussion or should be changed, the proposed changes or concerns are not included in this document.
* EPDP Members agreed that some terms require more precise definitions, e.g., “appropriate action” in paragraph a and “high volume” in paragraph b; however, EPDP Team members noted these are issues for implementation.
* Abusive behavior can ultimately result in suspension or termination of access to the SSAD; however, a graduated penalty scheme should be considered in implementation. There may, however, be certain instances of egregious abuse, such as counterfeiting or stealing credentials, where termination would be immediate.
* How the requestor is able to include more than one domain name in a single request is an issue for implementation.
* The Central Gateway Manager must be able to save, as far as possible, a history of the different requests, in order to keep traceability of exchanges between the SSAD / requestor / contracted parties. Appropriate safeguards should be put into place. This should be considered further in implementation.
* The recommendation should be rewritten to further specify which parties to the SSAD are responsible for each of the bullets following paragraph c.

**Additional questions for EPDP Team:**

1. It is unclear whose responsibility it would be to assess policy violations and abusive behavior. ICANN org assumes that this process would begin with the Central Gateway Manager and would be handed off to the Accreditation Authority if it is determined to be an abuse of the accreditation. Yet it is still unclear which entity would receive requests in this context. Additionally, it is unclear how and why ICANN org would be involved in mediating disputes between a requestor and the entity limiting the requestor’s access. What if ICANN org is the entity limiting the requestor’s access, how does the EPDP team envision such action would be mediated?
2. Proposed edit: “SSAD requests MUST only refer to current registration data. **Historical registrant information and other registration data will not be made available via this mechanism. For clarity, Contracted Parties SHALL not be precluded from providing enhanced services regarding such data**.” Groups agreed on this in principle but asked to discuss the proposed edit further in plenary.
3. Per Preliminary Recommendation 5, the Central Gateway Manager confirms “all required information” is provided. The Central Gateway Manager does not perform any further evaluation of the request; therefore, can the EPDP team clarify what it means for the Central Gateway Manager to examine each request on its own merits?

**Preliminary Recommendation #12: Query Policy**

The EPDP Team recommends that the Central Gateway Manager:

1. MUST monitor the system and take appropriate action, such as revoking or limiting access, to protect against abuse or misuse of the system;
2. MAY take measures to limit the number of requests that are submitted by the same requestor if it is demonstrated that the requests are of an abusive\* nature;

\*“Abusive” use of SSAD MAY include (but is not limited to) the detection of one or more of the following behaviors/practices:

1. High volume automated submissions of malformed or incomplete requests.
2. High volume automated duplicate requests that are frivolous or vexatious.
3. Use of false, stolen or counterfeit credentials to access the system.
4. Storing/delaying and sending high-volume requests causing the SSAD or other parties to fail SLA performance. When investigating abuse based on this specific behavior, the concept of proportionality should be considered.

As with other access policy violations, abusive behavior can ultimately result in suspension or termination of access to the SSAD. In the event the entity receiving requests makes a determination based on abuse to limit the number of requests a requestor, further to point b, the requestor MAY seek redress via ICANN org if it believes the determination is unjustified. For the avoidance of doubt, if the entity receiving requests receives a high volume of requests from the same requestor, the volume alone must not result in a de facto determination of system abuse.

1. MUST respond only to requests for a specific domain name for which non-public registration data is requested to be disclosed and MUST examine each request on its own merits.

The EPDP Team recommends the SSAD, in whatever form it eventually takes, MUST:

* Support requests keyed on fully qualified domain names (without wildcards).
* Support the ability of a requestor to submit multiple domain names in a single request[[1]](#footnote-1)
* Route each domain individually to the entity responsible for the disclosure decision (this may require SSAD to split a request into multiple transactions)
* Consider each request on its own merits.
* Have the capacity to handle the expected number of requests in alignment with the SLAs established
* Only support requests for current data (no data about the domain name registration’s history).

Requests MUST only refer to current registration data (historical registration data will not be made available via this mechanism).

See also the preliminary recommendation #9 (Acceptable Use Policy).

1. The EPDP Team expects implementation to reasonably determine how many may be submitted at a time and consistent with the Query Policy. [↑](#footnote-ref-1)