Authority and Responsibility Associated with Roles

Steve Crocker, 6 April 2021

The evolution of the Registration Data Directory Service (née Whois) has included roles of Account Holder (Customer), Registrant (Registered Name Holder), Admin Contact, Tech Contact, Billing Contact, and others. The authorities and responsibilities of the Account Holder and Registrant are usually specified fairly well in the registrar’s documents and in the various ICANN rules and contracts. In contrast, the details associated with the other roles are usually unspecified. Some registrars do assign the Admin contact a role related to authorizing transfers, but I don’t think this is uniform across all registrars.

The most recent Bird and Bird memo, 6 April 2021, re “March 2021 questions regarding legal personhood, consent, etc.” discusses the risk of disclosing data about roles other than the registrant that may contain personal information. Much of the discussion is whether the person in that role has indeed given consent to have their information published, whether the registrar or the registrant is responsible for ascertaining the consent, etc. In my view, this is part of the larger problem alluded to above. Further, it can and should be resolved as part of the larger problem.

Each role needs to be defined in terms of two attributes, authority and responsibility. Authority is the set of actions the person in the role is authorized to take. Responsibility is the set of actions the person in the role is obligated to take. Further, the authority and responsibility need to be understood by both the person named and by everyone who contacts the person in the name role.

This may seem like common sense, and indeed I hope it does seem so. Strangely, though, there are plenty of cases where a person does not even know they’ve been named in a role. Accordingly, I recommend the following:

* For each role included in a registrar’s registration system, there must be a definition of the authority and responsibility associated with that role. I leave for others to discuss whether the definition is common across all registration systems, unique to each registration system, or a hybrid of some common elements and some locally specific elements.
* The definition(s) must be available to everyone, i.e. both the people named in the roles and others who may desired to the people in those roles.
* The people named in the roles must be informed that they have been named and must agree to accept the responsibility and to exercise the authority.
* If the above are in place, these will also cover the issue of consent because part of the definition should include who will be able to access the contact details.