**GNSO PRIVACY & PROXY SERVICES ACCREDITATION ISSUES (PPSAI) PDP WORKING GROUP**

**PRELIMINARY CONCLUSIONS & DRAFT LANGUAGE TO DATE ON CATEGORY E – RELAY**

**(As of 8 December 2014)**

**CHARTER QUESTION:**

What, if any, are the baseline minimum standardized relay processes that should be adopted by ICANN-accredited privacy/proxy service providers? Should ICANN-accredited privacy/proxy service providers be required to forward to the customer all allegations of illegal activities they receive relating to specific domain names of the customer?

**PRELIMINARY CONCLUSIONS & DRAFT LANGUAGE**

I. Regarding Electronic Communications:

(1) All communications required by the RAA and ICANN Consensus Policies must be forwarded;

(2) For all other electronic communications, providers may elect one of the following options:

* + - Option #1: Forward all electronic requests received (including emails and via web forms), but the provider may implement commercially reasonable safeguards (including CAPTCHA) to filter out spam and other forms of abusive communications
    - Option #2: Forward all electronic requests (including those received via emails and web forms) received from law enforcement authorities and third parties containing allegations of domain name abuse (i.e. illegal activity); and

(3) In all cases, providers must publish and maintain a mechanism (e.g. designated email point of contact) for requestors to contact to follow up on or escalate their original requests.

The WG also recommends that standard forms and other mechanisms that would facilitate the prompt and accurate identification of a relay request be developed for the use of accredited providers (e.g. drop-down menus in a provider’s web-based forms or fields that would require the filling in of a requestor’s contact details, specifying the type of request or other basic information).

II. Regarding Further Provider Actions When There Is A Repeated Failure of Electronic Communications[[1]](#footnote-1)

* A P/P service provider [should] [must] notify the requestor upon becoming aware through a timely affirmative notification of a persistent failure of delivery of the original form of electronic communication. Notification may be by means of a technical mechanism or other means that relays notice of the delivery failure to the requestor and/or provides the requestor with alternate ways to escalate the issue.
* As part of an escalation process, and provided there has been a certain minimum number of affirmative persistent delivery failures of an electronic communication within a certain specified time frame [TBD], the provider [should] [must] upon request forward a further form of notice to its customer. A provider should have the ability to select the most appropriate means of forwarding (including to account for issues of cost) [and to charge a reasonable fee] [and any such reasonable fee is to be borne by the customer and not the requestor].

1. As the following language is still under discussion by the WG, suggested edits/changes to the initial draft language have been indicated with square brackets around them. [↑](#footnote-ref-1)