We Object to a Centralized Whois/Registrant Data Database and Ask the EWG to Share its Alternative Plans B and C

We do not understand how the EWG arrived at a Centralized Database of all Personal Information in the gTLD Domain Name Space – and accordingly we object.

In all our years of working on the Whois issues in the NCUC and NCSG (and the conflict dates back to the founding years of ICANN), we never envisioned such a dramatic change in the location and availability of the data. We raise the following questions that we feel it is incumbent on the EWG to answer publicly and fully before moving forward with any Centralized Database theme :

a) How has the EWG justified the Centralized Whois database in light of the limited scope and mission of ICANN? ICANN was severely criticized in the past for plans that took it too deeply into operational activities and away from its more limited mandate of management, oversight and multistakeholder governance (e.g., the ill-fated DNS-Cert plans of 2010). In light of ICANN's mission being confirmed as a narrow one, how can such a Centralized Database fit?

b) A Centralized Database raises infinite problems for ICANN and the ICANN Community. A principal issue is the removal of the personal data of the Registrants from the jurisdiction in which it was collected and under the laws by which it is protected.

c) A Centralized Database requires a harmonization of laws that does not yet exist. Not all law enforcement agencies are equal; not all requests are legal; not all allegations are valid. A Chinese government requesting the personal data and physical location of a pro-democracy dissenter in the US (perhaps one with family still in China) may not be entitled to this information under international law.

d) A Centalized Database creates a security nightmare as the personal data of 120 million+ gTLD Registrants is available for hacking and harvesting by those expert in such illegal activities.

e) How have the risks of the Centralized Database been vetted from a privacy point of view, a jurisdictional point of view, a security point of view, a human rights and freedom of expression point of view?

What were Plans B and C?

In the shadow of PRISM, the entire world is talking about the failings and problems of Centralized Databases which contain treasured personal data: security, stability, hacking, internal abuse and external abuse concerns all come into play, as well as the separation of personal data from its legal and jurisdictional protections.

We ask the EWG to openly and fully share what other plans it has been considering and evaluation.

Clearly, the EWG is evaluating certain principles worthy of ICANN Community embrace (including the identification and accountability of those accessing Registrant data). But this principle, and others proposed by the EWG, have many implementations, permutations and variations.

For purposes of accountability and transparency, and for the ICANN Community to assist the EWG in this difficult process, we need to know: what other plans (e.g., Plans B and C) did the EWG consider in keeping with the principles and goals the EWG is recommending?

Together we should evaluate whether such Plans B and C offer increased benefits and decreased costs and risks compared to the Controversial Centralized Database.