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| RDS-WHOIS2 RTSubgroup Report: Anything New |
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| DRAFT FOR SUBGROUP USE TO DOCUMENT DRAFT FINDINGS AND RECOMMENDATIONS (IF ANY) |
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#  Topic

Subgroup 2 - Anything New is tasked with investigating, analyzing, and drafting recommendations (if needed) to address the following Review objective:

Consistent with ICANN’s mission and Bylaws, Section 4.6(e)(ii), the review team will assess the effectiveness of today’s WHOIS (the now current gTLD RDS, including cumulative changes made to the then-current RDS which was assessed by the prior RT) by (a) inventorying changes made to WHOIS policies and procedures since the prior RT completed its work, (b) using that inventory to identify significant new areas of today’s WHOIS (if any) which the team believes should be reviewed, and (c) determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas.

To accomplish this objective, the subgroup reviewed the inventoried policies and procedures to identify significant new areas of today's WHOIS (if any) requiring review. For those significant new areas only, the subgroup planned to answer these questions:

* 1. Have these been implemented properly? What challenges have staff faced in the implementation?
	2. Are Registrars/Registries implementing these in a timely manner?
	3. Are any measurable steps that should be taken to make these new policies and procedures more effective?

In addition, GDPR and other data protection laws around the world will impact all WHOIS policies, including those inventoried by this subgroup. After ICANN implements an interim model to comply with GDPR, all WHOIS policies will need to be reviewed again to determine what has changed.

# Summary of Relevant Research

To conducts its research, all members of this subgroup reviewed the following inventoried WHOIS policy and procedure materials, posted on the [subgroup's wiki page](https://community.icann.org/pages/viewpage.action?pageId=71604731):

* [ICANN web page on WHOIS Policies](https://whois.icann.org/en/policies), including the following WHOIS-related policies and procedures adopted since 2012
* [Inter-Registrar Transfer Policy](https://www.icann.org/resources/pages/transfer-policy-2016-06-01-en)
* [Additional WHOIS Information Policy](https://www.icann.org/resources/pages/policy-awip-2014-07-02-en) (AWIP)
* New gTLD [URS Policy](https://newgtlds.icann.org/en/applicants/urs/procedure-01mar13-en.pdf), [Procedure](https://newgtlds.icann.org/en/announcements-and-media/announcement-05mar13-en) and [Rules for URS Policy](https://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf)
* [Expired Registration Recovery Policy](https://www.icann.org/resources/pages/errp-2013-02-28-en) (ERRP)
* [Thick WHOIS PDP](http://gnso.icann.org/en/group-activities/active/thick-whois) and [Final Report](http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf)  – see section 7.1 for Thick WHOIS Policy
* [Thick RDDS (WHOIS) Transition Policy for .COM, .NET and .JOBS](https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en)
* [Registry Registration Data Directory Services Consistent Labeling and Display Policy](https://www.icann.org/resources/pages/rdds-labeling-policy-2017-02-01-en)
* [Privacy & Proxy Services Accreditation Issues (PPSAI) PDP](https://community.icann.org/pages/viewpage.action?pageId=43983094) and [Final Report](http://gnso.icann.org/en/issues/raa/ppsai-final-07dec15-en.pdf)
* [Translation/Transliteration of Contact Information PDP](https://community.icann.org/display/tatcipdp/)and [Final Report](https://community.icann.org/download/attachments/41890837/Final%20Report%20Translation%20and%20Transliteration_final.pdf)
* [Final Report from the Expert Working Group on Internationalized Registration Data](http://whois.icann.org/sites/default/files/files/ird-expert-wg-final-23sep15-en.pdf) (2015)
* [Procedure for Handling RDS/WHOIS Conflicts with Privacy Law](https://www.icann.org/resources/pages/whois-privacy-conflicts-procedure-2008-01-17-en) (2008)
* [Review of the ICANN Procedure for Handling WHOIS Conflicts with Privacy Law](https://www.icann.org/public-comments/whois-conflicts-procedure-2014-05-22-en) (2014)
* [Final Report on the Implementation Advisory Group Review of Existing ICANN Procedure for Handling Whois Conflicts with Privacy Laws](https://gnso.icann.org/en/drafts/iag-review-whois-conflicts-procedure-23may16-en.pdf) (2016)
* [Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law](https://www.icann.org/en/system/files/files/whois-privacy-conflicts-procedure-redline-18apr17-en.pdf) (2017)
* RDS/WHOIS [Data Retention Specification Waiver](https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#data-retention) and [Discussion Document](https://www.icann.org/en/system/files/files/draft-data-retention-spec-elements-21mar14-en.pdf)

In addition, the subgroup requested from ICANN Org an [Inventory of New and Changes Made to WHOIS Policies and Procedures Since the First WHOIS Review Team Completed Its Work in 2012](http://mm.icann.org/pipermail/rds-whois2-rt/attachments/20180120/b2af2249/RDSWHOISRT2POLICYACTIVITYPOST2012INVENTORYLISTv6-0001.docx), received on 19 January 2018.

The subgroup recognized that many policies and procedures may change in the light of GDPR, and therefore work at the moment is preliminary in those cases.

# Analysis & Findings

[Provide overview of Review Team Findings (including materials of reference).
This section should include how the subgroup addressed this Objective: (b) using that inventory to identify significant new areas of today’s WHOIS (if any) which the team believes should be reviewed,] [The following text was copied from F2F meeting #2 slides and formatted into a table which separates questions asked from findings/analysis]

|  |  |  |
| --- | --- | --- |
| New/UpdatedPolicy or Procedure | Questions considered by this review | Subgroup's Findings and Analysis |
| New WHOIS pages on website (whois.icann.org) | Have these been implemented properly? What challenges have staff faced in the implementation? |  |
| [Inter-Registrar Transfer Policy](https://www.icann.org/resources/pages/transfer-policy-2016-06-01-en) (IRTP) | Will this work with Privacy/Proxy services?Have these been implemented properly?Are Registrars satisfied?Are results of IRT on PPSAI are satisfactory? |  |
| [Additional WHOIS Information Policy](https://www.icann.org/resources/pages/policy-awip-2014-07-02-en) (AWIP) | Is this a compliance issue?Are Registrars satisfied? |  |
| New gTLD [URS Policy](https://newgtlds.icann.org/en/applicants/urs/procedure-01mar13-en.pdf), [Procedure](https://newgtlds.icann.org/en/announcements-and-media/announcement-05mar13-en) and [Rules for URS Policy](https://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf) |  | Being discussed in RPM PDP.No specific WHOIS issues. |
| [Expired Registration Recovery Policy](https://www.icann.org/resources/pages/errp-2013-02-28-en) (ERRP)  | How are fees are being announced when registrar has no website? | We have no metrics on this policy. |
| [Thick WHOIS PDP](http://gnso.icann.org/en/group-activities/active/thick-whois) and [Final Report](http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf): See section 7.1 for Thick WHOIS Policy, and[Thick RDDS (WHOIS) Transition Policy for .COM, .NET and .JOBS](https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en) |  | Stalled due to GDPR and RDAP implementation. |
| [Registry Registration Data Directory Services Consistent Labeling and Display Policy](https://www.icann.org/resources/pages/rdds-labeling-policy-2017-02-01-en) |  | No WHOIS implications. |
| Privacy & Proxy Services Accreditation Issues (PPSAI) [Final Report](http://gnso.icann.org/en/issues/raa/ppsai-final-07dec15-en.pdf) |  | Subgroup #10 is covering. |
| [Translation/Transliteration of Contact Information PDP](https://community.icann.org/display/tatcipdp/)and [Final Report](https://community.icann.org/download/attachments/41890837/Final%20Report%20Translation%20and%20Transliteration_final.pdf), and[Final Report from the Expert Working Group on Internationalized Registration Data](http://whois.icann.org/sites/default/files/files/ird-expert-wg-final-23sep15-en.pdf) (2015) | Work has completed.What issues have arisen? | Subgroup #12-14 is covering. |
| [Review of the ICANN Procedure for Handling WHOIS Conflicts with Privacy Law](https://www.icann.org/public-comments/whois-conflicts-procedure-2014-05-22-en) (2014) |  | New IAG was created, New trigger recommended. May need changes due to GDPR . Multi-party dissatisfaction with results. |
| [Final Report on the Implementation Advisory Group Review of Existing ICANN Procedure for Handling WHOIS Conflicts with Privacy Law](https://www.icann.org/public-comments/whois-conflicts-procedure-2014-05-22-en) (2016)  |  | Final report voted through GNSO but new group being formed because of multi-party dissatisfaction with results. New trigger not seen as effective. May need changes due to GDPR. |
| RDS/WHOIS [Data Retention Specification Waiver](https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en) and [Discussion Document](https://www.icann.org/en/system/files/files/draft-data-retention-spec-elements-21mar14-en.pdf) | Are Registrars satisfied? | Data retention is an RDS issue. Waiver has been slow for uptake, but working. May need changes due to GDPR. |

Based on the subgroup's analysis, the main findings of this subgroup are as follows:

* There are a lot of policies and procedures that have been worked on since 2012.
* There are not clear metrics for some of them.
* Several items with compliance implications to be addressed by that subgroup.
* Several items are already covered by WHOIS1 rec subgroups.
* Reseller lack of transparency to be covered by the Consumer Trust subgroup.
* RT to make general comment (under auspices of overall report) re: dissatisfaction with handling of conflicts with privacy law.
* RT to note (under auspices of overall report’s preamble) overall that the impact of GDPR has not yet been addressed in this review.

[The above text copied from F2F meeting #2 slide and agreements]

# Problem/Issue

[What observed fact-based issue is the recommendation intending to solve? What is the “problem statement”?
This section should include how the subgroup addressed this Objective: (c) determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas:]

* Action Item: Stephanie to formulate text describing the lack of strategic plan for WHOIS leads to disjoint development of policies and procedures

# Recommendations

[To be completed for each recommendation - if any - suggested by the subgroup]

Recommendation: xxx

Findings: [what are the findings that support the recommendation]

Rationale:

[What is Intent of recommendation and envisioned outcome?

How did the finding lead to this recommendation?

How significant would impact be if recommendation not addressed?

Is it aligned with ICANN’s Strategic Plan and Mission?

Is it in compliance with scope Review Team set?]

Impact of Recommendation: [What are the impacted areas, e.g. security, transparency, legitimacy, efficiency, diversity etc. Which group/audience will be impacted by this recommendation]

Feasibility of Recommendation: [Document feasibility of recommendation]

Implementation:

[Who are responsible parties that need to be involved in implementation? Community/ICANN org/combination)

What is the target for a successful implementation?

Is related work already underway and how will that dovetail with recommendation?

What is the envisioned implementation timeline? Within 6 months/12 months/more than 12 months]

Priority: [If only 5 recommendations could be implemented due to community bandwidth and other resource constraints, would this recommendation be one of the top 5? Why or why not?]

Level of Consensus