

RDS-WHOIS2 RT Subgroup Report: Outreach

DRAFT FOR SUBGROUP USE TO DOCUMENT DRAFT
FINDINGS AND RECOMMENDATIONS (IF ANY)

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20 May 2018



4 **TABLE OF CONTENTS**

5	1 TOPIC	3
6	2 SUMMARY OF RELEVANT RESEARCH	3
7	3 ANALYSIS & FINDINGS	4
8	4 PROBLEM/ISSUE	5
9	5 RECOMMENDATIONS	5

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1 Topic

Subgroup 1 - WHOIS1 Rec3 Outreach 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)(iv), the Review Team will (a) evaluate the extent to which ICANN Org has implemented each prior Directory Service Review recommendation (noting differences if any between recommended and implemented steps), (b) assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS), and (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT's recommendations. This includes developing a framework to measure and assess the effectiveness of recommendations, and applying that approach to all areas of WHOIS originally assessed by the prior RT (as applicable).

The specific [WHOIS1 Recommendation](#) to be assessed by this subgroup appears below:

Recommendation 3 - Outreach

ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness.

The subgroup reviewed all of the multiple "outreach" resources with a specific focus on:

- ⊙ Identifying areas where there we inconsistencies, errors and out of date information
- ⊙ Identifying gaps in the documentation

The subgroup also reviewed the various outreach events and activities.

2 Summary of Relevant Research

To conducts its research, all members of this subgroup reviewed the following background materials, posted on the [subgroup's wiki page](#):

- ⊙ [WHOIS Review Team \(WHOIS1\) Final Report](#) (2012) and [Action Plan](#)
- ⊙ [WHOIS Review Team \(WHOIS1\) Implementation Reports](#), including
 - [Executive Summary of Implementation Report](#)
 - [Detailed implementation Report](#)
- ⊙ WHOIS1 Implementation Briefings on Recommendations 1, 2, 3, 6, 7, 9, 15, 16: [PPT](#), [PDF](#)
- ⊙ [Answers to RDS-WHOIS2 Questions on Implementation Briefings](#)
- ⊙ Documents cited in briefing on Recommendation 3 include
 - [WHOIS Information Portal and Consolidated WHOIS Lookup Tool](#)
 - [Registrant's Benefits and Responsibilities](#)
 - [2013 RAA - see Section 9](#)
 - [Information for Registrars and Registrants](#)
 - [Registrant Educational Series](#)

In addition, the subgroup requested additional materials and briefings from the ICANN Org:

- ⊙ [Written implementation briefing on Rec 3](#)
- ⊙ SME answer to the following question:
What has ICANN done, one a one-time basis or ongoing, to address

60 Recommendation 3's requirement to reach out to communities outside of ICANN with
61 an interest in WHOIS issues?

62
63 Finally, the subgroup applied the RDS-WHOIS2 review team's [agreed framework](#) to
64 measure and assess the effectiveness of recommendations,
65

66 3 Analysis & Findings

67 ICANN has implemented a wide variety of documents and resources designed to educate
68 various communities on issues related to WHOIS. Some were undertaken as a result of the
69 WHOIS-RT recommendations on Outreach, and others were done as parts of other
70 processes. WHOIS issues are to a large extent interwoven with other material related to
71 gTLD domain names. This is reasonable, since from a registrant's point of view, WHOIS is
72 just one aspect related to the complex world of domain names.
73

74 The Subgroup found that the material associated with the WHOIS Portal created explicitly as
75 a result of the WHOIS-RT Recommendations is well organized and the level of information is
76 reasonable. However, the material is vast, so it is less than clear how it should be used.
77 Moreover, the hierarchical organization is opaque and cannot easily be viewed. There are
78 things listed on sub-menus that one would not imagine are there looking at the top level,
79 and no practical way to discover such material.
80

81 The other material available on the ICANN website generally pre-dates the Portal, and no
82 attempt was made to update this material, or integrate it.
83

84 As an example, the Portal points to a document entitled Registrant's Benefits and
85 Responsibilities. The document includes two sections, "Domain Name Registrants' Rights"
86 and "Domain Name Registrants' Responsibilities" (note the lasck of a section on Benefits). It
87 is written in seemingly simple and clear language, but hidden within it is complexity ("You
88 must review your Registrar's current Registration Agreement, along with any updates." -
89 Sounds simple but doing this is not at all simple). There is only one explicit reference to
90 WHOIS, but there are many implied references.
91

92 If you actually go into the 2013 Registrar Accreditation Agreement (RAA), there is a reference
93 to a document called Registran Rights and Responsibilities as well as a Registrant Benefits
94 and Responsibilities. The Rights and Responsibilities is a rather long and legalistic document
95 which only applies to the 2009 RSS and has been suplanted by the Registrant Benefits and
96 Responsibilities (which as mentioned has section on Rights and Responsibilities).
97

98
99 A third cache of information is a set of registrant education videos. They are on a completely
100 separate part of the ICANN site degicated to Registrars (not Registrants) and not likely to be
101 found by accident. They are low-level introductions, and done reasonable well, but now
102 VERY dated and do not integrate with the WHOIS Portal. For instance, to perform a WHOIS
103 operation, they point the user to Internic.net instead of the Portal.
104

105 In summary, the Recommendation to make information was carried out, but it was not well
106 integrated with other WHOIS-related information.
107

108 With regard to outreach, significant outreach to communities within ICANN has been carried
109 out. There is little evidence that there was any substantive outreach to non-ICANN groups.
110 The RT was told that such outreach would be done by Global Stakeholder Engagement and
111 WHOIS is one of the topics that may touch on, but there were no records that specifically
112 address the outreach described in this recommendation.
113

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Deleted: The Registrant Rights and Responsibilities, a similarly named but much larger document is far more complex and legalistic.¶ Both the Registrants Rights and Responsibilities and Registrant Benefits and Responsibilities are integrated in or pointed to by the Registrar Accreditation Agreement (RAA).¶

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129 To what extent there are parties who are not affiliated with ICANN but interested in WHOIS
130 is a relevant question. Certainly there are examples of consumer protection organizations
131 and government consumer protection organizations that may fall into this category. And one
132 has to wonder whether the entire GDPR issue would have unfolded differently if ICANN
133 had reached out to EU data protection commissioners to educate them about WHOIS and its
134 uses and benefits long before the the issue became hot in ICANN in mid-2017. Security
135 researchers and law enforcement are also groups which might have been approached.
136
137

Deleted: [Need section on outreach outside of ICANN here.]

141 4 Problem/Issue

142
143 There is a wide variety of information related to WHOIS, some is well integrated and some
144 very disjoint. Of necessity this information is somewhat interwoven with other information
145 related to 2nd level gTLD domain names.

Deleted: [What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"? ¶
For this subgroup, relevant steps from review objectives include:¶
<#>Topic 1 (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT's recommendations]¶

146 The information and documents cover several "generations" and do not integrate well.

147 Moreover a typical user or registrant will not readily be able to identify where they need to
148 look for information, and identifying one of the multiple locations will not lead them to the
149 others.

150 The problem is exacerbated by the introduction of the terms RDS (and at times RDDS) to
151 replace WHOIS.

Deleted: ¶

152 Regarding outreach, there is little strong evidence that any outreach targetted at non-ICANN
153 audiences was contemplated or carried out.
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155
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158

159 5 Recommendations

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

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160
161
162
163 **Recommendation 1:** All of the information related to WHOIS and by implication to other
164 information related to the registration of 2nd level gTLD Domains needs to be revised with
165 the intent of making the information readily accessible and understandable. This should be
166 done post-GDPR implementation and consideration should be given to deferring this until we
167 have a stable permanent GDPR implementation. The revision of this web documentation
168 and instructional material should not be undertaken as a purely internal operation but should
169 include users and potentially focus groups to ensure that the final result fully meets the
170 requirements.
171

Deleted: should

Deleted: Interim implementation

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Deleted: [Is this a reproduction of the above sections, or a brief summary of them?]

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172
173 **Findings:** The requirement to provide outreach was correctly interpreted as to need
174 significant WHOIS-related documentation and this was carried out. Although the resultant
175 Portal is somewhat lacking in navigation tools, it was generally very well done. However, it
176 was not well integrated with other registrant-related information or with earlier WHOIS-
177 related documentation and tutorial efforts.
178

Deleted: [What is Intent of recommendation and envisioned outcome?¶
How did the finding lead to this recommendation? ¶
How significant would impact be recommendation not addressed?]

179 **Rationale:** The original recommendation was not explicit as to what documentation was required or how
180 it should be integrated. Although the work that was done was of high quality, the lack of
181 integration makes it significantly less effecting that it could have been. Although it is currently

Deleted: [Is it aligned with ICANN's Strategic Plan and Mission? ¶
Is it in compliance with scope Review Team set?]

223 unclear to what extent WHOIS information will be publicly viewable, such information will
224 always be collected and thus ICANN has an obligation to document it clearly. Moreover if
225 there is tiered access to data, there will have to be extensive documentation on who can
226 access usch additional information and how that process is carried out.

227
228 **Impact of Recommendation:** All gTLD registrants should have full information on why their
229 data is collected, how it can be used, and how they may make use of such data. Similarly
230 others who may have an interest in the registrant of a gTLD domain, or how to interact with
231 that registrant should have ready access to such information.

232
233 **Feasibility of Recommendation:** The documentation and educational matierials requested
234 standard type of offerings.

235
236 **Implementation:**

237 The implementation should begin once it is moderately clear how GDPR will be addressed
238 with relation to gTLD WHOIS.

239
240 **Priority:** [If only 5 recommendations could be implemented due to community bandwidth
241 and other resource constraints, would this recommendation be one of the top 5? Why or why
242 not?] [Probably relatively low priority, but that cannot be determined until we have the ful
243 roster of recommendations.]

244
245 **Level of Consensus:**

246
247 **Recommendation 2:** With community input, ICANN should decide to what extent there is a
248 need to carry out outreach to groups outside of the normal ICANN participant, and should
249 such outreach be deemed necessary, a plan should be developed to carry this out and
250 document it. The need for and details of the outreach may vary depending on the ultimate
251 GDPR implementation and cannot be detailed at this point.

252
253 **Findings:** There is little evidence of outreach as described in the roriginal recommendation
254 and such outreach is still felt to have merits.

255
256 **Rationale:** The need for such outreach will be determined during the first phase of
257 consultation.

258
259 **Impact of Recommendation:** The impact of such outreach will be determined during the
260 first phase of consultation.

261
262 **Feasibility of Recommendation:** N/A

263
264 **Implementation:**

265 The implementation should begin once it is moderately clear how GDPR will be addressed
266 with relation to gTLD WHOIS.

267
268 **Priority:** [If only 5 recommendations could be implemented due to community bandwidth
269 and other resource constraints, would this recommendation be one of the top 5? Why or why
270 not?]

271
272 **Level of Consensus:**

273

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

Deleted: [Document feasibility of recommendation]

Deleted: [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 months/12 months/more than 12 months]