

RDS-WHOIS2 RT Subgroup Report: Outreach

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

Alan Greenberg (Rapporteur)
Carlton Samuels
Erika Mann

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

10

11

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- ⊙ Identifying areas where there we inconsistencies, errors and out of date information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, on a one-time basis or ongoing, to address Recommendation

Deleted: e

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

63
64 Finally, the subgroup applied the RDS-WHOIS2 review team's [agreed framework](#) to
65 measure and assess the effectiveness of recommendations,
66

67 3 Analysis & Findings

68 ICANN has implemented a wide variety of documents and resources designed to educate
69 various communities on issues related to WHOIS. Some were undertaken as a result of the
70 WHOIS-RT recommendations on Outreach, and others were done as parts of other
71 processes. WHOIS issues are to a large extent interwoven with other material related to
72 gTLD domain names. This is reasonable, since from a registrant's point of view, WHOIS is
73 just one aspect related to the complex world of domain names.
74

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

Deleted: one would not imagine
are there looking

Deleted: and

81
82 The other material available on the ICANN website generally pre-dates the Portal, and no
83 attempt was made to update this material, or integrate it.
84

85 As an example, the Portal points to a document entitled Registrant's Benefits and
86 Responsibilities. The document includes two sections, "*Domain Name Registrants' Rights*"
87 and "*Domain Name Registrants' Responsibilities*" (note the **Jack** of a section **entitled**
88 Benefits). It is written in seemingly simple and clear language, but hidden within it is
89 complexity ("You must review your Registrar's current Registration Agreement, along with
90 any updates." - Sounds simple but doing this is not at all simple). There is only one explicit
91 reference to WHOIS, but there are many implied references.
92

Deleted: lasck

Deleted: on

93 If you actually go into the 2013 Registrar Accreditation Agreement (RAA), there is a reference
94 to a document called Registrant Rights and Responsibilities as well as a Registrant Benefits
95 and Responsibilities. The Rights and Responsibilities is a rather long and legalistic document
96 which only applies to the 2009 **RAA** and has been supplanted by the Registrant Benefits and
97 Responsibilities (which as mentioned has section on Rights and Responsibilities).
98
99

Deleted: RSS

100 A third cache of information is a set of registrant education videos. They are on a completely
101 separate part of the ICANN site dedicated to Registrars (not Registrants) and not likely to be
102 found by accident. They are low-level introductions, and done reasonable well, but now
103 VERY dated and do not integrate with the WHOIS Portal. For instance, to perform a WHOIS
104 operation, they point the user to Internic.net instead of the Portal.
105

106 In summary, the Recommendation to make information **available** was carried out, but it was
107 not well integrated with other WHOIS-related information.
108

109 With regard to outreach, significant outreach to communities within ICANN has been carried
110 out. There is little evidence that there was any substantive outreach to non-ICANN groups.
111 The RT was told that such outreach would be done by Global Stakeholder Engagement and
112 WHOIS is one of the topics that may touch on, but there were no records that specifically
113 address the outreach described in this recommendation.
114

121 To what extent there are parties who are not affiliated with ICANN but interested in WHOIS
122 is a relevant question. Certainly there are examples of civil society consumer protection
123 organizations and government consumer protection organizations that may fall into this
124 category. And one has to wonder whether the entire GDPR issue would have unfolded
125 differently if ICANN had reached out to EU data protection commissioners to educate them
126 about WHOIS and its uses and benefits long before the the issue became hot in ICANN in
127 mid-2017. Security reseachers and law enforcement are also groups which might have been
128 approached.
129

130 4 Problem/Issue

131
132 There is a wide variety of information related to WHOIS, some is well integrated and some
133 very disjoint. Of necessity this information is somewhat interwoven with other information
134 related to 2nd level gTLD domain names.

Deleted: necessaesity

135 The information and documents cover several "generations" and do not integrate well.
136
137

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

Deleted: readily

141
142 The problem is exacerbated by the introduction of the terms RDS (and at times RDDS) to
143 replace WHOIS.

144 Regarding outreach, there is little strong evidence that any outreach targetted at non-ICANN
145 audiences was contemplated or carried out.
146
147

148 5 Recommendations

149
150
151
152
153 **Recommendation 1:** All of the information related to WHOIS and by implication to other
154 information related to the registration of 2nd level gTLD Domains needs to be revised with
155 the intent of making the information readily accessible and understandable. This should be
156 done post-GDPR implementation and consideration should be given to defering this until we
157 have a stable permanent GDPR implementation. The revision of this web documentation
158 and instructional material should not be undertaken as a purely internal operation but should
159 include users and potentially focus groups to ensure that the final result fully meets the
160 requirements.
161

162 **Findings:** The requirement to provide outreach was correctly interpreted as to need
163 significant WHOIS-related documentation and this was carried out. Although the resultant
164 Portal is somewhat lacking in navigation tools, it was generally very well done. However, it
165 was not well integrated with other registrant-related information or with earlier WOHIS-
166 related documentation and tutorial efforts.
167

168 **Rationale:**

169 The original recommendation was not explicit as to what documentation was required or how
170 it should be integrated. Although the work that was done was of high quality, the lack of
171 integration makes it significantly less effective that it could have been. Although it is currently
172 unclear to what extent WHOIS information will be publicly viewable, such information will
173 always be collected and thus ICANN has an obligation to document it clearly. Moreover if

Deleted: effecting

177 | there is tiered access to data at some point, there will have to be extensive documentation
178 | on who can access such additional information and how that process is carried out.

Deleted: date

Deleted: usch

179
180 **Impact of Recommendation:** All gTLD registrants should have full information on why their
181 data is collected, how it can be used, and how they may make use of such data. Similarly
182 others who may have an interest in the registrant of a gTLD domain, or how to interact with
183 that registrant should have ready access to such information.

184
185 **Feasibility of Recommendation:** The documentation and educational materials requested
186 standard type of offerings.

187
188 **Implementation:**

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

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

195
196
197 **Level of Consensus:**

198
199 **Recommendation 2:** With community input, ICANN should decide to what extent there is a
200 need to carry out outreach to groups outside of the normal ICANN participant, and should
201 such outreach be deemed necessary, a plan should be developed to carry this out and
202 document it. The need for and details of the outreach may vary depending on the ultimate
203 GDPR implementation and cannot be detailed at this point.

204
205 **Findings:** There is little evidence of outreach as described in the original recommendation
206 and such outreach is still felt to have merits.

207
208 **Rationale:** The need for such outreach will be determined during the first phase of
209 consultation.

210
211 **Impact of Recommendation:** The impact of such outreach will be determined during the
212 first phase of consultation.

213
214 **Feasibility of Recommendation:** N/A

215
216 **Implementation:**

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

219
220 **Priority:** [If only 5 recommendations could be implemented due to community bandwidth
221 and other resource constraints, would this recommendation be one of the top 5? Why or why
222 not?]

223
224 **Level of Consensus:**

225