

Recommendation 1: Strategic Priorities

Implementation Briefing for RDS2 Review Team

13 April, 2018



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RDS/WHOIS1 Review Team's Recommendation 1: Strategic Priorities

"It is recommended that WHOIS, in all its aspects, should be a strategic priority for ICANN the organization. It should form the basis of staff incentivization and published organizational objectives

To support WHOIS as a strategic priority, the ICANN Board should create a committee that includes the CEO. The committee should be responsible for advancing the strategic priorities required to ensure the following:

- ⦿ Implementation of this report's recommendations;
- ⦿ Fulfillment of data accuracy objectives over time;
- ⦿ Follow up on relevant reports (e.g., NORC data accuracy study);
- ⦿ Reporting on progress on all aspects of WHOIS (policy development, compliance, and advances in the protocol/liaison with SSAC and IETF);
- ⦿ Monitoring effectiveness of senior staff performance and the extent to which the ICANN Compliance function is effective in delivering WHOIS outcomes, and taking appropriate action to remedy any gaps (see Recommendation 4 for more discussion of compliance).

Advancement of the WHOIS strategic priority objectives should be a major factor in staff incentivization programs for ICANN staff participating in the committee, including the CEO. Regular (at least annual) updates on progress against targets should be given to the Community within ICANN's regular reporting channels, and should cover all aspects of WHOIS including protocol, policy development, studies and their follow up."

ICANN Board Action

- ⦿ "Board agrees that gTLD WHOIS is a strategic priority for ICANN
- ⦿ Consistent with advice from SSAC (SAC055), Board directs the CEO to create an expert working group to create material to launch GNSO policy work and inform contractual negotiations, as appropriate. Working group output is expected within 90 days and will ideally include a straw-man model for managing gTLD registration data
- ⦿ The working group's output will form the basis for an Issues Report to accompany Board-initiated, expedited GNSO policy work that is expected to result in consensus policy that, at a minimum, addresses the purpose of collecting, maintaining and making available gTLD registration data, and related accuracy, data protection, and access issues.
- ⦿ The Board will also call upon the registrars, registries, and the staff to address the working group's output in contractual negotiations and registry contracts, as appropriate.

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- ⦿ The CEO will oversee improvements to the enforcement of the contractual conditions relating to gTLD WHOIS in the gTLD registry and gTLD registrar agreements. Appropriate reporting of these improvements will be developed, and the CEO will be responsible for appropriate staff incentives.
 - ⦿ The Board will incorporate performance of the WHOIS strategy into the incentive program for the CEO."

ICANN Board's Rationale for Board Action

- ⦿ "The Board notes that ccTLD WHOIS is the policy responsibility of each ccTLD manager.
- ⦿ The Board notes that IP address registry WHOIS services are under the policy responsibility of each RIR, and the WHOIS review has not raised any concerns with these services.
- ⦿ It is difficult to further evolve improvements to the gTLD WHOIS service, without developing policy to answer fundamental questions such as:
 - Why are data collected?
 - What purpose will the data serve?
 - Who collects the data?
 - Where is the data stored and how long is it stored?
 - Where is the data escrowed and how long is it escrowed?
 - Who needs the data and why?
 - Who needs access to logs of access to the data and why?
 - How to protect personal data?"

Implementation Activities in accordance with the Board's Action Plan

RDS Expert Working Group and GNSO Policy Development Process

As per the Board's action plan, the Board passed a [resolution](#) in November 2012 directing:

- ⦿ ICANN org to launch a new effort to redefine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, as a foundation for new gTLD policy and contractual negotiations
- ⦿ Preparation of an Issue Report on the purpose of collecting and maintaining gTLD registration data, and on solutions to improve accuracy and access to gTLD registration data, as part of a Board-initiated GNSO policy development process

In December 2012, ICANN org [announced](#) the formation of the [Expert Working Group on gTLD Directory Services](#). The EWG's mandate was to re-examine and define the purpose of collecting and maintaining gTLD directory services, consider how to safeguard the data, and propose a next-generation solution that will better serve the needs of the global Internet community. After considering past WHOIS work, community inputs, and new research findings, the Expert Working Group concluded that:

...today's WHOIS model—giving every user the same anonymous public access to (often inaccurate) gTLD registration data—should be abandoned. Instead, the EWG recommended a paradigm shift whereby gTLD registration data is collected, validated and disclosed for permissible purposes only, with some data elements being accessible only to authenticated requestors that are then held accountable for appropriate use.

The Expert Working Group's suggested RDS was designed to strike a balance between accuracy, access, and accountability. It proposed collection, validation, and disclosure of registration data for permissible purposes only. The model envisioned making publicly available only a minimum set of registration data while safeguarding the rest through a purpose-driven gated access.

The Expert Working Group published its [final report](#) in June 2014. The final report, including its recommendations and 180 proposed principles for the next-generation RDS, reflected near-consensus among EWG members. Unanimity was reached on 179 principles, with one EWG member dissenting to one important principle. This single dissent concerned registrant and contact consent and was footnoted in the final report on page 42, principle 28. The report concluded: "The EWG believes that the principles and the next-generation RDS recommended in this Final Report provide a more solid foundation than exists today – a foundation from which to protect personal privacy and ensure greater accuracy, accountability, and transparency for the entire ICANN ecosystem for years to come."

Upon publication of the EWG’s Final Report, an informal group of GNSO Councilors and ICANN Board members collaborated to propose a [Process Framework](#) for structuring a GNSO Policy Development Process.

In April 2015, the Board passed a [resolution](#) adopting this framework and reaffirming the request for a Board-initiated PDP to define the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations in the Expert Working Group's [Final Report](#) as an input to, and, if appropriate, as the foundation for a new gTLD policy. Additionally, the Board directed preparation of an issue report, which is a required step in the policy development process.

A [Preliminary Issue Report](#) was published for [public comment](#) in July 2015. Following review of the public comments received, the Issue Report was updated accordingly and submitted as the [Final Issue Report](#) to the GNSO Council for its consideration in October 2015. In November 2015, the GNSO [approved](#) the final issues report and initiated a PDP on gTLD registration data services.

The PDP Working Group is conducting its work in accordance with the Process Framework. In Phase One, the PDP Working Group was tasked to, at a minimum, determine what the fundamental requirements are for gTLD registration data (including users, purposes and associated access, accuracy, data element, and privacy requirements), and determine whether a new policy framework and next-generation RDS is needed to meet these requirements. If the PDP Working Group recommends that a new policy framework and next-generation RDS are necessary, the PDP will continue on to Phases 2 and 3, defining specific new policies for registration data and directory services, and providing guidance for effective implementation of those policies. On 3 April, 2018, the Chair of the RDS PDP Working Group [informed](#) the PDP Working Group that “The RDS PDP WG leadership team has decided to suspend WG meetings until further notice while we await guidance from the Board regarding how this WG will be affected by the GDPR compliance efforts.”

2013 Registrar Accreditation Agreement and Registry Agreements

Several new WHOIS requirements were added to the 2013 Registrar Accreditation Agreement including. These requirements were made applicable to registrars for new gTLDs.

- ⦿ The WHOIS accuracy program specification
- ⦿ The registration data directory service (WHOIS) specification
- ⦿ The specification on privacy and proxy registrations
- ⦿ The data retention specification

The links to these requirements as well as RDS related requirements in the Registry Agreements can be accessed from the [Single Webpage](#) for ICANN RDS/WHOIS-Related Policies and Contract Provisions.

Contractual Enforcement

This topic is covered in the written briefing for Recommendation 4.

CEO and Staff Incentivization

Overall, RDS covers several different areas within the community and the organization, including in relation to reviews, contracted parties, policy development work or emerging issues such as the GDPR. For ICANN org, RDS is reflected in the ICANN Strategic Plan and therefore guides the CEO's goals as well as the work of all across the organization to meet those strategic objectives through ICANN's operating plan. Evaluation of ICANN CEO's performance is tied to the strategic objectives of the organization, which include RDS. The Board sets specific goals for the CEO as part of his annual performance process. The strategic goals of the organization are taken into account when setting the CEO goals.

The RDS related work that is distributed throughout the organization is tracked via projects that are mapped to objectives defined in the ICANN's [Strategic Plan](#). Each objective is overseen by a member of the ICANN Executive Team. The Executive Team reports to the ICANN CEO, who leads and oversees ICANN's day-to-day operations. This includes delegation of specific programs and responsibilities and setting appropriate performance goals to incentivize ICANN Org to meet the goals.

The ICANN [FY18 operating plan and budget](#), which went through public comment and community consultation before being adopted by the ICANN Board, includes a listing of projects that captures the work of the organization. Below are some RDS-related projects from the FY18 operating plan and budget. In addition to the projects listed below, there are ongoing activities in support of RDS (i.e., bug fixes for WHOIS look-up tool, presentations on RDS and GDPR as part of ICANN Global Stakeholder Engagement and Government Engagement's work, etc.) that are captured more generally as part of a department's ongoing work.

- 152497 – FY18 WHOIS [ARS](#)
- 032065 – [Thick WHOIS](#) policy [implementation](#)
- 026317 – Registrar WHOIS [Address Cross Field Validation](#) Initiative
- 025912 – [Specific Review: Registration Directory Service](#) (RDS) (formerly WHOIS)
- 011913 – [Next Generation PDP](#)
- 031461 – Strategic Support on WHOIS Issues and Evolution of WHOIS
- 152412 – FY18 Ongoing Guidance and Interaction for WHOIS RDS
- 153502 – FY18 WHOIS

The seven Contractual Compliance projects touch or have impact on WHOIS related matters: For more information on compliance portfolios/projects please refer to the Portfolio Management System at this link -

<https://features.icann.org/plan/objective/b3bbd215cfb9b0e7a1215ab83aa79367>

- 152052 – FY18 Ongoing Contractual Compliance for Registrars & Registries

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- 152053 – FY18 Ongoing Contractual Compliance Administration & Training
 - 152054 – FY18 Ongoing Contractual Compliance Reporting
 - 152055 – FY18 Ongoing Contractual Compliance Outreach
 - 152056 – FY18 Ongoing Contractual Compliance Audit Program
 - 152057 – FY18 Contractual Compliance Improvements
 - 152058 – FY18 Contractual Compliance Contract & Policy Work
- 151206 – FY18 Ongoing GNSO Policy Development Support

Estimated ICANN Org Time Spent for Implementation

Expert Working Group on gTLD Directory Services – The Expert Working Group on gTLD Directory Services took approximately 15 months to complete its work. Four FTEs each spending 25% of their time supported this Working Group for the 15-month duration.

Preparation of Issues Report for RDS PDP – The preparation of the issues report for the RDS PDP took approximately 35% of 1 FTE's time over a 6-month period.

Useful Links

- ⦿ WHOIS Policy Review Team Final Report
<https://www.icann.org/news/announcement-2015-08-24-en>
- ⦿ ICANN Action Plan For the WHOIS Policy Review Team Final Report
<https://www.icann.org/en/system/files/files/implementation-action-08nov12-en.pdf>
- ⦿ Quarterly WHOIS recommendations implementations statuses updated quarterly and published on WHOIS Review Wiki page
<https://community.icann.org/display/WHO/WHOIS+Review+Implementation+Home>
- ⦿ WHOIS portal
<https://whois.icann.org/en>
- ⦿ ICANN Planning Process
<https://www.icann.org/resources/pages/governance/planning-en>
- ⦿ FY18 Operating Plan and Budget
<https://www.icann.org/en/system/files/files/adopted-opplan-budget-fy18-15aug17-en.pdf>
- ⦿ Achievement & Progress Reporting
<https://www.icann.org/resources/pages/achievement-progress-reporting-2015-08-07-en>
- ⦿ 2013 Registrar Accreditation Agreement (2013 RAA)
<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>
- ⦿ List of Registrars on the 2013 RAA available here
<https://www.icann.org/resources/pages/registries/registries-agreements-en>
- ⦿ First 2013 RAA WHOIS Accuracy Program Specification Review
<https://www.icann.org/public-comments/2013-whois-accuracy-spec-review-2015-05-14-en>
- ⦿ List of registries signed under the new Base gTLD Registry Agreement
⦿ <https://www.icann.org/resources/pages/registries/registries-agreements-en>
- ⦿ Single Webpage for ICANN RDS/WHOIS Related Policies and Contract Provisions,
<https://www.icann.org/resources/pages/whois-policies-provisions-2013-04-15-en#4.a>
- ⦿ [WHOIS Accuracy Specification](https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#whois-accuracy) of the 2013 RAA
<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#whois-accuracy>
- ⦿ First 2013 RAA WHOIS Accuracy Program Specification Review
<https://www.icann.org/public-comments/2013-whois-accuracy-spec-review-2015-05-14-en>

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- ⦿ First 2013 RAA WHOIS Accuracy Program Specification Review's Report of Public Comments
<https://www.icann.org/en/system/files/files/report-comments-2013-whois-accuracy-spec-review-20jul15-en.pdf>

 - ⦿ The WHOIS Accuracy Reporting System (ARS) Project
<https://whois.icann.org/en/whoisars>
Phase 1
<https://whois.icann.org/en/whois-ars-phase-1-reporting>
Phase 1 Report Announcement
<https://www.icann.org/news/announcement-2015-08-24-en>
Phase 1 reports
(<https://whois.icann.org/en/whois-ars-phase-2-reporting>)

 - ⦿ RDAP Webpage
<https://www.icann.org/rdap>

 - ⦿ GNSO Thick WHOIS PDP
<https://gns0.icann.org/en/group-activities/active/thick-whois>
and current Implementation Status
(<https://community.icann.org/display/TWCPI/Thick+WHOIS+Policy+Implementation>)

