

RDS-WHOIS2 RT Subgroup Report: Outreach

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

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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- ⦿ Identifying areas where there we inconsistencies, errors and out of date information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 conduct 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

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

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

3 Analysis & Findings

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

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

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

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

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

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

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

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

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

4 Problem/Issue

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

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

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

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

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

5 Recommendations

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

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

Rationale:

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

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

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

Feasibility of Recommendation: The documentation and educational materials requested standard type of offerings.

Implementation:

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

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?] [Probably relatively low priority, but that cannot be determined until we have the full roster of recommendations.]

Level of Consensus:

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

[Question to Review Team: given the relatively few examples we have come up with for such outreach (consumer protection organizations, law enforcement and no-longer relevant - GDPR privacy commissioners), do we still wish to proceed with this Recommendation?]

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

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

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

Feasibility of Recommendation: N/A

Implementation:

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

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: