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RDS-WHOIS2-RT Plenary Call #38

13 June 2018



RDS/WHOIS2-RT Leadership Call Agenda

- Welcome, Roll-Call, Sol Updates
- ICANN62
- Subgroups Status Update
 - Rec. #3: Outreach
 - Rec. #5-9: Data Accuracy
 - Safeguarding Registrant Data
- Face-to-Face Meeting #3
- Plenary Call Schedule post-ICANN62
- A.O.B.
- Confirm Decisions Reached and Action Items

ICANN62

Agenda item #1

- Review of draft slides
- RDS-WHOIS2-RT Engagement Session on **Monday, 25 June 2018 at 17:00-18:30 (local time)**.
 - **Monday 18 June – 15:00 UTC:** Review team to review draft slides
 - **Wednesday 20 June – 15:30 UTC:** Leadership to approve slides or request additional changes
 - **Friday 23 June:** ICANN org to submit presentation to meetings team

Subgroups Status Update

Agenda Item #2

Subgroups Status Updates

Rec. #3: Outreach

- Based on its analysis, members of this subgroup agree that this WHOIS1 recommendation has been **fully-implemented**
 - The Recommendation to make information available was carried out, but it was not well integrated with other WHOIS-related information.
- The subgroup further identified the following **issues**:
 - A typical user or registrant will not be able to readily identify where they need to look for information.
 - The problem is exacerbated by the introduction of the terms RDS (and at times RDDS) to replace WHOIS.
 - There is little strong evidence that any outreach targeted at non-ICANN audiences was contemplated or carried out.

Subgroups Status Updates

- **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.

Subgroups Status Updates

- **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.

Subgroups Status Updates

Rec. #5-9: Data Accuracy

- **Definition and/or interpretation of Whois accuracy**

The WHOIS Review Team (WHOIS1) Final Report made reference of data accuracy to the 2010 NORC study (used Whois requirements of 2009 RAA as benchmarks) all the way. The criteria for accuracy in 2010 NORC study is quoted below:

Under Registrar Accreditation Agreement Section 3.3.1.6, an accurate name and postal address of the registered name holder means there is reasonable evidence that the registrant data consists of the correct name and a valid postal mailing address for the current registered name holder. Adapting this for the study, there were three criteria to be met for any WHOIS record to be considered accurate:

1. Was the address of the registrant a valid mailing address?
2. Was the registrant named associated in some way with the given address?
3. When contacted, would the named registrant acknowledge that they were indeed the registrant of the domain name, and confirm all details given as correct and current?

Subgroups Status Updates

- As such, the essence of accurate Whois data is contactable while with association with the registrant.
- NORC study defined “Substantial failure” as “Undeliverable address and/or unlinkable name, however registrant located. Unable to interview registrant to obtain confirmation; Deliverable address, but unable to link or even locate the registrant, removing any chance of interview”. Again, if the information in the record has no association with registrant, it will be deemed as “Substantial failure”.
- WHOIS ARS defined 3 phrases to proactively identify potential inaccurate Whois record, and the pending Phrase 3 will deal with Syntax + Operability + Identity Accuracy, which will check whether the Whois data is in correct format, reachable and corresponds to the registrant.

Subgroups Status Updates

- Besides the NORC study and accuracy criteria of WHOIS ARS, the definition of “accuracy” elsewhere (see screenshots below) is always in a consistent way.

<https://www.icann.org/resources/pages/whois-data-accuracy-2017-06-20-en>

When you register a domain name, you must give your registrar accurate and reliable contact details, and correct and update them promptly if there are any changes during the term of the registration period. This obligation is part of your registration agreement with the registrar.

<https://whois.icann.org/en/accuracy/>

How does one determine whether the data displayed in a WHOIS Record is accurate? There may be contact information that appears correct – i.e. that represents a valid and viable name and address (electronic and/or physical) – but is not necessarily accurate, i.e. it does not correspond to the person registering, managing or owning the domain name.

Subgroups Status Updates

- **Identified issues:**

- The objective of reliable Whois data has not been achieved
- Whois inaccuracy is believed to be largely under-reported
- Contractual obligations for registrant to provide accurate Whois data and for registrars to validate and verify Whois data are not properly enforced
- The Whois accuracy of domain names that utilize Privacy and Proxy Services is unknown
- The measures taken so far are not sufficient to reduce Whois inaccuracy

This subgroup believes the top-level design to improve Whois accuracy was reasonable and enforceable, however the implementation has not meet the objectives of Whois1 recommendations on Data Accuracy yet. To address the problems/issues identified above, this subgroup has incorporated recommendations in the Compliance and Privacy/Proxy subgroup reports.

Subgroups Status Updates

- **Rec. 4 Compliance** subgroup report: Recommendation #7

Following a valid WHOIS ARS ticket, or WHOIS inaccuracy complaint, a full audit targeting the relating registrar should be initiated, to check if the registrar follows the contractual obligations, the consensus policies, etc. Sanctions should be applied if deficiencies identified.

Findings:

As detailed in Section 3.2.1, all current compliance activities are separate and conducted individually. WHOIS ARS sampled WHOIS records to do accuracy test, the Audit program sampled registrars to conduct audit, no synergies have been gained through different action tracks.

Rationale:

If a WHOIS record is not accurate due to registrar didn't conduct validation and verification, it shouldn't be a standalone case. A follow up audit will help to mitigate all issues regarding the outstanding registrar.

- **Rec. 10 Privacy/Proxy Services** subgroup report: Request for subgroup to review accuracy issues of domain names that utilize Privacy and Proxy Services
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Subgroups Status Updates

Safeguard Registrant Data

- Question from Alan

To what extent is stored data accessible from outside their facility (ie is it well protected by firewalls, or not physically connected)?

Not sure whether this is really required though. I know traditionally organization such as the US CIA had rules that highly confidential data not be stored on machines with any external connection. I suspect the data we are referring to is neither at that level of confidentiality and besides, network security has gotten somewhat better.

It also includes requirements to separate escrow activities from other domain-name activities, but the presence of such clauses implies that there may be the possibility of an internal breach, even if the data is reasonably protected from external access.

However, I see no requirement to notify ICANN or the Registrar/Registry in the event of a breach and I believe that we should recommend such a requirement.

Please comment on whether you agree with such a recommendation and on whether we need to talk to providers regarding physical connectivity.

Subgroup Status Update

Approval

#	Subgroup	Subgroup report status	# of Recs	Report	Sub-group	RT
1	Rec #1 - Strategic Priority	Subgroup reviewing Cathrin's draft	1	DOCX	×	×
	Rec #2: Single WHOIS Policy	Carlton finalizing report.	1	DOCX	×	×
	Rec #3: Outreach	Review team to share comments	2	DOCX	✓	ONGOING
	Rec #4: Compliance	New subgroup report version shared. Additional questions sent to ICANN org.	8	DOCX	×	×
	Rec #5-9: Data Accuracy	Lili shared an updated subgroup report version.	0	DOCX	×	×
	Rec #10: Privacy/Proxy Services	Updated draft shared with subgroup. Volker finalizing report following subgroup meeting last week.	0	DOCX	×	×
	Rec #11: Common Interface	Volker shared subgroup draft report.	1	DOCX	×	×
	Rec #12-14: IDNs	New report version shared with RT.	0	DOCX	✓	ONGOING
	Rec #15-16: Plan & Annual Reports	Lili sent a last call for agreements to the subgroup.	1	DOCX	×	×
2	Anything New	Stephanie to update and submit report for subgroup review and approval.	0	DOCX	×	×
3	Law Enforcement Needs	Subgroup working on law enforcement survey. Cathrin/Thomas to submit draft report for subgroup review/approval.	TBD	DOCX	×	×
4	Consumer Trust	Erika to submit updated version for subgroup review/approval.	1	DOCX	×	×
5	Safeguarding Registrant Data	Report submitted for subgroup review/approval. Information on data escrow agreements was shared with subgroup.	1	DOCX	×	×

Face-to-Face Meeting #3

Agenda Item #3

Face-to-Face Meeting #3: 26-27 July 2018

Agenda will be articulated around a pre-populated draft subgroup report to drive discussions and reach agreement.

Methodology

- ICANN org to pre-populate draft subgroup report
- Include drafting sessions in the agenda
- Run through each section to sign-off on sections
- Have RT discuss and approve findings/recs as we run through sections

This approach will allow for prompt release of draft report for public comment.

Current target (Workplan) to submit the draft report for public comment:

- 7 August 2018 – 5 October 2018

Reminder: make your travel arrangements as soon as possible to try to keep costs at a minim.

Plenary Call Schedule Post-ICANN 62

Agenda Item #4

Plenary Call Post-ICANN62

- **Confirm Schedule of Plenary Calls on:**
 - 2 July 2018 – 15:00 UTC
 - 9 July 2018 – 15:00 UTC
 - 16 July 2018 – 15:00 UTC
 - 23 July 2018 – 15:00 UTC

Confirm Decisions Reached & Action Items

Appendix

Subgroups Open Action Items

Subgroups' Open Action Items

Rec. 10 Privacy/Proxy Services:

- 1) Volker to provide alternative text for Rec 10 Objective 6 referring to PPSAI PDP recommendation on CATEGORY B QUESTION 2, indicating this objective was taken into consideration in the PDP but it is not appropriate for the RT to comment on sufficiency of this until implementation is complete.

The PPSAI PDP recommendation:

WG Conclusion: The WG recommends that P/P service customer data be validated and verified in a manner consistent with the requirements outlined in the WHOIS Accuracy Program Specification of the 2013 RAA (as updated from time to time). Moreover, in the cases where a P/P service provider is Affiliated with a registrar and that Affiliated registrar has carried out validation and verification of the P/P customer data, re-verification by the P/P service provider of the same, identical, information should not be required.

2) Additional issue related to grandfathering:

- (a) Volker to draft language regarding accuracy trigger in 2013 RAA for consideration by RT when data accuracy report is discussed (this will not to be addressed in PP report as "grandfathering" does not apply to PP registered domains)
- (b) Susan to revise Recommendation on grandfathering compliance in the Compliance Subgroup report to broaden it to include all policies and DN registrations

3) Volker to reword Issue #1 (cost/fees) as a brief comment but not a recommendation, since ~~implementation is underway and it is not yet time to make any recommendation on this~~

4) Volker to reword Issue #2 (impact of GDPR) to clarify comment but make no recommendation

Subgroups' Open Action Items

- 3) Volker to reword Issue #1 (cost/fees) as a brief comment but not a recommendation, since implementation is underway and it is not yet time to make any recommendation on this
- 4) Volker to reword Issue #2 (impact of GDPR) to clarify comment but make no recommendation
- 5) Volker to propose text for an issue on Abuse noting that PP abuse may occur and that a future review should include examining the impact of PP services on abuse. Consider whether this should lead to a recommendation that this be examined within 2 years after implementation/effective date of the policy - and/or collection of data to enable review.

Subgroup 2: Anything New

- Stephanie to formulate text describing the lack of strategic plan for WHOIS leads to disjoint development of policies and procedures

Subgroup 3: Law Enforcement Needs

- ICANN org to provide an example of survey output to the subgroup to inform methodology related discussions.

Subgroup 4: Consumer Trust

- Erika to expand the briefing request to identify the report and data which the briefing to address. Written briefing to be requested from GDD by ICANN Org.
- Continue call discussion about the definition of "consumer" within the subgroup.
- Erika to review the face-to-face meeting #2 open action items and send input to the subgroup.