

1.2 Review Team Recommendations

RDS-WHOIS2 review team recommendations are summarized in this table. The full recommendation, with related findings and rationale, may be found in the corresponding sections (e.g., R1.1 is detailed in the Section on WHOIS1 Rec #1, LE.1 in the Section on Law Enforcement Needs).

#	Recommendation	Priority	Consensus
R1.1	<u>To ensure that RDS (WHOIS) is treated as a strategic priority,</u> the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.		No objections
R1.2	To support this mechanism, the ICANN Board should instruct the ICANN Organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the Board.		No objections
R1.3	The ICANN Board should update the Charter of its Board Working Group on RDS to ensure the necessary transparency of the group's work, such as by providing for records of meetings and meeting minutes, to enable future review of its activities.		No objections
R3.1	The ICANN Board should direct ICANN Organization to update all of the information related to RDS (WHOIS) and by implication to other information related to the registration of second-level gTLD Domains should be revised with the intent of making the information readily accessible and understandable, and should provide details of when and how to interact with ICANN or contracted parties. Although not the sole focus of this recommendation, interactions with ICANN Contractual Compliance, such as when filing WHOIS inaccuracy reports, should be a particular focus. 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. The resultant outward facing documentation of registrant and RDS (WHOIS) issues should be kept up to date as changes are made to associated policy or processes.		No objections
R3.2	With community input, the ICANN Board should instruct ICANN Organization to identify which groups outside of those that routinely engage with ICANN should be targeted effectively through RDS (WHOIS) outreach. An RDS (WHOIS) outreach plan should then be developed, executed, and documented. There should be an ongoing commitment to ensure that as RDS (WHOIS) policy and processes change, the wider community is made aware of such changes. WHOIS inaccuracy reporting was identified as an		No objections

	issue requiring additional education and outreach and may require a particular focus. The need for and details of the outreach may vary depending on the ultimate General Data Protection Regulation (GDPR) implementation and cannot be detailed at this point.		
R4.1	The ICANN Board should direct ICANN Contractual Compliance to proactively monitor and enforce RDS (WHOIS) data accuracy requirements to look for and address systemic issues. A risk based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them.		No objections Possible comments on risk-based approach
R4.2	The ICANN Board should direct ICANN Contractual Compliance to look for patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the Registrar follows RDS (WHOIS) contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in RDS (WHOIS) data validation or verification are identified.		No objections
R5.1	The ICANN Board should direct the ICANN Organization to look for potentially-anomalous ARS results (e.g., 40% of ARS-generated tickets closed with no action because the RDS (WHOIS) record changed) to determine the underlying cause and take appropriate action to reduce anomalies. ¹		TBD <u>No objections to place holder, pending further investigation</u>
R10.1	The Board should monitor the implementation of the PPSAI. In the event that the PPSAI policy does not become operational by [timeframe TBD] – implementation timeframes notwithstanding - , the ICANN Board should propose an amendment to the RAA that affiliated Privacy/Proxy providers shall verify and validate underlying customer information provided to them in the same way as registrars are required to verify and validate other registration data.		No objections Timeframe TBD
R10.2	Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS-WHOIS review team after PPSAI Policy is implemented.		No objections
R11.1	The ICANN Board should direct the ICANN Organization to define metrics or SLA's to be tracked and evaluated to determine consistency of results of queries and use of any common interface (existing or future) used to provide one-stop access to registration data across all gTLDs and registrars/resellers. Specific metrics that should be tracked for any such common interface include:		No objections

¹ This is a place holder recommendation that will likely change because, in parallel with this Draft Report being published for Public Comment, the review team is further investigating this issue with the ICANN Org ARS team and ICANN Contractual Compliance. The review team wishes to better understand why the ARS reports indicate such an unexpectedly high ratio of RDS (WHOIS) updates, while there is little evidence that the overall data accuracy rate improved to a comparable extent.

	<ul style="list-style-type: none"> ○ How often are RDS (WHOIS) fields returned blank? ○ How often is data displayed inconsistently (for the same domain name), overall and per gTLD)? ○ How often does the tool not return any results, overall and per gTLD)? ○ What are the causes for the above results? 		
R11.2	The ICANN Board should direct the ICANN Organization to continue to maintain the common interface to keep up to date with new policy developments or contractual changes for contracted parties to ensure that the common interface will display all publicly-available RDS (WHOIS) output for each gTLD domain name registration available from contracted parties, i.e., both the registry and registrar RDS (WHOIS) output port 43 could be shown in parallel.		No objections Need to determine whether or not to reference port 43
R12.1	Reviewing the effectiveness of the implementation of #Rec 12-14 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS review team after RDAP is implemented, and the translation and transliteration of the registration data launches.		No objections
R15.1	The ICANN Board should ensure that implementation of RDS-WHOIS2 Review Team recommendations is based on best practice project management methodology, ensuring that plans and implementation reports clearly address progress, and applicable metrics tracking tools are used for effectiveness and impact evaluation.		No objections
LE.1	The ICANN Board should resolve that regular data gathering through surveys and studies are to be conducted by ICANN to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement, as well as future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts).		No <u>One</u> objections
LE.2	The ICANN Board should resolve that <u>consider extending and conducting</u> such surveys and/or studies <u>(as described in LE.1) to be conducted by ICANN also be extended</u> to other RDS (WHOIS) users, such as cybersecurity professionals working with law enforcement.		<u>Confirm agreement on revised text</u> <u>One objection</u>
SG.1	The ICANN Board should require that the ICANN Organization, in consultation with data security expert(s), ensure that all contracts with contracted parties (to include Privacy/Proxy services when such contracts exist) include uniform and strong requirements for the protection of registrant data and for ICANN to be notified in the event of any data breach. The data security expert(s) should also consider and advise on what level or magnitude of		No objections

	breach warrants such notification. In carrying out this review, the data security expert(s) should consider to what extent GDPR regulations, which many but not all ICANN contracted parties are subject to, could or should be used as a basis for ICANN requirements. The ICANN Board must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.		
CM.1	The ICANN Board should negotiate contractual terms or initiate a GNSO PDP to require that gTLD domain names suspended due to RDS (WHOIS) contact data which the registrar knows to be incorrect, and that remains incorrect until the registration is due for deletion, should be treated as follows. (1) The RDS (WHOIS) record should include a notation that the domain name is suspended due to incorrect data; and (2) Domain names with this notation should not be unsuspended without correcting the data.		No objections
CM.2	The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the RDS (WHOIS) Registrant field. If 10- 15 % of domain names are found to lack data in the Registrant field, then the ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements within 12 months. ²		Two F2F3 <u>No objections?</u> Discuss revisions proposed by Volker
CM.3	The ICANN Board should direct ICANN Organization to review the RDS (WHOIS) records of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge of RDS (WHOIS) inaccuracy reporting tools or other critical factors are responsible for low RDS (WHOIS) inaccuracy report submission rates in some regions.		No objections
CM.4	The ICANN Board should direct ICANN Organization to publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool).		No objections
CM.5	The ICANN Board should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies.		No objections
BY.1	The ICANN Board should take action to <u>eliminate the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii) and replace section 4.6(e)(iii) of the ICANN Bylaws with a more generic requirement for RDS (WHOIS) review teams to assess how well RDS (WHOIS) policy and practice addresses applicable data protection and cross border data transfer regulations, laws and best practices.</u> remove ICANN Bylaws section 4.6(e)(iii).		TBD <u>No objections</u>

² The review team is seeking community feedback on this percentage, as well as on impacts this recommendation might have on the rights of registrants in the use of their domain names.