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ICANN

RDS-WHOIS2-RT
Plenary Call #40

27 August 2018

RDS/WHOIS2-RT Plenary Call Agenda

1. Welcome, roll-call, SoI

2. Review of Draft Report Sections (1,25 hrs)

    – Resolve substantive comments raised

    – Finalize consensus/objections to recommendations in each section

3. Recommendations prioritization (15 min)

4. Adoption of the draft report (10 min)

5. Roadmap reminder (1 min)

6. A.O.B. (2 min)

7. Confirm action items and decisions reached (2 min)

Review of Draft Report Sections

Agenda item #2 – 1,25 hours

Executive Summary

- Review of updated text (p5-14)

WHOIS1 Rec #1 – Strategic Priority | p17-29

Rec. #	Recommendation	Priority* (high, medium, low)	Consensus (#agree #disagree)
R1.1	To ensure that RDS (WHOIS) is treated as a strategic priority, 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.	High (Essential)	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.	High (Essential)	No objections

*Text extracted from draft report, and listed priorities are those supplied by rapporteurs, to be refined/confirmed by the review team on this call, cf. agenda item #3

WHOIS1 Rec #2 – Single WHOIS Policy | p17-29

There were no objections* from the RDS-WHOIS2 review team to decisions reached by this subgroup and there are no further recommendations. However, the review team:

1.   Accepts that the WHOIS1 review team's Recommendation 2 is fully implemented.

2.   That the adoption of the EWG's Final Report and development of the framework for the Board-initiated GNSO RDS PDP[s] is intended to deliver a holistic next generation RDS (WHOIS) policy framework that would address current set of fragmented and decentralized RDS (WHOIS) policies.

3.   Notwithstanding its temporary nature – to be sunsetted in one (1) year - that the Temporary Specification for RDS (WHOIS) promoted by the ICANN Board in May 2018 constitutes for the first time the framework for a single RDS (WHOIS) policy.

4.   That the expedited policy development process (ePDP) raised by the GNSO to address the adoption or adaption of the temporary specification will, likely affirm a single RDS (WHOIS) policy at the end of its work.

** * However, see objection submitted by Stephanie Perrin 26 August**

WHOIS1 Rec #3 – Outreach | p35-40

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree: #disagree)
R3.1	The ICANN Board should direct ICANN Organization to update all of the information related to RDS (WHOIS) and by implication other information related to the registration of second-level gTLDs . Domains should be revised with the intent of making the information readily accessible and understandable, and it 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.	Medium	No objections

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree:#disagree)
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 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.	High	No objections

WHOIS1 Rec #4 – Compliance | p40-47

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree: #disagree)
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.	High	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.	High	No objections

WHOIS1 Rec #5-9 Data Accuracy | p47-62

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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 between the time the ARS report was generated and the time the registration was reviewed by ICANN Contractual Compliance) to determine the underlying cause and take appropriate action to reduce anomalies*.		No objections to place holder, pending further investigation

*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

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
R10.1	The Board should monitor the implementation of the PPSAI. In the event that the PPSAI policy does not become operational by the time the Board accepts these recommendations (i.e., about July 2019) or 31 Dec 2019 – 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.	Low	No objections But timeframe needs to be confirmed
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.	Low	No objections

WHOIS1 Rec #11 – Common Interface | p69–73

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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: ⊙ 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?	Low	No objections

WHOIS1 Rec #11 – Common Interface | p69–73

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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., when they differ, both the registry and registrar RDS (WHOIS) output could be shown in parallel.	High	No objections But need to confirm whether to delete reference to port 43 (Alan's edit)

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree: #disagree)
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 (WHOIS) review team after RDAP is implemented, and the translation and transliteration of the registration data launches.	High (Top 5)	No objections

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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 and tracking tools are used for effectiveness and impact evaluation.	Medium	No objections

Objective 2 – Anything New | p85-88

The review team concluded that no recommendations are needed at this time with respect to this objective. However:

Recommendations appropriate for each new or updated RDS (WHOIS) policy or procedure have been formulated by other subgroups.

The review team notes that, overall, the impact of GDPR has not yet been comprehensively addressed in this review.

Objective 3 – Law Enforcement Needs | p89-103

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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).	High	1 objection
LE.2	The ICANN Board should consider extending and conducting such surveys and/or studies (as described in LE.1) other RDS (WHOIS) users working with law enforcement.	High	

Objective 4 – Consumer Trust | p104-111

- The review team does not believe any recommendations necessary to address the noted issues at this time.

Objective 5: Safeguarding Registrant Data | (p112-115)

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
SG.1	The ICANN Board should require that the ICANN Organization, in consultation with data security and privacy 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 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.	Medium - High	No objections

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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.	High	No objections

Objective 6: ICANN Contractual Compliance |

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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. [see footnote]	Medium	No objections
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.	Medium	No objections

Footnote: 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.

Objective 6: ICANN Contractual Compliance |

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
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).	Low	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.	High	No objections

ICANN Bylaws | p128-129

Rec. #	Recommendation	Priority (high, medium, low)	Consensus (#agree #disagree)
BY.1	The ICANN Board should take action to 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.		No objections

Recommendations Prioritization

Agenda item #3 – 15 min

Recommendations Prioritization

- Agreement needed on nomenclature to use (e.g. Low, Medium, High)
- Which recommendations should be given priority?
- Listed priorities are those supplied by rapporteurs, to be refined/confirmed by the review team on this call

Recommendations Prioritization

Subgroup		Rec. #	Priority (high, medium, low)	Consensus (#agree:#disagree)
WHOIS1 Rec 1	Strategic Priority	R1.1	Essential	No objections
		R1.2	Essential	No objections
		R1.3	Less Importance (text)	No objections
WHOIS1 Rec 3	Outreach	R3.1	Medium	No objections
		R3.2	High	No objections
WHOIS1 Rec 4	Compliance	R4.1	High	No objections
		R4.2	High	No objections
WHOIS1 Rec 5-9	Data Accuracy	R5.1		No objections, pending investigation
WHOIS1 Rec 10	Privacy-Proxy Services	R10.1	Low	No objections, but timeframe TBD
		R10.2	Low	No objections
WHOIS1 Rec 11	Common I/F	R11.1	Low	No objections
		R11.2	High	No objections, ref to port 43?
WHOIS1 Rec 12-14	Internationalized Registration Data	R12.1	High (Top 5)	No objections
WHOIS1 Rec 15-16	Plan & Annual Reports	R15.1	Medium	No objections
Obj #3: Law Enforcement Needs		LE.1	High (with text)	1 Objection
		LE.2	High (with text)	1 Objection
Obj #5: Safeguarding Registrant Data		SG.1	Medium - High	No objections
Obj #6: ICANN Contractual Compliance Actions, Structure and Processes		CM.1	Medium	No objections
		CM.2	Medium	No objections
		CM.3	Low	No objections
		CM.4	Low	No objections
		CM.5	High	No objections
Obj #7: ICANN Bylaws		BY.1		No objections

Adoption of the report
(pending copy edits, and finalization for publication)

Agenda item #4 – 10 min

Roadmap Reminder

Agenda item #5 – 1 min

Roadmap Reminder

- **By 29 August – 23:59** – Deadline to submit written objections to be included in the draft to be published for public comment

- **By 1 September** – Release draft report

- **Mid-September** - Webinar

- **20-26 October 2018 | ICANN63**: Seek community's input on draft recommendations; Meeting with SO/ACs (TBD).

- **13 November 2018**: Public Comment Summary

A.O.B.

Agenda item #6 – 2 min

A.O.B.

- Next Meetings

Confirm
Decisions Reached
&
Action Items