



**Comments from the Internet Infrastructure Coalition (i2Coalition) on the Registration
Directory Service (RDS-WHOIS2) Review Team Draft Report of Recommendations
October 2018**

The Internet Infrastructure Coalition (i2C) is pleased to provide feedback on the review team draft report of recommendations. Our coalition is made of up mainly small to medium sized businesses and is comprised of cloud providers, data centers, registrars, registries and other foundational Internet enterprises.

Reviewing the report, our primary concern centers on recommendations made regarding contractual compliance. We also address high-level concerns about report language in sections that reference Objective 3 - Law Enforcement Needs, Objective 5 - Safeguarding Registrant Data, and Chapter 9 - the ICANN bylaws.

Regarding Contractual Compliance:

In Recommendation 4.2, there needs to be more assurances as to how patterns are defined and then detected. While we are not against compliance based sanctions as a concept, they should be scalable. The overriding concern with this section is confirmation that the patterns to which it refers are consistent and detectable; and that an ICANN analysis will not result in sanctions for a single instance of noncompliance. Recommendation 4.2 would benefit from more input from the registrar community.

Regarding Objective 3 - Law Enforcement Needs:

Conducting studies and surveys is a good approach to gaining a clearer concept of law enforcement agency (LEA) needs and the administrability of those needs. If there is an opportunity to solicit feedback from a broader cross-section of LEAs, we would strongly support such an initiative. In general, the more fact and data-driven understanding that can happen between law enforcement agencies (LEAs) and Internet companies and organizations, the better.

There is a potential problem with the language in Recommendation 2, which states that conducting surveys and studies should include "other RDS users working with LEAs on a regular basis". The language here is quite vague and as written it is difficult to understand which RDS' and what "regular basis" means. We encourage the review team to solicit additional input and clarify this language.

Safeguarding Registrant Data:

The coalition has no concerns about the listed requirements. We do have some concerns about making sure contracts of Contracted Parties should be aligned with each other when it comes to requirements of user data security. Such requirements should be strengthened and ICANN should have a right to be notified of breaches. Essentially, we would like to see this move towards having both ICANN and GDPR compliant contracts.

Chapter 9 ICANN Bylaws:

The proposed bylaw changes seem to be going in one of two directions. One is to change the reference to the OECD privacy guidelines. The other proposes to remove the requirement to safeguard registrant data. The quantitative basis for either is unclear. We support the idea of updating the bylaws, but want to ensure up to date and effective data safeguards are part of that discussion.

Thank you for the opportunity to comment.

The Internet Infrastructure Coalition (i2C)