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| RDS-WHOIS2 RT Subgroup Report:  Safeguarding Registrant Data |
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| DRAFT FOR SUBGROUP USE TO DOCUMENT DRAFT FINDINGS AND RECOMMENDATIONS (IF ANY) |
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# Topic

Subgroup 5 - Safeguarding Registrant Data 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)(ii), the review team will assess the extent to which the implementation of today’s WHOIS (the current gTLD RDS) safeguards registrant data by (a) identifying the lifecycle of registrant data, (b) determining if/how data is safeguarded in each phase of that lifecycle, (c) identifying high-priority gaps (if any) in safeguarding registrant data, and (d) recommending specific measureable steps (if any) the team believes are important to fill gaps.

To accomplish this objective, the subgroup considered the above objective and concluded:

* Items a), c) and d) are being covered in both the ongoing Next Generation RDS PDP and ICANN Org efforts to comply with data protection laws - specifically, the European GDPR.
* For Item b), currently all WHOIS data is made available publicly. Although this will surely change with regard to WHOIS data associated with natural persons (and likely other groups) as a result of ongoing GDPR compliance efforts, currently there is no protection for that data.
* However, protection against WHOIS (and other) data loss due to Registrar/Registry failure or de-accreditation is required today in the form of Escrow. The subgroup agreed to consider escrow procedures and associated data safeguards used by those who relay and store escrowed data (i.e., Escrow Providers, Registrars and Registries).

# Summary of Relevant Research

To conducts its research, all members of this subgroup reviewed the following inventoried WHOIS policy and procedure materials, posted on the [subgroup's wiki page](https://community.icann.org/pages/viewpage.action?pageId=71604740):

* [SAC051, Report on Domain Name WHOIS Terminology](https://www.icann.org/en/system/files/files/sac-051-en.pdf) (2011)
* [SAC054, Report on Domain Name Registration Data Model](https://www.icann.org/en/system/files/files/sac-054-en.pdf) (June 2012)
* RDS/WHOIS Contractual Requirements - Sections pertaining to Data Safeguards:
* [2013 Registrar Accreditation Agreement](https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en) (RAA),   
  [Section 3.6](https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#data-retention) - Data Retention Specification
* [2014 New gTLD Registry Agreement](http://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.htm),   
  Specification 2 - [Data Escrow Requirements](https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html#_DV_M206)

In addition, the subgroup requested from a Subject Matter Expert in the ICANN Global Domains Division who is knowledgeable on Escrow rules and procedures to understand how understand how data is transferred to Escrow Providers (e.g., Iron Mountain), how escrowed data may be retrieved in disaster-like circumstances, and how the data is protected.  
   
In addition to this, the subgroup considered reaching out to a sampling of registrars and registries (if any are willing) to learn about how WHOIS data is protected from being changed or erased.

< ABOVE TEXT, SUMMARIZED FROM EMAIL 14 FEB, MAY NEED TO BE UPDATED>  
<Action Item: Alan to formulate specific questions on above for SMEs>

# Analysis & Findings

[Provide overview of Review Team Findings (including materials of reference).  
This section should include the subgroup's findings and analysis for these Objectives: a) identifying the lifecycle of registrant data, (b) determining if/how data is safeguarded in each phase of that lifecycle]

It was decided at the time the Work Statement and Plan was finalized:

a) Currently data is public and there fore there is no effort made to "protect" such registrant data from viewing. That may change as WHOIS policies adapt to GDPR and other legislation, but the details are not known now, and presumably once all of that is complete, we will be incompliance with approriate regulations.

b) Safeguarded not only means to protect from viewing, but to ensure that the data is not lost in the case of a registrar/registry failure, and not unknowingly changed. This includes while the data is held by registrar/registries and by escrow agents.

The next step is to talk to selected registrars, registries and escrow agents, but the specific questions need to be formulated.

# Problem/Issue

[What observed fact-based issue is the recommendation intending to solve? What is the “problem statement”?   
This section should include the subgroup's outputs for this Objective: (c) identifying high-priority gaps (if any) in safeguarding registrant data.]

# Recommendations

No recommendation is foreseen at this point, but that may change based on interviews. The only likely area is one related to a requirement to report known or suspected breaches.

[To be completed for each recommendation - if any - suggested by the subgroup]

Recommendation: xxx

Findings: [what are the findings that support the recommendation]

Rationale:

[What is Intent of recommendation and envisioned outcome?

How did the finding lead to this recommendation?

How significant would impact be if recommendation not addressed?

Is it aligned with ICANN’s Strategic Plan and Mission?

Is it in compliance with scope Review Team set?]

Impact of Recommendation: [What are the impacted areas, e.g. security, transparency, legitimacy, efficiency, diversity etc. Which group/audience will be impacted by this recommendation]

Feasibility of Recommendation: [Document feasibility of recommendation]

Implementation:

[Who are responsible parties that need to be involved in implementation? Community/ICANN org/combination)

What is the target for a successful implementation?

Is related work already underway and how will that dovetail with recommendation?

What is the envisioned implementation timeline? Within 6 months/12 months/more than 12 months]

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