**Recommendation 3 Strategic priority**

**Findings**

WHOIS policy and its implementation are one of four central issues highlighted in the Affirmation of Commitments, the others being Accountability and Transparency, Security and Stability, and Consumer Trust.

That WHOIS placed alongside such issues shows that the authors of the Affirmation of Commitments, the US Government and ICANN's senior executive, viewed it as one of the four barometers of ICANN's effective performance and service to the Internet Community. One reason for this may be that, although WHOIS services are provided by ICANN's contracted parties, WHOIS look ups have now become detached from the domain name supply chain. Users of WHOIS tend not to be customers of registries and registrars, but are law enforcement, or those enforcing private law rights, and those seeking to get in touch with registrants for whatever reason. There are no income streams associated with providing WHOIS. It is viewed by many in the industry as a cost, and is often difficult to locate on registrar websites.

As a result, it is not a priority for many of ICANN's contracted parties - who provide funding for ICANN the corporation. It is, however, a high priority for many users who are outside the ICANN inner circle, but for whatever reason their needs have not found organisational priority to date.

Although compliance is one essential element of WHOIS Policy and its implementation, it is not the whole story. WHOIS as an issue encompasses:

* The WHOIS Protocol, including its continued fitness for purpose given that both the Internet and uses of WHOIS have expanded beyond what their original designers would have imagined possible;
* Internationalisation of WHOIS Data, and the consistent handling of non-ASCII text in both the records and the display of the domain name itself;
* Ongoing development of WHOIS policy within ICANN's existing machinery, and the impact of other policy development on WHOIS;
* Maintaining some coordination role to ensure that so far as possible, policy development effort is not duplicated, relevant research is brought to the attention of relevant working groups or staff, and is followed up in a timely way; and
* That compliance with contractual obligations, and outreach to affected communities of users is managed effectively and that honest timely reporting be given to the Community.

The WHOIS Review Team finds that in all of the above points, ICANN the corporation has failed to meet expectations. It is ideally placed to play a proactive role, for example in stimulating work on protocol reform, and working with the IETF to share its leanings, and encourage adoption or at least test beds by the industry of appropriate replacement protocols. Expensive and valuable research studies, for example the NORC study on Data Accuracy have been left to languish for years, with no follow up, and no individual ownership of the issues. ICANN's contractual compliance effort has historically been under resourced, under staffed, and has struggled for organisational priority.

**Recommendation**

It is recommended that WHOIS, in all its aspects, should be a strategic priority for ICANN the organisation. It should form the basis of staff incentivisation and published organisational objectives. Regular (at least annual) updates on progress against targets should be given to the Community within ICANN's regular reporting channels, and should cover all aspects of WHOIS including protocol, policy development, studies and their follow up.

To support WHOIS as a strategic priority, the ICANN board should create a committee that includes the CEO.   The committee should be responsible for advancing the strategic priorities required to ensure the following:

* Implementation of this report’s recommendations;
* Fulfillment of data accuracy objectives over time;
* Follow up on relevant reports (eg NORC data accuracy study);
* Reporting on progress on all aspects of WHOIS (policy development, compliance, and advances in the protocol / liaison with SSAC and IETF;
* Monitoring effectiveness of senior staff performance and the extent to which the Compliance function is effective within the current structure, and take appropriate action to remedy any gaps.

Advancement of the WHOIS strategic priority objectives should be a major factor in staff incentivization programs for ICANN staff participating in the committee, including the CEO.