The difference between theory and practice

Is even greater in practice than it is in theory.

Mind the Gaps

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# Introduction

In the Accuracy Scoping Team, a few quite specific differences of opinion have endured. These are not new. They existed in the Phases 1, 2 and 2A of the Expedited Policy Development Process, and, indeed, in the multiple previous attempts to resolve conflicts regarding registration data. Despite the humorous title, this is a serious note that proposes some new approaches for dealing with these enduring differences.

Exercise 2 for the Accuracy Scoping Team has been a gap analysis. The assumption in the exercise is that gaps can be identified, the scoping team will reach consensus on the gaps, and some process, perhaps responses from Org, will resolve the gaps.

In this note, I take the position there are more gaps than have been acknowledged and that some of these gaps are not going to be resolved very easily. In fact, some of these gaps will likely persist indefinitely. That said, rather than view gaps as inherently bad and problematic, I take a broader view and treat some gaps as an important part of the environment. Some of these gaps can be reduced or eliminated. Others, as I said, will likely persist, and it will serve all of us to acknowledge and manage these gaps.

[Some gaps are large or even existential. Others are small or of limited scope.

Some gaps are likely to exist indefinitely. Others are amenable to elimination.

Each of the following gaps is classified as either Major or Limited and as either Enduring or Amenable to elimination]

## Preview Summary

Gap MQ: Is this memo necessary?

Gap MI: This memo is incomplete

Gap GI: The list of gaps may be incomplete

Gap NPRP: Needs vs Purposes vs Requirements vs Practice

Gap NPRPQ: Disagreement re Gap 1

Gap NN: Needs

Gap VLD: Disclosure of Validation levels

Gap MVL: Embracing multiple levels of validation

Gap LSQ: Designation of Registrant legal status

Gap EAA : External Accuracy Auditing

Gap MAC: Meta Attributes for Credibility

# Roster of Gaps

## Gap MQ: Is this memo necessary?

Some readers will welcome this memo because it provides an inventory of repeated complaints that have remained unresolved. Other readers may feel this memo is a distraction that attempts to open or reopen settled issues. In keeping with the purpose of this memo, we treat this question as unresolved, i.e., a “gap,” and provide room here for succinct points of view.

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| Person | Group | Succinct position statements |
| Steve Crocker | SSAC | Yes. Old arguments keep recurring and remain unresolved. Some participants view the consensus process as biased or captured, so the results aren’t considered acceptable. This memo brings the persistent arguments into view |
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## Gap MI: This memo is incomplete

The documentation of each gap identified below should include supporting details. This version of this note is a first cut and does not yet include the details for each of the gaps. The description of each gap includes a table of statements from various adherents. These are intended to be succinct and not duplicative. If multiple adherents share the same position, their views should be presented as one composite statement. Pointers to longer documents are welcome, but the main points should be clear within the table.

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| Person | Group | Succinct position statements |
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## Gap GI: The list of gaps may be incomplete

Separate from whether each gap is fully described is whether this memo contains the full list of gaps. This section is for suggestions, comments for additional gaps. The disposition of comments in this section should generally result in adding a new gap and removing the discussion from this section.

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| Person | Group | Succinct position statements |
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## Gap NPRP: Needs vs Purposes vs Requirements vs Practice

The Phase 1 and Phase 2 EPDP reports include an official list of Purposes for the collection and disclosure of registration data. The Registrar Accreditation Agreement (RAA) and Registry Agreement (RA) specify what data is required during registration and what validation is required to ensure the accuracy of the data. The accuracy requirements will presumably be reviewed and may be adjusted if there is policy development process after the Accuracy Scoping Team completes its work.

It might seem the Purposes provide the definitive statement of how registration data is to be used. However, some adherents feel the Purposes and the Requirements that support these Purposes are inadequate for their Needs. (Other words that seem to express the same concept are Goals and Uses. Unless someone makes the case that these words mean different things, I’m treating Needs, Goals and Uses as the same.)

Finally, the actual Practices of the Registrars and others who collect and disclose registration data are intended to support the Requirements. This four concepts, Needs, Purposes, Requirements and Practices form a hierarchy in which each level is intended to support or implement the level above.

There is potentially a gap between each pair of levels. That is, the actual Practices may or may not completely implement the Requirements, the Requirements may or may not be sufficient to implement the Purposes, and the Purposes may or may not support the Needs of the users. Each of these gaps is treated below separately. This section is provided to document possible disagreements on the structure of this hierarchy. A separate section, NPRPQ, is provided for the question as to whether this hierarchy should be acknowledged.

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## Gap NPRPQ: Disagreement re Gap NPRP

This section is provided in case there is disagreement that the NPRP hierarchy is necessary.

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| Person | Group | Succinct position statements |
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## Gap NN: Needs

What are the users’ Needs? This is the place to document what the various segments of the community feel they need.

Two comments in the meetings suggest there are significant differences of opinion:

* No third party has any need for the registration data.
* The only use of registration data is to contact the registrant.

I look forward to having each of these added to the table below with attribution.

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| Person | Group | Succinct position statements |
| Steve Crocker | SSAC | Registration data is also useful for identifying the registrant, not just contacting the registrant. |
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## Gap VLD: Disclosure of Validation levels

The registrars and others who collect registration data know the validation processes they have applied to each data element. Should the validation level be disclosed as part of a response?

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## Gap MVL: Embracing multiple levels of validation

Should the contractual requirements explicitly include the potential for levels of validation above a minimum, and should higher levels be encouraged?

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## Gap LSQ: Designation of Registrant legal status

Should the legal status of the registrant be included? The legal status is either Natural Person, Legal Person, or Unspecified. This question was one of the two focus points in EPDP Phase 2A. The consensus process resulted in no recommendation to require this, but the minority reports from ALAC, BC, GAC and SSAC all recommended this be required.

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## Gap EAA : External Accuracy Auditing

Prior to the GDPR, ICANN Org’s Whois Accuracy Reporting System (ARS) audited the registrations. After GDPR, ICANN Org maintains it cannot access registration data and can no longer perform this function. In addition, some registrars say they do an adequate job of monitoring accuracy, so no external auditing is required. Yet further, some argue that unless it can be shown the accuracy is deficient, it must be assumed it is adequate. Meanwhile, others feel ICANN Org and/or authorized third parties should be able to access registration data within the GDPR rules.

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## Gap MAC: Meta Attributes for Credibility

One of the uses of registration data, particularly the meta data such as how long the domain name has been registered, what level of validation has been applied to the registrant contact data, etc., is important for combating DNS abuse. PIR’s Domain Abuse Institute

noted in DNSAI 001, such attributes are important should be available establishing credibility.

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