

**ICANN**

AL-ALAC-ST-1219-01-00-EN
ORIGINAL: English
DATE: 09 December 2019
STATUS: Pending Ratification

AT-LARGE ADVISORY COMMITTEE
ALAC Statement on Registration Directory Service (RDS-WHOIS2) Review Team Final Report

Introduction

On 08 October 2019, Public Comment opened for [Registration Directory Service \(RDS-WHOIS2\) Review Team Final Report](#). On the same day, an At-Large [workspace](#) was created for the statement. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the interest of end users to develop an ALAC statement on the Public Comment. Hadia Elminawi, ALAC Member of the EPDP II, volunteered as penholder for the ALAC statement.

On 21 November 2019, Hadia Elminiawi posted the first draft ALAC statement on the topic to the workspace for At-Large Community discussion. ICANN policy staff in support of the At-Large community sent a call for comments to the CPWG and ALAC mailing lists, and comments were gathered on the workspace and mailing lists.

On 27 November 2019, the deadline for submission to comment was extended until 09 December. The penholder Hadia Elminiawi and ALAC Chair, Maureen Hilyard determined to wait for submission until that date so that At-Large members attending the IGF 2019 in Berlin could have more time to provide comments.

On 03 December 2019, the draft was revised to reflect comments from Alan Greenberg, the second ALAC Member of the EPDP II.

On [04 December 2019](#), after weekly CPWG meetings and discussions on the CPWG and ALAC mailing lists, the penholder presented an updated draft of the ALAC statement regarding Registration Directory Service (RDS-WHOIS2) Review Team Final Report.

On 04 December 2019, the penholder and ICANN policy staff in support of the At-Large community sent a final call for comments to the CPWG and ALAC mailing lists, requesting final feedback from the Community by 08 December 2019.

On 09 December 2019, Hadia Elminiawi finalized the ALAC statement.

On 09 December 2019, the ALAC Chair, Maureen Hilyard, requested that the statement be transmitted to the ICANN Public Comment process, copying the ICANN staff member responsible for this topic, with a note that the statement is pending ALAC ratification.

ALAC Statement on Registration Directory Service (RDS-WHOIS2) Review Team Final Report

The ALAC welcomes the report of the registration directory service (RDS) second review team and takes this opportunity to provide its comments on the report herein.

We highlight the importance of recommendation R5.1 which addresses the accuracy of the data and we strongly advise its acceptance by the Board. Given the fact that the WHOIS Accuracy Reporting System (ARS) project has shown that there are many errors in existing registration data and taking into consideration the EPDP team phase one report on gTLD registration data which reduced the number of contact fields, ensuring accuracy is even more important than before. Entities that work to protect the Internet end users depend heavily on the accuracy of the data and the contact information provided through it. In addition, principle 5(1)d of the GDPR particularly requires that all reasonable steps are taken to ensure the personal data is not incorrect or misleading as to any matter of fact. Depending on the purpose of use of the data, it should be kept updated. To comply with GDPR, serve the purpose of collection (specifically to be able to contact the registrant), give the data subjects their rights and allow parties trying to protect end users to access useful data; implementation of this high priority recommendation is required.

In light of the GDPR and to enhance the accuracy of the data we note the importance of recommendations R4.1, R4.2 and CC.3 which address contractual compliance methodology and resourcing. Compliance should be taking a more pro-active position and not just responding to individual complaints. This also aligns with recent discussions during ICANN66 on domain name abuse.

Recommendation R3.1 about documentation is also important to end users and to registrants. WHOIS is confusing to users and registrants and GDPR makes it more so. In addition GDPR requires documenting what we are doing.

The ALAC regards the team's findings with regard to recommendations LE.1 and LE.2 in relation to the law enforcement needs as very important. 89% of the respondents deemed RDS as very important in their investigations. We note that 60% of the respondents to the law enforcement survey responded that they did not have alternatives that would fulfill the same investigative need as the former WHOIS. However, when respondents who said they had alternative options were asked to identify the tools, the majority identified tools that also rely on RDS lookup. When asked about how investigation is affected if RDS information is not available on a public query basis, 79% indicated that investigations are either delayed or discontinued altogether. The ALAC welcomes the recommendations of the team and supports surveys and information gathering. In addition, we note too the importance of the surveys conducted by the review team to the EPDP team working on gTLD registration data policy development.

With regard to consumer trust the ALAC finds the definition of consumer trust in relation to the RDS provided by the WHOIS1 review final report which says "consumer trust can be narrowly construed to mean the level of trust users have in available WHOIS data; or more broadly as the level of trust consumers have in Internet information and transactions in general" as a very important guide when looking at the benefits of the RDS to users. The report notes that although users do not directly use the system nevertheless the data stored does indirectly significantly impact users.

Recommendations R11.1, R11.2 addressing the WHOIS portal are also important, although GDPR has reduced the amount of information publicly available, the portal is not delivering all of the data that is available, maintaining full functionality is required. The portal must provide all available information in a clear and usable fashion.

With regard to recommendation R12.1 we would like to highlight the importance of the translation of the registration data. However, we understand that reviewing the effectiveness of the recommendations of the first review team in this regard is currently not possible and that such an evaluation will only be possible after the adoption of the new Registration Data Access Protocol (RDAP).

Finally, in light of the Temp. Spec and the new RDS policy being developed to comply with the GDPR the ALAC acknowledges the challenges that might have faced the review team in the development of the report. Nevertheless, we find the report including very useful information that should be used to guide the development of relevant policies. The ALAC appreciates the team's effort and supports the provided recommendations.