

ALAC-Board EPDP Phase 2 Advice

17 September 2021

Background - Needs

- Consistent response to legitimate RDDS access requests in a timely manner.
 - SLAs, Assigned priorities, lack of effective automation, reliance on individual registrar policies and practices
- Cost Effective
 - Proposal is effectively the current system with a lot of cost/overhead and minimal benefits.
- Agile – meet evolving needs
 - Cumbersome process which may require additional GNSO PDPs, even for small changes.

Background - Process

- Consensus level of Recommendations
 - Strong support but significant opposition - a position where, while **most** of the group supports a recommendation, there are a significant number of those who do not support it. (6/18)
 - Divergence (also referred to as No Consensus) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless. (2/18)
- Legal/Natural
 - Had hoped that the EPDP Phase 2a would help the situation.

Net Result

SSAD would be a very expensive, very complex, glorified ticketing system with a potentially long design and implementation phase. And despite the benefits that a ticketing system provides, the likely costs imply that it may be bypassed by its intended users.

Conundrum

ALAC still strongly believes that a *System for Standardized Access to Non-Public Registration Data* is needed for those with a legally justified need to know in a timely manner. But the SSAD as specified by the EPDP is not such a system.

Moving Forward

- We need a system
- Ensuring that such a system is used by Contracted Parties is a GNSO responsibility (or subject to ICANN bilateral negotiations)
- The system delivered by the GNSO is not fit for purpose.

Challenge

How to resolve the stalemate?

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No solution will meet all needs, but we need to be in a better place than we are today.

Advice

1. Reject SSAD Recommendations or remand to GNSO (factoring in EU NIS2 terms & timing)
2. Design/Implement a simple system to track requests for RDDS data disclosure and take measures to ensure use.
3. If/when NIS2 is adopted by the EU Council and Parliament, initiate a PDP ensuring a level playing field for all contracted parties.