

# SSAD ODP Discussion with ALAC

SSAD ODP Project Team

16 February 2022



# Agenda

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- Background and Assumptions
- Org's Analysis and Considerations
- Questions for Discussion

# Cost & Fee Structures- Background

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## The key items to cover

- The projected **volumes** for:
  - Users
  - Requestor Declaration Verifications
  - Accreditations Identity Verifications
  - Disclosure Requests
- The estimated **costs** to:
  - Design and implement
  - Operate the system annually
- The estimated **fees** that ICANN will charge.
- The estimated **duration** of the implementation phase.

# Assumptions on Costs

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## Design and Implementation Phase

- Duration of this phase impacts the costs of this phase.
- Relies heavily on outside vendors to develop the system.
- The projected timeline accounts for parallel work to the extent possible.

## Ongoing Operations Phase

- The costs to operate the system are heavily impacted by the volume of requests and the number of users.
- Full outsourcing model contemplated for the operation of the SSAD.
- Full cost-recovery model of ICANN's development and operation fee.

*All the assumptions and designs are based on the requirements set forth within the policy recommendations of the final report of the EPDP Phase 2.*

# Challenges in Determining SSAD Demand/Usage

Actual demand is ***unknowable*** until well after the launch of the SSAD.

- ICANN org contacted 11 reputable, well-known, research firms to assess the market demand.
  - Many turned down the work due to the “unknowable” nature of the research.
  - Others provided limited scope proposals with incomplete solutions.
  - Negotiating contract with one vendor.
  
- ICANN’s surveys to contracted parties and the ICANN community provided inconclusive and contradictory data.
  - Participation from 101 CPs representing 160M+ DUMs:
    - Majority reported receiving less than 10 requests/month
  - Participation from 355 community respondents:
    - 130 respondents reported sending less than 10 requests/month.
    - 30 respondents sent 50-499 requests/month.
    - 30 respondents reported sending over 2,000 requests/month.
  
- EPDP Phase 2 WG estimated 20,000 users.

# Assumptions on SSAD Demand/Usage

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For the purpose of ODP:

- Project Team estimated for the SSAD
  - The # of users: 25,000 ~ 3 million
  - The # of requests: 100,000 ~ 12 million
- Estimates based on a variety of inputs including, CP and community surveys, RDDS requests, abuse rates, etc.
- Actual demand may be lower than team's estimate, but the team needed to develop an estimated range to design a solution that would scale over time.
- ICANN Contractual Compliance receives an average of 3 complaints a month related to registration data access.
  - From September 2020 to August 2021, Compliance received 142 complaints indicating an issue with access to non-public Registration Data.
  - 104 of those were closed as out-of-scope.

# Summary of Org's Assessment

## 3-4 Years to Develop SSAD

- 3-4 years of development
- Selection of vendors
- Vendor ramp-up
- System development
- Legal instrument development
- Communications plan and support

- Unknown duration of IRT
- Potentially 2 yrs based on experience
  - Development and confirmation of requirements
  - Policy document development

System development and IRT work is conducted in parallel to the extent possible.

## Complexity

- 8 types of Actors
- 8 Subsystems
- 60 Processes

## Approx. \$20M - \$27M to Develop

- System development outsourced

## Approx. \$14M - \$107M for Annual Ongoing Operations

- Ongoing operations outsourced
- User accreditation volume drives cost
- ICANN org oversees ongoing operations, vendors, etc.
- 7 functions to fill through RFPs

## SSAD Fee Structure

### Based on full cost recovery model

Accreditations/Identity Verifications:  
**\$86 - \$21 (low - high usage)**

Requestor Declaration Verification:  
**\$190 - \$160 (low - high usage)**

Disclosure Requests:  
**\$40 - \$0.45 (low - high usage)**

Fee structure based on the assumptions\* of:

- 25,000 and 3 million users\*\*
- 100,000 and 12 million requests

\*Based on a variety of inputs incl. the CP and community surveys, RDDS requests, abuse rates, etc.

\*\*Requestors may still directly go to the CP, bypassing SSAD entirely. This may impact request volumes, if potential Requestors see the SSAD as too onerous.

# What will SSAD achieve?

## SSAD will:

- Provide a “one stop shop” to Requestors for account setup and verification.
- Provide a repeatable request process for Requestors.
- Reduce or potentially eliminate the need for CPs to identify Requestors.
- Provide some predictability for response times (SLAs) to requests.
- Provide automated disclosures in limited circumstances (see next slide).

## SSAD will **NOT**:

- Process requests for free.
- Guarantee data disclosure or provide predictability of disclosure
- Provide a “one stop shop” to CPs as Requestors can go directly to them outside the SSAD.
- Have comprehensive data for all registration data requests as the Requestors can still go directly to CPs.
- Guarantee participation from countries/territories to accredit governmental Requestors.
- Necessarily reduce costs for contracted parties.



# Automated Disclosure in SSAD

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EPDP Recommendation: Disclosure for these use cases MUST\* be automated

9.4.1. Requests from Law Enforcement in local or otherwise applicable jurisdictions with either 1) a confirmed GDPR 6(1)e lawful basis or 2) processing is to be carried out under a GDPR, Article 2 exemption;

9.4.2. The investigation of an infringement of the data protection legislation allegedly committed by ICANN/Contracted Parties affecting the registrant;

9.4.3. Request for city field only, to evaluate whether to pursue a claim or for statistical purposes;

9.4.4. No personal data on registration record that has been previously disclosed by the Contracted Party.

\*If a contracted party determines disclosure is not legally permissible or carries significant risk not identified by EPDP, it **may seek exemption\***

# Other considerations

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- Complexity of envisioned SSAD:
  - Higher-than-expected development costs and longer duration of implementation.
  - Risk of new legislation impacting recommendations during and after implementation work.
  - Potential negative impact on stability and security of the system (ex. more room for system bugs and errors with a more complex system and multiple subsystems).
- Financial Sustainability:
  - SSAD fees changing often due to uncertain user and request volume.
  - Declining users due to potentially high costs or dissatisfaction with disclosure request outcomes.
    - Domains with Privacy/Proxy services not considered in SSAD Recommendations.

# Will SSAD Impact Data Availability?

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- SSAD will not circumvent the GDPR or any other applicable legal restrictions on registration data access and disclosure
  - SSAD will not change the responsibility of the contracted parties to determine whether or not disclosure is permissible under applicable law
  - SSAD will not eliminate burden on requestors to demonstrate a legitimate and lawful interest in data access, including a legal basis for this processing, where applicable
  - The SSAD is a recommended system to streamline the processing of requests for data access. It cannot, itself, increase access to data, as this is determined by applicable law
- Thus, the SSAD is expected to have little-to-no impact on the contracted parties' ultimate disclosure (or non-disclosure) in response to a request

# Questions for Discussion

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- Does SSAD serve the global public interest?
- Does the value of these recommendations when implemented outweigh the cost associated with SSAD?
- Does ICANN's investment in the system serve the global public interest if the system is perceived to be of little benefit?

## ***What if we...***

- Start by measuring the problem?
  - No comprehensive data available to determine what the “problem” is.
  - Is there really a problem when Compliance receives so few complaints?
  - Analyze collected data to determine the next step.
- Start with a simple centralized intake system?
  - For registration data disclosure requests.
  - No accreditation and no/minimal identity verification process.

# Engage with ICANN



## Thank You

<https://www.icann.org/ssadodp>

Email: [ODP-SSAD@icann.org](mailto:ODP-SSAD@icann.org)



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