
ICANN Specific Reviews - Second Registration Directory Service Review (RDS-WHOIS2)

Recommendations LE.1-LE.2 - Implementation Documentation

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RDS-WHOIS2 Final Report <https://www.icann.org/en/system/files/files/resolutions-board-action-rds-whois2-final-recs-25feb20-en.pdf>

Board resolution on RDS-WHOIS2 Final Report <https://www.icann.org/resources/board-material/resolutions-2020-02-25-en#1.a>

- Recommendation submitted: September 2019
- Recommendation approved: February 2020
- Implementation completed: N/A

See <https://community.icann.org/display/WHO/Implementation> for more information on RDS-WHOIS 2 implementation.

RDS-WHOIS2 Recommendation LE.1

The ICANN Board should resolve that ICANN organization conduct regular data gathering through surveys and studies to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement. This will also aid future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts).

RDS-WHOIS2 Recommendation LE.2

The ICANN Board should consider conducting comparable surveys and/or studies (as described in LE.1) with other RDS (WHOIS) users working with law enforcement on a regular basis.

Board Action on RDS-WHOIS2 Recommendations LE.1-LE.2

The Board approves this recommendation, with the caveat that it cannot be completed in time for the EPDP Phase 2. To implement, ICANN org will identify an appropriate timeline to help inform future work, in consultation with GNSO.

Final Implementation Report

Both recommendations have been implemented to the extent possible. ICANN org conducted a study on the topic of differentiation of legal vs. natural persons' registration data which was used to inform the EPDP Phase 2 and Phase 2A working group deliberations (see details under Milestones). As part of the study, ICANN org circulated a short questionnaire targeted at members of the ICANN community representing five groups as part of its research for this report: 1) Contracted Parties; 2) Natural Person Registrants; 3) Legal Person Registrants; 4) RDDS End-Users; and 5) the ccTLD community. The study ultimately produced a model to help the EPDP Team assess: 1) how various technical and legal aspects of differentiation may interact under different policy scenarios; 2) the extent to which differentiation may impose risks and costs on Contracted Parties, registrants, and RDDS end-users (including Law

Enforcement); and 3) the potential impact of measures to mitigate the risks and costs of differentiation and the potential benefits it may provide to these parties.

In addition, ICANN org conducted three questionnaires and outreach to the ICANN community to inform its work on the Standardized System for Access and Disclosure (SSAD) Operational Design Phase (ODP). Specifically, ICANN org circulated three short questionnaires to: 1) Contracted Parties; 2) Community members who request nonpublic domain name registration data; and 3) the Governmental Advisory Committee (GAC) (see details under Milestones). The objective of the questionnaires were to inform the SSAD ODP team of: 1) the total number of disclosure request received for nonpublic registration data; 2) the estimated number of disclosure requests sent to Contracted Parties and potential interest among stakeholder groups in using the SSAD; and 3) the implementation of specific recommendations and methods government/territories would engage with the SSAD. Overall, ICANN org's outreach to the community played a crucial role in delivering the SSAD ODA and assessing the feasibility and associated risks, costs, and resources required in the potential deployment of SSAD.

Rationale

ICANN org continues to work on streamlining mechanisms to request, receive, and gather feedback from the community and stakeholders, to help inform future community work. ICANN Org is currently working to implement CCT Recommendation 1 by deploying a data collection model that will be used to formalize and promote data collection. The regular data collection and surveys mentioned in recommendations LE.1 and LE.2 can be captured through this model. Data collected from this model, in addition to the data collected from past surveys, will inform future assessments of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement and the community.

Timeline

Expected implementation date: N/A, as these recommendations were determined to already be implemented to the extent possible.

Final implementation date: N/A, as these recommendations were determined to already be implemented to the extent possible.

Milestones

- Expedited Policy Development Phase (EPDP) Phase 2A: For more information see the [EPDP Phase 2A Final Report](#)
 - As requested by the EPDP Phase 1 team, ICANN org delivered the [Legal vs. natural persons](#) study on 17 July 2020, to help inform the EPDP Phase 2 and EPDP Phase 2A working group deliberations.
- Standardized System for Access and Disclosure (SSAD) Operational Design Phase (ODP): For more information about the questionnaires conducted please see [Annex 3 of the SSAD ODA](#).
 - On 5 July 2021, ICANN org conducted a [Contracted Parties questionnaire](#) to inform the SSAD ODP team's analysis of feasibility and associated risks, costs and resources required in the potential implementation of the SSAD. The

questionnaire focused on the total number of disclosure requests received for nonpublic registration data.

- On 8 July 2021, ICANN org conducted a [Community questionnaire](#) to assist the SSAD ODP team determine how many potential users are expected to use the SSAD and the anticipated volume of requests implemented.

On 15 July 2021, ICANN org sent an outreach questionnaire to the [Governmental Advisory Committee](#), to gather further input on the way a government/territory would engage with the SSAD.