



EN

AL-ALAC-ST-1013-01-01-EN

ORIGINAL: English

DATE: 22 October 2013

STATUS: Final

ALAC Statement on the Study on Whois Privacy & Proxy Service Abuse

Introduction

The following individuals composed an initial draft of this Statement after discussion of the topic within At-Large and on the Mailing Lists:

- Holly Raiche, ALAC member from the Asian, Australasian and Pacific Islands Regional At-Large Organization (APRALO) and APRALO Chair;
- Carlton Samuels, ALAC member from the Latin American and Caribbean Islands Regional At-Large Organization (LACRALO) and ALAC Leadership Team Vice-Chair; and
- Evan Leibovitch, ALAC member from the North American Regional At-Large Organization (NARALO) and ALAC Leadership Team Vice-Chair.

On 27 September 2013, this Statement was posted on the [At-Large Study on Whois Privacy & Proxy Service Abuse Workspace](#).

On 30 September 2013, Olivier Crépin-Leblond, Chair of the ALAC, requested ICANN Policy Staff in support of the ALAC to send a Call for Comments on the draft Statement to all At-Large members via the [ALAC Announce Mailing List](#).

A version incorporating the comments received was later posted to the aforementioned website.

On 14 October 2013, the Chair of the ALAC requested that ICANN Policy Staff in support of the ALAC open a ratification vote on the Statement.

On 22 October 2013, Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 13 votes in favor, 0 votes against, and 0 abstentions. You may review the result independently under: <http://www.bigpulse.com/pollresults?code=3493QbuWvqfQ8WjaCdLe6Wss>

Summary

1. While the Study acknowledges the many legitimate uses of privacy and proxy services, it points to the use of such services to hide the identify of the perpetrator engaged in the misuse of malicious use of the Internet.
2. The 2013 changes to the RAA included a framework for an accreditation scheme for privacy and proxy services. However, the important elements of such a scheme, particularly the balance between the legitimate needs for privacy, data security and law enforcement, are still to be developed.
3. The ALAC generally welcomed the many changes to the RAA passed by the Board in 2013. However, [the ALAC made two recommendations, the importance of which are underlined by this study](#).
4. The ALAC supports this study and the clear support it provides for the development of a strong privacy and proxy service provider accreditation scheme and for accuracy and verification requirements covering all Whois information, including those who use privacy and proxy service providers.

The original version of this document is the English text available at <http://www.atlarge.icann.org/correspondence>. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

ALAC Statement on the Study on Whois Privacy & Proxy Service Abuse

The National Physical Laboratory *Study of Whois Privacy and Proxy Service Abuse* tested the following two hypotheses:

- A significant percentage of the domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services to obscure the perpetrator's identity; and
- The percentage of domain names used to conduct illegal or harmful Internet activities that are registered via privacy or proxy services is significantly greater than the percentage of domain names used for lawful Internet activities that employ privacy or proxy services.

It found the first hypothesis to be true, and the second, to be partly true. In other words, while the Study acknowledges the many legitimate uses of privacy and proxy services, it points to the use of such services to hide the identify of the perpetrator engaged in the misuse of malicious use of the Internet.

In its final report, the Whois Policy Review Team recommended that ICANN should regulate and oversee privacy and proxy service providers, possibly through an accreditation scheme, that would strike an appropriate balance between privacy, data protection and law enforcement. As part of developing such an accreditation scheme, registrations under the scheme should include full contact details for the domain name user that are 'contactable and responsive.'

The 2013 changes to the RAA included a framework for an accreditation scheme for privacy and proxy services. However, the important elements of such a scheme, particularly the balance between the legitimate needs for privacy, data security and law enforcement, are still to be developed.

The ALAC generally welcomed the many changes to the RAA passed by the Board in 2013. However, [the ALAC made two recommendations, the importance of which are underlined by this study.](#)

We supported the development of an accreditation scheme for privacy and proxy services and argued they should only be accredited to the extent they meet all relevant RAA requirements (including accuracy and verification of Whois information for the beneficial user of the domain name). We also said that the new requirements for verification of Whois information should apply not only to registrars (and resellers) but to proxy and privacy service providers as well.

The ALAC supports this study and the clear support it provides for the development of a strong privacy and proxy service provider accreditation scheme and for accuracy and verification requirements covering all Whois information, including those who use privacy and proxy service providers.