ALAC Analysis of AoC WHOIS Review Recommendations

As previously stated in our statement AL/ALAC/ST/0812/1, the ALAC believes that the Board needs to act swiftly to implement all of the recommendations of the AoC WHOIS Review. Following is our analysis of whether the recommendations require GNSO Policy development prior to implementation.

In summary, of the sixteen recommendations, twelve do not require any explicit GNSO action. Three may require some GNSO policy development at a later stage, and just one must seemingly does require policy development.

Detailed Analysis

Rank	Subject	GNSO Policy Action Required?
1	Make WHOIS a strategic priority	No
2	Consolidate into single WHOIS policy document.	No
3	Outreach	No
4	Compliance transparency, reporting and resources	No
5	Data Accuracy: Communicate need	No
6	Data Accuracy: Reduce number of inaccurate WHOIS entries	In the short term: No. In the longer term it is unclear. Policy development might be needed depending on what methods are required. However, it is possible that even for these, ICANN might be able to convince the current registries to adopt the practice voluntarily, removing the need for formally adopting a new Consensus policy. Note that to achieve target improvements, what is crucial is that the largest TLDs are actively involved. Certainly no policy development is needed to begin investigating approaches to be taken.
7	Data Accuracy: Measure and report WHOIS inaccuracy	No
8	Data Accuracy: Ensure Compliance has tools to enforce WHOIS.	Perhaps, but not obvious. Changes would likely be the result of bilateral negotiations between the parties and ICANN. *If* registries and/or registrars will need to take action, such as for increased reporting, policy development may be required.
9	Data Accuracy: Track impact of WHOIS Data Reminder Policy and	If a replacement policy is deemed necessary, yes. But tracking can hopefully adopted with voluntary

	perhaps develop a replacement policy.	reporting from largest registrars.

If RAA changes are necessary, will not likely be in non-picket-fence areas. |
| 10 | Establish rules and perhaps accreditation for proxy and privacy providers. | Currently there are no rules in either registrar or registry agreements related to privacy or proxy services other than RAA 3.7.7.3 which ensures that If such a service registers a name, it takes responsibility for the use of that name.

Development of accreditation processes should clearly include community and the GNSO will clearly need to be involved.

No change to existing contracts is involved other than the requirement that registrars honor such accreditation, a subject which we understand is already under discussion. Therefore there may be no need to use the formal GNSO PDP process. |
11	Improve InterNIC service	No
12	IDN: Evaluate IDN WHOIS needs and solutions.	Already under discussion with GNSO participation and presumably GNSO ratification. No other GNSO action required.
13	IDN: Incorporate results into contract.	No
14	IDN: Ensure compliance issues (Rec 5-9 for IDN)	No (other than what may be needed for 5-9)
15	Plan for moving forward	No
16	Annual status reports	No