

Summary of Current Privacy Issues at ICANN

The Non-Commercial Stakeholder Group (NCSG) has long struggled to get more focus on privacy issues at ICANN, notably in the many working groups and studies related to WHOIS. Now that the Expert Working Group (EWG) on gTLD Directory Services has released its final report, the NCSG is holding a meeting to discuss some of the issues that it sees as important to raise and to work on over the foreseeable future. What follows is a shortlist of these issues.

1. Response to the Experts Working Group Report
<https://community.icann.org/pages/viewpage.action?pageId=40175189> There are a number of recommendations in this report that need support and much further work. Understanding how the complex system would operate needs to be unpacked thoroughly and discussed with experts, so that basic privacy can be maintained.
2. Secure credentials for anonymous domain name registration is a recommendation of the EWG report that will require much work on the part of civil society, to find groups willing to provide attestations for human rights workers and bloggers at risk. Civil society also needs to determine models that could work for the tribunal. Support for this proposal will be required from a much broader community, including the technical community who can build it and also provide security for other parts of the system.
3. The EWG also recommended investigating the drafting of a privacy policy to govern the Registration Directory Service (RDS). We should develop our own draft, with legal citation to support positions taken to protect constitutional protections. We should expand this draft to cover the entire registration ecosystem, as to do otherwise would be folly.
4. Privacy/proxy services will be necessary in the new system, regardless of what happens with the policy development process. A working group has been operating for several months, attempting to establish policy for accreditation. There may be further support and research needed for the team who have joined the working group.
5. We need to finish the complete ICANN privacy policy. There is a great deal of sensitive personal information gathered at ICANN, about staff, volunteers, travel details, dispute resolution, the Ombudsman, etc. We need to demonstrate what a proper privacy policy looks like.
6. There are ongoing issues with respect to how ICANN governs the Registrars, and permits them to opt out of the 2013 RAA by getting a waiver after they demonstrate the need to apply data protection law. There are also many privacy issues packed into the 2013 RAA which defeat other privacy mechanisms, including the as yet undrafted privacy policy. This will require much work, to undo a contract already in force.

We need reinforcements and volunteers to work on some of these projects, and staff the working groups. Work at this level is extremely important; there is not use talking about Internet Governance issues at a high level if we fail to address human rights at the ground level.