4 December 2014

Thick WHOIS Implementation Meeting with the IRT

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Agenda

- Current Status of Implementation - 5 minutes
  - Review of actions from our last meeting
  - Overview of Implementation Timeline
- Consistent Labeling & Display - 20 minutes
  - Impact Assessment
  - Next steps
- Transition from thin to thick WHOIS - 20 minutes
  - Call for Experts
  - Legal Review of laws applicable to the transition
- Next IRT Meetings - 5 minutes

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Current Status of Implementation

16 Oct 2014 IRT meeting Conclusions

1. **Decoupling implementation** of the two expected outcomes described in policy recommendation #1
   - Consistent labeling and display for all gTLDs per specification 3 of the 2013 RAA
   - Transition from thin to thick WHOIS for .COM, .NET, .JOBS
2. **Detailed impact assessment** for Consistent Labeling and Display of WHOIS Output
3. **Invitation of experts** from parties most affected by the transition to workout implementation details
4. **Expecting conclusions of the legal review** as input into the working out of implementation details with experts

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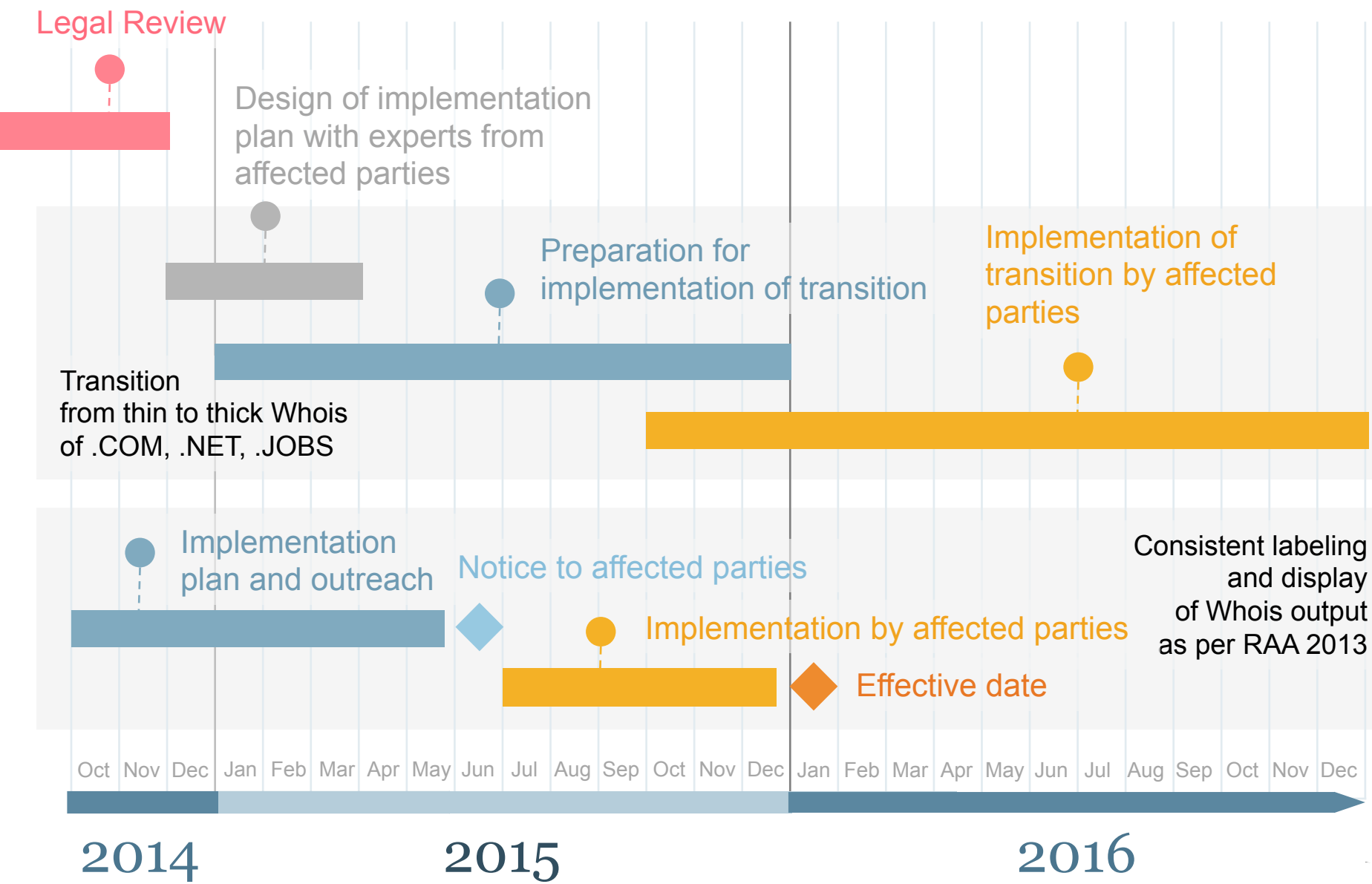
Proposed Overall Timeline 2014-2016



Discussion
Consistent Labeling & Display (CL&D)

CL&D Impact Assesment - Background

- Policy Recommendation #1
  - The provision of thick Whois services, with a **consistent labeling and display as per the model outlined in specification 3 of the 2013 RAA**, should become a requirement for all gTLD registries, both existing and future
- First draft of assesment sent on 18 Nov. 2014 to the IRT list
  - ThickWhois-CL&D-Impact-v1-final.pdf (and .docx)
  - ThickWhois-CL&D-Impact-Detailed.xlsx
- Objective
  - Identification of potentially affected parties
  - Analysis of nature and scale of work required on all affected parties (Ry, Rars, Registrants and 3rd Parties)
  - Prepare the development of a relevant and effective implementation plan
  - Provide Opportunity for discussion with IRT

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CL&D Impact Assesment – Main conclusions

- **All thick gTLD Registries** (new and pre-2012) will have to collect and add new Registrar data to their output (Reseller information and abuse contact)
- **Most pre-2012 thick gTLD Registries** will need to add new Registrant data to their output (contact information and DNSSEC delegation status)
- ***Indirectly affected,* Registrars both RAA 2009 and 2013** will need to provide new data to Registries (see above for type of data)
- **Most affected contracted parties** will need to adjust their naming and ordering of field names (lower impact)
- **Some Third Parties** accessing WHOIS data on a regular basis may need to adapt their tools and processes.

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CL&D Impact Assesment – Open Questions

1. **Should Thin gTLD Registries be involved in CL&D strand of work at this stage?** Could working towards CL&D be an implementation step towards the transition from thin to thick?

2. **Are Registrars subject to the Policy Recommendations?** *If subject to the Policy,* RAA 2009 Registrars for pre-2012 thick gTLDs will need to collect new data from Registrants (Contact info, DNSSEC delegation status) and Registries (object IDs)

3. **If Registrars are subject to the Thick Whois Policy Recommendations, should the thin gTLD Registrars on RAA 2009 be required to conform to Consistent Labeling and Display** even if they are due to be involved in the transition from thin to thick?

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Next steps

- Discussion and revision of Impact Assessment as needed
- Drafting of Implementation plan
  - Consensus Policy requirements
  - Implementation schedule
  - Measures to support implementation by affected parties

- Tentative Timeline
  - **Final Impact Assessment :** January 2015
  - **Draft Implementation Plan** : January/February 2015
  - **Final revision**: April/May 2015
  - **Public announcement**: June/July 2015
  - **Policy Effective Date**: January 2016

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Discussion
Transition from thin to think WHOIS

Transition – Call for experts

- Status
  - Outreach to RrSG (6 Nov.), IRT (18 Nov.) and all Registrars (20 Nov.)
  - 12 volunteers reprensenting 10 registrars expressed interest
    - they received a welcome package (final report and ICANN 51 archive)
    - they have been added to the IRT mailing list
  - List of volunteers added to Community wiki page of the IRT : https://community.icann.org/display/TWCPI/Implementation+Review+Team

- Next steps
  - Initiate discussion on substance
  - Refine mode and schedule of engagement : start date + frequency of calls.

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Transition – Legal Review of Applicable laws

- Status
  - Memo on scope shared with IRT prior to ICANN 51
  - Preliminary conclusions available
    - Based on review of EU laws
    - Consideration of general data protection issues that may arise with respect to the transition
  - Current challenges with analysis, due to
    - Complexity of the matter
    - Need for synchronization with parrallel ongoing activities (Review of WHOIS Requirements and National Law Conflcit, and Expert Working Group on gTLD Directory Services)

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Transition – Legal Review of Applicable laws

- Preliminary Conclusions
  - **The transition from thin to thick WHOIS will require a lawful basis for disclosure, transfer and retention of data**. This may be established in one or more of the following ways:
    - based on the purposes for which the data is being disclosed or transferred,
    - based on consent obtained from the registrants,
    - based on qualification under a safe harbor provision;
  - **Standard clauses in registration agreements may help** address legitimate use, purpose limitations and registrant consent **in most jurisdictions**.
  - **Some laws or potential laws in specific countries may require special consideration**, especially insofar as they may seek to impose obligations that require storage and/or processing of personal information only within the borders of a particular country.

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Transition – Legal Review of Applicable laws

- Next steps
  - Refinement of analysis, review of other jurisdictions that have distinct approaches or specific legislation that raise unique questions
  - **By next IRT meeting** (18 Dec): Opportunity for the IRT to provide feedback and questions for consideration in connection with completion of the analysis
  - **By ICANN 52**: completion of analysis and proposals for implementation

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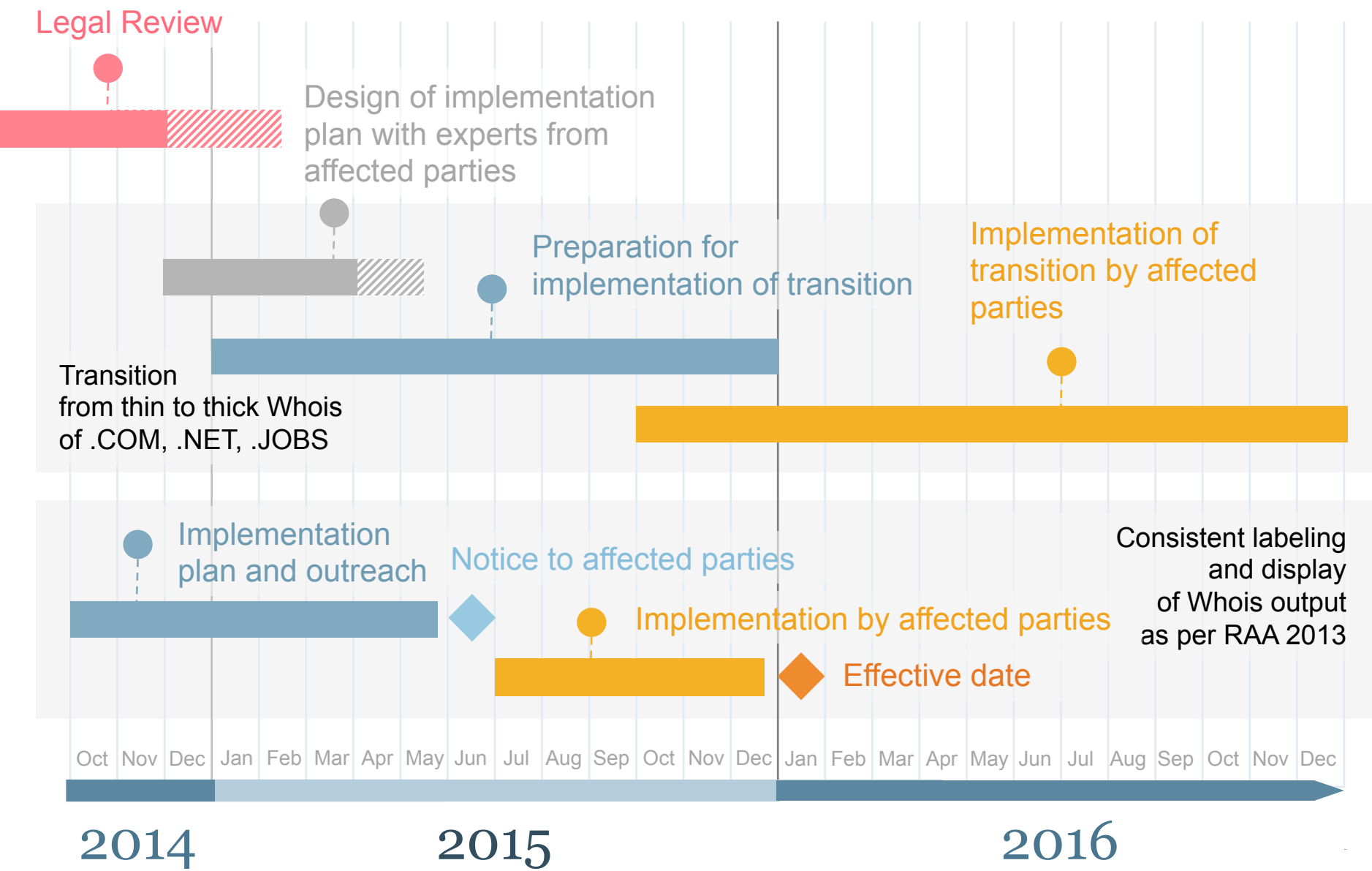
Adjusted Overall Timeline 2014-2016



Discussion
Next IRT meetings

Next IRT Meeting

- Agenda for 18 December 2014 15:00 UTC
  - Further discusion of CL&D as needed
  - Discussion about Transition with experts
  - Discussion of feedback and questions on preliminary conclusions of the legal review

- Proposed schedule of following IRT meetings
  - Thur. 15 January 2015 15:00 UTC
  - Thur. 12 February 2015 (TBD, during ICANN 52)

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Thank you
for your participation

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