

Whols Conflicts with Privacy Law

NCSG Ideation Session

29 May 2017

Agenda

- Welcome
- How do we form public comments?
- What is Whols?
- What is privacy, and how does it relate to our work at ICANN?
- Existing procedure + new trigger
- Possible solutions

Whois output

Go to: <https://whois.icann.org/>

Enter a domain name, i.e. ncuc.org

See the output - contains the registrant name



ncuc.org

Lookup

Showing results for: NCUC.ORG

Original Query: ncuc.org

Contact Information

Registrant Contact

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Submit a Complaint for WHOIS
[WHOIS Inaccuracy Complaint Form](#)
[WHOIS Service Complaint Form](#)

[WHOIS Compliance FAQs](#)

What is privacy?

“The claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.”

The journey so far...

- GNSO concluded a PDP and developed a procedure in November 2005
- Procedure was adopted by the ICANN Board in May 2006
- 10 years passed and the procedure was **never** invoked!
- A Review was initiated in 2014.

What is wrong with the existing procedure?

- A registrar or registry should not require the permission of ICANN to comply with the applicable laws of their own jurisdiction.
- Having to wait until a ruling has come down or an investigation is underway (thus triggering a letter to be sent) is not okay.

What is the new, alternative trigger?

What is the issue with the new, alternative trigger?

- It's unrealistic to expect a government agency to provide an advisory position on a private contract.
- They're already busy, and not experts in ICANN policy.
- They are hard to contact, and might not reply. Then what do you do?
- Laws vary by jurisdiction, not by business.
- Sounds like it would consume a lot of resources for smaller businesses.

But maybe you disagree! :-)

Timeline and next steps

It's 29 May today.

We will try to get this comment to the Policy Committee by 5 June.

That's in one week.

We have to get the comment in by 12 June.

That's in two weeks.