WHOIS Recommendation 10 Implementation
Data Access -- Privacy and Proxy Services
30 June 2015

Implementation 10 Timeline

Recommendation 10 Implementation Description

ICANN should develop these processes in consultation with all interested stakeholders. This work should take note of the studies of existing practices used by proxy/privacy service providers now taking place within the GNSO.

The Review Team considers that one possible approach to achieving this would be to establish, through the appropriate means, an accreditation system for all proxy/privacy service providers. As part of this process, ICANN should consider the merits (if any) of establishing or maintaining a distinction between privacy and proxy services.

The goal of this process should be to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests. At a minimum, this would include privacy, data protection, law enforcement, the industry around law enforcement and the human rights community.

ICANN could, for example, use a mix of incentives and graduated sanctions to encourage proxy/privacy service providers to become accredited, and to ensure that registrars do not knowingly accept registrations from unaccredited providers.

ICANN could develop a graduated and enforceable series of penalties for proxy/privacy service providers who violate the requirements, with a clear path to de-accreditation for repeat, serial or otherwise serious breaches.

In considering the process to regulate and oversee privacy/proxy service providers, consideration should be given to the following objectives:
• Clearly labeling WHOIS entries to indicate that registrations have been made by a privacy or proxy service;
• Providing full WHOIS contact details for the privacy/proxy service provider, which are contactable and responsive;
• Adopting agreed standardized relay and reveal processes and timeframes; (these should be clearly published, and pro-actively advised to potential users of these services so they can make informed choices based on their individual circumstances);
• Registrars should disclose their relationship with any proxy/privacy service provider;
• Maintaining dedicated abuse points of contact for each provider;
• Conducting periodic due diligence checks on customer contact information;
• Maintaining the privacy and integrity of registrations in the event that major problems arise with a privacy/proxy provider;
• Providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment.

Status of Deliverables

	Responsible	Due Date
The 2013 RAA, includes many new obligations related to privacy/proxy providers and commits ICANN to create a privacy/proxy accreditation program.	**Staff**	✔
A GNSO PDP has commenced in October 2013 to examine policy issues related to privacy/proxy services	**Staff**	✔
A consensus policy, if produced out of the PDP, would become binding upon contracted parties when adopted by Board.	**Staff**	✔
Staff Implementation work to develop the operational aspects of the Privacy/Proxy Accreditation Program to be conducted in parallel with GNSO PDP.	**Staff**	✔

✔ Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ICANN

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Project Status

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- A GNSO PDP has commenced in October 2013 to examine policy issues related to privacy/proxy services.
- A consensus policy, if produced out of the PDP, would become binding upon contracted parties when adopted by Board.
- Staff Implementation work to develop the operational aspects of the Privacy/Proxy Accreditation Program to be conducted in parallel with GNSO PDP.
    - ICANN Staff Accreditation Framework Considerations document shared with Working Group (via published list) in October 2014
    - Initial Report published for Public Comment- May 2015

Implementation Notes

This recommendation is in progress.

•Privacy & Proxy Services Accreditation Issues (PPSA) PDP Final Report est. Nov. 2015
•GNSO Approval of PDP Final Report- est. Jan 2016
•Board Approval of Final Report Recommendations est. Apr 2016
•Implementation Plan – TBD 2016

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