Question 1

#	Comment	Contributor	WG Response / Action Taken
	Are there any documents missing from these input inventories and/or any additional documents or information that you consider necessary to inform the PDP WG as they begin to address the charter questions during phase 1? If so, please identify the documents / information and explain their relevance in relation to the WG's phase 1 deliberations.		
1.	The following documents are identified in the links above: • SAC054 SSAC Report on the Domain Name Registration Data Model[1] • SAC055 WHOIS: Blind Men And An Elephant[2] • SAC058 SSAC Report on Domain Name Registration Data Validation[3] In addition to these, the SSAC wishes to include: • SAC051 SSAC Report on Domain Name WHOIS Terminology and Structure[4] • SAC061 SSAC Comment on ICANN's Initial Report from the Expert Working Group on gTLD Directory Services[5]	SSAC	<mark>Agreement</mark> **WG Response:** The WG confirms that the initial list of documents identified are indeed part of the input inventories. The WG has added the additional two documents to the inventory in response to the SSAC's input. **Actions Taken:** Documents added to inventory. **WG members extracted possible requirements from the SSAC identified documents.**
2.	No additional documents were identified.	RySG	<mark>Agreement</mark> **WG Response:** Noted **Action Taken:** None
3.	The GAC is satisfied with the list of documents reviewed by the working group in relation to its charter questions and determined to be most relevant in relation to the topics of purpose, data elements and privacy.	GAC	<mark>Agreement</mark> **WG Response:** Noted **Action Taken:** None

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[1] See https://www.icann.org/en/groups/ssac/documents/sac-054-en.pdf.
[2] See https://www.icann.org/en/groups/ssac/documents/sac-055-en.pdf.
[3] See https://www.icann.org/en/groups/ssac/documents/sac-058-en.pdf.
[4] See https://www.icann.org/en/groups/ssac/documents/sac-051-en.pdf.
[5] See https://www.icann.org/en/groups/ssac/documents/sac-061-en.pdf.

#	Comment	Contributor	WG Response / Action Taken
4.	No	ALAC	<mark>Agreement</mark> **WG Response:** Noted **Action Taken:** None

Question 2

#	Comment	Contributor	WG Response / Action Taken
In addition, the WG identified key inputs received from third parties (see documents listed at https://community.icann.org/x/R4xlAw, as well as inputs enumerated in http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf, and comments posted at https://community.icann.org/x/sYxlAw). If input from your respective SO/AC/GNSO SG/C has been identified here, please confirm whether this input is still relevant and up to date, and if not, what input the Working Group should be considering.			
1.	The following documents are identified in the links above: • SAC051 SSAC Report on Domain Name WHOIS Terminology and Structure[6] • SAC054 SSAC Report on the Domain Name Registration Data Model[7] • SAC055 WHOIS: Blind Men And An Elephant[8] • SAC058 SSAC Report on Domain Name Registration Data Validation[9] In addition to these, the SSAC wishes to include: SAC061 SSAC Comment on ICANN's Initial Report from the Expert Working Group on gTLD Directory Services[10]	SSAC	<mark>Agreement</mark> **WG Response:** The WG confirms that the initial list of documents identified are indeed part of the key inputs received from third parties. The WG has added the additional document to the list in response to the SSAC's input. **Actions Taken:** Documents added to list of key inputs received. **WG members extracted possible requirements from the SSAC identified documents.**
2.	The RySG re-emphasizes the comments it submitted on July 13, 2015 with some added comments in brackets in a few cases: • "Cost must be analyzed during each step of the PDP." o "What is the cost to develop and who will pay for it?" o " What is the cost to deploy and who will pay for it?" [The RySG understands that the ability to accurately estimate costs will become more feasible as the PDP progresses through its three phases, but suggests that	RySG	<mark>Agreement</mark> **WG Response:** **Action Items: See WG response below.** The Cost Model is included in the WG charter for all three phases of the PDP. In phase 1 the WG is specifically tasked with developing lists of expenses, income sources, cost drivers, principles, goals, metrics and mitigation steps. Cost issues aren't specifically addressed until step 15 of the approved work plan, which will occur in the latter portions of Phase 1 several months down the road, but the subject of costs has already surfaced within the WG several

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[6] See https://www.icann.org/en/groups/ssac/documents/sac-051-en.pdf
[7] See https://www.icann.org/en/groups/ssac/documents/sac-054-en.pdf.
[8] See https://www.icann.org/en/groups/ssac/documents/sac-055-en.pdf.
[9] See https://www.icann.org/en/groups/ssac/documents/sac-058-en.pdf.
[10] See https://www.icann.org/en/groups/ssac/documents/sac-061-en.pdf.

	cost considerations still be considered in all three phases.] • Consideration of and coordination with other RDS related initiatives must occur. • "Phase I must be prioritized as certain questions must be resolved before other questions can be answered." • "Individuals should have reasonable expectations of privacy; any incursions into an individual's privacy should be necessary and proportionate." • "Questions regarding technical feasibility and industry impact must be answered. . . . we must understand completely how this transition will be managed prior to completion of Phase I. With around 160 million gTLD registrations, and all of our systems designed to interact with the WHOIS configuration, how a Next Gen RDS will be deployed must be thoroughly examined and stress tested to ensure the transition will have favorable outcome." [The RySG understands that ability to determine technical feasibility and industry impact will not be completely feasible until policies are developed and implementation plans are prepared in Phases 2 & 3 but still believes that these two factors be considered as much as possible in Phase 1.] • ". . jurisdictional issues must be addressed."		times and it is understood that costs must be kept in mind in the early parts of phase 1 as well. WG deliberation on possible RDS requirements is just about to begin and multiple requirements will be considered that relate to other GNSO RDS related initiatives involving topics such as IDNs, thick Whois, rights protection mechanisms and use of proxy/privacy services so the WG will use the work products of those efforts and consult with the applicable activities that are still live. Note the following points regarding other RySG comments: • An effort to order, group and prioritize possible requirements has just begun. • Privacy is one of the first three areas that the WG will be considering in the upcoming weeks and months. • Impact analysis will be done when talking about costs, benefits and risks, three of the areas of the charter. • Jurisdictional concerns will be particularly addressed when deliberating on possible privacy requirements and gated access requirements. **Action item: WG members should be tasked with extracting possible requirements from the RySG comments provided here.**
3.	The list of documents reviewed includes the <u>GAC Communiqués</u> issued thus far that contain advice on WHOIS (2007-2015), as well as the <u>GAC Principles regarding gTLD WHOIS Service</u> (2007), which reflect the central importance of WHOIS and summarize the views of governments with regards to the public policy implications of the WHOIS. <u>This input is still relevant and up to date</u>. For the record, the GAC in its 2007 advice on WHOIS stated that, the gTLD Directory Services 'should provide sufficient and accurate data about domain name registrations and registrants, subject to national safeguards for individual privacy.' The GAC is also satisfied that the WG included in the list of	GAC	<mark>Agreement</mark> **WG Response:** The WG confirms that the initial list of documents identified are indeed part of the key inputs received from third parties. The WG has added the additional document to the list in response to the GAC's input. WG members will be tasked with identifying possible requirements from the additional document. **Action Taken:** Documents added to list of key inputs received.

inputs received to review: 1) The GAC submission to <u>Public Comment Process on the Preliminary Issues Report on Next Generation gTLD Registration Directory Services to Replace WHOIS</u> (GAC submission to Public Comment Process on NGRDS) adopted on 10 September 2015. This input: • highlights a number of key points in the EWG report which would need specific consultation processes with public stakeholders such as law enforcement, consumer protection and data protection authorities; • recognizes the complexity of creating a new system and calls for improved accuracy; • signals the need to balance public interest in creating a safe and reliable environment, including preventing and fighting crimes on the internet and ensuring respect and enforcement of consumer rights with securing the protection of personal data of Internet users; However, the GAC would like to suggest that the PDP NGRDS WG also consider additional relevant inputs: 2) The <u>Law Enforcement Due Diligence Recommendations for ICANN,</u> endorsed by the GAC (2010). 3) The GAC <u>Public Comments to "2013 RAA WHOIS Accuracy Specification Review"</u>, which calls for a reinforcement of the verification (accuracy) and validation (proper format) of WHOIS data. 4) The GAC <u>Comments of September 2015 to the Initial Report on the Privacy and Proxy Services Accreditation Issues Policy Development Process</u> which recommends a distinction be made between Commercial and Non-Commercial Users, more transparency and accountability for Privacy and Proxy Service Providers and stresses the need for confidentiality of law enforcement requests (as required and/or permitted by local law).[11] 5) The recently adopted (19 May 2016) GAC <u>Comments to</u>		**Action Item: Task a WG member with identifying possible requirements from the additional document.**

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[11] Available at
https://gacweb.icann.org/display/gacweb/GAC+Public+Safety+Working+Group?preview=/27132037/39944522/PSWG%2BGAC%20comments%20proxy%20privacy%20accreditation%20issues[1].pdf

	the "New gTLD Program Safeguards Against DNS Abuse" Report, which proposes other additional safeguards for the mitigation of DNS abuse.		
4.	The list of Key Inputs is a very long one and serious consideration of each of the documents by all members of the Working Group would be far too big a task for the Working Group to reach any conclusions in a realistic timeframe. Without taking away from the importance of the documents, we suggest that the Working Group focus on more critical documents, including: • The latest WHOIS Policy Review Team Final Report 2012 • SAC Reports 054, 055 and 058: • 2013 RAA and 2014 New gTLD Registry Agreement • Relevant RFCs • The latest documents from the EU on data protection, particularly the latest Directive/Regulation • The EWG Final Report, together with additional statements by EWG members	ALAC	==Agreement== **WG Response:** The WG appreciates the identification of important documents for WG consideration. All of them have been identified as key source documents for the WG and have been summarized by certain WG members to facilitate their usage by the entire WG. Most, if not all of them have already influenced WG discussions and the WG will continue to carefully consider the relevant information contained in each of them. **Action Item**: Ensure that all of the documents identified as critical by the ALAC are examined for possible requirements.

Question 3

#	Comment	Contributor	WG Response / Action Taken
Does your SO/AC/GNSO SG/C have any guidance for the Working Group in relation to the completeness of the charter questions to be addressed by this PDP WG (see Annex A)?			
1.	No	SSAC	Agreement **WG Response:** Noted. **Action Taken:** None.
2.	None at this time.	RySG	Agreement **WG Response:** Noted. **Action Taken:** None.
3.	The GAC is satisfied with the completeness of the charter questions to be addressed by the PDP WG.	GAC	Agreement **WG Response:** Noted. **Action Taken:** None.

#	Comment	Contributor	WG Response / Action Taken
4.	The WG must, at a minimum and by Full Consensus, address the following question: • Should the domain name ecosystem capture, collect and curate personal data elements for a valid domain name registration transaction? • Should ICANN compel the capture, collection and the curation of certain specific personal data elements of the domain name registration transaction? Specifically, the Working Group should identify all data that ICANN requires to be collected. This data, together with other data, can potentially be of concern to individual users. With the increasing use of data analytics, a great deal of information about people can be gained by analysing data from a variety of sources in combination with other data.	ALAC	<mark>Agreement</mark> **WG Response:** **Action Items: See the second paragraph of the WG response below.** WG leadership requests clarification of the introduction to these comments: "The WG must, at a minimum and by Full Consensus, address the following question . . ." The goal of course will always be to achieve the strongest consensus possible and we hope that in some cases that can be 'full consensus' (i.e., unanimity), but it is also recognized that registration data services has been one of the most highly controversial subjects for a decade and a half, so we believe that that may be a difficult goal to achieve. 'Full consensus' is the maximum level attainable so to also say it should be the 'minimum' means that there must be unanimous support. That said, we agree with the ALAC that these two questions must be answered with strong support from the WG. WG deliberations on the charter areas of data elements and privacy will focus directly on the first question in phase 1 and development of policies to fulfill the requirements of phase 1 will have to deal with the second question.

Question 4

#	Comment	Contributor	WG Response / Action Taken
If there is any other information you think should be considered by the WG as part of its deliberations, please feel free to include that here.			
1.	In SSAC's publications concerning registration data and WHOIS we have counseled: first the problems must be described, then the policies to address those problems can be formulated, and only after that can the technical solutions to implement those policy requirements be designed. We hope that the three Phases described in the WG plan correspond to those decision making steps. Specifically, the WG's Phase 1 must clearly define the problems the GNSO is trying to solve, and those goals must be agreed upon. Also, the WG must always distinguish between the policy and technical aspects of their work. For example, does "WHOIS system" refer to the WHOIS protocol, or does it refer to something else? The SSAC notes that the RDAP protocol was designed as the technical successor to the WHOIS protocol. The SSAC notes that eventually the RDS PDP WG must determine whether the RDAP protocol will accommodate the policy requirements that the GNSO establishes, otherwise the RDS PDP WG will need to describe why another technical solution is required.	SSAC	**Agreement** **WG Response:** **Action Taken:** Possible requirements regarding terminology have been extracted from SAC051. The WG is in the process of gathering possible requirements to help define the problem. To define requirements will require the WG to define the problems. The leadership team also agrees with the SSAC that in all three phases of the PDP, clear definition of technical terms is a prerequisite. We believe that the term 'system model' as used in the charter will likely have policy and technical aspects, both will have to be addressed and we will have to be clear about what is meant whenever we use the term 'system' as well as with other terms that sometimes have multiple meanings. With regard to terminology, we want to communicate that possible requirements regarding terminology have been extracted from SAC051 that will be considered by the WG in its deliberations to ensure common understanding of terms used by the WG in its deliberations and outputs. Note that the specific consideration of the RDAP protocol to replace the Whois protocol will likely happen in phase 3 of the PDP. The WG will need to carefully evaluate whether RDAP can be implemented to fulfill the requirements and policies developed in phases 1 & 2.
2.	None at this time.	RySG	**Agreement** **WG Response:** Noted. **Action Taken:** None.

#	Comment	Contributor	WG Response / Action Taken
3.	None at this time.	GAC	<mark>Agreement</mark> **WG Response:** Noted. **Action Taken:** None.
4.	None	ALAC	<mark>Agreement</mark> **WG Response:** Noted. **Action Taken:** None.