

[Draft, Proposed] Privacy and Proxy Services Accreditation Policy Outline v 0.1

- I. Scope and Definitions
 - A. ICANN adopts the following policies concerning the accreditation of privacy and proxy service providers in gTLDs.
 - B. Key terms in this Policy are defined as follows:
 - i. "Privacy Service"
 - ii. "Proxy Service"
 - iii. "Affiliate"
 - iv. "Knowingly"
 - v. "Publication"
 - vi. "Disclosure"
 - vii. "Knowingly"
 - viii. "Person"
 - ix. "Requester"
 - x. "Law Enforcement Authority"
 - C. Registrars' Acceptance of Privacy and Proxy Service Registrations
 - D. No Limitations on Availability of Services

Commented [AB1]: Definitions in Final Recs
May need to add additional definitions later.

- II. **Terms** and Conditions of Accreditation Agreements: As a condition of obtaining and maintaining ICANN accreditation, privacy and proxy service providers must enter and maintain in effect accreditation agreements with ICANN. The terms and conditions of which will be specified in written agreements executed by ICANN and each privacy and proxy service provider, in conformity with the following general terms:

Commented [AB2]: From Final Recs—this is the commercial/noncommercial, no distinction point

Commented [AB3]: Section proposed based on structure of Rr policy (introductory text copied/appropriated from Rr Policy), <https://www.icann.org/resources/pages/policy-statement-2012-02-25-en#II>

The principal provisions of these agreements will include:

- A. WHOIS/RDS Labeling and Data Reminder
 - B. Data Validation and Verification
 - C. Customer Agreements
 - D. Terms of Service
 - E. Relay
 - F. Reveal (Publication and Disclosure)
 - G. Transfers
 - H. Abuse Reporting Requirements
 - i. Contactability of Privacy and Proxy Service Providers
 - I. Standard Forms
 - i. Relay
 - ii. Abuse Reporting
 - iii. Information Requests
 - iv. Intellectual Property Holder Requests
 - J. Data Escrow
- III. Specific Requirements Related to Requests From Intellectual Property Holders

Commented [AB4]: From Final Recs

Commented [AB5]: From Final Recs—say should be consistent with 2013 RAA requirements

Commented [AB6]: From Final Recs

Commented [AB7]: From Final Recs

Commented [AB8]: From Final Recs

Commented [AB9]: This was touched upon briefly in the Final Recs but will need to do a "compatibility check" with Transfer Policy per final recs.

Commented [AB10]: From Final Recs

Commented [AB11]: From Final Recs—likely will have basic requirements here and more detail in the contract

Commented [AB12]: This is not explicitly in the Final Recs but the report seems to contemplate this, and interim specification requires this. To discuss with the IRT

Commented [AB13]: From Final Recs. This section fits under "mandatory provisions" above, but is expected to be quite lengthy, so proposing to give this its own section.

IV. [Placeholder] Specific Requirements Related to Requests From Law Enforcement

V. Best Practices

VI. Reviews and Record-Keeping

A. Reviews

B. Maintenance of Records

VII. Program for Accreditation of Privacy and Proxy Services

A. Policies Concerning Application Fees and Procedures

i. Qualifications: To qualify for accreditation as a privacy/proxy service, the applicant will be required to:

ii. Matters Potentially Leading to Ineligibility

B. Directory of Privacy and Proxy Services

C. De-Accreditation

Commented [AB14]: To discuss with the IRT. Final Report has minimum recommendations for a framework, but no framework.

Propose to form a subgroup to develop a proposal to discuss with the full IRT, pending any additional guidance from the Board.

Commented [AB15]: These are scattered throughout the Final Recs. Proposing to incorporate these into Policy here, but could handle via other means—to discuss with IRT.

Commented [AB16]: Final Recs call for a review of the IP framework and to look at this in Transfer Policy Review. Should this be explicit in Policy?

Commented [AB17]: The Final Report says a review should be conducted of the IP disclosure framework (see p. 15) but it doesn't say who (ICANN or GNSO) or when. If this is an ICANN review, this might not need to be in the Policy.

Commented [AB18]: From Final Recs—stats will be sent to ICANN periodically related to requests, etc

Commented [AB19]: Section proposed based on structure of Rr Policy, <https://www.icann.org/resources/pages/policy-statement-2012-02-25-en>;

Commented [AB20]: From Final Recs—this is a requirement for ICANN, so might not need to appear in the Policy.

Commented [AB21]: From Final Recs. May need to distinguish between “affiliated” and “unaffiliated” services