

ICANN | 59

POLICY FORUM



JOHANNESBURG 26-29 JUNE 2017

Agenda and Slides: <https://community.icann.org/x/IATfAw>  
Adobe Connect: <https://participate.icann.org/jnb59-ballroom>



# Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS ICANN57 F2F Meeting Slides

RDP PDP WG | ICANN59 | 28 June 2017

# Agenda

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& SOI Updates

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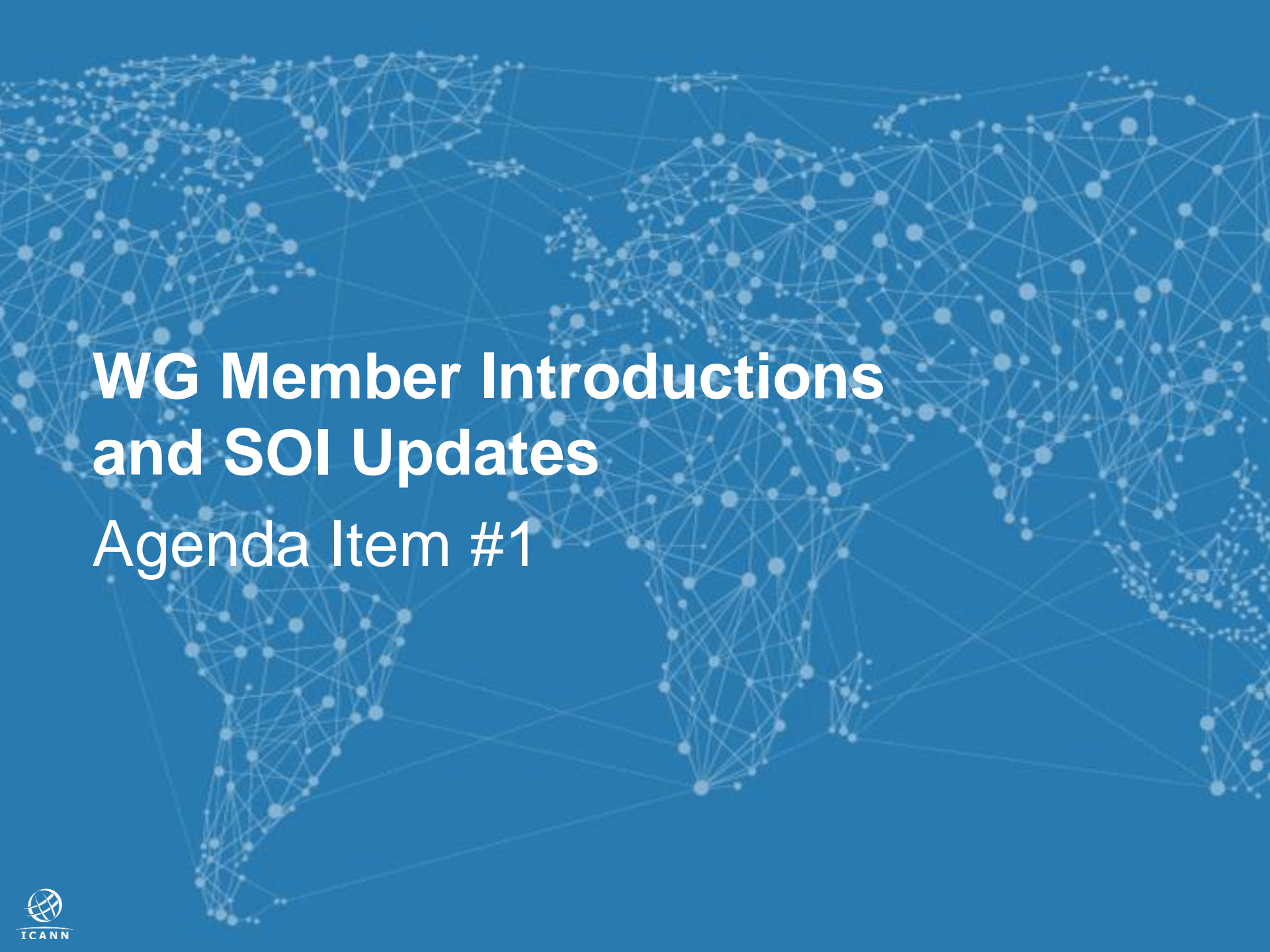
Start deliberation  
beyond “Minimum  
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Confirm action  
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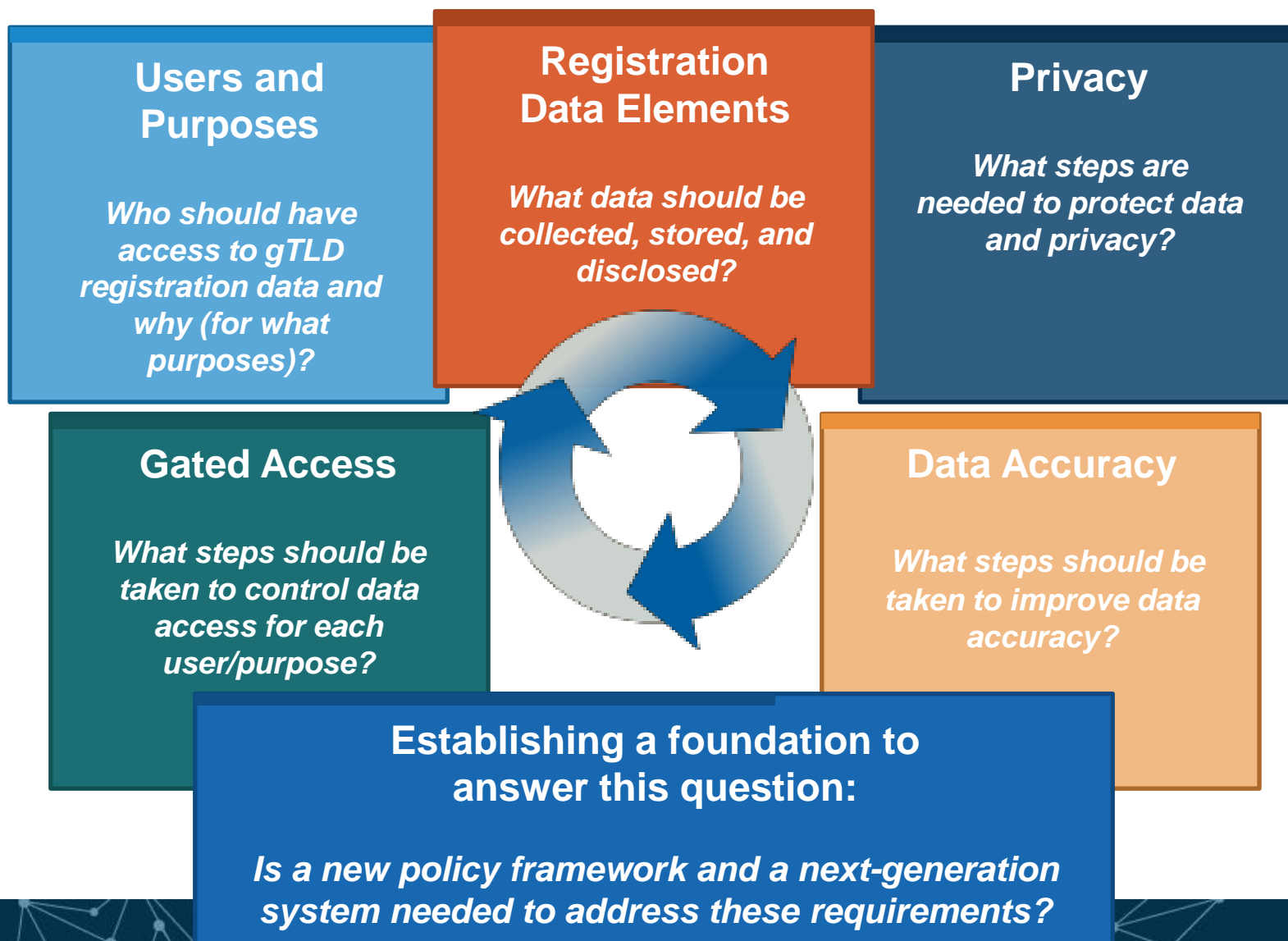
# **WG Member Introductions and SOI Updates**

## **Agenda Item #1**

# **PDP Background and Brief Updates**

## **Agenda Item #2**

# In our first Initial Report, we will use rough consensus on fundamental requirements to answer one big question



# Phase 1 Work Plan

Currently, we are working on Task 12: Deliberate on Possible Fundamental Requirements for these charter questions:

- **Users/Purposes**
- **Data Elements**
- **Privacy**
- **Gated Access**

We have focused on **Key Concepts** for a “**Minimum Public Data Set**” using polls to confirm informal rough consensus on **26 agreements**:

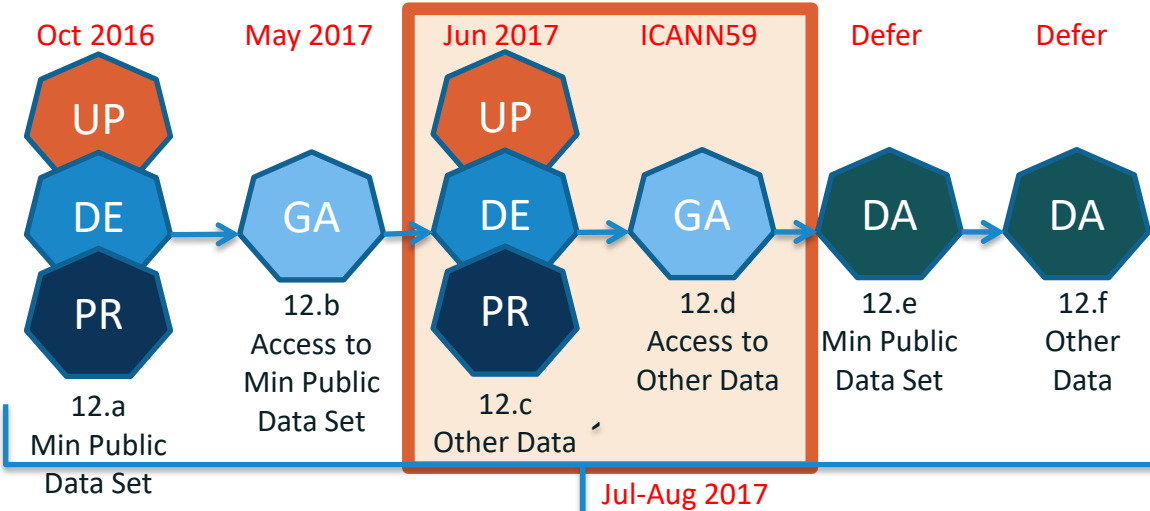
[KeyConceptsDeliberation-WorkingDraft](#)

**We will use this F2F WG meeting to expand our focus to other data**

1	• Form WG leadership team
2	• Review WG membership for gaps
3	• Establish WG meeting schedule
4	• Review, identify, & summarize key inputs to PDP
5	• Review PDP Rules of Engagement
6	• Develop PDP WG Work Plan
7	• Formal Early Outreach to ICANN SOs/ACs/SGs/Cs
8	• Develop Initial Possible Requirements List
9	• Informal Outreach on Initial Possible Requirements List
10	• Finalize Initial Possible Requirements List
11	• Decide how to reach consensus during deliberation
12	• Deliberate on possible Fundamental Requirements
13	• Publish First Initial Report for Phase 1 Public Comment
14	• Review/analyze Public Comments on First Initial Report
15	• Expand Phase 1 Work Plan based on Task 12 outcome
16	• Deliberate on possible Cross-cutting Requirements for NG RDS or WHOIS
17	• Finalize Draft Recommendations
18	• Publish Second Initial Report for Phase 1 for Public Comment
19	• Review/analyze Public Comments on Second Initial Report
20	• Publish Final Report for Phase 1

# Near-Term Tasks

## First Pass (iterative): Key Concepts for each Fundamental Question



### Deliberation on Requirements for

UP	Users/Purposes
GA	Gated Access
DA	Data Accuracy
DE	Data Elements
PR	Privacy
FQ	Foundational Question

### PHASE



Second Pass (iterative): Solidify and frame Key Concepts as Requirements for each of these Fundamental Questions [UP] [DE] [PR] [GA] [DA]

12.g

12.h

"Is a new Next-Gen RDS needed or can the existing WHOIS system be modified to satisfy these requirements?"

Sep-Oct 2017



ICANN60

13.a

Start Preparation of First Initial Report

Rough Informal Consensus



# WG Rules and Expectations of PDP WG Members

- Brief remarks and invitation from Herb Wayne, ICANN Ombudsman  
<https://www.icann.org/ombudsman>
- WG communication must be respectful, civil, and constructive
  - [ICANN Expected Standards of Behavior](#)
  - [Community Anti-Harassment Policy](#)
  - [GNSO PDP WG Guidelines](#)
- Our charter covers a complex issue with many inter-dependent questions
  - A [Process Framework](#) structures our PDP into phases and questions
  - We are taking an iterative approach, focusing on key concepts
  - A structured, focused approach is essential for us to make progress
- To enable effective deliberation, all WG members are asked to adhere to [RDS PDP WG List Discussion Rules](#)

# Discussion Rules

## RDS PDP WG List Discussion Rules

In addition to following [GNSO Working Group Guidelines](#) and [ICANN Expected Standards of Behavior](#), the following rules are intended to help this WG deliberate effectively, both on-list and during WG calls:

1. Discussion topics must be narrowly defined.
2. Responses must focus on the narrowly defined topics.
3. Ok to note dependency on another topic and state assumptions made, but keep focus on-topic.
4. Members should be as brief as possible.
5. Repetition of points already made should be minimized.
6. Members must identify themselves in message text (for example, prefacing in-line responses with initials) so that others can easily determine who made those statements.
7. Deliberation must follow the terms of the WG charter and will, unless otherwise decided, start with discussion of relevant elements of the EWG Report.
8. Proposed WG agreements to be finalized in WG calls and decided through polling, not on-list.
9. When starting a new topic, create a new email thread - don't reply to existing unrelated thread.
10. When possible, identify charter question in Subject line (e.g., UP, DE, PR, GA).

These rules were drafted by the RDS PDP WG Leadership team after consideration of recent WG mailing list communication and suggestions offered by WG members.

Download link: [RDS PDP WG List Discussion Rules.pdf](#)

# Brief Update: Legal Analysis

- Goal: To inform the RDS PDP WG about the application of data protection & privacy law to gTLD registration data & directory services policy
- Questions originally developed by RDS PDP WG for ICANN58
- European senior privacy experts provided responses
  - Prof. Joseph Cannataci, United Nations' Special Rapporteur on the right to privacy
  - Mr. Giovanni Buttarelli, European Data Protection Supervisor
  - Mr. Wilbert Tomesen, on behalf of the Article 29 Working Party, (NL DPA)
  - Ms. Caroline Goemans Dorny, Data Protection Officer of Interpol
  - Ms. Alessandra Pierucci, Chair of the Committee of Convention 108
  - Mr. Jan Kleijssen, Director of Information Society and Action against Crime of the Council of Europe
- Independent legal analysis of WG questions now underway by outside counsel
- Questions and responses posted here: <https://community.icann.org/x/J1zwAw>

# Brief Update: ccTLD Responses

- Goal: To learn how ccTLD Operators are planning to comply with data protection & privacy laws
- Questions regarding related ccTLD Operator policies and practices developed by the RDS PDP WG and emailed to 18 ccTLDs
- Responses are now starting to arrive: .ME, .IE, .CA
- Will serve as input for consideration during WG discussions on compliance with applicable privacy and data protection laws, such as the EU General Data Protection Regulation (GDPR)
- Questions and responses posted here:  
<https://community.icann.org/x/rVjwAw>



# Cross-Community Session Results Agenda Item #3

# Community feedback on 26 agreements to date

- [Cross-Community Session](#) - Monday 26 June (15.15-18.30)
  - Session recordings and transcript here:  
<https://community.icann.org/x/ygffAw>
- Share initial WG thoughts on feedback
  - a) Which agreements received the most support and why?
  - b) Which agreements were the most contentious and why?
  - c) What were the most frequent or significant concerns expressed?
- Agree upon plan to consolidate/review/reflect feedback
  1. Summarize feedback on each charter question/sub-question
  2. Map feedback to most-affected agreements
  3. Take into consideration during 2nd pass deliberation

# Proposal to finish deliberation on “Minimum Public Data Set”

- Rationale for collecting and publishing each data element
  - See 13 June poll results and 21 June meeting results
  - Defer to second pass, revisit and refine rationale then
- Proposed WG agreement on operational controls (CAPTCHA, rate limiting, etc.)
  - See [17 May meeting action item](#) (Rasmussen/Agarrwal)
  - Defer to second pass, consider proposed resolution then
- Key concept on tests of proportionality for public access to MPDS
  - See [6 June meeting notes](#)
  - Defer to second pass, consider any proposed concept then
- Other data elements
  - See [AnnotatedResults-Poll-from-6JuneCall.pdf](#), Question 4
  - Discuss plan in next agenda item...

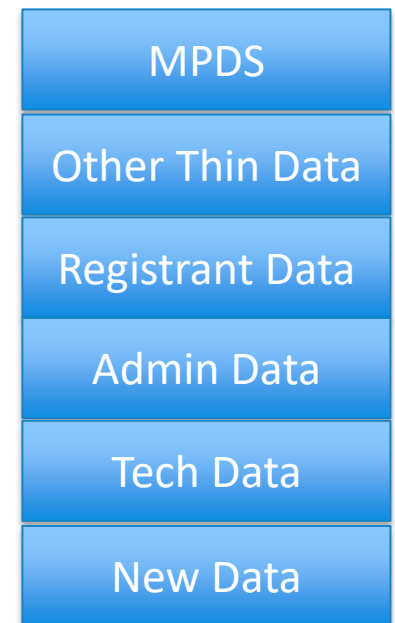


**Start deliberation beyond  
“Minimum Public Data Set”  
Agenda Item #4**



# Moving on to Tasks 12.c and 12.d

- Continue deliberation by revisiting the 4 fundamental questions, expanding focus to “Other Data” elements -- what “Other Data” should we cover next?
- Possible gTLD registration data “buckets”
  - Minimum Public Data Set (MPDS) – what we’ve addressed thus far
  - “Thin data” from 2013 RAA not yet addressed, including
    - Registry Domain ID
    - Registrar Abuse Contact Email
    - Registrar Abuse Contact Phone
    - Reseller
    - Last update of WHOIS database
  - “Thick data” elements, including
    - Registrant Contact Data
    - Admin and Tech Contact data
  - New data elements that may be required



# RAA 2013 Data Elements – Non-Registrant/Contact Data

Domain Name: EXAMPLE.TLD

Registry Domain ID: D1234567-TLD

Registrar WHOIS Server: whois.example-registrar.tld

Registrar URL: http://www.example-registrar.tld

Updated Date: 2009-05-29T20:13:00Z

Creation Date: 2000-10-08T00:45:00Z

Registrar Registration Expiration Date: 2010-10-08T00:44:59Z

Registrar: EXAMPLE REGISTRAR LLC

Registrar IANA ID: 5555555

Registrar Abuse Contact Email: email@registrar.tld

Registrar Abuse Contact Phone: +1.1235551234

Reseller: EXAMPLE RESELLER<sup>1</sup>

Domain Status: clientDeleteProhibited<sup>2</sup>

Domain Status: clientRenewProhibited

Domain Status: clientTransferProhibited

Name Server: NS01.EXAMPLE-REGISTRAR.TLD<sup>10</sup>

Name Server: NS02.EXAMPLE-REGISTRAR.TLD

DNSSEC: signedDelegation

URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>

>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

MPDS

Other Thin Data

Registrant Data

Admin Data

Tech Data

New Data

# RAA 2013 Data Elements – Registrant Data

Registry Registrant ID: 5372808-ERL<sup>3</sup>  
Registrant Name: EXAMPLE REGISTRANT<sup>4</sup>  
Registrant Organization: EXAMPLE ORGANIZATION  
Registrant Street: 123 EXAMPLE STREET  
Registrant City: ANYTOWN  
Registrant State/Province: AP<sup>5</sup>  
Registrant Postal Code: A1A1A1<sup>6</sup>  
Registrant Country: AA  
Registrant Phone: +1.5555551212  
Registrant Phone Ext: 1234<sup>7</sup>  
Registrant Fax: +1.5555551213  
Registrant Fax Ext: 4321  
Registrant Email: EMAIL@EXAMPLE

MPDS
Other Thin Data
Registrant Data
Admin Data
Tech Data
New Data

<sup>3</sup> May be left blank if not available from Registry.

<sup>4</sup> For the Registrant, Admin and Tech contact fields requiring a "Name" or "Organization", the output must include either the name or organization (or both, if available).

<sup>5</sup> All "State/Province" fields may be left blank if not available.

<sup>6</sup> All "Postal Code" fields may be left blank if not available.

<sup>7</sup> All "Phone Ext", "Fax" and "Fax Ext" fields may be left blank if not available.

# RAA 2013 Data Elements – Admin/Tech Contact Data

Registry Admin ID: 5372809-ERL<sup>8</sup>

Admin Name: EXAMPLE REGISTRANT ADMINISTRATIVE

Admin Organization: EXAMPLE REGISTRANT ORGANIZATION

Admin Street: 123 EXAMPLE STREET

Admin City: ANYTOWN

Admin State/Province: AP

Admin Postal Code: A1A1A1

Admin Country: AA

Admin Phone: +1.5555551212

Admin Phone Ext: 1234

Admin Fax: +1.5555551213

Admin Fax Ext: 1234

Admin Email: EMAIL@EXAMPLE.TLD

MPDS

Other Thin Data

Registrant Data

Admin Data

Tech Data

New Data

*Same set of data elements for Tech Contact*

# Choose most effective starting point for Tasks 12.cd

- See Work Plan Task 12 for approach to reaching Consensus  
12.c = Key Concepts for UP, DE, PR for data beyond MPDS  
12.d = Key Concepts for GA for data beyond MPDS
- Choose a “bucket” of data to deliberate on next
- Consider focusing on Legal Person or Natural Person data
  - **Legal Person (LP)**: a company, business, partnership, non-profit entity, trade association, etc.
  - **Natural Person (NP)**: a real, living individual
- Data subject may be Domain Name Registrant, Tech Contact, Admin Contact, Abuse Contact...
- Some laws apply only to Natural Persons and their data, so...

MPDS	
Other Thin Data	
LP Reg Data	NP Reg Data
LP Admin Data	NP Admin Data
LP Tech Data	NP Tech Data
New Data	

Would it help to deliberate first on key concepts for Legal Person data?

# Given a subset of data, which question do we start with?

- Section 2: Users/Purposes, answer these questions:
  - Should gTLD registration data elements in the “TBD Data Set” be accessible for any purpose or only for specific purposes?
  - For what specific (legitimate) purposes should gTLD registration data elements in the “TBD Data Set” be collected?
- Section 3: Data Elements, answer these questions:
  - Which gTLD registration data elements should be included in the “TBD Data Set”?
- Section 4: Privacy, answer these questions:
  - For the “TBD Data Set” only, do existing gTLD registration directory services policies sufficiently address compliance with applicable data protection, privacy, and free speech laws about purpose?
- Section 5: Access, answer these questions:
  - Should gTLD registration data elements in the “TBD Data Set” be entirely public or should access be controlled?
  - What guiding principles should be applied to “TBD Data Set” access?

# Possible next step: Start deliberation on this question...

## For Legal Person Registrant Data Only

2

**Gated Access: What steps should be taken to control data access for each user/purpose?**

Registry Registrant ID: 5372808-ERL<sup>3</sup>  
Registrant Name: EXAMPLE REGISTRANT<sup>4</sup>  
Registrant Organization: EXAMPLE ORGANIZATION  
Registrant Street: 123 EXAMPLE STREET  
Registrant City: ANYTOWN  
Registrant State/Province: AP<sup>5</sup>  
Registrant Postal Code: A1A1A1<sup>6</sup>  
Registrant Country: AA  
Registrant Phone: +1.5555551212  
Registrant Phone Ext: 1234<sup>7</sup>  
Registrant Fax: +1.5555551213  
Registrant Fax Ext: 4321  
Registrant Email: EMAIL@EXAMPLE.TLD

What are the guiding principles that should be used to determine level(s) of access (including law enforcement access)?

Should gTLD registration data be entirely public or should access be controlled?

How many levels of access to gTLD registration data should be provided? (e.g. public, non-public, multi-tiered)

Should access to gTLD registration data be based on authenticated requestor identity?

Should access to gTLD registration data be based on requestor's purpose? Other criteria?

Defer to phase 2/3: Policies such as authorised levels of access granted to each specific user/purpose and associated credentialing and anti-abuse policies; guidance on suitable access protocols and authentication methods.

**Confirm action items,  
proposed decision points,  
and next meeting date**  
Agenda Item #5

Next meeting date: 11 July at 16.00 UTC



# To learn more



## Thank You and Questions

Reach us at:

Email: [gns0-rds-pdp-wg@icann.org](mailto:gns0-rds-pdp-wg@icann.org)

Website: <http://tinyurl.com/ng-rds>



# Links to Meeting Materials & Background Slides

# Sessions at ICANN59 and Further Information

- Open RDS PDP WG sessions at ICANN59:  
[Cross-Community Session](#) - Monday 26 June (15.15-18.30)  
[WG F2F Meeting](#) - Wednesday 28 June (08.30-12.00)
- Background information:  
Background Docs: <https://community.icann.org/x/QlxlAw>  
Phase 1 Docs: <https://community.icann.org/x/p4xlAw>
- ICANN59 Policy Briefing Paper:  
<https://gnso.icann.org/en/issues/policy-briefing-icann59-19jun17-en.pdf>
- Working Group Charter:  
<https://community.icann.org/x/E4xlAw>
- Working Group online wiki space (with meeting transcripts, call recordings, draft documents and background materials):  
<https://community.icann.org/x/rjJ-Ag>

# Background on this PDP

- This PDP has been tasked with defining the purpose of collecting, maintaining and providing access to gTLD registration data and considering safeguards for protecting that data, determining if and why a next-generation Registration Directory Service (RDS) is needed to replace WHOIS, and creating policies and coexistence and implementation guidance to meet those needs.

Pre-PDP WG Steps

Phase 1: Policy - Requirements Definition

Phase 2: Policy – Functional Design

Phase 3: Implementation Guidance

Post-WG Steps

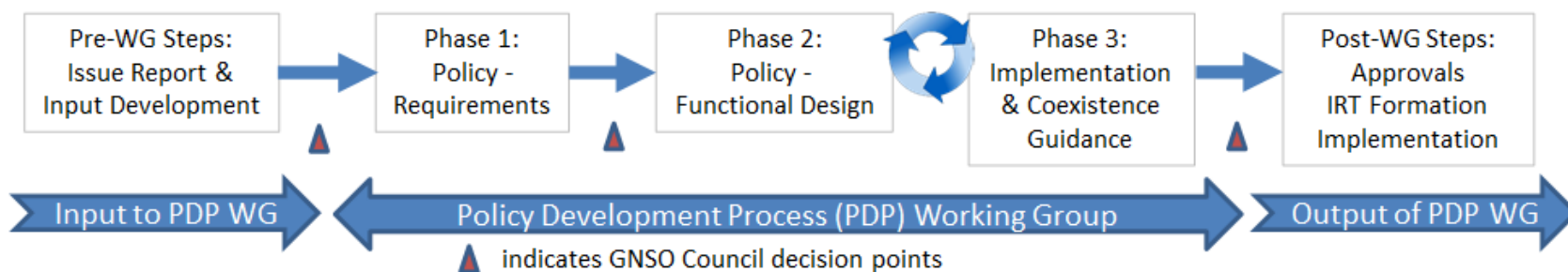
Tasks to be completed **BEFORE** a PDP WG is formed

Policies that establish **IF & WHY** a Next-Gen RDS is needed

Policies that detail **WHAT** a Next-Gen RDS must do

Guidance on **HOW** a Next-Gen RDS should implement policy

Tasks to be completed **AFTER** the WG's final report



# During Phase 1, this WG will



- Attempt to reach consensus on the following (*at a minimum*):
- **What are the fundamental requirements for gTLD registration data?**  
When addressing this, the PDP WG should consider, at a minimum, *users & purposes, access, accuracy, data elements, and privacy*
- **Is a new policy framework and a next-generation system needed to address these requirements?**
  - **If yes, what cross-cutting requirements must any next-generation RDS address,** including *coexistence, compliance, system model, and cost, benefit, and risk analysis requirements*
  - **If no, does the current WHOIS policy framework sufficiently address these requirements?** If not, what revisions are recommended to the current WHOIS policy framework to do so?

# Phase 1 Mind Map covers first 5 questions

Charter Questions

Sub-Questions

Sub-sub questions

Examples of topics to be considered in phase 2/3

Key inputs to be considered (all available at WG's wiki)

Charter questions are numbered as they are ordered in the charter and process framework. The order is subject to change by the WG.

What are the guiding principles that should be applied to all data elements to determine whether they are mandatory/optional to collect, public/non-public to access, etc?

Do existing gTLD registration data elements sufficiently meet the needs of purposes identified as permissible?

Should any gTLD registration data elements be removed, revised, and/or added to meet those needs?

Should gTLD registration data collection and access be based on permissible purposes, jurisdiction, applicable laws, registrant type, and/or other criteria?

Defer to phase 2/3: Policies such as application of principles to each specific data element; guidance on how gTLD data elements map to EPP and RDAP.

This Mind Map serves as a concise illustration of the fundamental questions and sub-questions detailed in the RDS PDP Charter and Issue Report. This map is a starting point. It can be adjusted as the WG agrees upon refinements to questions (including but not limited to sequencing) and adds new sub-questions, inter-dependencies, further inputs, and detailed policies that should be "parked" for consideration during phases 2/3. This map is intended as a tool to help the WG better understand and reach agreement on fundamental questions to be addressed in phase 1 by providing an overall picture as well as an opportunity to start thinking about additional sub-questions and whether there are certain questions that need to be considered before being able to address other questions, etc.

Key inputs: Whois Task Force Final Report; SAC054.; EWG Recommendations, including FAQs and tutorials; RA Spec 4; RFC 7485. See <https://community.icann.org/t4x1Aw> for summaries and check-list of documents.

4 Data Elements: What data should be collected, stored, and disclosed?

Key inputs: SAC054; EWG recommendations, including statements; the EU Data Protection Directive 1995, Professor Greenleaf's two articles; Opinion 2/2003 on the Application of the Data Protection Principles to the Whois directories is the Article 29 Working Party's opinion; Thick Whois PDP report, and the legal review; Article 29 WP opinions, especially those directed at ICANN. See <https://community.icann.org/t4x1Aw> for summaries and check-list of documents.

5 Privacy: What steps are needed to protect data and privacy?

What are the guiding principles that should be applied?

Do existing gTLD registration directory services policies sufficiently address compliance with applicable data protection, privacy, and free speech laws within each jurisdiction?

Do existing gTLD registration directory services policies sufficiently address the overall privacy needs of registrants and other stakeholders?

What new or enhanced privacy approaches or levels should be used to overcome identified barriers to protection of gTLD registration data and registrant privacy and why?

Defer to phase 2/3: Policies such as specific over-arching privacy policy for gTLD registration directory services or enhanced privacy options that may be built upon policies specified by the PPSAI PDP; guidance on application of data protection laws in each jurisdiction and how they apply to each registration data element.

Key inputs: EWG recommendations; 2012 WHOIS Policy Review Team Report; SAC055; 2007 GAC Communiqué; 2013 RAA; Article 29 WP opinion (02/2003); Article 29 WP correspondence on ICANN Procedure for Handling WHOIS Conflicts with Privacy Law (2007); Article 29 WP 217 Opinion 4/2014; Article 29 WP 203 Opinion 3/2013; SAC054, European Commission's webpages on "Obligations of Data Controllers" and "Definition of Data Controllers"; the EU Data Protection Directive; the Council of Europe Treaty 108, U.S. NTIA Green Paper: Improvement of Technical Management of Internet Names and Addresses (1996); White Paper: Management of Internet Names and Addresses, Statement of Policy (2012). See <https://community.icann.org/t4x1Aw> for summaries and check-list of documents.

1 Users/Purposes: Who should have access to gTLD registration data and why

What are the guiding principles that should be used to determine permissible users and purposes, today and in the future?

Should gTLD registration data be accessible for any purpose or only for specific purposes?

For what specific purposes should gTLD registration data be collected, maintained, and made accessible?

Who should be permitted to use gTLD registration data for those purposes?

What should the over-arching purpose be of collecting, maintaining, and providing access to gTLD registration data?

Defer to phase 2/3: Policies such as data elements accessible to each user/purpose; guidance on Terms of Service for each purpose

Key inputs: WHOIS TF, WHOIS Misuse Study, WHOIS Lookup Tool, Article 29 WP, EWG S4/AE, statements

2 Gated Access: What steps should be taken to control data access for each user/purpose?

What are the guiding principles that should be used to determine level(s) of access (including law enforcement access)?

Should gTLD registration data be entirely public or should access be controlled?

How many levels of access to gTLD registration data should be provided? (e.g. public, non-public, multi-tiered)

Should access to gTLD registration data be based on authenticated requester identity?

Should access to gTLD registration data be based on requestor's purpose? Other criteria?

Defer to phase 2/3: Policies such as authorised levels of access granted to each specific user/purpose and associated credentialing and anti-abuse policies; guidance on suitable access protocols and authentication methods.

Key inputs: WHOIS RT & TF, WHOIS ARS, WHOIS Accuracy Studies, EWG S5, statements, Contact Validation RFI, ccTLD Validation Survey

3 Data Accuracy: What steps should be taken to improve data accuracy?

1. What are the guiding principles that should be used to determine measures to ensure accuracy and mitigate inaccuracies?

Is existing gTLD registration data sufficiently complete and accurate or should further policies be instituted to improve accuracy?

What enhanced validation approaches or levels should be used to overcome barriers to gTLD registration contact accuracy and why?

Defer to phase 2/3: Policies such as the extent to which each specific data element should be validated; guidance on validation systems or metrics for measuring accuracy.



# How to prepare for ICANN59

- Familiarize yourself with draft agreements: [KeyConceptsDeliberation-WorkingDraft](#)
  - Section 2: Users/Purposes, see the following:
    - What should the over-arching purpose be of collecting, maintaining, and providing access to gTLD registration data?
    - Should gTLD registration data elements in the “Minimum Public Data Set” be accessible for any purpose or only for specific purposes?
    - For what specific (legitimate) purposes should gTLD registration data elements in the “Minimum Public Data Set” be collected?
  - Section 3: Data Elements, see the following:
    - Which gTLD registration data elements should be included in the “Minimum Public Data Set”?
  - Section 4: Privacy, see the following:
    - For the “Minimum Public Data Set” only, do existing gTLD registration directory services policies sufficiently address compliance with applicable data protection, privacy, and free speech laws about purpose?
  - Section 5: Access, see the following:
    - Should gTLD registration data elements in the “Minimum Public Data Set” be entirely public or should access be controlled?
    - What guiding principles should be applied to “Minimum Public Data Set” access?
- Draft WG agreements are currently focused on a “Minimum Public Data Set” only. Deliberation was based on “thin data” as defined by the [Thick WHOIS PDP Final Report](#).