Privacy and Proxy Service Provider Accreditation Program

IRT Meeting │ 6 June 2017

Agenda

- Status Update: Unaffiliated/Third-Party Providers

- PSWG Proposal

- AOB/Next Steps

Unaffiliated Providers: Background

- PDP WG identified implementation challenges in applying accreditation standards to unaffiliated providers, including related to transfers and during de-accreditation (Final Report p. 5-6)

- "While the WG believes that the accreditation policies it is recommending are adequate to address most of these situations, it also recognizes that the implementation of these policies in the case of accredited service providers that are not affiliated with ICANN-accredited registrars may require implementation adjustment." (p. 6)

Unaffiliated Providers: Challenges Raised

- During IRT and subteam discussions, challenges have been identified related to non-affiliated providers, including:

  - How to protect customers during de-accreditation process;
  - How to implement data escrow requirement;
  - Authentication of P/P provider during registration process;
  - Transfer process considerations.

Unaffiliated Providers: Challenges Raised

- De-accreditation concerns appear to be most significant:
  - What if de-accredited provider has registered through many different registrars?
  - What if de-accredited provider is not compliant with customer notice obligations?
  - What if de-accredited provider's escrow deposits are invalid and customers cannot be contacted?
  - What if de-accredited provider also provides customers with email service, and that also goes dark?

Unaffiliated Providers: Status

- Discussed on 30 May IRT call and on-list

- Concerns compiled; distributed to IRT

- Suggestion: Subgroup could consider these concerns and propose path forward

PSWG Status Check

➢ Final Report contained minimum requirements for any future LEA disclosure framework

➢ Board directed ICANN organization to encourage IRT-PSWG dialogue to address GAC concerns

➢ Request sent to PSWG in January to develop strawman proposal for LEA framework

➢ Proposal will be discussed/refined within IRT to ensure consistency with intent of Final Report

Final Report: LEA Framework Guidelines

- Final Report did not include a Law Enforcement Authority disclosure framework, but:

  o Defined "law enforcement authority" (Final Report p. 8);

  o Recommended that providers comply with express LEA requests to keep inquiries confidential where required by applicable law (Final Report p. 16);

  o Requires, at minimum, that all relay requests containing allegations of abuse be forwarded to customer (Option 2, p. 14)

- Final Report said that if LEA disclosure framework is developed, it should include requirements under which, at minimum (p. 16):

  - o Requester agrees to comply with all applicable data protection laws and only use information to determine whether further action is warranted, to contact customer, or in legal proceeding; and

  - o Excepts disclosure where customer has provided, or provider has found, specific information showing that disclosure would endanger the customer's safety.

Thank you!

Thank You and Questions

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IRT community wiki space:
https://community.icann.org/display/IRT/Privacy+and+Proxy+Services+Accreditation+Implementation

Implementation Status Page:
https://www.icann.org/resources/pages/ppsai-2016-08-18-en