

I C A N N
POLICY FORUM

59

JOHANNESBURG

26-29 June 2017



Privacy and Proxy Service Provider Accreditation Program IRT

PSWG Consultation

Staff Facilitator: Jennifer Gore

ICANN 59
27 June 2017



Agenda

- ⦿ Introduction
- ⦿ IRT overview of proposed discussion topics
- ⦿ Discussion of IRT feedback
- ⦿ Next steps

Introduction

- ⦿ Privacy/Proxy Service Provider Accreditation Program IRT was convened in October, 2016, to implement GNSO Policy Recommendations for new accreditation program
- ⦿ In December, 2016, ICANN Board directed IRT to work with GAC to address GAC concerns during implementation
- ⦿ IRT solicited proposal for Law Enforcement Authority disclosure framework that could be refined within IRT to ensure consistency with Policy Recommendations
- ⦿ PSWG delivered proposal in June
- ⦿ IRT distributed proposed redline edits, discussion topics to PSWG on 22 June

Overview of Proposed Discussion Topics

- ⦿ IRT members have proposed to discuss the following during this session:
 - Section 1.4: scope of “requested information”
 - Section 1.5: additional clarity about “priority level”
 - Section 3.1: process options for sharing designated LEA contact information with LEA
 - Section 3.2.1: recommended extension of review period to 2 business days in Provider’s jurisdiction

- ⦿ Additional minor edits suggested in redline discussion document

Discussion Topic 1: Section 1.4

- ⦿ PSWG proposal defined “Requested Information” to include:
 - *Customer registration data directory service records, contact data including email addresses, usernames, contact telephone numbers, residential addresses and any other subscriber number or identity; billing and payment information including bank account numbers, billing records, credit and debit card details; verification documents; account access data including session times, duration and associated IP addresses.*
- ⦿ IRT proposes to limit this framework to “Disclosure” as defined in Final Recommendations (p. 8):
 - *“the reveal of a person’s identity/contact details to a third party Requester without Publication in the WHOIS system.”*
- ⦿ **Impact:** This change would limit use of the framework to requests for “Disclosure” and LEA would be free to use other means (subpoena, court order, etc) to request other information identified in initial definition proposed above.

Discussion Topic 2: Section 1.5

- ⦿ PSWG proposal defined “Priority Level” as, “*The urgency with which the disclosure request should be actioned.*”
- ⦿ IRT members suggested that “high priority” requests (as referenced later in document) should be clearly defined to avoid abuse of “high priority” label or having every request categorized as “high priority” by default
- ⦿ **Suggested edit:** *The “Priority Level”: The urgency with which the disclosure request should be actioned. Disclosure requests may be categorized as “high priority” or “standard priority.” “High priority” requests are limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure or child exploitation.*”
- ⦿ **Impact:** This change would limit requests that must be actioned within 24 hours (following the review period) to requests in circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure or child exploitation. Providers should action all other LEA requests in accordance with requested timeline, if at all possible.

Discussion Topic 3: Section 3.1

- ⊙ PSWG proposal said, “*Provider will establish a designated Requester point of contact for submitting disclosure requests. These details will be published on the Provider website.*”
- ⊙ **IRT concern**: Publicly posting this contact will result in non-LEA requests being sent to this contact, making it difficult to quickly process LEA requests
- ⊙ **IRT recommendation**: Explore other alternatives for ensuring that relevant LEA have immediate access to Providers’ designated LEA contact information. Options could include:
 - Mechanism on Provider website for relevant LEA to request designated contact information
 - Challenge—Provider verification that entity is local LEA
 - ICANN directory of Provider LEA contacts
 - Challenge—keeping contacts confidential while enabling quick LEA access; keeping list up-to-date
 - Others?

Discussion Topic 4: Section 3.2.1

- ⊙ PSWG proposal said, *“Within 24 hours of the disclosure request been submitted, the Provider will review the request, and confirm that it has been received and contains the relevant information required to meet the minimum standard for acceptance.”*
- ⊙ **IRT concern**: Evaluation of whether a specific request meets minimum criteria may require consultation with outside counsel or others who may be unavailable to complete this review in 24 hours, particularly on weekends/holidays.
- ⊙ **IRT recommendation**: Change “24 hours” to “two business days (in the Provider’s jurisdiction)”

Next Steps

- ⦿ What is the PSWG's preferred mechanism for refining this document?
Options could include:
 - Holding PSWG/IRT calls to discuss, beginning in early July;
 - Passing drafts between IRT and PSWG, beginning now;
 - IRT could incorporate proposed edits into framework and solicit PSWG feedback at ICANN60 and during public comment period

- ⦿ Goal is to finalize this process for public comment as soon as possible so that it can be incorporated into draft PPAA (public comment period planned to open before ICANN 60)

Engage with ICANN



Thank You and Questions

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