

ICANN 60 Meetings Attended (Other than ALAC) Holly Raiche

RDS Issues:

RDW WG

Saturday 28/10 0830 – 1200

Background: Smaller WGs were formed to report back on the ‘purposes’ that have been identified, with the aim of identifying the purpose. Once those tasks are done, the next step will be looking at the legitimacy of the purpose. The purposes discussed include:

Domain Name Control and Individual Internet Users. In discussion, the purpose split into Domain name management – discussed, and Individual Internet Users – still to be discussed.

Domain Name Certification – Not seen as controversial. In comments – are other sources of Whois information, but is a valid reason for use

Legal Action in discussion – not seen as controversial.

Regulatory or Contractual Enforcement. In discussion, need to separate out action by ICANN and regulators from enforcement by others. – this should be only about ICANN and regulators’ enforcement action

Wednesday 1/11 1600 – 1830

(Further discussion of purposes)

On Regulatory and Enforcement category – agreed to break into 2 different documents and clarify that regulatory does not include legal actions

Criminal Investigation/DNS Abuse Mitigation category includes Support for criminal and other investigations, abuse prevention and other actions to protect people.

Users include law enforcement, cyber-security professionals, administrators, automated protection systems.

CCWG: GDPR

Thursday 2/11 1030 – 1200

Moderator: Thomas Rickert, Panelists: Ralf Sauer, DG Justice & Consumers, Becky Burr, Chief Privacy Officer Neustar (and Board member). Thomas Schneider, Nick, General Counsel, Nominet, Kevin, Assistant General Counsel GoDaddy, Stephanie Perrin.

In introduction: GDPR came into force 25 May 2018 – will apply from 25 May 2018.

Ass’t Gen’l Counsel GoDaddy: The pressure points for registrars – timing and accountability. FTC spokesperson: Why Whois info important both for law enforcement and the public community – from a consumer perspective, investigation of people trying to harm the public. Susan Kawaguchi: Isn’t just about fighting crimes. For domain acquisition – to be able to identify the registrants. The pressure points – safety to users. Ralf Sauer: Need a clear picture on the purposes for WHOIS information – a mapping of what is needed against GDPR requirements. DP officers aware of the public interest involved in the availability of Whois information. Is clear there are legitimate uses of Whois. In the reach of GDPR – outside of the EU, those who target EU customers. On Sanctions – will take into

account many factors before issuing fines. The purpose is important – what is the legal basis for collection, and limitation principle – collection of personal data limited to what is necessary for the purpose(s) and should only keep data as long as is necessary. Goran Marby: Review of process ICANN has taken. First – getting user cases, and then seeking advice. Received only one reply from letters to each data protection authority on issue of compliance. For ICANN – the issue is compliance with the law and now believe that this impacts on Whois requirements. – Cannot enforce contractual compliance of registries/registrars on Whois requirements – as contrary to law. Have developed models on how to comply with law – and extent to which can also comply with Registrar/registry contracts. ICANN Board has decided to postpone implementation of Thick Whois policy implementation for 6 months. View – ICANN cannot compel compliance with its contracts with registries/registrars which would be in violation of applicable law. In short term, will not take any action against registries/registrars for non-compliance with Whois requirements – as long as registries/.registrars submit to ICANN their model for compliance with Whois and privacy requirements. From his point of view, ICANN does not have the right to change Whois policy – it is the community that does that. What ICANN can do is deal with compliance issue. Becky Burr: Is a compliance issue – free public access to personal information is not compatible with applicable law. And ICANN cannot compel compliance in violation of applicable law.

NCUC Outreach Meeting with ALAC

Saturday 28/10 1515 - 1830

(Stephanie Perrin and HR talked on GDPR – its requirements and implications for ICANN)

APAC Space

Wednesday 1/11 1330 – 1500

Discussion on IDNs – by Edmon Chung

Topics:

- Timeline update
- Review of issues, particularly for Asian region, with Chinese, Japanese, Korean, Indian and Arabic scripts
- Generation Panels for Scripts
- Next steps – consultation and Board approval

Presentation on GDPR by me and Sebastien Ducos

Other Meetings attended:

Internet Governance Forum

Wednesday 1/11 1215 – 1315

