

# Privacy and Proxy Service Provider Accreditation Program IRT

PPAA discussion

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IRT Meeting  
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# Agenda

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- ⦿ PPAA Section 3.13: Monitoring of Abuse Contact
- ⦿ De-Accreditation Process Proposal
- ⦿ Data Retention

# PPAA Section 3.13: Abuse Contact Monitoring

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- ⦿ **Background:** Section 3.13 of the PPAA was modeled on the RAA's abuse contact provision, which requires contact to be monitored 24/7/365
- ⦿ **Final Report:** Provider must have a designated abuse contact that is capable and authorized to investigate and handle abuse reports and information requests received
- ⦿ **Issue Raised on List:** Final Report did not state that this contact must be monitored 24/7.
- ⦿ **IRT Question:** Should this 24/7 monitoring requirement be deleted?

# De-Accreditation: Background

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- ⦿ **Background:** A de-accreditation procedure is a necessary element of this accreditation program.
- ⦿ **Final Report:** “increased risks to a customer’s privacy may be involved when a customer is dealing with a P/P service provider who, even if accredited by ICANN, is not Affiliated with an ICANN-accredited registrar.”
- ⦿ **Final Report:** “reasonable safeguards to ensure that a customer’s privacy is adequately protected in the course of de-accreditation of a customer’s P/P service provider – including when transfer of a customer’s domain name or names is involved – should be integral to the rules governing the de-accreditation process.”

# De-Accreditation: Final Report Principles

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- ⦿ **Principle 1:** A P/P service customer should be notified in advance of de-accreditation of a P/P service provider.... The WG recommends that de-accreditation become effective for existing customers 30 days after notice of termination. The WG notes that, in view of the legitimate need to protect many customers' privacy, the mere publication of a breach notice on the ICANN website (as is now done for registrar de-accreditation) may not be sufficient to constitute notice.
- ⦿ **Principle 2:** Each step in the de-accreditation process should be designed so as to minimize the risk that a customer's personally identifiable information is made public.

# De-Accreditation: Final Report Principles

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- ⦿ **Principle 3:** The WG notes that the risk of inadvertent publication of a customer's details in the course of de-accreditation may be higher when the provider in question is not Affiliated with an ICANN accredited registrar. As such, implementation design of the de-accreditation process should take into account the different scenarios that can arise when the provider being de-accredited is, or is not, Affiliated with an ICANN-accredited registrar.

# De-Accreditation: Final Report Principles

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- ⦿ **Additional WG Note:** Where a Change of Registrant (as defined under the IRTP) takes place during the process of de-accreditation of a proxy service provider, a registrar should lift the mandatory 60-day lock at the express request of the beneficial user, provided the registrar has also been notified of the de-accreditation of the proxy service provider.

# Overview: De-Accreditation Process Draft v1

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- ⊙ **De-Accreditation Process Draft v1 modeled on De-Accredited Registrar Transition Procedure**
- ⊙ Safeguards proposed:
  - Required notice from terminating Provider to Customer;
  - Required notice to be published on Provider website;
    - Specific requirements for the contents of Provider notices
  - De-Accredited Provider Transition Procedure



# IRT Discussion Question

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- ⦿ **Background:** Final Report recommended that Customers be given 30 days' notice prior to termination of a Provider
  
- ⦿ **PPAA Draft v1, at Section 5.6 (modeled on RAA)** proposes that a Provider may be immediately terminated in very limited situations:
  - Provider continues acting in a manner that endangers stability or operational integrity of the Internet after receiving 3 days' notice of that finding (Sect 5.5.7); and
  - Provider involved in bankruptcy proceedings or similar (Sect. 5.5.8)

# IRT Discussion Question

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- ⦿ **Issue:** How should we ensure Customers are notified and given adequate time to respond if a Provider must be immediately terminated?

# PPAA Issue 4: Data Retention Period

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- ⦿ The RAA requires, generally, that data be retained for the duration of the registrar's sponsorship of the registration and for a period of two additional years thereafter.
- ⦿ In an effort to reduce the need for waiver requests under global data protection legislation, PPAA draft v1 proposes to reduce this period to one year (See Section 3.2 of the PPAA and the data retention specification, Specification 6).
- ⦿ The Final Report does not specifically address time periods for data retention.

# PPAA Issue 4: Data Retention Period

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- ⦿ Selected IRT feedback to date on proposed reduction of retention period to one year:
  - One year is still a problem in the EU.
  - This should be edited to provide for retention for the period allowed under applicable law; don't get into the waiver process—expensive and time-consuming.
  - There are requirements that data be disclosed by Provider per the PDP; in order to be able to disclose the data, it must be collected/retained

# PPAA Issue 4: Data Retention Period

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- ⦿ ICANN acknowledges IRT concerns surrounding data retention and the suggested edits raised by IRT members
- ⦿ However, other work is going on regarding the impact of GDPR on ICANN procedures and requirements at a more holistic level.
- ⦿ Current GDPR work being done by broad community participation
- ⦿ **A better approach appears to be to keep current draft PPAA language as-is (similar to RAA) and either:**
  - **Update prior to end of IRT based on completion of community work; or**
  - **Amend PPAA if needed after GDPR work is complete.**

# Engage with ICANN – Thank You and Questions



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