

DRAFT RDS-WHOIS2 Review Scope

- Consistent with ICANN’s mission and [Bylaws](#), Section 4.6(e)(iv), the review team will (a) evaluate the extent to which ICANN Org has implemented each prior Directory Service Review recommendation (noting differences if any between recommended and implemented steps), (b) assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS), and (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT’s recommendations. This includes developing a framework to measure and assess the effectiveness of recommendations, and applying that approach to all areas of WHOIS originally assessed by the prior RT (as applicable).
- Consistent with ICANN’s mission and [Bylaws](#), Section 4.6(e)(ii), the review team will assess the effectiveness of today’s WHOIS (the now current gTLD RDS, including cumulative changes made to the then-current RDS which was assessed by the prior RT) by (a) inventorying changes made to WHOIS policies and procedures since the prior RT completed its work, (b) using that inventory to identify significant new areas of today’s WHOIS (if any) which the team believes should be reviewed, and (c) determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas.
- Consistent with ICANN’s mission and [Bylaws](#), Section 4.6(e)(ii), the review team will assess the extent to which the implementation of today’s WHOIS (the current gTLD RDS) meets legitimate needs of law enforcement for swiftly accessible, accurate and complete data by (a) establishing a working definition of “law enforcement” used in this review, (b) identifying an approach used to determine the extent to which these law enforcement needs are met by today’s WHOIS policies and procedures, (c) identifying high-priority gaps (if any) in meeting those needs, and (d) recommending specific measureable steps (if any) the team believes are important to fill gaps. Note that determining which law enforcement requests are in fact valid will not be addressed by this review.
- Consistent with ICANN’s mission and [Bylaws](#), Section 4.6(e)(ii), the review team will assess the extent to which the implementation of today’s WHOIS (the current gTLD RDS) promotes consumer trust in gTLD domain names by (a) agreeing upon a working definition of “consumer” and “consumer trust” used in this review, (b) identifying the approach used to determine the extent to which consumer trust needs are met, (c) identifying high-priority gaps (if any) in meeting those needs, and (d) recommending specific measureable steps (if any) the team believes are important to fill gaps.

- Consistent with ICANN's mission and [Bylaws](#), Section 4.6(e)(ii), the review team will assess the extent to which the implementation of today's WHOIS (the current gTLD RDS) safeguards registrant data by (a) identifying the lifecycle of registrant data, (b) determining if/how data is safeguarded in each phase of that lifecycle, (c) identifying high-priority gaps (if any) in safeguarding registrant data, and (d) recommending specific measurable steps (if any) the team believes are important to fill gaps.
- Consistent with ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems by enforcing policies, procedures and principles associated with registry and registrar obligations to maintain and provide access to accurate and up-to-date information about registered names and name servers, the review team will (to the extent that this is not already covered in prior RT recommendations), (a) assess the effectiveness and transparency of ICANN enforcement of existing policy relating to WHOIS (RDS) through Contractual Compliance actions, structure and processes, including consistency of enforcement actions and availability of related data, (b) identifying high-priority procedural or data gaps (if any), and (c) recommending specific measurable steps (if any) the team believes are important to fill gaps.
- The review team has considered ICANN's Bylaws, Section 4.6(a)(v): "Each review team may recommend that the applicable type of review should no longer be conducted or should be amended." Consistent with this section, the review team will (a) identify any portions of Section 4.6(e), Registration Directory Service Review, which the team believes should be amended or removed, and (b) include any recommended amendments to Section 4.6(e), along with rationale for those amendments, in its review report.

Furthermore, the Review Team considered the following proposed scope items and concluded they would not review them at this time:

- The review team considered the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data in relation to WHOIS Policy as mandated by ICANN's Bylaws, Section 4.6.(e)(iii). The team agreed, by strong [or unanimous?] consensus, that current WHOIS policy does not consider the issues of privacy or transborder dataflows, and that it is within the domain of the ongoing PDP on Next-Generation gTLD Registration Directory Services to Replace Whois to determine to what extent a future RDS should factor in the OECD Guidelines or other privacy and transborder dataflow requirements set at national or multinational levels. Accordingly, the review team decided that further review of the OECD Guidelines would not be an effective use of the team's time and effort.
- The review team will not conduct a review of Registration Data Access Protocol (RDAP) at this time because policies have not yet been developed to enable assessment of the value and timing of RDAP as a replacement protocol for WHOIS.

- The review team will not conduct a review of the WHOIS protocol at this time because activities are already underway to replace the WHOIS protocol.