

Subgroup 1: WHOIS1 Rec #4 – Compliance

Work Statement & Work Plan

Work Force Identification

Members	<ul style="list-style-type: none">• Erika Mann• Susan Kawaguchi• Thomas Walden• Carlton Samuels• Chris Disspain
Rapporteur	Susan Kawaguchi
Scope Objectives	<p>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).</p> <p><u>RT1 Recommendations to be assessed by this subgroup:</u></p> <p>Recommendation #4 – Compliance</p> <p>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)</p>

	<p>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.</p>
<p>Comments on Scope, further details</p> <p>EM = A new Compliance Committee might solve some of the concerns but I'm not certain how much it should be shielded from parties that understand the topic. Maybe one could recommend a two-layered approach. A Compliance Committee that focuses solemnly on certain hard core compliance issues that need stronger confidentiality policies and, a recommendation to enhance the work the Risk Committee is covering with regard to compliance related specific risk profiles. Maybe in this particular area a specific consultation between the Risk Committee members and our group would make sense.</p>	<p>I thought it would be helpful to have the Whois RT recommendation in this form.</p> <p>ICANN should act to ensure that its compliance function is managed in accordance with best practice principles, including that:</p> <p>a. There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish annual reports that detail the following relevant to ICANN's compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability).</p> <p>b. There should be clear and appropriate lines of reporting and accountability, to allow compliance activities to be pursued pro - actively and independently of other interests. To help achieve this, ICANN should appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function. This senior executive should report directly and solely to a sub - committee of the ICANN Board. This sub - committee should include Board members with a range of relevant skills, and should include the CEO. The sub - committee should not include any representatives from the regulated industry, or any other Board members who could have conflicts of interest in this area.</p> <p>c. ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and proactively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational.</p>

<p>Questions we will need to answer in assessing whether the objective has been reached</p> <p>EM = currently there is no 'compliance committee'. See my comments above. How about adding a reference with regard to the risk committee in saying "A check is needed to understand whether the matrix of the Risk Committee is capturing all relevant risk factors related to compliance?"</p>	<p>a.</p> <p>Do the current reports provide the details described above? Are the reports transparent? Any other details we should recommend including in report?</p> <p>b.</p> <p>Is the current appointment of a senior executive appropriate? Who does this person report to?</p> <p>How does this subcommittee oversee Jamie's work? What reviews have been done? Reports? Do they weigh in on a yearly assessment?</p> <p>Which Board members are currently on the sub committee? Can staff provide a list of the members with SOI or CV? Do the Board members have the relevant experience? Interview Board members to ensure they do have the relevant experience. Any conflicts of interest?</p> <p>As Erika has indicated in her comments there is not a Board Compliance Sub -Committee we should review how impactful a Whois Board committee is and whether or not we make a comment/recommendation that this Board committee oversees compliance in general or is there an established process in place for this?</p> <p>What does the Risk committee do? Should we review their work?</p> <p>c. Does the compliance team have all necessary resources? What processes and technological tools have been implemented since 2012? How has the new gTld program impacted compliance? Are there new gTld specific compliance issues that only appear with new gTlds? What new tools would the compliance team like to have access to? What other resources does the compliance team need?</p> <p>Number of employees on compliance team?</p> <p>Does the compliance team contract with any vendors?</p> <p>Did you find a need after rollout to implement new processes or</p>
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	<p>technology after the rollout? d</p>
<p>Estimate of comparative complexity of assessment (1=low, 5=high)</p>	<p>3 3</p>
<p>Estimate of comparative work load (1=low, 5=high)</p>	<p>4 4</p>
<p>Estimate of ideal sub-team size (1-5 persons)</p>	<p>3 5</p>
<p>Work Space URL:</p>	<p>https://community.icann.org/display/WHO/WHOIS1+Rec+%234%3A+Compliance</p>
<p>Mailing List:</p>	<p>rds-whois2-rec4-compliance@icann.org</p>

Important Background Links:	<p>It may be helpful to start from the list provided on your dedicated Work Space under “Background documents”: https://community.icann.org/display/WHO/WHOIS1+Rec+%234%3A+Compliance</p> <ul style="list-style-type: none">• WHOIS Review Implementation Reports, including<ul style="list-style-type: none">○ Executive Summary of Implementation Report○ Detailed implementation Report• WHOIS Review Team Final Report (2012)• WHOIS Task Force Final Report (2007) [HTML] and [PDF]• WHOIS Task Force Final Report (2003)• WHOIS1 Implementation Briefings on Recommendations 4, 12, 13, 14• WHOIS1 Implementation Briefings on Recommendations 5, 8, 10, 11• WHOIS1 Implementation Briefings on Recommendations 1, 2, 3, 6, 7, 9, 15, 16
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Work Force Timeline
<ul style="list-style-type: none">• Refer to the RDS-WHOIS2 work plan for deadlines

Resources	
Requests for ICANN briefings	<ul style="list-style-type: none"> • Compliance team provide a briefing of impact and challenges, how RAA or RA is interpreted for compliance actions • Registrar audits • Overview of the inaccuracy report process – What is the flow for managing these reports, what discretion does staff have to change the process? • Other compliance responsibilities related to the WHOIS
Requests for ICANN materials	<ul style="list-style-type: none"> • Review all relevant reports provided by staff on the wiki and determine if there are other reports not listed that should be reviewed. • Compliance reports relating to WHOIS • CCT Review report • Report on all inaccuracy reports received and resolution • Review of any registrars that have failed to adhere to the inaccuracy report process
Interviews to be conducted	<ul style="list-style-type: none"> • Senior Executive • Interview all management on compliance team that manage WHOIS related actions • Interview team members who work on WHOIS related actions • Interview Board subcommittee • What would the compliance team like to improve? • Ask community what improvements they would like to see in the compliance dept. • Data gaps? • Has accuracy improved with the additional accuracy requirements imposed on registrants? (email validation, others) • Review of registrar up time in Port 43 access • Gather input from Community on issues with WHOIS record and inaccuracy reporting process

Need for Independent Expert	<ul style="list-style-type: none">• [Evaluate if independent expert is needed Won't know until we conduct our investigation.• No need• If independent expert is needed, subject to budget availability, develop and document<ul style="list-style-type: none">○ Scope of work○ Skills and experience needed○ Timeline & milestones○ Deliverables]
Other resources (existing outside studies, articles)	