

Next Generation Registration Directory Service (RDS) to replace WHOIS Policy Development Newsletter – March 2018

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The Working Group (WG) for gTLD registration directory services has been working to provide a foundation upon which to recommend answers to these two questions: *What are the fundamental requirements for gTLD registration data and directory services, and is a new policy framework and next-generation RDS needed to address these requirements?*

The WG is currently working to reach initial rough consensus agreement on key concepts related to the WG's charter questions concerning RDS users/purposes, data elements, privacy, and access. All initial agreements have been guided by an overall statement of purpose for registration data and directory services drafted by the WG as follows:

Draft Registration Data and Directory Service Statement of Purpose

This statement is intended to define the purpose(s) of a potential Registration Directory Service (RDS) for generic top-level domain (gTLD) names. The statement identifies Specific Purposes for registration data and registration directory services.

Note that it is important to make a distinction between the purpose(s) of individual registration data elements¹ versus the purpose(s) of a RDS, i.e., the system that may collect, maintain, and provide or deny access to some or all of those data elements and services related to them, if any.

Specific Purposes for Registration Data and Registration Directory Services

- 1. A purpose of gTLD registration data is to provide info about the lifecycle of a domain name and its resolution on the Internet.*
- 2. A purpose of RDS is to facilitate dissemination of gTLD registration data of record², such as domain names and their domain contacts³ and nameservers in accordance with applicable policy.*
- 3. A purpose of RDS is to identify domain contacts and facilitate communication with domain contacts associated with generic top-level domain names, [based on approved policy].*
- 4. A purpose of gTLD registration data is to provide a record of domain name registrations.*

Footnotes

¹ Here, "registration data elements" refers to data about generic top-level domain names collected in the relationship between registrars to registries and in the relationship between registrars/registries and ICANN.

² Draft definition of "gTLD registration data of record": The data set at a given time, relevant to a given registration object, that expresses the data provided in the then-current registration for that object.

³ Contacts related to the domain name, including those directly related to the domain name and also those involved in the registration system as relevant. Further specification may occur at a later stage in the RDS PDP process.

■ Source: Section 2.3, KeyConceptsDeliberation-WorkingDraft

As of 5 March 2018, 49 initial points of rough consensus had been reached during iterative and ongoing deliberation. A more comprehensive description of the discussions and context resulting in these rough consensus agreements can be found in the [13 February 2018 Working Draft on Key Concepts Deliberation](#) document.

Initial points of rough consensus (iterative deliberation on-going)

Question: Should gTLD registration data elements in the “Minimum Public Data Set” be accessible for any purpose or only for specific purposes?

1. *The WG should continue deliberation on the purpose(s) of the “Minimum Public Data Set.”*
2. *Every data element in the “Minimum Public Data Set” should have at least one legitimate purpose.*
3. *Every existing data element in the “Minimum Public Data Set” does have at least one legitimate purpose for collection.*
45. *There must be at least one purpose for collecting each data element in the MPDS, and that purpose must be sufficient for making that data element public.*

Question: For what specific (legitimate) purposes should gTLD registration data elements be collected?

4. *EWG-identified purposes apply to at least one data element in the “Minimum Public Data Set.”*
5. *Domain name control is a legitimate purpose for “Minimum Public Data Set” collection.*
6. *Technical Issue Resolution is a legitimate purpose for “Minimum Public Data Set” collection.*
7. *Domain Name Certification is a legitimate purpose for “Minimum Public Data Set” collection.*
8. *Business Domain Name Purchase or Sale is a legitimate purpose for “Minimum Public Data Set” collection.*
9. *Academic / Public Interest DNS Research is a legitimate purpose for “Minimum Public Data Set” collection.*
10. *Regulatory and Contractual Enforcement is a legitimate purpose for “Minimum Public Data Set” collection.*
11. *Criminal Investigation & DNS Abuse Mitigation is a legitimate purpose for “Minimum Public Data Set” collection.*
12. *Legal Actions is a legitimate purpose for “Minimum Public Data Set” collection.*
13. *Individual Internet Use is a legitimate purpose for “Minimum Public Data Set” collection.*
46. *Technical Issue Resolution for issues associated with Domain Name Resolution is a legitimate purpose, based on the following definition: Information collected to enable contact of the relevant contacts to facilitate tracing, identification and resolution of incidents related to issues associated*

with domain name resolution by persons who are affected by such issues, or persons tasked (directly or indirectly) with the resolution of such issues on their behalf.

47. The following information is to be collected for the purpose of Technical Issue Resolution associated with Domain Name Resolution:

- Technical Contact(s) or (if no Technical Contact is provided) Registrant Contact(s),
- Nameservers,
- Domain Status,
- Expiry Date and Time,
- Sponsoring Registrar.

48. Domain Name Management is a legitimate purpose for collecting some registration data, based on the definition: Information collected to create a domain name registration, enabling management of the domain name registration, and ensuring that the domain registration records are under the control of the authorized party and that no unauthorized changes or transfers are made in the record.

49. The following registration data is needed for the purpose of Domain Name Management:

- Domain Name
- Registrant Name
- Registrant Organization
- Registrant Email
- Registrar Name
- Creation Date
- Updated Date
- Expiration Date
- Nameservers
- Domain Status
- Administrative Contact

Table: Summary of Data Required and Collected for each Legitimate Purpose

Data Required/Collected	For the following Legitimate Purposes
Nameservers	Technical Issue Resolution, Domain Name Management
Domain Status	Technical Issue Resolution, Domain Name Management
Expiry Date and Time	Technical Issue Resolution, Domain Name Management
Creation Date	Domain Name Management
Updated Date	Domain Name Management
Sponsoring Registrar	Technical Issue Resolution, Domain Name Management
Registrant Contact(s)	Technical Issue Resolution (if no Tech Contact is provided)
Registrant Name	Domain Name Management
Registrant Organization	Domain Name Management
Registrant Email	Domain Name Management
Technical Contact(s)	Technical Issue Resolution
Administrative Contact	Domain Name Management

Question: For the “Minimum Public Data Set” only, do existing gTLD registration directory services

policies sufficiently address compliance with applicable data protection, privacy, and free speech laws about purpose?

14. *Existing gTLD RDS policies do NOT sufficiently address compliance with applicable data protection, privacy, and free speech laws about purpose.*
15. *As a WG, we need to agree upon a purpose statement for the RDS. (refer to WG Agreements #16 – 19 in the Statement of Purpose)*

Question: What should the over-arching purpose be of collecting, maintaining, and providing access to gTLD registration data?

16. *A purpose of gTLD registration data is to provide info about the lifecycle of a domain name and its resolution on the Internet.*
17. *A purpose of RDS is to facilitate dissemination of gTLD registration data of record², such as domain names and their domain contacts³ and name servers, in accordance with applicable policy.⁴*
18. *A purpose of RDS is to identify domain contacts and facilitate communication with domain contacts associated with generic top-level domain names, [based on approved policy].*
19. *A purpose of gTLD registration data is to provide a record of domain name registrations.*

Question: Should gTLD registration data in the “Minimum Public Data Set” be entirely public or should access be controlled?

20. *gTLD registration data in the “Minimum Public Data Set” must be accessible without requestor identification, authentication, or stated purpose.*
21. *There must be no RDS policies that prevent RDS operators from applying operational controls such as rate limiting and CAPTCHA, provided that they do not unreasonably restrict legitimate access.*
[Rough consensus in 2 May poll, but pending action item]

Question: What guiding principles should be applied to “Minimum Public Data Set” access?

22. *At least a defined set of data elements must be accessible by unauthenticated RDS users.*
23. *RDS policy must state purpose(s) for public access to the “Minimum Public Data Set.”*

Question: Which gTLD registration data elements should be included in the “Minimum Public Data Set”?

25. *“Minimum Public Data Set” to be used as a replacement term (within WG Agreements to date) for what had previously been referred to as “thin data.”*
26. *The DNSSEC data element should be added to the “Minimum Public Data Set.”*
27. *Today's gTLD WHOIS registration data elements classified as “thin” are sufficient at this time, to be referred to within WG Agreements hereafter as the “Minimum Public Data Set.”*

Question: What are the guiding principles that should be applied to all data elements to determine whether they are mandatory/optional to collect, public/non-public to access, etc.?

28. Registrant Country must be included in RDS data elements; it must be mandatory to collect for every domain name registration.
29. RDS policy must include a definition for every gTLD registration data element including both a semantic definition and (by reference to appropriate standards) a syntax definition.
30. At least one element identifying the domain name registrant (i.e., registered name holder) must be collected and included in the RDS.
31. Data enabling at least one way to contact the registrant must be collected and included in the RDS.
32. At a minimum, one or more e-mail addresses must be collected for every domain name included in the RDS, for contact roles that require an e-mail address for contactability.
33. For resiliency, data enabling alternative or preferred method(s) of contact should be included in the RDS; further deliberation to determine whether such data element(s) should be optional or mandatory to collect.
34. At least one element enabling contact must be based on an open standard and not a proprietary communication method.
35. To improve contactability with the domain name registrant (or authorized agent of the registrant), the RDS must be capable of supporting at least one alternative contact method as an optional field.
36. Purpose-based contact (PBC) types identified (Admin, Legal, Technical, Abuse, Proxy/Privacy, Business) must be supported by the RDS but optional for registrants to provide.
37. The URL of the Internic Complaint Site must be supported for inclusion in the RDS.
38. The Registrar Abuse Contact Email Address must be supported for inclusion in the RDS, and must be provided by Registrars.
39. Reseller Name MUST be supported by the RDS. Note: There may be a chain of Resellers identified by Reseller Name.
40. Per recently-approved consensus policy on [consistent labeling and display](#), BOTH the Registrar Abuse Contact Email and Registrar Abuse Contact Phone must be supported for inclusion in the RDS, and MUST be provided by Registrars.
41. In the interest of maximizing contactability, additional contact methods MUST be supported by the RDS as an open-ended list and be optional for Registrants to provide. This does not preclude agreements on requirements to include other contact methods.
42. The RDS must support Registrant Postal Address data elements: Registrant Street Address, City, State/Province, and Postal Code.

43. *The RDS must support Registrant Phone + Registrant Phone Ext (extension) data elements.*

44. *There is no requirement for the Original Registration Date as proposed by the EWG Final Report.*

- Source: Sections 2.1-2.3, 3.4, 4.1, 5.1, 5.4 KeyConceptsDeliberation-WorkingDraft

WHAT ARE THE EXPECTED NEXT STEPS?

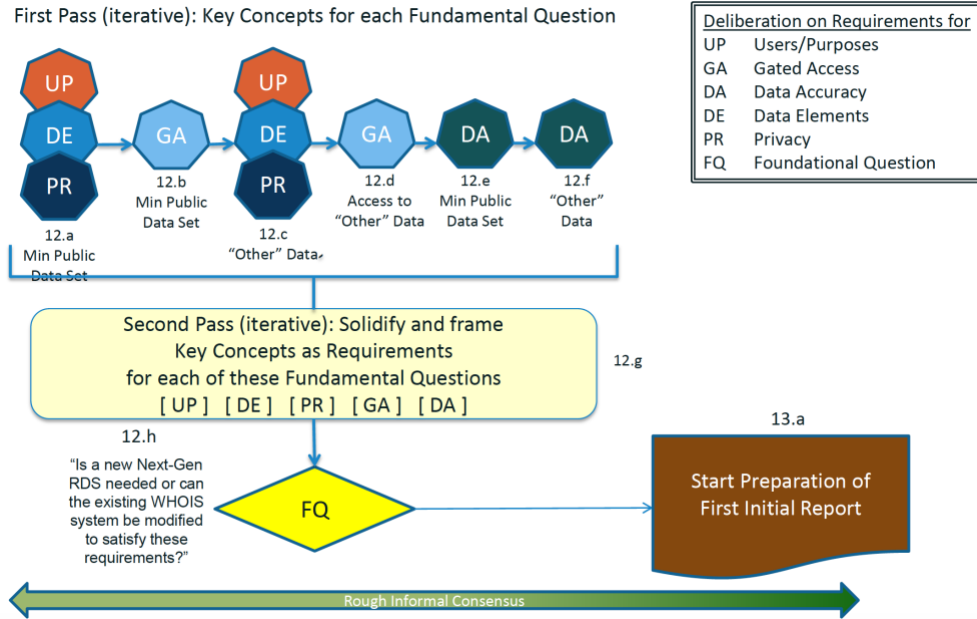
Since ICANN60, the WG has focused on defining potentially-legitimate purpose(s) for processing registration data, the data elements required for each of those purposes, and potential users of that data. Starting from purposes listed in the Expert Working Group on gTLD Directory Services (EWG) Final Report, small drafting teams were used to better understand and then define each purpose for full WG discussion. The WG is continuing to use weekly calls and polls to facilitate development of tentative rough consensus agreements on these purposes and associated key concepts, including criteria the WG will use to agree upon legitimacy of purposes for processing registration data.

The WG will continue to use weekly polls to reach rough consensus on key concepts for which purposes and data elements must be supported by the RDS, and whether it is mandatory or optional to collect all identified data elements. The WG will then try to answer other charter questions for that universe of data elements, including:

- Users/purposes (who needs each data element and why?),
- Access (should access to each data element be public or controlled in some way?), and
- Privacy (how do data protection and privacy laws apply to each data element?).

The WG will apply [answers](#) provided by both independent legal counsel and senior EU privacy experts concerning RDS compliance with data protection laws, including the GDPR. The WG will also take into consideration efforts currently underway within ICANN and the community to enable near-term WHOIS compliance with GDPR.

As required in Phase 1 of the PDP charter, the WG is in process establishing a foundation for completing deliberations on possible requirements. They will use the key concepts agreed to by the WG, along with guidance on data protection laws provided by external experts, and feedback obtained from the community at ICANN59. The goal is to reach as strong a consensus as possible for each possible requirement. Due to interdependencies, WG deliberation will likely continue to be iterative, especially on fundamental questions pertaining to purpose, data, and privacy.



Currently, the target for beginning to draft the first of two initial reports planned for Phase 1 is the first half of 2018. Ideally, that first initial report will include responses to the first five of eleven questions in phase 1. Further formal and informal input opportunities will occur throughout the WG's phase 1 deliberations, as well as during phases 2-3 should the GNSO decide a next-generation directory service is needed to meet phase 1 requirements.

WHY IS THIS IMPORTANT?

Comprehensive 'WHOIS' policy reform remains the source of long-running discussions within the ICANN community. Any discussion of the 'WHOIS' system for gTLD registration data – hereafter called gTLD registration directory services (RDS) – typically includes topics such as purpose, accuracy, availability, privacy, data protection, cost, policing, intellectual property protection, security and malicious use and abuse. Although ICANN's requirements for gTLD domain name registration data collection, maintenance, and provision have undergone some important changes, after more than 15 years of GNSO task forces, working groups, workshops, surveys, and studies, the policy is still in need of comprehensive reforms that address the significant number of contentious issues attached to it.

HOW CAN I GET INVOLVED?

Anyone interested can join this effort at any time. Please complete the registration form at goo.gl/forms/bb65ilznLv or contact the GNSO Secretariat: gnso-secs@icann.org.

MORE INFORMATION

- PDP Working Group Workspace, including Charter, relevant motions, and background documents and information: <https://community.icann.org/x/rjJ-Ag>
- PDP Working Group Phase 1 Outputs (in progress):

<https://community.icann.org/x/p4xlAw>

- Final Issue Report on Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS: <http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf>
- Board-GNSO Process Framework for this PDP: <https://community.icann.org/x/GlxlAw>

BACKGROUND

Pursuant to its Resolution on 8 November 2012, the ICANN Board directed the ICANN CEO to launch a new effort to redefine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, as a foundation for new gTLD policy and contractual negotiations. Moreover, the Board directed the preparation of an Issue Report on the purpose of collecting and maintaining gTLD registration data, and on solutions to improve accuracy and access to gTLD registration data, as part of a Board-initiated GNSO policy development process. The Board then went on to pass a resolution that led to the creation of the Expert Working Group; the Board referred to this as a ‘two-pronged approach’ that is based on ‘broad and responsive action’ in relation to the reform of gTLD Registration Data.

To enable effective consideration of the many significant and interdependent policy areas that the GNSO must address, the Board approved a Process Framework, collaboratively developed by GNSO Councilors and Board members, to structure this complex and challenging PDP for success. This phased process includes:

- Phase 1: Establishing requirements to determine if and why a next-generation gTLD registration directory service (RDS) is needed to replace today’s WHOIS system;
- Phase 2: If so, designing a new policy framework that details functions that must be provided by a next-generation RDS to support those requirements; and
- Phase 3: Providing guidance for how a next-generation RDS should implement those policies, coexisting with and eventually replacing the legacy WHOIS system.

Throughout this three-phase process, the many inter-related questions that must (at minimum) be addressed by the PDP include:

- Users/Purposes: Who should have access to gTLD registration data and why (i.e., for what purposes)?
- Gated Access: What steps should be taken to control data access for each user/purpose?
- Data Accuracy: What steps should be taken to improve data accuracy?
- Data Elements: What data should be collected, stored, and disclosed?
- Privacy: What steps are needed to protect data and privacy?
- Coexistence: What steps should be taken to enable next-generation RDS coexistence with and replacement of the legacy WHOIS system?
- Compliance: What steps are needed to enforce these policies?
- System Model: What system requirements must be satisfied by any next-generation RDS implementation?
- Cost: What costs will be incurred and how must they be covered?
- Benefits: What benefits will be achieved and how will they be measured?

- Risks: What risks do stakeholders face and how will they be reconciled?

The framework developed to guide this PDP also includes many opportunities for gathering input to inform this PDP and key decision points at which the GNSO Council will review progress made to determine next steps.