

RDS-WHOIS2-RT Brussels Face-to-Face Meeting

DAY 3 – 18 April 2018



Day 2 Debrief & Day 3 Objectives

Agenda item #1

Time: 09:00-09:15

Presenters: Review Team Leadership

Day 3 Morning Program

08:30-09:00 - Breakfast

09:00-09:15 – Day 2 debrief & day 3 objectives

09:15-10:15 – Subgroup 3 – Law Enforcement Needs

10:15-10:30 – Break

10:30-11:30 – Subgroup 2 – Anything New

11:30-12:00 – Subgroup 5 – Safeguarding Registrant Data

12:00-12:30 – Parking lot for further items to be discussed

12:30-13:30 – Lunch

Day 3 Afternoon Program

13:15-15:15 – Subgroups 2-5

15:15-15:30 – Break

15:30-16:10 – Parking lot for further items to be discussed

16:10-16:20 – Work plan review

16:20-17:20 – Wrap-up

17:20-17:30 – A.O.B. & closing remarks

Day 3 Objectives

- ⦿ Present and discuss Subgroup outputs for remaining Review Objectives
- ⦿ Refer to Day 1 – Specific Objectives, including points to consider:
 - Do you have any questions or feedback on each subgroup’s output?
 - Are there any overlaps between subgroups that need to be resolved?
 - Did the subgroup fully-address each Review Objective?
- ⦿ Assess findings for Review Objectives #2-5 overall
 - Determine if any further specific measurable steps should be recommended
- ⦿ Critical assessment of current status of each subgroup/issue, prognosis, and the need for any strategic changes
- ⦿ Consider the review team’s work plan in light of progress made and identify next steps to complete and consolidate subgroup reports

Recaps

- ⦿ **WHOIS1 Recs. 12-14 - IDNs:**

Work was done to the extent it can be done without an RDAP-based WHOIS system

- ⦿ **WHOIS1 Rec. 11 – Common Interface:**

InterNIC was not overhauled, but common interface was provided

However, common interface has no metrics that can be used to determine its effectiveness

Metrics and SLAs could be used to address this and also to proactively spot non-compliance

Recaps

⦿ **WHOIS1 Rec. 10 Privacy/Proxy Services:**

Several Issues identified based on findings - of those, Volker has an action to clarify.

Two new issues identified: the length of time this recommendation took to implement, and risk fo PP service abuse by criminals

No recommendations at this time specific to Rec 10, but the RT should track the progress of the IRT and consider recommendation(s) related to compliance if necessary.

Consumer Trust:

- ⦿ Definition of consumer to be address must be broad and include Internet users
- ⦿ WHOIS contributes to consumer trust, mostly indirectly
- ⦿ Subgroup will take feedback on-board and use outputs of other subgroups to assess impact of WHOIS1 rec implementation on consumer trust

Subgroup 3 – Law Enforcement Needs

Agenda item #2

Time: 09:15-10:15

Presenter: Cathrin Bauer-Bulst

Subgroup Members: Cathrin, Thomas, Chris

Subgroup Wiki: <https://community.icann.org/x/-pIEB>

Subgroup 3 – Law Enforcement Needs

Objective

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 measurable 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.

Questions the subgroup attempted to answer when assessing this objective:

1. Take into account current and emerging technology, to include the following
2. Cybercrime investigations and enforcement;
3. Data protection laws and enforcement;
4. What’s required of the Registrar to retain data under the RAA;
5. A clear direction from Law Enforcement of what is needed; and
6. A better understanding of procedures and requirements by both Law Enforcement and the Registrars.

Subgroup 3 – Law Enforcement Needs

Research and background materials used to answer questions:

- WHOIS Review Team (WHOIS1) Final Report (2012), Chapter 6 and Appendix E: The WHOIS Review team's Law Enforcement Survey
- WHOIS Misuse Study Final Report, especially Section 4. Law Enforcement & Researchers survey
- ICANN61 GAC PSWG - OCTO Update

Describe your methodology to answer questions and analyze the materials

- Informal outreach to law enforcement contacts to solicit input on needs, including for example GAC PSWG, APWG, and SSAC members
- Review prior RT Law Enforcement Survey
- Review the update given by the ICANN Office of CTO to the GAC PSWG
- See also Findings and Analysis for “next steps”

Subgroup 3 – Law Enforcement Needs

Based on the analysis, what are the main findings?

- The subgroup has not gathered findings, but intends to take this approach:
 - Establish working definition of “law enforcement” to be used in this review
 - Each subgroup member will conduct informal outreach to law enforcement contacts
 - Based on initial findings, subgroup may conduct broader formal outreach
 - Formalized outreach (if any) would be structured in a transparent and accessible way (e.g., survey)
- After conducting this research, all subgroup members will review outreach results to determine the extent to which Law Enforcement needs are met by today’s WHOIS policies and procedures and high-priority gaps (if any).
- **Note:** The timing and approach used for outreach may be impacted by near-term changes to WHOIS resulting from GDPR compliance efforts.

Based on findings, the subgroup identified the following problems/issues

- *None identified yet*

To address the above problems/issues, the subgroup proposes the following recommendations (if any)

- *None proposed yet*

Break

Time: 10:15-10:30

What's Next?

10:30-11:30 – Subgroup 2 – Anything New

11:30-12:00 – Subgroup 5 – Safeguarding Registrant Data

12:00-12:30 – Parking lot for further items to be discussed

Subgroup 2 – Anything New

Agenda item #3

Time: 10:30-11:30

Presenter: Stephanie Perrin

Subgroup Members: Stephanie, Alan, Susan

Subgroup Wiki: <https://community.icann.org/x/5IEB>

Subgroup 2 – Anything New

Objective

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.

Questions the subgroup attempted to answer when assessing this objective:

1. For significant new areas of WHOIS (RDS) only, answer these questions:
 - a) Have these been implemented properly? What challenges have staff faced in the implementation?
 - b) Are Registrars/Registries implementing these in a timely manner?
 - c) Are any measurable steps that should be taken to make these new policies and procedures more effective?

Research and background materials used to answer questions:

- ICANN web page on WHOIS Policies (see Findings for list)
- Inventory of New and Changes Made to WHOIS Policies and Procedures Since the First WHOIS Review Team Completed Its Work in 2012

Subgroup 2 – Anything New

Describe your methodology to answer questions and analyze the materials

- To conduct its research, all members of this subgroup reviewed & prioritized the inventoried WHOIS policy and procedure materials
- ✧ The group recognized that many policies and procedures may change in the light of GDPR, and therefore work at the moment is preliminary in cases marked with a star (indicating possible GDPR implications)

Based on the analysis, what are the main findings?

- There are a lot of policies and procedures that have been worked on since 2012
- There are not clear metrics for some of them

Based on findings, the subgroup identified the following problems/issues

- Need to check on a number of outcomes to measure satisfaction of stakeholders with procedures and policy

To address the above problems/issues, the subgroup proposes the following recommendations (if any)

- *None proposed yet*

Subgroup 2 – Anything New

New Policies and Procedures

New WHOIS pages on website:

- Have these been implemented properly? What challenges have staff faced in the implementation? **Need to check on both unless overlap**

Inter-Registrar Transfer Policy:

- Will this work with Privacy/Proxy services? Have these been implemented properly? **Need to check on whether Registrars are satisfied, and whether results of IRT on PPSAI are satisfactory**

Additional WHOIS Information Policy (AWIP):

- Is this a compliance issue? Need to check with compliance? **Need to check on whether Registrars are satisfied.**

New gTLD URS Policy, Procedure and Rules for URS Policy:

- Being discussed in RPM PDP
- No specific WHOIS issues

New gTLD URS Policy, Procedure and Rules for URS Policy:

- Being discussed in RPM PDP
- No specific WHOIS issues

Expired Registration Recovery Policy (ERRP):

- Not clear how fees are being announced when registrar has no website
- We have no metrics on this policy

Subgroup 2 – Anything New

New Policies and Procedures

Thick WHOIS PDP and Final Report:

- ✧ See section 7.1 for Thick WHOIS Policy – Stalled due to GDPR and RDAP implementation.

Thick RDDS (WHOIS) Transition Policy for .COM, .NET and .JOBS

- ✧ Stalled due to GDPR and RDAP implementation.

Registry Registration Data Directory Services Consistent Labeling and Display Policy:

- No implications

Privacy & Proxy Services Accreditation Issues (PPSAI) Final Report:

- Subgroup #10 is covering

Translation/Transliteration of Contact Information PDP and Final Report

Final Report from the Expert Working Group on Internationalized Registration Data (2015):

- Should note that the work is completed
- Need to verify what issues have arisen

Subgroup 2 – Anything New

New Policies and Procedures

Review of the ICANN Procedure for Handling WHOIS Conflicts with Privacy Law (2014):

- New IAG was created, new trigger recommended
- ✧ May need changes due to GDPR
- ✧ multi-party dissatisfaction with results

Final Report on the Implementation Advisory Group Review of Existing ICANN Procedure for Handling WHOIS Conflicts with Privacy Law (2016):

- Final report voted through GNSO but new group being formed because of multi-party dissatisfaction with results
- New trigger not seen as effective
- ✧ May need changes due to GDPR

RDS/WHOIS Data Retention Specification Waiver and Discussion Document

- Data retention is an RDS issue
- Waiver has been slow for uptake, but working
- ✧ May need changes due to GDPR:
 - **Need to check on whether Registrars are satisfied.**

Subgroup 5 – Safeguarding Registrant Data

Agenda item #4

Time: 11:30-12:00

Presenter: Alan Greenberg

Subgroup Members: Alan, Dmitry, Stephanie, Volker

Subgroup Wiki: <https://community.icann.org/x/BJpEB>

Subgroup 5 – Safeguarding Registrant Data

Objective

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.

Questions the subgroup attempted to answer when assessing this objective:

1. Items a), c) and d) are being covered in both Next Generation RDS PDP and ICANN Org GDPR compliance efforts
2. For Item b), currently all WHOIS data is made available publicly. Although this will surely change as a result of ongoing GDPR compliance efforts, currently there is no protection for that data.
3. Protection against WHOIS (and other) data loss due to Registrar/Registry failure or de-accreditation is required today in the form of Escrow.
4. Subgroup agreed to consider escrow procedures and associated data safeguards used by those who relay and store escrowed data (i.e., Escrow Providers, Registrars and Registries).

Subgroup 5 – Safeguarding Registrant Data

Research and background materials used to answer questions:

- SAC051, Report on Domain Name WHOIS Terminology (2011)
- SAC054, Report on Domain Name Registration Data Model (June 2012)
- RDS/WHOIS Contractual Requirements - Sections on Data Safeguards:
 - 2013 RAA, Section 3.6 - Data Retention Specification
 - 2014 New gTLD Registry Agreement, Spec 2 - Data Escrow Requirements
- Questions for ICANN GDD SME on Escrow rules and procedures
- Questions for Registrars & Registries about data change/loss prevention

Describe your methodology to answer questions and analyze the materials

- **Review of Escrow process as per Registry Agreement, RAA, and relevant IETF documents**
- **Formulate questions for Registrars/ Registries and Escrow agents**

Subgroup 5 – Safeguarding Registrant Data

Based on the analysis, what are the main findings?

- *[Include summary of Findings here]*

Based on findings, the subgroup identified the following problems/issues

- *No explicit problem areas are known at this point.*
- *The only known potential issue is whether there should be requirements for breach reporting by Registrars, Registries and Escrow agents (verifying with ICANN that there are no such requirements now).*

To address the above problems/issues, the subgroup proposes the following recommendations (if any)

- *[Include draft Recommendation(s) here if applicable/available or state N/A]*

Parking Lot (TBD)

Agenda item #5

Time: 12:00-12:30

Presenters: All

Lunch

Time: 12:30-13:30

What's Next?

13:30-15:15 – Subgroups 2-5

Subgroup 2-5

Agenda item #5

Time: 13:30-15:15

Presenters: All

Subgroups 2-5

Refer to Day 1 – Specific Objectives, including points to consider:

- Do you have any questions or feedback on each subgroup's output?
- Are there any overlaps between subgroups that need to be resolved?
- Did the subgroup fully-address each Review Objective?

Assess findings for Review Objectives #2-5 overall:

- Determine if any further specific measurable steps should be recommended

Subgroup 2 – Anything New

- Several items have compliance implications - to be addressed by the compliance subgroup
- Several items already covered by WHOIS1 rec subgroups
- Agree to deal with Reseller lack of transparency under Consumer Trust subgroup
- Agree to make general comment re: dissatisfaction with handling of conflicts with privacy law
- Noting overall that the impact of GDPR has not yet been addressed in this review

Subgroup 3 – Law Enforcement Needs

- It would be useful to survey LE now, to establish a baseline for comparison
- The same survey would need to be re-run post-GDPR to assess impact
- It is important the survey have global reach
- The full RT can assist on survey methodology, and Lili agrees to join subgroup to assist - especially in conducting outreach to her Interpol contacts

Subgroup 4 – Consumer Trust

- Definition of consumer to be address must be broad and include Internet users
- WHOIS contributes to consumer trust, mostly indirectly
- Subgroup will take feedback on-board and use outputs of other subgroups to assess impact of WHOIS1 rec implementation on consumer trust
- Strong direction but still need to do work, being aware of potential for drift into non-WHOIS aspects of CT.
- Subgroup should formulate a recommendation noting lack of Reseller transparency in WHOIS as a gap, to be addressed through policy and/or contractual changes

Subgroup 5 – Safeguarding Registrant Data

- Formulate new recommendation that ICANN should use contemporary standards for secure data storage and retention and breach notification
- Subgroup defers request to interview escrow providers and contracted parties,
- Subgroup wishes to review of contracts in place with escrow providers regarding data storage and breach notification
- Subgroup to develop further findings/issues after examining contracts

Break

Time: 15:15-15:30

What's Next?

15:30-16:10 – Parking lot for items to be further discussed

16:10-16:20 – Work plan review

16:20-17:20 – Wrap-up

17:20-17:30 – A.O.B. & closing remarks

Parking Lot (TBD)

Agenda item #7

Time: 15:30-16:10

Presenters: All

Definition of effectiveness

The degree to which objectives are achieved and the extent to which targeted problems are solved.

Once a policy has been implemented it is necessary to monitor and evaluate the effectiveness of the policy to determine whether it has been successful in achieving the intended outcomes. ... The impact of policy can be measured with good statistics. If policy cannot be measured it is not good policy.

Steps to determine effectiveness

1. **Identify issue**
2. **Frame issue** – determine goal of policy, ability to implement the policy and actual results of the policy
3. **Audit outcomes and impacts** - Measurable results short term, intermediate and long term impacts
 - a. Sampling
 - b. Metrics
 - c. Monitoring
 - d. Trend analysis
 - e. Determine information gaps
4. **Determine whether changes in outcomes are a result of the policy**
5. **Develop recommendations and good practices**

How can we use this framework for our work in the RT

- 1) **Identify issue** - The degree to which Whois objectives identified by stakeholders have been achieved and the extent to which problems targeted by the first RT have been solved
- 2) **Frame issue** – focus on goals of the first RTs recommendations? What problems they were trying to address, ability to implement the policy and actual results of the policy.

One of the issues that the first RT pointed out is that it was difficult to know what the WHOIS policy was and find all the components of the policy in one cohesive document.

From first RT report

"the extent to which ICANN s existing policy and implementation are effective in meeting stakeholder needs"

WHOIS1 Implementation Assessment Framework

3) **Audit outcomes and impacts** - Measurable results short term, intermediate and long term impacts.

Possible questions to use in survey of stakeholders about their needs for WHOIS.

- Have there been improvements since the first RT recommendations?
- Does WHOIS meet your needs for accurate data and why?
- Does WHOIS meet your needs for privacy and why?
- Current WHOIS issues not addressed by the RT recommendations?
- Is the WHOIS policy effective in the current implementation?
- Does ICANN compliance meet stakeholder needs and is it effective?
 - a. Sampling
 - b. Metrics
 - c. Monitoring
 - d. Trend analysis
 - e. Determine information gaps

WHOIS1 Implementation Assessment Framework

- 4) **Determine whether changes in outcomes are a result of the policy**
 - Have market conditions impacted the WHOIS instead of policy?
 - Have applicable law impacted the WHOIS instead of policy?

- 5) **Develop recommendations** (and recommend good practices)

Review of Subgroup Prognosis & Resourcing

Critical assessment of

- Current status of each subgroup/issue,
- Prognosis,
- and the need for any strategic changes.

Review of Subgroups Prognosis & Resourcing

#	Subgroup	Rapporteur	Work Remaining?	Change in Resourcing?
1	WHOIS1 Rec #1 - Strategic Priority	Cathrin	Significant work	
	WHOIS1 Rec #2: Single WHOIS Policy	Carlton	Close to done	
	WHOIS1 Rec #3: Outreach	Alan	Close to done	
	WHOIS1 Rec #4: Compliance	Susan	Significant work	
	WHOIS Rec #5-9: Data Accuracy	Lili	Close to done / Subject to Change	
	WHOIS Rec #10: Privacy/Proxy Services	Volker (Susan)	Significant work	
	WHOIS Rec #11: Common Interface	Volker (Susan)	Close to done	
	WHOIS Rec #12-14: Internationalized Domain Names	Dmitry	Close to done	
	WHOIS Rec #15-16: Plan & Annual Reports	Lili	Close to done	
2	Anything New	Stephanie	Done - reflects in other subgroups	
3	Law Enforcement Needs	Thomas (Cathrin)	Significant work	
4	Consumer Trust	Erika	Significant work	
5	Safeguarding Registrant Data	Alan	Significant work	

Work Plan Review

Agenda Item #8

Time: 16:10-16:20

Presenters: ICANN org

Work Plan Review

DATE	DELIVERABLE
By 24 May	Subgroups to incorporate edits identified in Brussels
By 28 June ICANN62	<ul style="list-style-type: none">• Seek community input on draft findings/recommendations• Approve draft findings and recommendations
By 31 July	Approve draft report for public comment
7 August – 5 October	Public comment on Draft Report
By 30 November	Update draft report based on public comment and assemble final recommendations
By 21 December	Approve final report for submission to ICANN Board

Per work plan submitted to ICANN Board on 9 February 2018

Any adjustments needed?

Wrap-Up

Agenda Item #9

Time: 16:20-17:20

Presenters: Review Team Leadership & ICANN org

Wrap-Up

- Draft report template
- ICANN62
- Next Steps

A.O.B. & Closing Remarks

Agenda item #10

Time: 17:20-17:30

Presenters: Review Team Leadership