

# 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

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## **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

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*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

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- ⦿ 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

## 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

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## **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

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## **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

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## 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

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**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](https://community.icann.org/x/_5IEB)

# Subgroup 2 – Anything New

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## **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

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## **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

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## **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 measureable 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

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## **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

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**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

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**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

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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



# Break

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**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

# 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"><li>• Seek community input on draft findings/recommendations</li><li>• Approve draft findings and recommendations</li></ul>
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

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ALICE/JEAN-BAPTISTE TO COMPLETE

## A.O.B. & Closing Remarks

Agenda item #10

Time: 17:20-17:30

Presenters: Review Team Leadership