

ALAC – NCSG Outreach

WHOIS, GDPR AND ICANN

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- WHOIS Protocol developed in 1982 for ARPANET users (geeks) to 'look up' other users (geeks)
- With the growth of the Internet, WHOIS users included others: law enforcement agencies, Intellectual Property and trademark owners, businesses, consumers, etc
- Protocol adopted by ICANN with its formation in 1998

<https://whois.icann.org/en/history-whois>

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What are the Requirements?

For registrars providing one or more gTLD

- Provide inter-active webpage and port 43 service providing free public query based access to up to date data concerning all active Registered Names sponsored by the Registrar

For Registries (base agreement)

- Provide public access to registration data - As above

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What Information Are We Talking About: Clause 3.3 RAA (2013)
(similar in the Registry base agreement)

- The name of the Registered Name;
- The names of the primary nameserver and secondary nameserver(s) for the Registered Name;
- The identity of Registrar (which may be provided through Registrar's website);
- The original creation date of the registration;
- The expiration date of the registration;
- The name and postal address of the Registered Name Holder;
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the Registered Name; and
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the Registered Name.

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OECD Privacy Principles 1983

- Collection Limitation
- Data Quality
- Purpose Specification
- Use Limitation
- Security Safeguards
- Openness
- Individual's Rights
- Accountability

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Response to ICANN Board Directive to CEO 8
Nov 2012: (in response to Whois Final Report)
Establishment of Expert Working Group to
*...re-examine and define the purpose of
collecting and maintaining gTLD registration
data, consider how to safeguard the data, and
propose a next-generation solution that will
better serve the needs of the global Internet
Community*

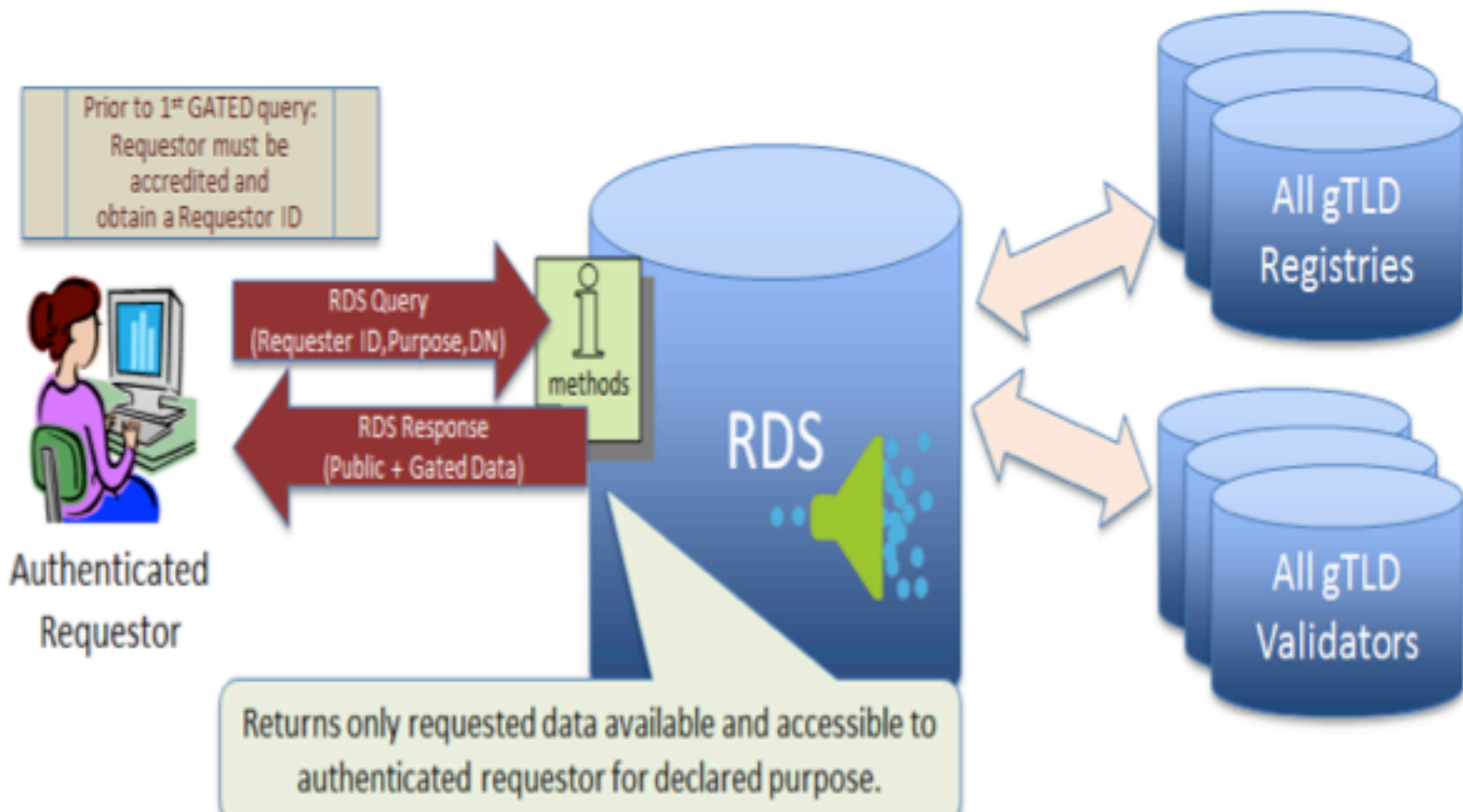
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EWG Final Report

- The EWG unanimously recommends abandoning today's WHOIS model of giving every user the same entirely anonymous public access to (often inaccurate) gTLD registration data.
- Instead, the EWG recommends a paradigm shift to a next-generation RDS that collects, validates and discloses gTLD registration data for permissible purposes only.

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The EWG PROPOSAL



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On receipt of EWG Final Report, Board – on 26 April 2015:

... reaffirms its request for a Board-initiated GNSO policy development process to define the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations in the Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy.