Reference	Original Issue	Issues needing Discussion	Objective to be inserted into ToR (draft text for leadership consideration)	Priority
Bylaws 4.6(e)(iv)	*(iv) The Directory Service Review Team shall assess the extent to which prior <u>Directory Service Review recommendations</u> have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.*	• None	• 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 addressed the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS, and (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT's recommendations.	
Bylaws 4.6(e)(ii)	*(ii) The Board shall cause a periodic review to assess the effectiveness of the then current gTLD registry directory service…*	• Define "effectiveness" • How does one determine the effectiveness of something when there are ongoing disputes about its purpose • What do we compare it to determine if it could be more "effective"? • Draw on RT1's Scope of Work approach for criteria? • **Action:** Stephanie	• 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) *<based on action item result, insert text describing how "effectiveness" will be measured and the nature of recommendations (if any) to be produced>*	
Bylaws 4.6(e)(ii)	*(ii) …and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data*	• What are the "legitimate needs" • How to assess whether needs are met? • If we determine needs are not being met, is it the RT's remit to recommend changes or simply refer to the RDS PDP? • Possible methodology to obtain targeted community input on needs? • **Action:** Cathrin (LE needs) • What does "promoting consumer trust" mean? Is it only that WHOIS can be used to find information about a particular registrant, or should we be looking for some deeper meaning? • Is "safeguarding registration data" as simple as saying because all registrant data is exposed, there is no attempt	• Consistent with ICANN's mission and <u>Bylaws</u>, 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, including (a) law enforcement needs for swiftly accessible, accurate and complete data, (b) needs identified to enhance consumer trust in gTLD domain names, (c) needs stated by registrants for safeguarding their data disclosed through today's WHOIS, (d) the approach used to determine the extent to which needs are met, ensuring effective compliance actions, and (e) high-priority gaps (if any) and specific measureable steps (if any) the team believes are important to fill them.	

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		to protect, but since this is an issue under consideration of an ongoing PDP, it is out of scope?		
Bylaws 4.6(e)(iii)	*(iii) The review team for the Directory Service Review will consider the Organisation for Economic Co-operation and Development ("OECD") Guidelines on the Protection of Privacy and Transborder Flows of Personal Data as defined by the OECD in 1980 and amended in 2013 and as may be amended from time to time*	• Relevance and currency of OECD guidelines	• Consistent with ICANN's mission and Bylaws, Section 4.6(e)(iii), the review team will consider the 2013 Organisation for Economic Co-operation and Development ("OECD") Guidelines on the Protection of Privacy and Transborder Flows of Personal Data by (a) considering OECD guideline applicability to RDS, (b) assessing whether this clause in the Bylaws is appropriate, (c) identifying ICANN efforts to protect the privacy of transborder flows of WHOIS personal data, and (c) producing high-level recommendations, noting that there are issues and pointing to other groups addressing those issues. Note that current WHOIS Implementation takes no action at all to protect the privacy of transborder data flows. These issues are partially under review in relation the EC GDPR, and are also within the scope of the RDS PDP. The review team will therefore not do any detailed analysis or issue recommendations related to adherence of guidelines. Given that OECD guidelines are only applicable to governments, and are being superseded by other guidelines and regulations, the review team may address this objective by recommending changes to Section 4.6.(e)(iii) of the Bylaws.	
GNSO Scope Msgs Page 3	*Assess Compliance enforcement actions, structure, and processes; Availability of transparent enforcement of contractual obligations data*	• Criteria for assessment? • Review all data and statistics maintained by the compliance team. • Review current processes used by compliance team • Evaluate actions and results for effectiveness of compliance team.	• 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 whether Contractual Compliance actions, structure and processes are effective, and (b) assess the availability of data related to transparent enforcement of WHOIS (RDS) contractual obligations.	
GNSO Scope Msgs Page 3	*Assess the value and timing of RDAP as a replacement protocol*	• Should this be called out as part of the objective: Deciding whether to make a recommendation on RDAP implementation before policy is developed? • How does this relate to assessments of RT1 recommendations relating to	• 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 provide information about registered names and name servers, the review team will… <*Insert review tasks here*>	

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		RDAP?		
GNSO Scope Msgs Page 3	*Assess current protocol for current purposes*	• We agreed to issue a simple statement that, if only in its inability to handle non-7-bit ASCII address script in its fields, the WHOIS protocol is inadequate. Given that translation/transliteration was already addressed by prior RT Recommendations, work was done, and results are now on hold and dependent on the RDS PDP, do we really want to treat this as a separate item?	• 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 provide information concerning registered names and name servers, the review team will (a) identify example(s) of inadequacies in the current WHOIS protocol, (b) note activities already underway to replace the WHOIS protocol, and (c) recommend additional specific measureable steps (if any) the team believes are important to address this issue.	
GNSO Scope Msgs Page 1	*Assess progress made on supporting Internationalized Domain Names (IDNs)*	• Agreed to address similar to above item. Is IDN really the right title? WHOIS handles Internationalized Domain Named just fine through the use of Punycode, just as does the DNS itself. WHOIS does not handle other fields in non 7-bit ASCII encodings, but that is the subject of the above item (and addressed through translation/transliteration and a new protocol. • How does this relate to assessments of RT1 recommendations relating to IDN?	• Consistent with ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems, including by enforcing policies, procedures and principles associated with registry and registrar obligations to provide information about registered names and name servers, the review team will (a) identify WHOIS protocol gaps (if any) in supporting IDNs, (b) note activities already underway to address identified gaps, and (c) recommend additional specific measureable steps (if any) the team believes are important to address this issue.	

Guidance from ToR Template:

Objectives must be consistent with both ICANN's mission and Bylaw requirements for this Specific Review. In addition, objectives should be set forth in priority order and accompanied by a description of prioritization criteria applied by the Review Team.