

# **Another view of the ICANN GDPR Interim Compliance Model**

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# Interim Compliance Model???

Policy: Sets Rules

Contractual Compliance:  
Enforces Rules

# Interim Compliance Model???

Policy: Sets Rules

Model: Says what rules

Compliance will “ignore”.

# The model has problems

- Reasons for collecting data not well presented.
  - But that doesn't mean not justifiable
- Tools to allow selective access to those with a need is KEY
  - We should have started working on that LONG ago.

# Critique

- Goes too far, requires registrars to treat Legal Persons as Natural Persons
- Allows extension of GDPR world wide instead of just EEA.
- Both counter to GAC advice.
- Anonymized e-mail

# Why do I care?

## (And should At-Large care?)

- WHOIS is a key tool in combatting cyber abuse
  - Phishing
  - SPAM (a vehicle for malware distribution)
  - Domain name abuse
  - ....

# Article 29 Letter

Finally, ICANN should take care in defining purposes in a manner which corresponds to its own organisational mission and mandate, which is to coordinate the stable operation of the Internet's unique identifier systems. Purposes pursued by other interested third parties should not determine the purposes pursued by ICANN. The WP29 cautions ICANN not to conflate its own purposes with the interests of third parties, nor with the lawful grounds of processing which may be applicable in a particular case.

# ICANN's Mission

The mission of the Internet Corporation for Assigned Names and Numbers ("ICANN") is to ensure the stable and secure operation of the Internet's unique identifier systems...

- Implicit in this is to ensure that the DNS is trusted. Without trust, it is meaningless.



# Article 29 Letter

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# Catch 22

- If we ignore the uses that law enforcement, cyber abuse fighters, etc., we cannot COLLECT the data they need. If it isn't collected, it cannot be used (no matter what the need!).
- If ICANN, the only body that can set the rules for what is collected cannot do so, the parties who COULD justify the use of that data has nowhere to make their case.

# What's Next?

- Request for waiver (delay).
- Likely random disconnected solutions.
- Functional blackout of much of WHOIS.

# Implications

- GAC wants WHOIS as open as possible
  - Driven more by law enforcement than privacy
- US wants WHOIS as open as possible
- Domain name transfer requested access
- Domain name IP needs access (amazon.com, facebook.com)
- Spam filters and Reputation Services need access

It's going to be  
“interesting”!