

Statements of Interests Updates

ACTION ITEM - Alan, Chris, and Stephanie to update their SOIs to reflect appointment to ePDP

ACTION ITEM - Volker to update his SOI to reflect acquisition of Key Systems

WHOIS1 Rec #1 Strategic Priority

DECISION REACHED - Recommendations on Strategic Priority:

- The ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS from legislative and policy developments around the world.
- To support this mechanism, the ICANN Board should instruct the ICANN Organisation to assign responsibility for monitoring legislative and policy development and to provide regular updates to the Board.
- The ICANN Board should update the Charter of its Board Working Group on RDS to ensure the necessary transparency of the group's work, such as by providing for records of meetings and meeting minutes, to enable future review of its activities.

DECISION REACHED - Compensation will not be included as a new recommendation.

ACTION ITEM - ICANN Org to provide a summary of the Board WG's (BWG-RDS) current composition and remit

ACTION ITEM - Chris to double check whether there are meeting notes of BWG sessions.

ACTION ITEM – Send Anything New Section 4 text to Cathrin for inclusion as rationale in the Strategic Priority section

WHOIS1 Rec #2 - Single WHOIS Policy

DECISION REACHED - No objection to conclusions reached by this subgroup, with no recommendation made.

WHOIS1 Rec #3 – Outreach

DECISION REACHED - R3.1, with the amendment that the recommendation ideally be implemented post-GDPR implementation, but no later than [TBD months] after the recommendation is adopted.

DECISION REACHED - R3.2, revised as follows (text to be finalized by Alan)
With community input, ICANN should decide which groups outside of those that routinely engage with ICANN should be targeted effectively through WHOIS outreach. A WHOIS outreach plan should then be developed, executed, and documented. WHOIS inaccuracy reporting was identified as an issue requiring additional education and outreach and may require a particular focus. The need for and details of the outreach may vary depending on the ultimate GDPR implementation and cannot be detailed at this point.

ACTION ITEM - Alan to update and finalize the text of recommendations R3.1 and R3.2, based on agreements reached.

WHOIS1 Rec #4 – Compliance

DECISION REACHED - No further recommendation is needed regarding the Compliance reporting structure.

ACTION ITEM - ICANN Org to ask GDD: What is the process and criteria used to determine the domain names to review with ARS

DECISION REACHED -The latest % be cited in the report (30%) and note downward trend.

ACTION ITEM - ICANN Org to ask Compliance: For domains rechecked after suspension, what % are found to be unsuspended in total and the % that are still non-compliant?

DECISION REACHED - R4.1 ICANN should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies.

ACTION ITEM - Susan and Stephanie the action to draft supporting text for the recommendation, explaining what “a risk-based approach” is intended to mean

DECISION REACHED -

R4.2 (with 2 objections) - The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the WHOIS Registrant field. If [X%] of domain names are found to lack data in the Registrant field, then the ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements [within Y months].

ACTION ITEM - Susan to propose updated text to address items in [] for RT review and determination of consensus.

DECISION REACHED - R4.3 ICANN contracts or GNSO policy should require that gTLD domain names suspended due to WHOIS contact data which the registrar knows to be incorrect, and that remains incorrect until the registration is due for deletion, should be treated as follows. (1) The WHOIS record should include a notation that the domain name is suspended due to incorrect data; and (2) Domain names with this notation should not be unsuspended without correcting the data.

DECISION REACHED - R4.5 ICANN should publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool).

DECISION REACHED - R4.6 ICANN should review the WHOIS records of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge of WHOIS inaccuracy reporting tools or other critical factors are responsible for low WHOIS inaccuracy report submission rates in some regions.

DECISION REACHED - R4.7 ICANN should direct ICANN Contractual Compliance to look for patterns of failure to validate and verify WHOIS data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the Registrar follows WHOIS contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in WHOIS data validation or verification are identified.

DECISION REACHED -

R4.8 ICANN should direct ICANN Contractual Compliance to proactively monitor and enforce WHOIS data accuracy requirements to look for and address systemic issues. A risk based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them.

ACTION ITEM - On P/P, which is intended to cover the case where PPSAI implementation stalls or providers do not seek accreditation, it is unclear whether a recommendation is needed. If it is, it belongs in the P/P section: Volker to add to the P/P section and rephrase along the lines of: "The board should monitor PPSAI implementation. In that event, the board should direct ICANN Org to negotiate an amendment to the RAA to..."

WHOIS1 Recs #5-9 - Data Accuracy

ACTION ITEM - ICANN to ask GDD and Contractual Compliance whether there is a routine feedback process in place for Compliance to advise the ARS project of ARS-detected inaccuracies that were not ultimately found by ICANN Contractual Compliance to be inaccuracies (e.g., tickets generated because the state was missing in a country where states are not applicable)

ACTION ITEM - Lili to generate a recommendation that the ARS team look for potentially-anomalous results (e.g., 40% of ARS-generated tickets closed with no action because the WHOIS record changed) to determine the underlying cause.

ACTION ITEM - ICANN to ask SMEs to answer the question: Does ARS have access to non-public data under the Temporary Specification? Is the WHOIS data that is sampled by ARS obtained from the Registrar or Registry (for thick TLDs, since under GDPR much contact data may be redacted?)

ACTION ITEM - Lili and Alan to provide the linkage between the issues identified in the DA section and the recommendations in the Compliance section. For example, do all of the recommendations contribute to improving data accuracy?

DECISION REACHED - The RT will not formulate an issue or recommendation regarding assessing risk of identity theft. There were no objections.

WHOIS1 Rec #10 - Privacy/Proxy Services

DECISION REACHED - No change to subgroup's conclusion that the recommendation to initiate policy development is "fully implemented" but the conclusion should clearly state that policy implementation remains underway.

PROPOSED RECOMMENDATION - (still to be tested for consensus)

R10.1 In the event that the PPSAI policy does not become operational by [timeframe], the ICANN Board should propose an amendment to the RAA that underlying customer information provided to affiliated Privacy/Proxy providers be verified and validated in the same way as other registration data.

DECISION REACHED - The entire P/P Issues/Problems section should be prefaced with a qualifier that the issues are based on the status of PPSAI policy implementation as of July 2018, and are subject to update as implementation continues.

DECISION REACHED - Issue #3 is subject to confirmation after ICANN legal review is completed: The RT is currently not aware of any need to delay the implementation of accreditation program due to GDPR.

DECISION REACHED - Issue #5 to be expanded to discuss P/P abuse risk, potential for change in P/P use due to GDPR, a reference to the WHOIS P/P Abuse Study, and also to the CCT RT study on P/P and DDARP recommendation (when available).

ACTION ITEM - Volker to update subgroup report to reflect decisions reached and proposed recommendation.

DECISION REACHED - R10.x to be added to P/P section:
R10.x Reviewing the effectiveness of the implementation of #Rec 10 should be deferred and carried out by the next RDS review team after PPSAI Policy is implemented.

WHOIS1 Rec #11 - Common Interface

ACTION ITEM – Volker to expand findings to define what “displayed inconsistently” means.

DECISION REACHED -

R11.1 Define metrics or SLAs to be tracked and evaluated to determine consistency of results of queries and use of any common interface (existing or future) used to provide one-stop access to registration data across all gTLDs and registrars/resellers.

Specific metrics that should be tracked for any such common interface include:

- How often are fields returned blank?
- How often is data displayed (for the same domain name) inconsistently, overall and per gTLD?
- How often does the tool not return results, overall and for specific gTLDs?

DECISION REACHED - To address the issue raised: As a result of GDPR implementation, RR and Ry interpretations may result in different registration data returned by WHOIS for the same domain name (e.g., the Ry may redact data that the RR displays)

DECISION REACHED - R11.2 ICANN should maintain the common interface to display all publicly-available WHOIS output for each gTLD domain name (i.e., both the registry and registrar WHOIS output.)

ACTION ITEM - Volker to finalize text for new recommendation R11.2 to make clear what publicly-available output is expected - for example, whether it is just port 43 output or web output in cases where port 43 is redacted. Volker to note under feasibility that this recommendation will need to be assessed for compliance with applicable laws.

WHOIS1 Recs #12-14 - Internationalized Registration Data

DECISION REACHED - Replace title of section and refer consistently throughout to “Internationalized Registration Data” - footnoting that the WHOIS1 report referred to this set of recommendations as IDNs.

DECISION REACHED - R12.1 as revised: Reviewing the effectiveness of the implementation of #Rec 12-14 should be deferred and carried out by the next RDS review team after RDAP is implemented, and the translation and transliteration of the registrant data launches.

DECISION REACHED - R10.x to be added to P/P section: Reviewing the effectiveness of the implementation of #Rec 10 should be deferred and carried out by the next RDS review team after PPSAI Policy is implemented.

ACTION ITEM - Alan to finalize and incorporate the updated agreement R12.1, for inclusion in the Internationalized Registration Data section. Volker to do the same for R10.x and the P/P section.

ACTION ITEM - Alan and Lili to update IDN subgroup report until Dmitry's return on 6 August.

WHOIS1 Recs #15-16: Plans and Annual Reports

ACTION ITEM - ICANN Org to recognize problems with system that was used and to provide summary of Improvements already underway, including under new Bylaws, such as annual progress plan that would include implementation of specific review recommendations, and confirmation from RT member(s) that implementation plan reflects the intent of the recommendation.

DECISION REACHED - Subgroup on Rec 15/16 should result in a recommendation. Discussed need for metrics to be identified for each recommendation, to allow for assessment of effectiveness.

ACTION ITEM - Alan and Lili to revise recommendation to address concerns expressed about project management, communication of progress, and tracking of metrics to enable progress and effectiveness assessment.

Subgroup 2 - Anything New

DECISION REACHED - Include Stephanie's text in the Strategic Priority section, as rationale leading to the additional recommendation agreed earlier today (i.e., forward-looking approach to legislation)

ACTION ITEM - Stephanie to send text to Cathrin for inclusion in the Rec 1 Strategic Priority section

Subgroup 3 - Law Enforcement Needs

ACTION ITEM - Subgroup to consider the following items when drafting its subgroup report, proposing any associated recommendations it may develop for RT review:

1. Geographic distribution of responses to date. Note that Compliance subgroup also found under-representation of global south in WHOIS inaccuracy reports - possible systemic issue?
2. Formulating a recommendation on continuous data gathering to inform future assessment of the effectiveness of WHOIS, as well as future policy development (e.g., ePDP)
3. Possibility of opening the survey to cybersecurity professionals - if not at this point, then in the future. Potentially related to accreditation and criteria that may be applied there. Bylaws mandate is explicitly law enforcement, so results would need to be analyzed separately and not conflated.
4. Possibility of repeating survey between public comment close and final report to allow additional participation and comparison of results; public comment could

include a way for interested parties to express interest in participating in next survey (indicating their email address, duty station, geographic region)

DECISION REACHED - Reopen survey to collect additional responses; defer discussion of results (and issues/recommendations) until final survey close to avoid influencing respondents

ACTION ITEM - Cathrin to draft methodology and findings for RT review before 6 August plenary call, keeping findings confidential until the survey closes

ACTION ITEM - ICANN Org to investigate geographic distribution of responses to date and provide any available information to the subgroup, enabling additional targeted outreach by subgroup members to under-represented areas

DECISION REACHED - New deadline for survey - August 6 - 23:59 UTC.

Subgroup 4 - Consumer Trust

DECISION REACHED - Beyond individual consumer use of WHOIS, there is a connection between consumer protection and WHOIS in the third party use of WHOIS to investigate abuse, deter phishing, etc. Consumers may not be aware that WHOIS plays a role in protection.

ACTION ITEM - Erika to draft text to identify the intersection between consumer trust and WHOIS. If there is an intersection, then GDPR redaction of WHOIS data will have an impact on consumer trust - this could be documented as a Problem/Issue.

ACTION ITEM - Erika to revise proposed recommendation CT.1 to explicitly identify how it is related to WHOIS and what information should be provided.

Subgroup 5 - Safeguarding Registrant Data

DECISION REACHED - Update findings but retain recommendation for review by data security experts. Do not include a recommendation regarding registrant notification.

ACTION ITEM - Alan to update Rec SG.1 to reflect agreements reached

Draft Report

DECISION REACHED - Produce a PDF executive summary and table of recommendations

ACTION ITEM - Change numbers to 1.a/1.b

ACTION ITEM - Include rationales for not reviewing some of the objectives laid out in Bylaws and proposed by the GNSO

DECISION REACHED - Incorporate GNSO and GAC input into set of appendices

DECISION REACHED - Retain individual GDPR sections for subgroups

ACTION ITEM - Add a section on compliance (objective 6) to note substantial body was done through WHOSI1 rec 4 subgroup. Consider moving subgroup's findings on that

objective to the new section - make decision after Compliance subsection have been discussed

DECISION REACHED - Rapporteurs encouraged to reference table in resources rather than copying/pasting them into reports. Rapporteurs should always use redline when submitting updated subgroup reports

ACTION ITEM - ICANN org to reflect face-to-face meeting #3 agreements in draft report and provide based documents back to rapporteurs on 31 July

ACTION ITEM - Alan to develop the first draft of the Exec Summary by 3 August, for Susan to review and revise as needed, and then distribute for RT review. Executive Summary to note up front that the review is based on today's WHOIS.

Roadmap to Final Report

DECISION REACHED - All RT members must attend 27 August plenary call or appoint a proxy or submit their response to the consensus call in writing.

DECISION REACHED – Work plan

BY TUESDAY 31 JULY – Support team to circulate an updated draft report containing agreed recommendations from this meeting, as the base document for rapporteurs to use

FRIDAY 3 AUGUST –

Deadline for completing/circulating action items

Deadline for Rapporteurs to address items listed in recommendations/reports gap assessment tools

MONDAY 6 AUGUST – Plenary call (120 min). Review any of the new recommendations

SATURDAY 11 AUGUST – Deadline for RT to send objections, comments, edits on output produced by rapporteurs and action items penholders

MONDAY 13 AUGUST – Plenary call (120 min) to address edits/comments and for consensus call on new materials

BY FRIDAY 17 AUGUST – Support team to finalize draft report and circulate to review team

SUNDAY 26 AUGUST – Deadline to submit objections, comments and edits on Draft Report + dissent reports if any

MONDAY 27 AUGUST – Plenary call (120 min) to address comments and for consensus call. Formally adopt report

BY SATURDAY 1 SEPTEMBER – Release public comment on Draft Report

ACTION ITEM - During copy editing, support staff to ensure that:

- All recommendations are addressed to “The ICANN Board” and “shall negotiate contract terms” or “initiate a PDP”
- Each acronym is spelled out upon first use
- Refer to to organizations correctly and consistently (e.g., ICANN Contractual Compliance) throughout

Scheduling

ACTION ITEM - Alan to submit a request today for a high-interest session at ICANN63. If not selected for a HIT session, a community session will be scheduled.

ACTION ITEM - Support staff to consult with meetings team to determine possibility of F2F4 meeting the first week of December