RDS-WHOIS2 RT Face-to-Face Meeting # 3, Brussels - Belgium 26-27 July 2018 Meeting Report	
Review Team Members: Alan Greenberg, Carlton Samuels, Cathrin Bauer-Bulst, Chris Disspain, Erika Mann, Lili Sun, Susan Kawaguchi, Stephanie Perrin, Volker Greimann, **Apologies:** Dmitry Belyavsky, Jean-Baptiste Deroulez, Thomas Walden	**Observers:** Berry Cobb (day 1) **ICANN Org:** Alice Jansen, Lisa Phifer, Negar Farzinnia

These high-level notes are designed to help review team members navigate through the content of the face-to-face meeting and are not meant to be a substitute for the recording or transcript, which are posted on the wiki at: https://community.icann.org/display/WHO/Face+to+Face+Meeting+%233+-+26-27+July+2018

The agreed list of action items and decisions reached can be found at
https://community.icann.org/x/cyQFBQ.
The agreed list of recommendations are available in appendix A.

The RDS-WHOIS2 Review Team undertook the following:

1. **Updates to Statements of Interests (SOIs)**

Stephanie Perrin, Chris Disspain and Alan Greenberg announced that they will be serving on the Expedited Policy Development Process (EPDP) Team.
Action item: Alan, Chris, and Stephanie to update their SOIs to reflect appointment to ePDP.

2. **Opening Remarks**

The RDS-WHOIS2 defined meeting goals as follows:
- Reach consensus on recommendations and findings
- Review draft report
  - Approve background section
  - Make adjustments to report structure (as needed)
- Determine adjustments needed to work plan
- Define roadmap to publish draft report for public comment.

To illustrate where additional work and discussion are needed, ICANN org provided the review team with an update on progress scorecards (see Subgroup Report Assessment Tool and Recommendation Assessment Tool).

3. **Draft Report**

The review team discussed the structure of the draft report and background section. The review team reached agreements to:
- Produce a PDF of the executive summary and table of recommendations
- Incorporate GNSO and GAC input on limited scope into report appendices

- Retain individual GDPR impact sections for subgroups
- Include rationales for not reviewing some of the objectives laid out in Bylaws and proposed by the GNSO

and tasked ICANN org with:
- Combining executive summary and table of recommendations into same section (i.e., changing section numbers from 1 and 2 to 1.a/1.b)
- Adding a new section on Contractual compliance actions, structure, and processes (objective 6) to note that substantial body of work to address this objective was done through the WHOIS1 rec 4 subgroup.

4. WHOIS1 Rec #1: Strategic Priority
Following presentation of the findings and proposed recommendation, the review team discussed status of the Board Working Group on RDS, oversight of all WHOIS related initiatives, and where this responsibility lies. This resulted in three agreed recommendations (see appendix A)

ICANN Org was tasked to provide a summary of the Board WG's (BWG-RDS) current composition and remit. Chris Disspain will double check whether there are meeting notes of BWG-RDS sessions.

5. Subgroup 3: Law Enforcement Needs
Following a presentation of the survey questions, an overview of the outreach conducted to law enforcement agencies/contacts, and initial scan of the list of respondents, the review team agreed to extend the deadline to complete the survey to 6 August, 23:59 UTC, in an effort to collect additional responses and with an eye towards geographic diversity of the input. ICANN org was asked to investigate geographic distribution of responses to date and to provide any available information to the subgroup, enabling additional targeted outreach by subgroup members to under-represented areas. The review team stressed the need to avoid discussing survey results (and associated issues/recommendations) until the final survey closes to avoid influencing any additional responses that may be submitted.

Based on discussions, the subgroup took an action 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
2. Formulating a possible 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. The review team noted that, since the Bylaws mandate explicitly relates to law enforcement, results of any broader survey would need to be analyzed separately and not conflated
4. Possibility of repeating the survey between public comment close and final report to allow for additional participation and comparison of results. The public comment could include a way for interested parties to express interest in participating in the next survey (e.g., by indicating their email address, duty station, geographic region).

6. WHOIS1 Recs #15-16: Plan & Annual Reports
The review team observed that there was an action plan, but no clear detailed work plan for implementing WHOIS1 recs. It discussed the linkage between recommendations of other subgroups and the ability to measure progress and effectiveness of implementation. The review team noted that:

- When the approach to implement a recommendation changed, this was not documented.
- When the implementation timelines changed, this was not tracked against milestone targets.

ICANN org provided an overview of work now underway to improve implementation tracking under the new Bylaws, such as annual progress plan that would include implementation of specific review recommendations, and confirmation from RT member(s) that ICANN org's implementation plan reflects the intent of the recommendation. A written summary of implementation tracking improvements already underway was requested.

The review team agreed that a recommendation should be drafted by the subgroup to address concerns expressed about project management, communication of progress, and tracking of metrics to enable progress and effectiveness assessment.

7. WHOIS1 Rec#4: Compliance

The review team discussed:
- Independence of the compliance reporting structure recommended by WHOIS1, concluding that no further recommendation is needed
- High rate of Accuracy Reporting System (ARS)-generated tickets being closed with no action
- Grandfathering of domain names registered before 2013
- Domain name unsuspension, and that there is no policy around unsuspension and that the same criteria should apply for a domain name to be suspended
- Observation that there is no way currently to measure how often inaccuracy reports allege identity theft
- Frequency of WHOIS records with no Registrant field, as the 2009 RAA did not mandate collection of this field.

ICANN org was tasked to clarify:
- What is the process and criteria used to determine the domain names to review with ARS?
- For domains rechecked after suspension, what % of those registrations are found to be unsuspended in total and (of those) what % of WHOIS records are still non-compliant?

The review team reached agreement on recommendations (see appendix A).

8. Subgroup 2: Anything New

The review team discussed the updated text provided by the subgroup rapporteur for subsection 3 Problems/issues and agreed that the text should be included into the strategic priority section as rationale leading to recommendation R1.1 pertaining to adopting a forward-looking approach to legislation. No further changes were proposed to Subgroup 2's findings or conclusion.

9. Subgroup 5: Safeguarding Registrant Data

The review team observed that:
- RAA Section 3.20 contains a requirement to protect data and notify ICANN in the event of breach
- Registry 2.18 contains a requirement to protect data, but not breach notification
- Escrow provider agreements are available here: https://newgtlds.icann.org/en/applicants/data-escrow
- Many of these parties are required by local law to protect data and to notify in the event of breach.

The review team concluded that it should:

- Update this Subgroup's findings to reflect the above points, but retain recommendation SG.1 requesting further review by data security experts
- Not draft a new recommendation regarding registrant notification

There were no objections to recommendation SG.1 (see appendix A) as presented in the subgroup's report.

10. WHOIS1 Rec#10: Privacy Proxy Services

The review team confirmed the finding that the WHOIS1 recommendation to initiate policy development is "fully implemented" but noted that the report should clearly state that policy implementation remains underway.

The review team agreed that the entire Proxy/Privacy issues section should be prefaced with a qualifier that the issues identified during this review are based on the status of PPSAI policy implementation as of July 2018, and are subject to update as implementation continues.

The subgroup's issue #3 "The RT currently sees no urgency or need to delay the implementation of the accreditation program due to the GDPR" is subject to confirmation after ICANN legal review is completed. This issue will be reworded as follows: "The RT is currently not aware of any need to delay the implementation of accreditation program due to GDPR."

The subgroup's issue #5 regarding potential for Privacy/Proxy abuse will be expanded to discuss Proxy/Privacy abuse risk, potential for change in Proxy/Privacy use due to GDPR, a reference to the WHOIS Proxy/Privacy Abuse Study, and also to the CCT RT study on Proxy/Privacy and its recommendation on DNS Abuse Dispute Resolution Policy (DADARP) (when available).

The review team integrated the WHOIS1 Rec#4 compliance subgroup's findings pertaining to PPSAI and formulated a new possible recommendation (see R10.1 in appendix A).

In addition, the review team agreed on R10.2 (no objections) – see appendix A.

11. WHOIS1 Rec#2: Single WHOIS Policy

The review team considered this subgroup's updated findings and conclusion. There were no objections to the conclusions reached by this subgroup, with no recommendation made.

12. WHOIS1 Rec#11: Common Interface

The review team discussed the Rec#4 subgroup finding that, as a result of GDPR implementation, Registrar (RR) and Registry (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).

The review team agreed on recommendations (see appendix A).

For rec. R11.2, text accompanying the recommendation will need 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. Under feasibility, this recommendation will also note that it needs to be assessed for compliance with applicable laws.

13. WHOIS1 Recs# 5-9: Data Accuracy

Recommendations resulting from the WHOIS Rec#5-9 Data Accuracy subgroup's findings have been reflected in the subgroup on WHOIS Rec#4: Compliance's work. Linkage between the issues identified by the Data Accuracy subgroup and associated recommendations will be provided by the WHOIS Rec #5-9 subgroup.

The review team agreed that any issue regarding notices of Breach would be treated as a compliance consideration, not a Data Accuracy issue.

The review team requested the following additional clarifications from ICANN org:
- Is there 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)?
- Does ARS have access to non-public data under the Temporary Specification? Is the WHOIS data that is currently sampled by ARS obtained from the Registrar or Registry WHOIS? (This is largely of interest for thick TLDs, since under GDPR much contact data may be redacted.)

The review team concluded that a recommendation should be generated to determine the underlying cause, suggesting 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).

Moreover, the review team discussed Stephanie Perrin's comment on the face-to-face meeting #2 results that the drive to data accuracy may have unintended consequences, namely identity theft. Gathering data about the frequency of identity theft involved in WHOIS from WHOIS Inaccuracy reports would be the first step towards enabling risk assessment. However, the review team concluded that doing this would not be of much value; as such, they agreed not to formulate an issue or recommendation regarding assessing risk of identity theft.

14. Subgroup 4: Consumer Trust

The review team discussed Registrar Accreditation Agreement (RAA) requirements on resellers, and examples of reseller web pages and how they address those requirements. The review team observed that ICANN should not be more prescriptive about how information is provided on websites, but rather be more explicit in the RAA about the information that should be provided (e.g., pricing, renewal period). The review team reached an agreement that, 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.

The review team considered but did not test for consensus the following draft recommendation formulated by the subgroup (see appendix A).

The subgroup was tasked with refining this draft recommendation, to reflect meeting discussion above. Specifically, new text will be drafted to identify the intersection between consumer trust and WHOIS and what information should be provided to consumers in this regard.

15. WHOIS Rec #3: Outreach

The review team reached agreement on recommendations (see appendix A).

16. WHOIS Recs #12-14 Internationalized Registration Data

To more accurately match this review's scope, the review team decided to replace title of the section and refer consistently throughout to "Internationalized Registration Data" - footnoting that the WHOIS1 report referred to this set of recommendations as "IDN".

The review team agreed upon a recommendation (see appendix A).

17. Brainstorming on executive summary

The review team discussed how to develop the content of the executive summary. The leadership volunteered to prepare the initial draft for review team consideration.

18. Adjust Structure of Report as needed

Rapporteurs were asked to:

- Reference tables found in source documents rather than copying/pasting them into reports
- Use redline when submitting updated subgroup reports

During copy editing, support staff will ensure that:

- All recommendations are addressed to "The ICANN Board" and "shall negotiate contract terms" or "initiate a PDP" (This action has already been applied to recommendations in this report.)
- Each acronym is spelled out upon first use
- Refer to organizations correctly and consistently (e.g., ICANN Contractual Compliance) throughout

19. Review Work Plan & Roadmap to Draft Report

The review team agreed to release its draft report for public comment by end of August 2018 and adopted the following roadmap and due dates to achieve that publication target:

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

By Friday, 3 August – Rapporteurs/penholders to 1) complete and circulate action items 2) to address items listed in recommendations/reports gap assessment tools

Monday, 6 August – 120-min plenary call to review any of the new recommendations/materials

By Saturday, 11 August – Deadline for review team to send objections, comments, edits on output produced by rapporteurs and action items penholders

Monday, 13 August – 120-min plenary call 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

By Sunday, 26 August – Submit objections, comments and edits on Draft Report and dissent reports (if any)

Monday, 27 August – 120-min plenary call to address comments and formally adopt report (consensus call)

By Saturday 1 September – Release public comment on Draft Report

20. ICANN63

The review team is planning to hold an engagement session at ICANN63 to collect community's feedback on its draft recommendations. The leadership will submit a form for a high-interest topic session. As the public comment period will remain open through ICANN63 the review team will not hold a face-to-face meeting there.

21. Face-to-face meeting #4

The review team expressed the wish to potentially hold a fourth face-to-face meeting end of November, early December 2018 to consider the results of public comment, determine any corresponding changes, and finalize its recommendations. ICANN org was tasked to contact meetings team to enquire about availability for a two-day face-to-face meeting.

Consensus reached on decisions/action items:
Consensus on all recommendations specifically enumerated above, with exception of 2 objections on draft Rec R4.2 (WHOIS1 Rec#4: Compliance). In addition, three draft recommendations (R10.1, R15.1, CT.1) were yet ready to be tested for consensus.

Background: The Registration Directory Service (RDS), formerly known as "WHOIS," Review is mandated by ICANN Bylaws Section 4.6(e) to assess the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data. For more information, read terms of reference and work plan.

Appendix A – Table of Recommendations

#	Recommendation	To	Priority	Consensus
R1.1	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.			No F2F3 objections
R1.2	To support this mechanism, the ICANN Board should instruct the ICANN Organization to assign responsibility for monitoring legislative and policy development and to provide regular updates to the Board.			No F2F3 objections
R1.3	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.			No F2F3 objections
R3.1	The ICANN Board should direct ICANN Organization to update all of the information related to WHOIS and by implication to other information related to the registration of 2nd level gTLD Domains with the intent of making the information readily accessible and understandable, and should provide details of when and how to interact with ICANN or contracted parties. Although not the sole focus of this recommendation, interactions with ICANN Contractual Compliance, such as when filing WHOIS inaccuracy reports, should be a particular focus. The revision of this web documentation and instructional material should not be undertaken as a purely internal operation but should include users and potentially focus groups to ensure that the final result fully meets the requirements.			No F2F3 objections
R3.2	With community input, the ICANN Board 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.			No F2F3 objections
R4.1	The ICANN Board should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies.			No F2F3 objections
R4.2	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			Two (2) F2F3 objections

	gTLD domain names adhere to the same registration data collection requirements [within Y months].			
R4.3	The ICANN Board should negotiate contractual terms or initiate a GNSO PDP to 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.			No F2F3 objections
R4.5	The ICANN Board should direct ICANN Organization to publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool).			No F2F3 objections
R4.6	The ICANN Board should direct ICANN Organization to 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.			No F2F3 objections
R4.7	The ICANN Board 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.			No F2F3 objections
R4.8	The ICANN Board 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.			No F2F3 objections
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.			Not yet tested for consensus
R10.2	Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred and carried by the next RDS review team after PPSAI Policy is implemented.			No F2F3 objections
R11.1	The ICANN Board should direct the ICANN Organization to 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			No F2F3 objections

	any such common interface include: How often are fields returned blank? How often is data displayed inconsistently (for the same domain name), overall and per gTLD? How often does the tool not return results, overall and for specific gTLDs?			
R11.2	The ICANN Board should direct the ICANN Organization to 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).			No F2F3 objections
R12.1	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.			No F2F3 objections
R15.1	ICANN should conduct plan and reports in a measurable way. Metrics should be developed to track the effectiveness of the implementation of each recommendation. And impact evaluation of implementation should be included in the annual report.			Not yet tested for consensus
CT.1	ICANN should request from resellers more clear information, including the recommendation to include relevant information on their websites. A good location for ICANN to make such a recommendation would be RAA (e.g., Sections 3.7.10, 3.12.2, 3.12.15). ICANN must ensure that RAA provides updated information concerning relevant topics relate to consumers and WHOIS Obligations. ICANN should recommend general policy and website/communication guidelines for resellers.			Not yet tested for consensus
SG.1	The ICANN Board should require that ICANN Organization consult with data security expert(s) to identify reasonable and justifiable requirements to place on registrars and in relation to how data is protected from unauthorized access or alteration while under their control. ICANN should similarly consider whether [or require?] any such breaches that are discovered must be reported to ICANN, and in the case of escrow providers, reported to the registrar/registry that provided the data. In carrying out this review, the data security expert(s) should consider whether requirements within the GDPR could be used as a model, as many ICANN contracted parties must already adhere to those. If changes are deemed to be required based on the results of the above-recommended studies, the ICANN Board must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.			No F2F3 objections