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# **RDS-WHOIS2-RT Plenary Call #34**

16 July 2018



# RDS/WHOIS2-RT Plenary Call Agenda

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- Welcome, roll-call, Sol
- Subgroups Status Update
  - Presentation of subgroup report assessment, and recommendation assessment tools
  - Rec. #10: Proxy/Services
  - Rec. #11: Common Interface
  - Rec. #3: Outreach
  - Subgroup 5: Safeguarding registrant data.
- Face-to-Face Meeting #3
- A.O.B.
- Confirm Decisions Reached and Action Items

# Subgroups Status Update

Agenda item #1

# Subgroups Status Update

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- **Subgroup report assessment**

This tool identifies gaps for all of the subgroup reports, and focuses on the subsections of each subgroup report, up to but not including the individual recommendations which are covered by the first tool.

- **Recommendation assessment tools**

Focuses only on recommendations, using the table to flag missing elements (if any) within each recommendation.

These tools are **works-in-progress**, intended to help subgroups spot and fill potential gaps in their subgroup reports, and then to help the full RT **assess completeness of the consolidated draft report** at the upcoming Face-to-Face meeting.

# Subgroup Status Update

Approval

#	Subgroup	Subgroup's next step	# of Recs	Report	Sub-group	RT
	<b>Rec #1 - Strategic Priority</b>	Draft pending subgroup review/approval. Cathrin to finalize and submit for full RT review.	1	<a href="#">DOCX</a>	✗	✗
	<b>Rec #2: Single WHOIS Policy</b>	Draft recommendation to be reframed in light of the recently-adopted Temporary Specification and proposed RDS EPDP.	1	<a href="#">DOCX</a>	✗	✗
	<b>Rec #3: Outreach</b>	None – submitted to full RT for review.	2	<a href="#">DOCX</a>	✓	✓
	<b>Rec #4: Compliance</b>	Susan to update draft to reflect latest ICANN Org responses and address community feedback.	8	<a href="#">DOCX</a>	✗	✗
1	<b>Rec #5-9: Data Accuracy</b>	Lili to update draft to address community feedback.	0	<a href="#">DOCX</a>	✓	✗
	<b>Rec #10: Privacy/Proxy Services</b>	Draft pending subgroup review/approval. Volker to update draft to address community feedback.	0	<a href="#">DOCX</a>	✗	✗
	<b>Rec #11: Common Interface</b>	Draft pending subgroup review/approval. Volker to finalize and submit for full RT review.	1	<a href="#">DOCX</a>	✗	✗
	<b>Rec #12-14: IDNs</b>	None – submitted to full RT for review.	1	<a href="#">DOCX</a>	✓	✓
	<b>Rec #15-16: Plan &amp; Annual Reports</b>	Subgroup concerns about draft recommendation. ICANN Org has been asked to provide additional briefing.	1	<a href="#">DOCX</a>	✗	✗
2	<b>Anything New</b>	Draft pending subgroup review/approval. Stephanie to finalize and submit for full RT review.	0	<a href="#">DOCX</a>	✓	✗
3	<b>Law Enforcement Needs</b>	Subgroup reviewing and about to launch law enforcement survey Thomas to draft report for subgroup review/approval.	TBD	<a href="#">DOCX</a>	✗	✗
4	<b>Consumer Trust</b>	Draft pending subgroup review/approval. Erika to update draft to address community feedback.	1	<a href="#">DOCX</a>	✗	✗
5	<b>Safeguarding Registrant Data</b>	None – submitted to full RT for review.	1	<a href="#">DOCX</a>	✓	✗

# WHOIS1 Rec #10 – Privacy/Proxy

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The subgroup finds that:

- The 2013 RAA introduced a specification on privacy and proxy registrations requiring registrars to comply with certain requirements regarding such registrations through affiliated Privacy/Proxy Service Providers as a first step towards implementing this recommendation
- The Privacy/Proxy Services Accreditation Issues (PPSAI) Implementation Review Team (IRT) is currently working on an implementation of this recommendation that will also include unaffiliated providers of such services
- WHOIS1 Rec #10 advises that consideration be given to several specific objectives. The subgroup finds that these objectives are reflected in the Privacy/Proxy Services Accreditation Final Report.
- Based on its analysis, members of this subgroup agree that this WHOIS1 recommendation has been **fully-implemented**
  - Between the RAA 2013 Spec and this policy, the original recommendation seems to have been addressed. Anything not addressed was clearly not deemed to be important for inclusion by the community, the GNSO and the board who all approved the PPSAI PDP Final Report.

# WHOIS1 Rec #10 – Privacy/Proxy

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- Subgroup identified the following issues:
  - The subgroup is unable to assess the exact impact of GDPR data redaction requirements on privacy services at this time. However, we note:
    - Creating a cost barrier next to the new policy requirements at a time that the use of such services is expected to decline due to GDPR is likely to cause low provider adoption.
    - We currently see no urgency or need to delay the implementation of the accreditation program due to the GDPR.
  - WHOIS1 Rec#10 suggests a mix of incentives and sanctions to encourage and enforce this policy once implemented. The IRT should be encouraged to also discuss incentives, as the current focus seems to solely rely on sanctions.
  - The subgroup addressed potential abuse of privacy and proxy services by registered name holders, but was unable to determine whether domain names using such services had a higher propensity for abusive registrations.
    - A future review of the impact of privacy/proxy on abuse may be beneficial.
    - Such a review should take into account PPSA program impact on abusive registrations.
    - Such a review would depend on the proper collection of data to track over time any trends of abusive use of domain names using privacy/proxy services.



# WHOIS1 Rec #10 – Privacy/Proxy

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- Subgroup proposes no new recommendations at this time specific to the prior RT's Recommendation #10.
- Intends to track PPSAI Implementation Review Team (IRT) progress and consider recommendation(s) if necessary.

Status: Subgroup to reach closure on subgroup report.

# WHOIS1 Rec #11 – Common Interface

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Subgroup finds that:

- The common interface recommendation was intended to ensure that anyone looking up a WHOIS record could do that easily and from one source. The InterNIC was not overhauled, but a common interface was provided.
- Over 4 million queries were made through the common interface - whois.icann.org - over a 6 month period in 2017.
- There has been a 99.9% up time for the common interface but other statistics on usage or failure rate are not tracked.
- Users are encouraged to file a contractual complaint ticket if they identify any issues with the WHOIS record. A link to file a ticket is provided on the page where results are displayed.

# WHOIS1 Rec #11 – Common Interface

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- Based on its analysis, subgroup agree that this WHOIS1 recommendation has been **fully-implemented**
- Identified the following issues:
  - The common interface has no metrics that can be used to determine its effectiveness.
  - Metrics and SLAs could be used to address this and also to proactively spot non-compliance.
  - Service level agreements could be put in place to ensure the interface works reliably.

# WHOIS1 Rec #11 – Common Interface

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- **Draft Recommendation (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 inconsistently overall and per gTLD?*
- *How overall and for specific often does the tool not return results gTLDs?*

**Status: Subgroup to reach agreement on this recommendation and closure on subgroup report.**

# WHOIS1 Rec #3 – Outreach

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- Based on its analysis, members of this subgroup agree that this WHOIS1 recommendation has been **fully-implemented**
  - The Recommendation to make information available was carried out, but it was not well integrated with other WHOIS-related information.
- The subgroup further identified the following issues:
  - A typical user or registrant will not be able to readily identify where they need to look for information.
  - The problem is exacerbated by the introduction of the terms RDS (and at times RDDS) to replace WHOIS.
  - There is little strong evidence that any outreach targeted at non-ICANN audiences was contemplated or carried out.

# WHOIS1 Rec #3 – Outreach

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- To address these issues, the subgroup drafted the following recommendations:
  - **Draft Recommendation (R3.1):** *All of the information related to WHOIS and by implication to other information related to the registration of 2nd level gTLD Domains needs to be revised with the intent of making the information readily accessible and understandable. This should be done post-GDPR implementation and consideration should be given to deferring this until we have a stable permanent GDPR implementation. 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.*
  - **Draft Recommendation (R3.2):** *With community input, ICANN should decide to what extent there is a need to carry out outreach to groups outside of the normal ICANN participant, and should such outreach be deemed necessary, a plan should be developed to carry this out and document it. The need for and details of the outreach may vary depending on the ultimate GDPR implementation and cannot be detailed at this point.*

Status: Alan to review conclusions on outreach.

# Objective 5: Safeguarding Registrant Data

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Subgroup finds that:

- No effort is made to "protect" registrant-supplied WHOIS data from viewing. That may change as WHOIS policies adapt to GDPR and other legislation.
- “Safeguarded” includes ensuring that data is not lost in the case of a registrar/registry failure, and not unknowingly changed.
- Neither Registry Agreements nor the RAA makes any explicit demands on Registries and Registrars with regard to data protection or actions that must be taken in the case of a discovered data breach.
- Escrow provider agreements do require “commercially reasonable efforts and industry standard safeguards to protect the integrity and confidentiality of Deposits“ but not timely breach notification.

# Objective 5: Safeguarding Registrant Data

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- After analysis of facts, the subgroup has identified the following issues:
  - Traditionally, all WHOIS data is public. Under GDPR and similar legislation, some or all of that data may no longer be collected or publicly available. Exactly what data may be subject to these new rules is under discussion elsewhere and will not be addressed by the RDS-WHOIS2-RT.
  - Registries and registrars are not explicitly required to use commercially reasonable and industry standard safeguards, nor are any parties (registries, registrars, or escrow providers) required to notify ICANN in the event that a breach is discovered.



# Objective 5: Safeguarding Registrant Data

- To address these issues, the subgroup drafted the following recommendation:
  - **Draft Recommendation (SD.1):** *ICANN should 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.*

*[ICANN should similarly consider whether contractual requirement are needed to require registrars, registries and escrow provides to notify registrants in the even of data breaches.]*

*In carrying out this review, the external consultants 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, ICANN must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.*

**Status: Review team to confirm subgroup report.**

# Face-to-Face Meeting #3

Agenda item #2

# Face-to-Face Meeting #3

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- Agenda will be based on draft report, and allow enough time for sections where gaps have been identified.



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# Confirm Decisions Reached & Action Items