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RDS-WHOIS2-RT Plenary Call #35

23 July 2018



RDS/WHOIS2-RT Plenary Call Agenda

- Welcome, roll-call, Sol
- Subgroups Status Update
- Plenary Calls Schedule
- A.O.B.
- Confirm Decisions Reached and Action Items

Subgroups Status Update

Agenda item #1

Subgroups Status Update

Updated reports received:

- Rec 2 Single Policy
- Rec 3 Outreach
- Rec 4 Compliance
- Recs 15/16 Plan & Reports

Updated reports are still expected but overdue for:

- Rec 1 Strategic Priority (Cathrin)
- Rec 5-9 Data Accuracy (Lili)
- Rec 10 Privacy/Proxy (Volker)
- Rec 11 Common Interface (Volker)
- Subgroup 2 - Anything New (Stephanie)
- Subgroup 5 - Safeguard Data (Alan)

No updated reports are currently expected for:

- Rec12-14 IDN (update delayed)
- Subgroup 3 - LE Needs (pending survey results)
- Subgroup 4 - Consumer Trust (update delayed)

Subgroups Status Update – Single WHOIS Policy

Rec. #2: Single WHOIS Policy – Draft Recommendations

1. Accept that WHOIS1 RT Recommendation 2 is fully implemented.
2. That the adoption of the EWG's Final Report and development of the framework for the Board-initiated GNSO RDS PDP[s] is intended to deliver a holistic next generation WHOIS policy framework that would address current set of fragmented and decentralized WHOIS policies.
3. Notwithstanding its temporary nature – to be sunsetted in one (1) year - that the Temporary Specification for WHOIS promoted by the Board in May 2018 constitutes for the first time the framework for a single WHOIS policy
4. That the expedited policy development process (ePDP) forked by the GNSO to address the adoption or adaption of the temporary specification will at minimum affirm a single WHOIS policy at the end of its work.

Subgroups Status Update - Compliance

Rec. #4: Compliance – Draft Recommendations

1. Require all new policies implemented to be measured, audited, tracked and enforced as required by the compliance team. Policy should integrate metrics, measurements, and reporting to ensure that the policy is effective in addressing the issue, and when metrics are defined, compliance would audit, track, report, and enforce as applicable for the policy.
2. Require all domain name registrations to adhere to the WHOIS requirements in the 2013 Registrar Accreditation Agreement or the latest implemented policy for WHOIS. Once a policy is implemented all gTLD registrations must adhere to the new rules within a 12 month period. Assess the grandfathered domain names to determine if information is missing from the registrant field. If statistically significant number of domain name registrations lack registrant data then a new policy should be created to ensure all gTLDs adhere to the requirements of registrant data collection in the 2013 RAA.
3. Domain names suspended due to inaccurate information and remain in that state until it is due for renewal the WHOIS record should be updated to a new status and the inaccurate data removed, as further described below. (1) Policy or contracts should require that WHOIS indicate whether a domain is on hold due to inaccurate data. (2) Domains on server. Hold due to inaccurate data in WHOIS should not be unsuspended without inaccurate data being remedied.

Subgroups Status Update - Compliance

Rec. #4: Compliance – Draft Recommendations

4. Conduct additional outreach and education on how to file a WHOIS inaccuracy report and what information is critical to provide. [INTEGRATED INTO OUTREACH RECOMMENDATIONS]
5. Publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool.
6. Review the WHOIS ARS domain names sampled for each region to determine whether or not low submission rates to the WHOIS inaccuracy reporting tool are due to the lack of knowledge of the tool or other critical factors.
7. Following a valid WHOIS ARS ticket, or WHOIS inaccuracy complaint and where there is a pattern of failure to validate as required by the RAA, a full audit targeting the relating registrar should be initiated, to check if the registrar follows the contractual obligations, the consensus policies, etc. Sanctions should be applied if deficiencies identified.
8. Direct contractual compliance to proactively monitor and enforce as required to address systemic issues. A risk based approach should be executed to assess, and understand inaccuracy issues and then take the appropriate compliance actions to mitigate risk in systemic complaints.

Subgroups Status Update – Plan & Annual Reports

Recs. #15-16: Plan & Annual Reports – Draft Recommendations

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.

Subgroups Status Update – Safeguarding Registrant Data

Safeguarding Registrant Data – Draft Recommendations

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 requirements are needed to require registrars, registries and escrow providers to notify registrants in the event 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.

Subgroups Status Update – Safeguarding Registrant Data

Comment from Stephanie Perrin on previous face-to-face meeting report, on safeguarding registrant data:

RT Agreement: RT does not wish to recommend that escrow providers notify individual registrants because local breach notification laws would apply

Stephanie's comment: *"I thought we had agreed that we needed to inquire as to whether ICANN had ever notified or had the escrow provider notify individuals? After all, there are breach notification laws in all 50 states, and Iron Mountain keeps the data in the US, no? China keeps its escrow data in China, Denic has breach notification requirements in Germany etc. IF nothing has ever been done, we need to note it."*

Subgroup Status Update

Approval

#	Subgroup	Subgroup's next step	# of Recs	Report	Sub-group	RT
1	Rec #1 - Strategic Priority	Cathrin to fill gaps and submit for subgroup approval	1	DOCX	✗	✗
	Rec #2: Single WHOIS Policy	Draft pending subgroup approval (o participation on subgroup call).	1	DOCX	✗	✗
	Rec #3: Outreach	Updated draft pending review team approval	2	DOCX	✓	✓
	Rec #4: Compliance	Draft pending review team approval. Clarifications requested from ICANN org	8	DOCX	✓	✗
	Rec #5-9: Data Accuracy	Lili to update draft to fill gaps and address community feedback.	0	DOCX	✓	✗
	Rec #10: Privacy/Proxy Services	Volker to update draft to reflect subgroup call, fill gaps, and address community feedback.	0	DOCX	✗	✗
	Rec #11: Common Interface	Volker to update draft to fill gaps and submit for subgroup approval.	1	DOCX	✗	✗
	Rec #12-14: IDNs	Dmitry to update draft to fill gaps and submit for RT review.	1	DOCX	✓	✓
	Rec #15-16: Plan & Annual Reports	Updated draft pending subgroup review/update/approval. ICANN Org has been asked to provide additional clarification.	1	DOCX	✗	✗
2	Anything New	Stephanie to fill gaps, finalize and submit for full RT review.	0	DOCX	✓	✗
3	Law Enforcement Needs	Subgroup launch law enforcement survey Thomas to draft report for subgroup review/approval.	TBD	DOCX	✗	✗
4	Consumer Trust	Erika to update draft to fill gaps and address community feedback.	1	DOCX	✗	✗
5	Safeguarding Registrant Data	Discuss Stephanie's comment on last ftof meeting report. Alan to fill gaps, finalize and submit for full RT review.	1	DOCX	✓	✓

Plenary Call Schedule

Agenda item #2

Plenary Call Schedule

- Plenary call #36 on 30 July, cancelled?
- Frequency of plenary calls during the summer

- Brussels meeting agenda circulated
- Reading list on wiki page - <https://community.icann.org/display/WHO/Face+to+Face+Meeting+%233+-+26-27+July+2018>

Confirm Decisions Reached & Action Items