

# Registration Directory Service (RDS-WHOIS2) Review

Draft Report for last call for RT comments/edits

OBJECTIVE 2 SUBGROUP REPORT - SECTION 4 ONLY

RDS-WHOIS2 Review Team  
9 August 2018



## 4 Objective 2: Anything New

[SUBSECTION NUMBERS WILL BE ADJUSTED WHEN ADDED BACK TO MASTER DOC]

### 1.1 Topic

Subgroup 2 - Anything New is tasked with investigating, analyzing, and drafting recommendations (if needed) to address the following Review objective:

*Consistent with ICANN's mission and Bylaws, Section 4.6(e)(ii), the review team will assess the effectiveness of today's WHOIS (the now current gTLD RDS, including cumulative changes made to the then-current RDS which was assessed by the prior RT) by (a) inventorying changes made to WHOIS policies and procedures since the prior RT completed its work, (b) using that inventory to identify significant new areas of today's WHOIS (if any) which the team believes should be reviewed, and (c) determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas.*

To accomplish this objective, the subgroup reviewed the inventoried policies and procedures to identify significant new areas of today's WHOIS (if any) requiring review. For those significant new areas only, the subgroup planned to answer these questions:

- a. Have these been implemented properly? What challenges have staff faced in the implementation?
- b. Are Registrars/Registries implementing these in a timely manner?
- c. Are any measurable steps that should be taken to make these new policies and procedures more effective?

In addition, GDPR and other data protection laws around the world will impact all WHOIS policies, including those inventoried by this subgroup. After ICANN implements an interim model to comply with GDPR, and as results of litigation become known, all WHOIS policies will need to be reviewed again to determine what needs to be changed.

### 1.2 Summary of Relevant Research

To conduct its research, all members of this subgroup reviewed the following inventoried WHOIS policy and procedure materials, posted on the [subgroup's wiki page](#):

- ⊙ [ICANN web page on WHOIS Policies](#), including the following WHOIS-related policies and procedures adopted since 2012
- ⊙ [Inter-Registrar Transfer Policy](#)
- ⊙ [Additional WHOIS Information Policy](#) (AWIP)
- ⊙ New gTLD [URS Policy](#), [Procedure](#) and [Rules for URS Policy](#)
- ⊙ [Expired Registration Recovery Policy](#) (ERRP)
- ⊙ [Thick WHOIS PDP](#) and [Final Report](#) – see section 7.1 for Thick WHOIS Policy
- ⊙ [Thick RDDS \(WHOIS\) Transition Policy for .COM, .NET and .JOBS](#)
- ⊙ [Registry Registration Data Directory Services Consistent Labeling and Display Policy](#)
- ⊙ [Privacy & Proxy Services Accreditation Issues \(PPSAI\) PDP](#) and [Final Report](#)
- ⊙ [Translation/Transliteration of Contact Information PDP](#) and [Final Report](#)
- ⊙ [Final Report from the Expert Working Group on Internationalized Registration Data](#) (2015)
- ⊙ [Procedure for Handling RDS/WHOIS Conflicts with Privacy Law](#) (2008)

- ⦿ [Review of the ICANN Procedure for Handling WHOIS Conflicts with Privacy Law](#) (2014)
- ⦿ [Final Report on the Implementation Advisory Group Review of Existing ICANN Procedure for Handling WHOIS Conflicts with Privacy Laws](#) (2016)
- ⦿ [Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law](#) (2017)
- ⦿ RDS/WHOIS [Data Retention Specification Waiver](#) and [Discussion Document](#)

In addition, the subgroup requested from ICANN Org an [Inventory of New and Changes Made to WHOIS Policies and Procedures Since the First WHOIS Review Team Completed Its Work in 2012](#), received on 19 January 2018.

The subgroup recognized that many policies and procedures may change in the light of GDPR, and therefore work at the moment is preliminary in those cases.

### 1.3 Analysis and Findings

<b>New/Updated Policy or Procedure</b>	<b>Questions considered by this review</b>	<b>Subgroup's Findings and Analysis</b>
New WHOIS pages on website (whois.icann.org)	Have these been implemented properly? What challenges have staff faced in the implementation?	Subgroup 1 Rec #3 and #11 are covering.
<a href="#">Inter-Registrar Transfer Policy</a> (IRTP)	Will this work with Privacy/Proxy services? Have these been implemented properly? Are Registrars satisfied? Are results of IRT on PPSAI are satisfactory?	No issues found. May need changes due to GDPR.
<a href="#">Additional WHOIS Information Policy</a> (AWIP)	Is this a compliance issue? Are Registrars satisfied?	No issues found.
New gTLD <a href="#">URS Policy</a> , <a href="#">Procedure</a> and <a href="#">Rules for URS Policy</a>		Being discussed in RPM PDP. No specific WHOIS issues.
<a href="#">Expired Registration Recovery Policy</a> (ERRP)	How are fees are being announced when registrar has no website?	We have no metrics on this policy. Subgroup 1 Rec #4 is covering
<a href="#">Thick WHOIS PDP</a> and <a href="#">Final Report</a> (see section 7.1) <a href="#">Thick RDDS (WHOIS) Transition Policy for .COM, .NET and .JOBS</a>		Stalled due to GDPR and RDAP implementation.
<a href="#">Registry RDDS Consistent Labeling and Display Policy</a>		We have no metrics on this policy. Subgroup 1 Rec #4 is covering
Privacy & Proxy Services Accreditation Issues (PPSAI) <a href="#">Final Report</a>		Subgroup 1 Rec #10 is covering.
<a href="#">Translation/Transliteration of Contact Information PDP</a> and <a href="#">Final Report</a> , and	Work has completed. What issues have arisen?	Subgroup 1 Rec #12-14 is covering.

New/Updated Policy or Procedure	Questions considered by this review	Subgroup's Findings and Analysis
<a href="#">Final Report from the Expert Working Group on Internationalized Registration Data</a> (2015)		
<a href="#">Review of the ICANN Procedure for Handling WHOIS Conflicts with Privacy Law</a> (2014)		New IAG was created, New trigger recommended. May need changes due to GDPR . Multi-party dissatisfaction with results.
<a href="#">Final Report on the Implementation Advisory Group Review of Existing ICANN Procedure for Handling WHOIS Conflicts with Privacy Law</a> (2016)		Final report voted through GNSO but new group being formed because of multi-party dissatisfaction with results. New trigger not seen as effective. May need changes due to GDPR.
RDS/WHOIS <a href="#">Data Retention Specification Waiver</a> and <a href="#">Discussion Document</a>	Are Registrars satisfied?	Data retention is an RDS issue. Waiver has been slow for uptake, but working. May need changes due to GDPR.

Based on the subgroup's analysis, the main findings of this subgroup are as follows:

- ⊙ There are a lot of policies and procedures that have been worked on since 2012.
- ⊙ There are not clear metrics for some of them.
- ⊙ Several items with compliance implications to be addressed by that subgroup.
- ⊙ Several items are already covered by WHOIS1 rec subgroups.
- ⊙ Reseller lack of transparency to be covered by the Consumer Trust subgroup.
- ⊙ RT to make general comment (under auspices of overall report) re: dissatisfaction with handling of conflicts with privacy law.
- ⊙ RT to note (under auspices of overall report's preamble) overall that the impact of GDPR has not been addressed in this review.

## 1.4 Problem/Issue

After analysis of facts, the subgroup has identified the following issue:

- ⊙ Some new policies are not reviewed by the Compliance team and metrics are not tracked therefore, there is no knowledge of whether or not registrars or registries are complying with the policies and effectiveness of the policy cannot be evaluated.

## 1.5 Recommendations (if any)

The subgroup concluded that no recommendations are needed at this time with respect to this objective. However:

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- ⊙ Recommendations appropriate for each new or updated WHOIS policy or procedure have been formulated by other subgroups.

- ⦿ The review team's report will note that, overall, the impact of GDPR has not yet been comprehensively addressed in this review.

## **1.6 Possible impact of GDPR and other applicable laws**

**[TO BE PROVIDED]**