Registration Directory Service (RDS-WHOIS2) Review

Draft Report including F2F#3 agreements and action items

REC15-16 SUBGROUP REPORT - SECTION 3.10 ONLY
FOR LILI TO PROVIDE REDLINED UPDATES

RDS-WHOIS2 Review Team
30 July 2018

3   Objective 1: Assessment of WHOIS1 Recommendations Implementation

3.10 WHOIS1 Rec #15-16: Plan & Annual Reports
<mark>[SUBSECTION NUMBERS WILL BE ADJUSTED WHEN ADDED BACK TO MASTER DOC]</mark>

1.1.1   Topic

Subgroup 1 - WHOIS1 Rec 15-16Plan & Annual Reports 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)(iv), the Review Team will (a) evaluate the extent to which ICANN Org has implemented each prior Directory Service Review recommendation (noting differences if any between recommended and implemented steps), (b) assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS), and (c) determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT's recommendations. This includes developing a framework to measure and assess the effectiveness of recommendations, and applying that approach to all areas of WHOIS originally assessed by the prior RT (as applicable).*

The specific WHOIS1 Recommendationassessed by this subgroup appears below:

WHOIS Recommendations #15-16: Plan & Annual Reports

Recommendation 15 – ICANN should provide a detailed and comprehensive plan within 3 months after the submission of the Final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.

Recommendation 16 – ICANN should provide at least annual written status reports on its progress towards implementing the recommendations of this WHOIS Review Team. The first of these reports should be published one year, at the latest, after ICANN publishes the implementation plan mentioned in recommendation 15, above. Each of these reports should contain all relevant information, including all underlying facts, figures and analyses.

To address this review objective, the subgroup agreed to:
- Cross check with other subgroups about whether the Action Plan properly addressed the WHOIS1 recommendations; and
- Assess the effectiveness of the already-published WHOIS Annual Reports (e.g., relevance of provided information, quality of the underlying facts).

1.1.2   Summary of Relevant Research
To conducts its research, all members of this subgroup reviewed the following background materials, posted on the subgroup's wiki page:

- WHOIS Review Team (WHOIS1) Final Report (2012) and Action Plan
- WHOIS Review Team (WHOIS1) Implementation Reports, including
  - Executive Summary of Implementation Report
  - Detailed implementation Report
- WHOIS1 Implementation Briefings on Recommendations 1, 2, 3, 6, 7, 9, 15, 16: PPT, PDF
- Answers to RDS-WHOIS2 Questions on Implementation Briefings
- Documents cited in briefing on Recommendations 15-16 include
  - ICANN Five Year Strategic Plan
  - FY 2013 operating plan and budget
  - FY14 Operating Plan and Budget
  - FY15 Operating Plan and Budget
  - FT 16 Operating Plan and Budget
  - ICANN FY 2017 Operating Plan and Budget
  - FY 2018 operating plan and budget
  - Action Plan adopted by the Board
  - 2013 WHOIS Annual Report
  - 2014 WHOIS Annual Report
  - 2015 WHOIS Annual Report
  - 2016 WHOIS Annual Report

This subgroup also requested additional materials and briefings from the ICANN Org:
- Written briefing on recommendations 15-16
- Clarifications pertaining to operating plan and annual report

In addition, this subgroup agreed to base its analysis in part upon Subgroup 1 key findings for all other WHOIS1 Recommendations, provided throughout Section 4 of this document.

Finally, the subgroup applied the RDS-WHOIS2 review team's agreed framework to measure and assess the effectiveness of recommendations.

1.1.3   Analysis & Findings

1.1.3.1   Detailed and Comprehensive Plan

The ICANN Board adopted an Action Planto implement the first WHOIS Review Team recommendations on 8 November 2012, which outlined the ICANN Board's proposed action items to address WHOIS1 recommendations respectively, and the rationale behind those action items. To implement Rec #15, according to the Written briefing on recommendations 15-16, the Board agreed that gTLD WHOIS should be a strategic priority. The Board directed the CEO to incorporate a work plan for the improvement of WHOIS into the operating plan, and directed the CEO to provide resources and budget to carry-out these activities,to provide annual public reports on implementation of these activities and related efforts.

WHOIS work has been reflected in ICANN's annual operating plan, beginning with the fiscal year 2013operating plan.In FY 2013 operating plan and budget, WHOISProgram was the fourth budgeted project ($969K) within ICANN, after IDNVariantManagementProjects ($1,250K), NewComplianceSystem/CRM ($1,200K), and EnhanceMulti-lingual strategy ($980K).A list of varioustypesofWHOISinitiatives were included in the WHOIS Program, including implementation of first WHOIS Review Team recommendations regarding measures to increase accuracy, crafted studies toinform the implementation of these

recommendations and a roadmap for additionalWHOIS accuracy initiatives, technical work on the WHOIS protocol, and synthesis with contractual compliance activities and reporting.

The FY14 Operating Plan and Budget had a totally different reporting format, and there was no indication of the exact budget and resources allocated for WHOIS Program. WHOIS work was reflected in 'The WHOIS core function/service &improvements Portfolio' in ICANN's annual operating plan and budget of 2015, 2016, 2017 respectively, and in 'Registration Data Services (WHOIS) Portfolio' under objective 2.1 'Foster and Coordinate a Healthy, Secure, Stable, and Resilient Identifier Ecosystem' in FY 2018 operating plan and budget, with only a total budget indication.

The annual operating plan is the business plan for ICANN Org as a whole, and WHOIS improvement is only part of it. Going through the above annual Operating Plan and Budget, there has been no details of the implementation plan of the action items outlined in the Action Plan. The work plan, deliverables and reports with regards to implementation have been scattered among different action items, e.g. WHOIS ARS project, and some have been incorporated into other WHOIS initiatives and policy developments.

1.1.3.2   Annual Status Reports

The implementation of the Action Plan was summarized as part of WHOIS annual reports. ICANN published the first WHOIS Improvements Annual Report on 4 Nov 2013. The Report provided an overview of the WHOIS1 recommendations and implementation activities, as well as links to deliverables for each implementation activity. The Annual Reports on WHOIS Improvements for 2014, 2015 and 2016 were produced by ICANN separately afterwards, which outlined the activities of all WHOIS policy related working streams. In each of the annual report, all implementation activities regarding the Board approved action plan were enumerated with links to deliverables.

The WHOIS Improvements Annual Report provides the overview of the WHOIS policy development, and could serve as a good reference of what has been done to improve WHOIS. So far, all the published WHOIS Improvements Annual Reports were activity-based rather than outcome-based, and there was no the relevant information of figures and analyses included as recommended by Rec #16. There has been no review about the effectiveness of the implementation of the Action Plan in addressing the WHOIS1 recommendations as well.

The annual report for 2016 was published till 1 September 2017, and there has been no annual report afterwards. According to clarifications pertaining to operating plan and annual report provided by ICANN Org, the annual report for 2016 showed completion of implementation of WHOIS1 recommendations, thus there will be no further annual reports.

1.1.4   Problem/Issue

As mentioned in the previous subsection, the action items outlined in the Action Plan went into different implementation tracks, and the annual status reports were the collation of a list of activities from different implementation tracks accordingly. In other words, the annual status reports were more activity-based than outcome-based, without sufficient underlying facts, figures and analyses as recommended by Rec #16. Additionally, many of the WHOIS1 recommendations were fully-implemented as detailed throughout Section 4. However, some resulted in prolonged on-going processes (e.g., Section 3.7, Privacy/Proxy). Others did not achieve the full intent of the WHOIS1 recommendation (e.g., Section 3.6, Data Accuracy), or meet the objective of the WHOIS1 recommendation (e.g., Section 3.2. Strategic Priority).

According to ICANN Org, the progress in implementing WHOIS1 recommendations was overseen and tracked by a dedicated staff member, and ICANN org has been working on improving its implementation tracking tools. Nonetheless, the plan & report on the implementation of WHOIS1 recommendations has not followed a well organized project management approach, e.g. it was hard to track the implementation of some specific review recommendations, there has been lacking of review of whether the implementation reflects the intent of the recommendation, and there has been no effectiveness review and measurable outcomes of the implementation.

1.1.5   Recommendations (if any)

Based on its analysis, members of this subgroup agree that these WHOIS1 recommendations have been partially-implemented. One further recommendation is provided here to address the problems/issues identified above.

Recommendation R15.1:
ICANN Board should ensure the implementation of WHOIS2 RDS Review Team recommedations is based on best practice project management methodology, ensure that plan and implementation reports clearly address progress, and applicable metrics tracking tools are used for effectiveness and impact evaluation.

Findings: See problem/issue above.

Rationale: The intention behind this recommendation is to ensure that the plan and report on implementation of recommendations generated by this Review Team be pragmatic and efficient.

Impact of Recommendation:
Given plan and annual report is regular activity of ICANN anyway, this recommendation will not impose extra workload for ICANN. Metrics tracking will impact Registrar, Registry, Compliance Team, etc., while the whole community will benefit from the implementation of this recommendation.
Under new Bylaws section 4.5, ICANN is in the process of developing an Annual Review Implementation Report, which will discuss the status of the implementation of all review processes required by Section 4.6 and the status of ICANN's implementation of the recommendations set forth in the final reports issued by the review teams to the Board following the conclusion of such review ("Annual Review Implementation Report").

Feasibility of Recommendation: The measuring of implementation should not be easy, the challenging part would be the design of the metrics.

Implementation:
The ICANN Board should take the lead to develop the structure and metrics for plan and report. An overview of the recommendations generated by this review team will be the ground for the design. The envisioned implementation timeline should be within 6 months.

Priority: Medium

Level of Consensus: fully consensus?

1.1.6   Possible impact of GDPR and other applicable laws

the impact of GDPR will be reflected in the implementation of specific recommendation, thus there will be no direct impact of GDPR on the recommendation generated by this subgroup.