RDS-WHOIS2-RT Face-to-Face Meeting #4

DAY 1 – 10 December 2018
Brussels

ICANN

Welcome

Agenda Item #1

Presenters: Review Team Leadership & ICANN org

Time: 09:00 – 09:15

Roll-Call, SoI Updates, Administrative Items

- **Roll-call**

Apologies: Thomas Walden

- **Any Statement of Interests Updates?**

- **Housekeeping**
  - Raise your hand if you wish to be added to the queue
  - Session is recorded:
    - Always use your microphone
    - State your name before speaking
    - Limit use of your laptop
  - Breaks:
    - Reception desk/area for coffee breaks
    - Kitchen area for lunch
    - Badges

Day 1 – Morning Program

08:30-09:00 – Breakfast

09:00-09:15 – Welcome

09:15-09:35 – Overview of draft report

09:35-09:50 – Discussion on Anything New in RDS environment that may require additional thoughts

09:50-10:30 – WHOIS1 Rec #1: Strategic Priority

10:30-10:45 – Break

10:45-11:15 – WHOIS1 Rec #2: Single WHOIS Policy

11:15-12:00 – WHOIS1 Rec #3: Outreach

12:00-12:30 – WHOIS1 Rec #4: Compliance

12:30-13:30 – Lunch

Day 1 – Afternoon Program

13:30-14:00 – WHOIS1 Rec #4: Compliance

14:00-15:30 – Objective 6: ICANN Contractual Compliance Actions, Structure and Processes

15:30-15:45 – Break

15:45-16:45 – DataWHOIS1 Rec #5-9: Data Accuracy

16:45-17:15 – WHOIS1 Rec #10: Privacy/Proxy Services

17:15-17:30 – Day 1 wrap up

19:00-21:00 – Dinner (offsite)

Opening Remarks & Day 1 Objectives

- **Meeting Objectives:**
  - Consider the results of public comment, determine any corresponding changes, and finalize its recommendations.

  - Mark up the draft report where substantial changes are needed

- **Meeting Outputs**
  - Review draft report, make adjustments to report structure (as needed)
  - Reach consensus on recommendations and sections updates
  - Determine adjustments needed to work plan

- **Day 1 Objectives**
  - Consider public comments received
    - ICANN Bylaws, 4.6 (a)(vii)(B): "The final report should include an explanation of how public comments were considered as well as a summary of changes made in response to public comments."

  - Reach consensus on recommendations and sections updates

Current Work Plan & Deliverables

DATE *	DELIVERABLE*
By 21 December 2018	Update recommendations and report based on public comment
By 11 January 2019	Approve final findings and recommendations for submission to ICANN Board
By 25 January 2019	Send Final Report to ICANN Board (and Language Services)
By 25 January 2019	Identify one or two review team tembers to remain available for clarification as may be needed during the Implementation Planning Phase

Per latest work plan approved by leadership

NOTE: Dedicated agenda item to review work plan and determine if adjustments are needed on day 3 @ 16:30-17:30

Overview Of Draft Report

Agenda Item #2

Presenters: Jackie Treiber

Time: 09:15 – 09:35

RDS (WHOIS) Review Draft Writer Report

Methodology:

- Editing for rigor and consistency:
  - Writing is clear, logical threads throughout
  - Back-up all claims

- Reducing redundancies:
  - Removing repeats, explanations - doing so globally and line by line

- Proofreading:
  - Spelling, grammar, numbering, formatting, graphs, etc
  - Checking for consistent voice, tenses, style and voice

RDS (WHOIS) Review Draft Writer Report

Document Diagnostics:

- **Flesch Reading Ease**: The score is a 100-point scale. The higher the score, the more readable the document. Plain English is between 60 and 70 Anything higher than 60 is a good score.

- **Your average score** (sample of roughly 10, multi-paragraph sections): **29.4**

- **Flesch-Kincaid Grade Level:** The score is presented as a U S grade level, which equates to the number of years of education required to understand the text. Your goal is to score 8 or lower (meaning that a 14-year-old can understand the content easily)

- **Your average score:** (sample of roughly 10, multi-paragraph sections): **22.3**

- **Score for ES Review Background:** 10.8

RDS (WHOIS) Review Draft Writer Report

Executive Summary comprises ~6-7% of the document, which is right on target, but could be shorter and more readable. For instance, the FK scale for the Review Background section was 10.8, which is incredibly low and defeats the straightforward nature of the ES.

*****Leadership Call (12/5)**: Agreed that ES should be edited for clarity, not length.

**NCSG Public Comments on Draft Report:**

1. _"Need for clear expansion of acronyms at first introduction and throughout major sections of the document."_

*****Leadership Call (12/5):** Agreed that acronyms should be uniformly introduced and reintroduced through document.

2. _"Acronym list should be created and listed under appendix A."_

*****Leadership Call (12/5):** Agreed that acronyms should have glossary or an expansion of the Glossary..

RDS (WHOIS) Review Draft Writer Report

3. *"The presentation of the report was not as thoughtful as it could have been, with sentences continuing across pages (where a page break could have added clarity) and the formatting not contributing to the report's legibility."*

Leadership Call (12/5): Agreed that writer will follow Word template for formatting and be mindful of page breaks with regard to text.

-Proofreading needed for grammatical, typographic errors.

Leadership Call (12/5): Agreed that writer will edit for clarity and errors.

4. *"The naming and cross-referencing of recommendations from one Review Team to the other are somewhat confusing (for example, CM4, R1, R1.1, LE 2). We suggest including a cross-reference index in the appendices and the executive summary, or to simply stick to the recommendations of the first review for numbering, not the sub-teams."*

Leadership Call (12/5): Team Leaders believe they cross-referenced these recommendations already. Will do due diligence to ensure complete comprehension.

RDS (WHOIS) Review Draft Writer Report

Writer Observations/Recommendations:

- Some review sections are missing. **Consumer Trust** (p. 101: reviewed webpages), **Anything New** (p. 88: impact of GDPR) and **8.3.4: Across Field Validation** (needs response from Registrar Working Group, was due July 31, 2018)

Leadership Call (12/5): Agreed to wait until F2F to cover these details.

- Move Relevant Research links to appendices or simply link to the relevant the "subgroup wiki page".

Leadership Call (12/5): Agreed to move links to appendices.

RDS (WHOIS) Review Draft Writer Report

Unfinished business:

- Some review sections are missing. **Consumer Trust** (pg 101: reviewed webpages), **Anything New** (pg 88: impact of GDPR) and **8.3.4: Across Field Validation** (needs response from Registrar Working Group, was due July 31, 2018)

- Some Relevant Research link sections need serious overhaul, with multiple instances of missing links, strange numbering, etc.

- Section reviews to be done by Team Leaders, questions still need to be reviewed regarding content, missing or otherwise needing to be explained.

- Some narrative sections leading up to graphs do not match graphs, or repeat graphs used in previous sections.

Discussion On Anything New In RDS Environment That May Require Additional Thoughts

Agenda Item #3

Presenters: Review Team Leadership & ICANN org

Time: 09:35 – 09:50

WHOIS1 Rec #1: Strategic Priority

Agenda Item #4

Presenters: Cathrin Bauer-Bulst

Time: 09:50 – 10:30

Public Comments On Recommendation R1.1

R1.1	To ensure that RDS (WHOIS) is treated as a strategic priority, the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.
Registrar Stakeholder Group (RrSG)	If ICANN wants to indeed be viewed as a global organization then it is very important that they monitor and consider legislation and policy developments world-wide, and not be overly influenced by interests with a US-centric viewpoint.
gTLD Registries Stakeholder Group (RySG)	Supports.
Business Constituency (BC)	BC urges the Team to ask ICANN to reaffirm its commitment to RDS/Whois as a strategic priority and follow-through on that commitment in a meaningful way. One suggestion is for the Team to provide a timeline for setting temporary and final policies and their implementation as part of a comprehensive approach to satisfying existing and emerging needs for access to domain registration data. The needs of law enforcement alone are compelling.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R1.1

R1.1	To ensure that RDS (WHOIS) is treated as a strategic priority, the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.
At Large Advisory Committee (ALAC)	The ALAC agrees with the report's recommendations on Strategic Priority (R1.1, R1.2), especially as it seems as if findings from the WHOIS1 Review team to support its recommendations are still true.
Non-Commercial Stakeholders Group (NCSG)	These recommendations (R1.1, R1.2) hardly address the huge failure to address data protection that has taken place over the past five years, putting the organization at risk. With respect to this objective, the NCSG has consistently pointed out the requirement to comply with data protection law, it would suffice to listen to us and assign existing staff the task of researching the matters we have raised, or consulting key stakeholders.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R1.2

R1.2	To support this mechanism, the ICANN Board should instruct the ICANN Organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the Board.
(RrSG)	RrSG supports the recommendation but also suggests that such updates also be provided to the GNSO council to enable it to initiate timely policy development processes where necessary.
(RySG)	Strong Support. Monitoring should be comprehensive and all reports to the ICANN Board should be balanced, free of bias, and reflect the full spectrum of legislative and policy developments.
(ALAC)	The ALAC agrees with the report's recommendations on Strategic Priority (R1.1, R1.2), especially as it seems as if findings from the WHOIS1 Review team to support its recommendations are still true.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R1.2

R1.2	To support this mechanism, the ICANN Board should instruct the ICANN Organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the Board.
(NCSG)	These recommendations (R1.1, R1.2) hardly address the huge failure to address data protection that has taken place over the past five years, putting the organization at risk. With respect to this objective, the NCSG has consistently pointed out the requirement to comply with data protection law, it would suffice to listen to us and assign existing staff the task of researching the matters we have raised, or consulting key stakeholders.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R1.3

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.
(RrSG)	More transparency is helpful.
(RySG)	Supports.
(ALAC)	Agrees with this recommendation that any Board group that is tasked with examining the RDS issues should be transparent about its operations, findings, consultations, and any recommendations or conclusions. This is particularly true when, as in this case, significant sums of money have been expended flying them and ICANN staff to meet with data protection authorities (e.g. the large delegation sent to the International Conference of Data Protection and Privacy Commissioners held in Hong Kong in 2017).

Break

Time: 10:30-10:45

What's Next?

10:45-11:15 – WHOIS1 Rec#2 – Single WHOIS Policy
11:15-12:00 – WHOIS1 Rec #3: Outreach
12:00-12:30 – WHOIS1 Rec #4: Compliance

WHOIS1 Rec #2 – Single WHOIS Policy

Agenda Item #5

Presenters: Carlton Samuels

Time: 10:45 – 11:15

Public Comments On Section

WHOIS1 Rec #2 – Single WHOIS Policy	
(RrSG)	Findings of the RDS-WHOIS2-RT on Rec. #2 are very similar to the ones of the first review team, and RrSG wonders why this recommendation is assessed as fully implemented. Moreover, ICANN Board has not created a single WHOIS policy document, therefore this recommendation should only appear as partially implemented.
(NCSG)	The relevant question that the Review Team appears to have failed to ask, is why did all these efforts fail? In order to determine why ICANN continually fails to come up with a holistic WHOIS policy, perhaps an examination of the various efforts is overdue. It is a pity the Review team did not recommend an independent, expert review of why these various policy procedures fail.

Support | **Neutral** | **Disagreement**

WHOIS1 Rec #3: Outreach

Agenda Item #6

Presenters: Alan Greenberg

Time: 11:15 – 12:00

Public Comments Received on Section

WHOIS1 Rec #3: Outreach	
(RrSG)	Agrees with the determination of partial implementation.
(DNRC)	On outreach and the RDS/WHO2 notation in 3.4.4 that *'there is little strong evidence that any outreach targeted at non-ICANN audiences was contemplated or carried out."*, the Domain Name Rights Coalition disagrees since virtually all of the groups (SSAC, GAC, ccNSO, ASO) have been actively, and in many cases almost continuously, engaged with ICANN on RDS/WHOIS issues since the date of the WHOIS 1 RT Final Report.

Public Comments on Recommendation R3.1

R3.1	The ICANN Board should direct ICANN Organization to update all of the information related to RDS (WHOIS) and by implication other information related to the registration of second level gTLD domains. The content should be revised with the intent of making the information readily accessible and understandable, and it 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. The resultant outward facing documentation of registrant and RDS (WHOIS) issues should be kept up to date as changes are made to associated policy or processes.
(RrSG)	Supports.
(RySG)	Supports.

Public Comments on Recommendation R3.1

R3.1	
(BC)	BC recommends that the Team ask ICANN Org to now take more informed and distributed measures to expedite community efforts to create a single RDS/Whois policy document and provide a timeline for development, implementation and outreach. In particular, we ask the Team to recommend ICANN Org to reach out to law enforcement and cybersecurity communities, engage them in meaningful dialogue, and incorporate their feedback.
(ALAC)	ALAC support in principle, but only when ICANN policies on Registrant Data are finalized.
(NCSG)	NCSG has repeatedly lamented the state of the ICANN website and the difficulty a novice (or even an expert with experience at ICANN) has in finding and interpreting the available data. We have recommended that ICANN hire a librarian and task them with assisting those who wish to find information on the website, as well as organizing the material properly, and preserving hyperlinks as a legacy, ensuring that the content remains available for the future. It might be advisable to recommend these improvements as an immediate assistance measure.

Support | Neutral | Disagreement

Public Comments on Recommendation R3.2

R3.2	With community input, the ICANN Board should instruct ICANN Organization to identify which groups outside of those that routinely engage with ICANN should be targeted effectively through RDS (WHOIS) outreach. An RDS (WHOIS) outreach plan should then be developed, executed, and documented. There should be an ongoing commitment to ensure that as RDS (WHOIS) policy and processes change, the wider community is made aware of such changes. 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 General Data Protection Regulation (GDPR) implementation and cannot be detailed at this point.
(RrSG)	Support, however the costs for such outreach should not increase the ICANN budget.
(RySG)	Supports.
(ALAC)	ALAC support in principle, but only when ICANN policies on Registrant Data are finalized.
(NCSG)	It is not clear why this outreach needs to be done, and why it is a high priority, particularly given the lack of readiness of the data, and the current limbo situations with respect to any replacement for WHOIS or RDAP implementation. At the very least, there are much higher priorities than identifying a target audience for information as yet unprepared. We would recommend dropping this recommendation.

Support | **Neutral** | **Disagreement**

WHOIS1 Rec #4: Compliance

Agenda Item #7

Presenters: Susan Kawaguchi

Time: 12:00 – 12:30

Public Comments On Section

WHOIS1 Rec #4: Compliance	
(RrSG)	Recommendations are not supported by corresponding data, which does not seem to indicate the existence of "systemic issues".

Public Comments On Recommendations R4.1

R4.1	The ICANN Board should direct ICANN Contractual Compliance to proactively monitor and enforce RDS (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.
(ALAC)	Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run.
Domain Name Rights Coalition (DNRC)	Dangerous recommendation for registrants, which should be removed as untimely and beyond scope, or narrowed in express language, to a more narrowly-tailored intent of the RDS/WHOIS2. As the ICANN Community researches, analyzes and debates the "WHOIS database of 2020," we should not be taking extraordinary efforts to review, cull and delete registrations of the WHOIS database of 1995. Unless there is some proof of illegality, then long-standing domain name registration, where the Registrant is otherwise "contactable," should not be suspended or deleted due to failure of some data element to be included or fully accurate.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R4.1

R4.1	The ICANN Board should direct ICANN Contractual Compliance to proactively monitor and enforce RDS (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.
(RrSG)	RrSG views this recommendation as creating more risk by trying to place ICANN Compliance into a more investigative mode, digging through data without justification. RDS accuracy is an obligation of the registered name holder (RNH). It is not the role of compliance to enforce RNH obligations.
(RySG))	Disagrees.
(NCSG)	If the inaccuracies in the records do not cause harm, we do not see any merit in ramping up monitoring. Surely systemic issues present themselves through inaccuracy reporting. Routine sampling is expensive, at a time of falling revenues.

Lunch

Time: 12:30-13:30

What's Next?

13:30 - 14:00 – WHOIS1 Rec#4 Compliance
14:00 - 15:30 – Objective 6: ICANN Contractual Compliance Actions, Structure and Processes

WHOIS1 Rec #4: Compliance

Agenda Item #8

Presenters: Susan Kawaguchi

Time: 13:30 – 14:00

Public Comments On Recommendation R4.2

R4.2	The ICANN Board should direct ICANN Contractual Compliance to look for patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the Registrar follows RDS (WHOIS) contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in RDS (WHOIS) data validation or verification are identified.
(ALAC)	Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run.

Public Comment On Recommendation R4.2

R4.2	
Internet Infrastructure Coalition (I2C)	Invites the review team for more assurances as to how patterns are defined and then detected. Review team should also scale the concept of compliance based sanctions. i2C also points out this recommendation would benefit input from the registrar community.
(RrSG)	The RrSG would like to understand better how ICANN Compliance would be detecting "patterns of failure". As ICANN Compliance already conducts audits on registrars who have proven to have a track record of non-compliance, it's unclear how this recommendation differs from the current practice and what the RT is envisioning. The current language is very broad and interpretation could easily lead to increased, unnecessary audits of registrars. Given the complexity of the Audit program and the amount of time and effort required for both ICANN and the affected parties, additional Audits outside the Audit program should only be triggered upon discovery of actual evidence of non-compliance, not for fishing-expeditions to detect potential non-compliance.
(RySG)	

Public Comment On Recommendation R4.2

R4.2	
(DNRC)	Dangerous recommendation for registrants, which should be removed as untimely and beyond scope, or narrowed in express language, to a more narrowly-tailored intent of the RDS/WHOIS2. As the ICANN Community engages actively and with an extraordinary effort in the EPDP, which includes a review of what registrant data fields are appropriate in 2018 and ahead, why would the RDS/WHO2 be calling on the ICANN Board and Staff to mine the existing WHOIS database for "errors"?
(NCSG)	Given that the RAA will be under review because of GDPR, we recommend holding off on recommending new expenses (e.g. audits) until the new workload of the compliance team has been determined. Breach disclosures, for instance, are a new requirement for both controllers and processors; monitoring for unreported breaches might be a more worthy candidate for compliance action.

Objective 6: ICANN Contractual Compliance Actions, Structure and Processes

Agenda Item #9

Presenters: Susan Kawaguchi

Time: 14:00 – 15:30

Public Comments Received On Section

Objective 6: ICANN Contractual Compliance Actions, Structure and Processes	
(BC)	The many issues following the adoption of ICANN's Temporary Specification for gTLD registration data (TempSpec) also should be addressed by the Team. The BC is very concerned that ICANN Compliance has failed to issue appropriate guidelines for registrars and registries and users of Whois, and also has failed to ensure even a minimum level of compliance in this space. The challenges identified in the APWG/M3AAWG4 survey on the impact of GDPR-Whois are also worth noting. As we review disclosure responses, we see overwhelming evidence that contracted parties are unresponsive to disclosure requests; and the responses received are not uniform across what is ostensibly a community bound by a common policy. We ask the Team to recommend that ICANN Org urgently address this.

Support | **Neutral** | **Disagreement**

Public Comments Received On Section

Objective 6: ICANN Contractual Compliance Actions, Structure and Processes	
(DNRC)	Recommendations calling for "brute force" enforcement of accuracy -- at the cost of cancelling potentially thousands (or more) gTLD domain names is ill-advised. These are a) beyond the scope of the recommendations of the WHOIS 1 Review Team (which focused on "contactability" with the verified phone or email), and b) untimely as the EPDP reviews whether the collection of these 30+ year old fields even makes sense in the 21st Century. Domain Name Rights Coalition also wonders why abusive use of the ARS hasn't been investigated, given that ICANN Contractual Compliance in this area, and ARS are both new. Asks RDS-WHOIS2 to add a recommendation that the filer of a WHOIS accuracy complaint is disclosed to the Registrant. Registrants should be able to discover the identity of those who seek to harm their organizations, companies or speech.

Public Comments On Recommendation CM.1

CM.1	The ICANN Board should negotiate contractual terms or initiate a GNSO PDP to require that gTLD domain names suspended due to RDS (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 RDS (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.
(RrSG)	Supports, however RrSG rejects the notion of the RT dictating contractual terms.
(RySG)	Supports.
(ALAC)	Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation CM.2

CM.2	The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the RDS (WHOIS) Registrant field. If 10-15% of domain names are found to lack data in the Registrant field, then the ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements within 12 months.
(ALAC)	Supports
(DNRC)	Requests deletion of this recommendation as it (1) goes beyond the scope of the WHOIS 1 RT recommendation of "contactablity"; and (2) violates basic standards of due process and common sense, such deletions would disproportionately impact Registrants from the developing world who are already underrepresented in the online space. It may also impact users who are sharing local educational and community resources. Finally this recommendation and the review of grandfathered domain names with the possibility of mass deactivations should be tabled pending completion of the EPDP's work.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation CM.2

CM.2	
(RrSG)	Very problematic. The ARS studies have shown that the number of grandfathered domains is already decreasing steadily on its own, illustrating that there is no strong need for a complete removal of grandfathering privileges for pre-2013 RAA domain names, which would create significant implementation issues for both registrars and registrants. The terms of the 2013 provisions were negotiated by ICANN and the RrSG under consideration of the realities of the domain business and difficulties in having to reach out to existing customers. The RT also does not demonstrate any reasonable fact-based need for removing the grandfathering rules. If an existing registration that predates the adoption of the 2013 RAA by the sponsoring registrar is not causing any issue, there needs to be a compelling reason to impose sanctions. The presumption that sufficient time has passed since the adoption of the 2013 RAA is erroneous as registrars have been adopting the new RAA over time, not at the time it was introduced by ICANN.
(RySG)	Concerns with the wording: who would be the party responsible for taking the actions described on domains suspended due to RDS data? RySG echoes the RrSG's concerns that the RT should not be dictating contractual terms and believe the recommendation as written is imprecise and potentially problematic.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation CM.3

CM.3	The ICANN Board should direct ICANN Organization to review the RDS (WHOIS) records of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge of RDS (WHOIS) inaccuracy reporting tools or other critical factors are responsible for low RDS (WHOIS) inaccuracy report submission rates in some regions.
(RrSG)	RrSG has doubts, however, that the Inaccuracy Reporting Function will remain viable in their current form under data privacy regulations as such data is no longer publicly accessible. As such, any review or study of this tool may be a misuse of resources.
(RySG)	What is the desired outcome? Review team should make that more explicit and consider revising this recommendation accordingly.
(ALAC)	Supports.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation CM.4

CM.4	The ICANN Board should direct ICANN Organization to publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool).
(ALAC)	Supports.
(DNRC)	Domain Name Rights Coalition finds this recommendation unnecessary, as there have been "only 3 have reported inaccurate RDS (WHOIS) records in the last year" and only 10 individuals/entities are registered for it, and suggests the reporting tool should be deleted rather than promoted.
(RrSG)	It is unlikely that the use of a bulk reporting tool referenced in recommendation 4 will be compliant under GDPR or other applicable data protection regimes as bulk access to this data has become impossible/illegal too.
(RySG)	Supports comment from RrSG.

Support | **Neutral** | **Disagreement**

Public Comments on Recommendation CM.5

CM.5	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.
(RrSG)	Supports.
(RySG)	Supports.
(ALAC)	Supports.

Support | **Neutral** | **Disagreement**

Break

Time: 15:30-15:45

What's Next?

15:45 - 16:45 – WHOIS1 Rec#5-9: Data Accuracy
16:45 - 17:15 – WHOIS1: Rec #10: Privacy/Proxy Services

WHOIS1 Rec #5-9: Data Accuracy

Agenda Item #10

Presenters: Lili Sun

Time: 15:45 – 16:45

Public Comments Received On Section

WHOIS1 Rec #5-9: Data Accuracy	
(RrSG)	RrSG reminds ICANN that data accuracy is achieved by providing our customers the tools/rights to access, correct and/or update their information and by establishing internal processes and procedures that ensure the data provided by our customers remains accurate and complete. Article 5(1)(d) of the GDPR does not require we poll our customers to ensure the data they have provided themselves as part of the underlying transaction was in-fact accurate. Any suggestion to the contrary is a misinterpretation of the GDPR.
	Furthermore, since the signing of the 2013 RAA, Sections 1(a-d) as well as 1(f) of the of the Whois Accuracy Program Specification have been implemented. Implementation of these five sections has resulted in near perfect address accuracy and contactability rates. As of January 2018, postal address operability is 99% and postal address syntax accuracy is 88% (up from 80% three years earlier). ICANN's own key findings include that "nearly all WHOIS records contained information that could be used to establish immediate contact: In 98 percent of records, at least one email or phone number met all operability requirements of the 2009 RAA."

Support | **Neutral** | **Disagreement**

Public Comments Received On Section

WHOIS1 Rec #5-9: Data Accuracy
(BC) The Temp Spec allows redaction without consideration of data subject (EU or not) or legal entity. The contracted parties claim that they cannot reliably make these distinctions because the data is inaccurate. The convenient solution – redact everything – is over-prescriptive. The long-term solution that is most beneficial for all parties – and one that we recommend the Team emphasize – lies in improving data accuracy to the level where contracted parties can be confident when making data subject or legal entity/natural person distinctions.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R5.1

R5.1	The ICANN Board should direct the ICANN Organization to look for potentially-anomalous ARS results (e.g., 40% of ARS-generated tickets closed with no action because the RDS (WHOIS) record changed between the time the ARS report was generated and the time the registration was reviewed by ICANN Contractual Compliance) to determine the underlying cause and take appropriate action to reduce anomalies.
(ALAC)	Support recommendations for determination of causes of data inaccuracy and actions to be taken to address the inaccuracy.
(RrSG)	RrSG wonders what purpose does this recommendation serve. The review team seems to draw conclusions from thin air instead of accepting the most reasonable explanation that due to the time lag between the data query in the ARS program and eventual compliance review the cause is most likely simply the passage of time. The RrSG is of the opinion that recommendations should address actually existing issues that are evidenced by data instead of initiating fishing expeditions. They also note that they consider it highly doubtful that the ARS program can be resumed under the GDPR and other applicable privacy legislation as it requires ICANN accessing and processing non-public personal information for no valid purpose.
(RySG)	Supports RrSG comment.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R5.1

R5.1	
(NCSG)	The Review Team has done great work in compiling the work that ICANN has done on registrants rights and responsibilities, and this report will be a good resource document for those who attempt to fix this problem. However, this very detailed section should remain a resource for this future work. We do not see the merit in developing new accuracy recommendations when the entire data set for publication is about to change.NCSG recommends removing this recommendation unless as your footnote indicates, something arises which merits further action.

WHOIS1 Rec #10: Privacy/Proxy Services

Agenda Item #11

Presenters: Volker Greimann

Time: 16:45 – 17:15

Public Comments On Recommendation R10.1

R10.1	The Board should monitor the implementation of the PPSAI. In the event that the PPSAI policy does not become operational by 31 December 2019, the ICANN Board should propose an amendment to the RAA that Privacy/Proxy providers affiliated with registrars shall verify and validate underlying customer information provided to them in the same way as registrars are required to verify and validate other registration data.
(BC)	It is unacceptable that ICANN Org continues to delay implementation of this approved consensus policy and we ask the Team to address this in their report. ICANN should be accrediting Proxy Privacy providers and requiring compliance now.
(ALAC)	Supports.
(NCSG)	If registrars do not object to this requirement, we cannot see a reason to object. However, the first recommendation on Privacy Proxy Services would be to do a financial review to ensure that the results of the IRT have not forced the service out of the marketplace. There is no focus on cost in this document, and maintaining an open and accessible domain space demands a focus on cost.

Support | **Neutral** | **Disagreement**

Public Comments On Recommendation R10.1

R10.1	
(RrSG)	The RrSG believes this recommendation seems to overlook that Privacy/Proxy is a SERVICE, same as email, and therefore the underlying customer information is already being verified and validated by the registrar. In essence this is requiring the customer info to be verified/validated twice, which adds no value. The RrSG also rejects the notion of a recommendation dictating contractual language. Contracts are the sole remit of ICANN and the contracted parties.
(RySG)	Supports RrSG comment.

Public Comments On Recommendation R10.2

R10.2	Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS (WHOIS) review team after PPSAI Policy is implemented.
(RrSG)	Supports.
(RySG)	Supports.
(ALAC)	Supports.

Day 1 wrap-up

Agenda Item #12

Presenters: Review Team Leadership

Time: 17:15 – 17:30

Day 1 Wrap-Up

- **Confirm approved updates**

- **Review day 2 agenda**

Day 2 Agenda

08:30 - 09:00 - Breakfast

09:00 - 09:10 – Welcome
09:10 - 10:00 – WHOIS1 Rec #11: Common Interface
10:00 – 10:30 – WHOIS1 Rec #12-14: Internationalized Domain Names

10:30 - 10:45 – Break

10:45 - 11:45 – WHOIS1 Rec #15-16: Plan & Annual Reports
11:45 - 12:30 – Objective 2 – Anything New

12:30 - 13:30 – Lunch Break

13:30 - 15:30 – Objective 3 – Law Enforcement Needs

15:30 - 15:45 – Break

15:45 - 17:15 – Objective 4 – Consumer Trust
17:15 – 17:30 – Day 2 wrap-up