

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

**10, 11, 12 December 2018
Brussels**



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

**DAY 1 – 10 December 2018
Brussels**



Welcome

Agenda Item #1

Presenters: Review Team Leadership & ICANN org

Time: 09:00 – 09:15

Roll-Call, Sol Updates, Administrative Items

- **Roll-call**
- **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 members 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.
- **Our 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. Our goal is to score 8 or lower (meaning that a 14-year-old can understand the content easily)
- **Our 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

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|---|---|
| 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. |

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. |

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. |

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. |
|---------------|---|

Public Comments On Recommendation R1.3

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| 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.

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. |

Public Comments on Recommendation R3.2

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| 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. |

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

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| 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. |

Public Comments On Recommendation R4.1

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|----------------|--|
| 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

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| 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. |
|-------------|---|

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| (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) | Supports comment from RrSG |

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.

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

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|---------------|---|
| CM.1 | <p>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.</p> <p>(1) The RDS (WHOIS) record should include a notation that the domain name is suspended due to incorrect data; and</p> <p>(2) Domain names with this notation should not be unsuspended without correcting the data.</p> |
| (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. |

Public Comments On Recommendation CM.2

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|---------------|---|
| 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 “contactability”; 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. |

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.

Public Comments On Recommendation CM.3

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| 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. |

Public Comments On Recommendation CM.4

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| 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. |

Public Comments on Recommendation CM.5

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| 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. |

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."

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.

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. |

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. |

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

RDS-WHOIS2-RT

Face-to-Face Meeting #4

DAY 2 – 11 December 2018
Brussels



Welcome

Agenda Item #1

Presenters: Review Team Leadership & ICANN org

Time: 09:00 – 09:10

Welcome

- **Day 1 Takeaways**
- **Day 2 Objectives**
 - Continue review of public comments received
 - Reach consensus on recommendations and sections updates

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

WHOIS1 Rec #11: Common Interface

Agenda Item #2

Presenters: Volker Greimann

Time: 09:10 – 10:00

Public Comments On Recommendation R11.1

| | |
|---------------|---|
| R11.1 | <p>The ICANN Board should direct the ICANN Organization to 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:</p> <ul style="list-style-type: none">- How often are RDS (WHOIS) fields returned blank?- How often is data displayed inconsistently (for the same domain name), overall and per gTLD?- How often does the tool not return any results, overall and per gTLD?- What are the causes for the above results? |
| (RrSG) | Supports |
| (RySG) | Supports. |
| (ALAC) | Supports recommendation, particularly when ICANN policies on registrant data are finalized. |

Public Comments On Recommendation R11.1

| R11.1 | |
|---------------|---|
| (BC) | Whois portal cannot be counted as a reliable source of WHOIS. It seems that ICANN efforts with respect to GDPR have broken aspects of the agreed to functions /purpose of the portal. We again refer ICANN to the APWG and M3AAWG survey, where investigators, either in survey responses or through submitted comments, identify prominent “pain points” and emphasize the need to restore timely access to complete Whois data for legitimate purposes. We ask the Team to address this in their recommendations. |
| (NCSG) | Given the state of flux of the data returned in response to queries, perhaps defining metrics is a low priority at this moment. We recommend dropping this one. |

Public Comments On Recommendation R11.2

| | |
|---------------|---|
| R11.2 | The ICANN Board should direct the ICANN Organization to continue to maintain the common interface to keep up to date with new policy developments or contractual changes for contracted parties to ensure that the common interface will display all publicly-available RDS (WHOIS) output for each gTLD domain name registration available from contracted parties, i.e., when they differ, both the registry and registrar RDS (WHOIS) output could be shown in parallel. |
| (RySG) | RySG believes that once the RDAP protocol is adopted by registries and registrars, ICANN should use RDAP as the underlying protocol to support the functionality of this interface, and eventually work towards retiring the WHOIS protocol for this feature. |
| (ALAC) | Supports recommendation, particularly when ICANN policies on registrant data are finalized. |
| (NCSG) | Supports. |

Public Comments On Recommendation R11.2

| R11.2 | |
|---------------|---|
| (RrSG) | <p>There seems to be more risk associated with this recommendation than any resulting benefit. However, if ICANN org plans to be the sole controller of this common interface and will be responsible/liable for pulling the data to create it (presuming the data is being correctly displayed in the first place (meaning not PII)), and they are comfortable with risk and their ability to comply with applicable laws, then RrSG agrees. RrSG appreciates the apparent intent of ensuring that the common interface provides both registry and registrar RDS outputs as these may currently differ under the Temp Spec, thereby reducing the potential of confusion with the users of the interface.</p> |
| (BC) | <p>Whois portal cannot be counted as a reliable source of WHOIS. It seems that ICANN efforts with respect to GDPR have broken aspects of the agreed to functions /purpose of the portal. We again refer ICANN to the APWG and M3AAWG survey, where investigators, either in survey responses or through submitted comments, identify prominent “pain points” and emphasize the need to restore timely access to complete Whois data for legitimate purposes.</p> <p>We ask the Team to address this in their recommendations.</p> |

WHOIS1 Rec #12-14: IDNs

Agenda Item #3

Presenters: Dmitry Belyavsky

Time: 10:00 – 10:30

Public Comments On Recommendation R12.1

| | |
|---------------|--|
| R12.1 | Reviewing the effectiveness of the implementation of Recs #12-14 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS review team after RDAP is implemented, and the translation and transliteration of the registration data launches. |
| (RrSG) | Supports deferment. |
| (RySG) | Supports deferment. |
| (ALAC) | Support deferral of review of effectiveness until the program is fully implemented. |
| (NCSG) | NCSG agrees with deferring further work on this topic. |
| (BC) | <p>A number of studies and a PDP were carried out, for which ICANN Org should be acknowledged.</p> <p>However, the resultant policy and practices are not yet in place because they depend on a new RDS/Whois system which is not yet implemented (using the Registration Data Access Protocol – RDAP). We recommend the Team reinforce this priority.</p> |

Break

Time: 10:30-10:45

What's Next?

10:45-11:45 – WHOIS1 Rec #15-16: Plan & Annual Reports

11:45-12:30 – Objective 2: Anything New

WHOIS1 Rec#15-16: Plan & Annual Reports

Agenda Item #4

Presenters: Lili Sun

Time: 10:45 – 11:45

Public Comments On Recommendation R15.1

| | |
|---------------|--|
| R15.1 | The ICANN Board should ensure that implementation of RDS-WHOIS2 Review Team recommendations is based on best practice project management methodology, ensuring that plans and implementation reports clearly address progress, and applicable metrics and tracking tools are used for effectiveness and impact evaluation. |
| (BC) | While plans and reports were issued, their utility was limited and they failed to provide transparency into areas where implementation fell short. The disconnect between ICANN Org’s claim of full implementation for all recommendations, and the reality of what has transpired is substantial. Clearly changes are needed in future implementation plans and reports. We suggest the Team recommend planning and reporting activities in concert with their recommendations. |
| (ALAC) | Accepts recommendation. |
| (RySG) | RySG supports the sentiment of this recommendation, but cautions that the implementation of the recommendation should not create new reporting burdens on contracted parties. |
| (NCSG) | Will it prevent ICANN from continuing to drive the train into the brick wall at the end of the tunnel? A bit more discussion of risk scanning and ongoing risk management might improve this recommendation. We would, therefore, disagree with your comment on page 84 that the GDPR has no impact on this recommendation; if the WHOIS Review Teams are dictating the action plan for WHOIS improvement, then there must be flexibility to map projects to reality as time passes between reviews. |

Objective 2 – Anything New

Agenda Item #5

Presenters: Stephanie Perrin

Time: 11:45 – 12:30

Public Comments On Section

Anything New

NCSG

The inventory of activities, policies, and procedures will be useful to help guide the GNSO when it determines priorities for subsequent PDPs after the Temporary Specification is either dealt with or disappears in May 2019.

Lunch

Time: 12:30-13:30

What's Next?

13:30 - 15:30 – Law Enforcement Needs

Law Enforcement Needs

Agenda Item #6

Presenters: Cathrin Bauer-Bulst

Time: 13:30 – 15:30

Public Comments On Section

Objective 3: Law Enforcement Needs

(RrSG)

RrSG encourages the use of outside facilitators to draft and conduct surveys to ensure that results or questions are not biased towards the interests of any particular group.

RrSG notes that only a select number of LEAs, ie those that had a direct relationship with the GAC and members of the Review Team, participated in the questionnaire and so the results do not necessarily reflect the views of a full cross-section of national and local LEAs around the world.

Public Comments On Recommendation LE.1

| | |
|---------------|--|
| LE.1 | The ICANN Board should resolve that regular data gathering through surveys and studies are to be conducted by ICANN to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement, as well as future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts). |
| (I2C) | Strongly supports initiatives to solicit feedback from a broader cross-section of LEAs. |
| (RySG) | RySG supports this recommendation, but cautions that ICANN should not conflate surveys with more rigorous studies. Surveys often result in a response bias, where only those parties interested in a certain topic take the time to respond to the survey. ICANN should seek out ways to ensure that it is gathering data from a broad and truly representative cross-section of law enforcement to understand how RDS data does or does not meet their needs. Furthermore, ICANN must ensure that any studies or surveys directed to contracted parties are either voluntary or based on an explicit requirement in the parties' agreements with ICANN. |
| (BC) | We found the law enforcement survey conducted by the Team to be useful, as it not only provided insight into law enforcement needs regarding RDS/Whois, but also gave us a preliminary understanding of whether GDPR was likely to have an impact on meeting those needs. We support the conduct of additional surveys and research in this vein. |

Public Comments On Recommendation LE.1

| LE.1 | |
|---------------|--|
| (ALAC) | Support recommendation, particularly after finalization of registrant data policies. The ALAC can agree with the recommendation to continuously monitor the impact of WHOIS/RDS related developments, but it is unclear to the ALAC how surveys and data gathering are to lessen the potential negative consequences on law enforcement work. |
| (RrSG) | LEA needs in the past often seemed to go beyond the scope of RDS services provided by contracted parties and relied on the use of third party data mining/data scraping services, so surveys may not correctly reflect the effectiveness of RDS services alone. |
| (DNRC) | If this recommendation is kept, Domain Name Rights Coalition asks that it is expanded to include Data Protection Authorities, as ICANN must be in a position to receive comprehensive information about the full and complex situation, to learn how the laws are evolving, and what compromises are being reached domestically. However, they recommend to delete the recommendation considering ICANN's New Bylaws require only "periodic review" of the legitimate needs of law enforcement, not regular (meaning done or happening frequently) thus avoiding continuous or near-continuous cycle of expensive and time-consuming surveys. Any future surveys need to explore all sides of these complex issues -- from all law enforcement and related parties involved -- but only on a "periodic" basis. |

Public Comments On Recommendation LE.1

LE.1

(NCSG)

We fail to see why ICANN should conduct studies to determine whether third parties are achieving their desired results in accessing registrant data. By all means, this relatively well-funded area of Internet business (referring here to the security community that acts to safeguard the Internet for commerce) may present survey data to ICANN, the Compliance department, and the SSAC, but in a time of falling revenues and new compliance costs related to the GDPR, we think this recommendation should be withdrawn. In the interest of transparency the NCSG requests that the costs of the current survey be included in the report. Surveys are useful, but they are not cheap, if properly done.

Public Comments On Recommendation LE.2

| | |
|---------------|--|
| LE.2 | The ICANN Board should consider extending and conducting such surveys and/or studies (as described in LE.1) to other RDS (WHOIS) users working with law enforcement on a regular basis. |
| (BC) | We found the law enforcement survey conducted by the Team to be useful, as it not only provided insight into law enforcement needs regarding RDS/Whois, but also gave us a preliminary understanding of whether GDPR was likely to have an impact on meeting those needs. We support the conduct of additional surveys and research in this vein. |
| (ALAC) | Supports recommendation, particularly after finalization of registrant data policies. The ALAC can agree with the recommendation to continuously monitor the impact of WHOIS/RDS related developments, but it is unclear to the ALAC how surveys and data gathering are to lessen the potential negative consequences on law enforcement work. |
| (I2C) | Internet Infrastructure Coalition finds the language of this recommendation quite vague and invites the review team to clarify which "RDS" and what "regular basis" mean, and solicits additional input. |
| (NCSG) | If law enforcement bodies wish to conduct surveys, ICANN should within reason cooperate, however, this recommendation should be reworded to clarify who pays for the research. Given the current state of flux in GDPR compliance, no action on surveys of law enforcement satisfaction should be taken until the state of registrant data access is stabilized. |

Public Comments On Recommendation LE.2

| LE.2 | |
|---------------|---|
| (DNRC) | This recommendation should be deleted as it is untimely and has the potential to run roughshod over the work of the EPDP. It is also unclear whether “other RDS (WHOIS) users working with law enforcement” can legally access personal and sensitive domain name registration data under the GDPR, Convention 108, and the over 100 national laws which govern data protection. Issues connected to law enforcement access to RDS data, including gatekeeping questions of how “law enforcement” should be defined, should only be determined by the EPDP. |
| (RrSG) | RrSG cautions against including parties who work with LEAs in any survey or attempting to equate the needs of those who work with LEA to the actual needs of LEAs. The expansion of such a survey to third parties that have not been empowered by regulation or statute with legal enforcement or investigatory powers and legal rights is highly dubious as the legitimacy of such parties is not equal to that of LEAs even though they may provide useful services. |

Break

Time: 15:30-15:45

What's Next?

15:45 - 17:15 – Objective 4 – Consumer Trust

17:15 - 17:30 – Day 2 wrap-up

Objective 4 – Consumer Trust

Agenda Item #7

Presenters: Erika Mann

Time: 15:45 – 17:15

Public Comments Received On Section

Consumer Trust

BC The BC supports the view that, for the purposes of these activities, “consumer trust” should not be restricted only to registrants, but must apply to all parties who “consume” domain names through registration and resolution services. This definition is better aligned with ICANN’s domain name system remit, which spans domain name registration services and name resolution services. Limiting consumer trust to the registrant population of millions constrains the scope of consumer and trust, and we recommend that the Team address this in its report.

Access to accurate Whois data for legitimate purposes of addressing threats to the integrity of domains is clearly within ICANN’s mission. We also recommend that ICANN follow-through on its obligation to assess the level of consumer trust in the new regime of RDS, privacy/proxy services, GDPR-redacted data fields and limited or rejected access to registration data. The question ICANN should ask and answer is: do these changes to Whois enhance consumer trust?

Day 2 Wrap-Up

Agenda Item #8

Presenters: Review Team Leadership & ICANN org

Time: 17:15 – 17:30

Day 3 Agenda

08:30 - 09:00 - Breakfast

09:00 - 09:15 – Welcome

09:15 - 10:15 – Objective 5 – Safeguarding Registrant Data

10:15 - 10:30 – Break

10:30 - 11:15 – ICANN Bylaws

11:15 - 12:30 – Parking lot for any item that requires further discussion

12:30 - 13:30 – Lunch Break

13:30 - 14:30 – Executive Summary

14:30 – 15:30 - Adjust (as needed) structure of report (e.g. merge sections etc)

15:30 - 15:45 – Break

15:45 - 16:30 – Call for consensus on recommendations

16:30 – 17:30 – Face-to-Face Meeting #4 wrap-up

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

Brussels

DAY 3 – 12 December 2018



Welcome

Agenda Item #1

Presenters: Review Team Leadership & ICANN org

Time: 09:00 – 09:15

Welcome

- **Day 2 Takeaways**
- **Day 3 Objectives**
 - Complete review of public comments received
 - Reach consensus on recommendations and sections updates
 - Critical assessment of current status, the report structure and the need for any changes
 - Determine adjustments needed to work plan

Day 3 Agenda

08:30 - 09:00 - Breakfast

09:00 - 09:15 – Welcome

09:15 - 10:15 – Objective 5 – Safeguarding Registrant Data

10:15 - 10:30 – Break

10:30 - 11:15 – ICANN Bylaws

11:15 - 12:30 – Parking lot for any item that requires further discussion

12:30 - 13:30 – Lunch Break

13:30 - 14:30 – Executive Summary

14:30 – 15:30 - Adjust (as needed) structure of report (e.g. merge sections etc)

15:30 - 15:45 – Break

15:45 - 16:30 – Call for consensus on recommendations

16:30 – 17:30 – Face-to-Face Meeting #4 wrap-up

Objective 5: Safeguarding Registrant Data

Agenda Item #2

Presenters: Alan Greenberg

Time: 09:15 – 10:15

Public Comments On Section

Objective 5: Safeguarding Registrant Data

(RrSG)

RrSG has no issue with these requirements, with the assumption that any update of the contracts will not be extended to anything outside of them. Such requirements should be general, not specific and merely reference best practice legal regulations such as the GDPR.

Public Comments On Recommendation SG.1

SG.1

The ICANN Board should require that the ICANN Organization, in consultation with data security and privacy expert(s), ensure that all contracts with contracted parties (to include Privacy/Proxy services when such contracts exist) include uniform and strong requirements for the protection of registrant data and for ICANN to be notified in the event of any data breach. The data security expert(s) should also consider and advise on what level or magnitude of breach warrants such notification.

In carrying out this review, the data security and privacy expert(s) should consider to what extent GDPR regulations, which many but not all ICANN contracted parties are subject to, could or should be used as a basis for ICANN requirements. The ICANN Board must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.

(RrSG)

Supports.

(RySG)

Supports.

(ALAC)

Supports.

Public Comments On Recommendation SG.1

| SG.1 | |
|--------------|---|
| (I2C) | Internet Infrastructure Coalition has concerns about making sure contracts of Contracted Parties should be aligned with each other when it comes to requirements of user data security, noting these requirements should be strengthened and ICANN should have a right to be notified of breaches. They would like to see this move towards having both ICANN and GDPR compliant contracts. |
| (BC) | While there has been a significant and useful focus at ICANN on registrant data privacy over the last several months, it remains unclear whether registrars and registries are adequately protecting registrant data (e.g. from data breaches). ICANN's contracts with registries, registrars and escrow agents include varying requirements for how data is to be protected from inappropriate access or change. We have limited transparency, however, on whether, and how well, these contracts are being enforced. For example, there's a contractual requirement that ICANN be notified in case of a data breach, but it's unclear whether and to what effect this has been enforced. We suggest this is an area for the Team's further consideration. |

Break

Time: 10:15-10:30

What's Next?

10:30-11:15 – ICANN Bylaws

11:15-12:30 – Parking lot for any item that requires further discussion

ICANN Bylaws

Agenda Item #3

Presenters: Alan Greenberg

Time: 10:30 – 11:15

Public Comments On Recommendation BY.1

| | |
|---------------|--|
| BY.1 | The ICANN Board should take action to eliminate the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii) and replace section 4.6(e)(iii) of the ICANN Bylaws with a more generic requirement for RDS (WHOIS) review teams to assess how well RDS (WHOIS) policy and practice addresses applicable data protection and cross border data transfer regulations, laws and best practices. |
| (I2C) | Supports the idea of updating the bylaws, but wants to ensure up to date and effective data safeguards are part of that discussion. |
| (RrSG) | RrSG takes no issue with the bylaws being updated, however, it should be ensured that the data safeguards remain part of the revised language. |
| (RySG) | RySG supports the second part of Recommendation BY.1 to replace section 4.6(e)(iii) of the ICANN Bylaws, but does not support the first part of this recommendation to eliminate the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii). |
| (ALAC) | Support recommendation. |

Public Comments on Recommendation BY.1

BY.1

(DNRC)

Concerned about the deletion of protections for Registrants from New ICANN Bylaw Section 4.6(e)(ii) and ask that this recommendation be removed, as they consider it dangerous and short-sighted, as removing or changing this Bylaw protection would violate key promises made in the ICANN Transition, and fundamental commitments of the ICANN Community to its foundation of domain name registrants. The publicity of such a change, alone, would undermine confidence in the DNS.

(NCSG)

We understand from examining the discussion on page 129 that the goal behind this recommendation was to eliminate reference to the OECD Guidelines, and to replace it with reference to data protection law and best practice (with a view to compliance), but as currently worded the recommendation does not do this. It sounds like the team is recommending the elimination of the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii). If this is not indeed the intention, the recommendation must be reworded to precisely state its intention.

General Comment on Draft Report

(DNRC)

Asks that the RDS/WHO2, in fairness, acknowledge the many deep and lengthy concerns raised by members of the ICANN Community on the EWG Reports, where new sections were first introduced in the final report (without public input), and without factoring into compliance with the GDPR.

Ask that the Final Report highlight more strongly the important role of domain name Registrants, and highlight their rights as protected data subjects in the DNS. Coalition strongly opposes with recommendations potentially calling for mass takedowns of domain names. DNRC also asks that the Final Report reflects more of the history of the WHOIS databases and the robustness of the debate that has taken place throughout the history of ICANN.

Parking Lot For Any Item That Requires Further Discussion

Agenda Item #4

Presenters: Review Team

Time: 11:15 – 12:30

Lunch

Time: 12:30-13:30

What's Next?

13:30-14:30 – Executive Summary

14:30-15:30 – Adjust (as needed) structure of report (e.g. merge sections etc.)

Executive Summary

Agenda Item #5

Presenters: Review Team Leadership

Time: 13:30 – 14:30

Adjust (As Needed) Structure Of Report

Agenda Item #6

Presenters: Review Team Leadership

Time: 14:30 – 15:30

Adjust (as Needed) Structure of Report

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Break

Time: 15:30-15:45

What's Next?

15:45 - 16:30 – Call for consensus on recommendations

16:30 - 17:30 – Face-to-Face Meeting #4 wrap-up

Call for Consensus On Recommendations

Agenda Item #5

Presenters: Review Team Leadership

Time: 15:45 – 16:30

Call for Consensus On Recommendations

| Confirm for each Recommendation | R1 Strategic Priority | | | R3 Outreach | | R4 Compliance | | R5 Data Accuracy | R10 Privacy/Proxy Services | | R11 Common Interface | | R12 IDNs | R15 Plan Annual Reports |
|---------------------------------|--------------------------|-----|-----|----------------|-----|------------------|-----|---------------------|-------------------------------|------|-------------------------|------|-------------|----------------------------|
| | 1.1 | 1.2 | 1.3 | 3.1 | 3.2 | 4.1 | 4.2 | 5.1 | 10.1 | 10.2 | 11.1 | 11.2 | 12.1 | 15.1 |
| Recommendation # | | | | | | | | | | | | | | |
| Updated? (Y/N) Removed? (R) | | | | | | | | | | | | | | |
| Priority | H | H | M | M | H | H | H | TBD | L | L | L | H | L | M |
| Consensus (#agree:#disagree) | | | | | | | | | | | | | | |
| Specific? | | | | | | | | | | | | | | |
| Measureable? | | | | | | | | | | | | | | |
| Relevant? | | | | | | | | | | | | | | |
| Achievable? | | | | | | | | | | | | | | |
| Time bound? | | | | | | | | | | | | | | |

Call for Consensus On Recommendations

| Confirm for each Recommendation | Law Enforcement Needs | | Safeguarding Registrant Data | Contractual Compliance: Actions, Structure, and Processes | | | | | Bylaws |
|---------------------------------|-----------------------|------|------------------------------|---|------|------|------|------|--------|
| | LE.1 | LE.2 | SG.1 | CM.1 | CM.2 | CM.3 | CM.4 | CM.5 | BY.1 |
| Recommendation # | | | | | | | | | |
| Updated? (Y/N) Removed? (R) | | | | | | | | | |
| Priority | H | H | M | H | M | L | L | L | M |
| Consensus (#agree:#disagree) | | | | | | | | | |
| Specific? | | | | | | | | | |
| Measureable? | | | | | | | | | |
| Relevant? | | | | | | | | | |
| Achievable? | | | | | | | | | |
| Time bound? | | | | | | | | | |

Face-to-Face Meeting #4 Wrap-Up

Agenda Item #8

Presenters: Review Team Leadership & ICANN org

Time: 16:30 – 17:30

Face-to-Face Meeting #4 Wrap-Up

- **Roadmap to sending Final Report to the ICANN Board**
 - Set deadlines for completing outstanding actions
 - Identify penholders, etc.
- **Confirm decisions reached/action items**
- **Any other Business**
- **Closing remarks**

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 members to remain available for clarification as may be needed during the Implementation Planning Phase |

**Per latest work plan approved by leadership*

Any adjustments needed?

Appendix A

Draft Report Recommendations

R1.1 | R1.2

Recommendation 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.

Recommendation 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.

Findings: While a number of steps were taken towards making RDS (WHOIS) a strategic priority for the organization, the record of actions over the last year and in particular the challenging situation regarding compliance with data protection requirements show that ICANN did not take action to address related community concerns in a timely manner. See also discussion of RDS (WHOIS) policy development actions in Section 3.3. Therefore, implementation of this recommendation is not yet sufficient.

Rationale: The intent behind these recommendations is to ensure that ICANN as an organization is well placed to address future policy issues, such as may arise from legislation or from community concerns.

The issues identified could best be addressed by an improved implementation of the original recommendation. For these purposes, further elements are proposed in a re-shaped recommendation to provide concrete targets for the ICANN Board and Organization.

The potential impact of not addressing the recommendation could consist in further situations of lack of preparedness of the organization to assume its responsibilities and address them in due time. Given the challenging process ahead as compliance with data protection rules and obligations under the Bylaws will take significant additional time, improved implementation could help the organization to better address such issues in the future.

These recommendations are aligned with ICANN's Strategic Plan and Mission, which already seek to reflect the strategic priority given to RDS (WHOIS) but focus on compliance and support for Community processes, rather than providing a real advance planning and strategy function within the ICANN Board and Organization.

These recommendations are also within the scope of the review team's efforts.

Impact of Recommendation: These recommendations would impact the work of the Board and ICANN leadership. It would contribute to the legitimacy and efficiency of the organization, by ensuring that it is better prepared to meet future challenges and to serve community needs, including registrants, RDS users and contracted parties. It would also impact the ICANN Organization, in that it would require resources to perform the requisite analysis and update the ICANN Board on a regular basis.

Feasibility of Recommendation: Given that the ICANN Board has already resolved in the past to make RDS (WHOIS) a strategic priority, this updated recommendation should also be feasible. A risk remains in that any such attempt at providing a global "policy scan" might fail to properly assess relevant developments, as may have been the case with the GDPR and other data protection rules: the potential for conflicts with the law was highlighted many years ago but no change was made in time through the normal ICANN processes.

Implementation: The implementation has to be provided by the ICANN Board and leadership, with staff support. A successful implementation would consist in a revised Charter for the ICANN Board Working Group on Registration Data Directory Services (BWG-RDS), which should be implemented as soon as possible and at the latest within 6 months. This could dovetail with ongoing efforts to ensure swift and constructive cooperation between the Board and ICANN leadership on the one side and the GNSO on the other side for the Expedited PDP on the Temporary Specification for gTLD Registration Data. The BWG-RDS would need to be supported by appropriate dedicated resources from ICANN, who would provide the requisite analysis of global policy developments and supply the ICANN Board with regular updates, which could also be shared with the full ICANN community.

Priority: High.

These recommendations provide the backbone for ICANN's efforts on RDS (WHOIS), which should be driven by a strategic and coherent overall approach. It is therefore considered essential.

Level of Consensus: No objections

R1.3

Recommendation 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.

Findings: It is difficult to assess the forward-looking nature of the work done by the BWG-RDS in the absence of any record of its activities.

Rationale: Given the strategic importance of RDS (WHOIS) and related activities, it is to be expected that the work of the relevant BWG-RDS or any successor entity would be of interest to future reviews. In order to allow for accountability and transparency of the work, an account on its activities needs to be created and made available to the ICANN Community.

Impact of Recommendation: This recommendation impacts the ICANN Board members participating in the BWG-RDS and ICANN support staff to the Board. It increases the administrative burden incumbent on the ICANN Board and its support staff.

Feasibility of Recommendation: The recommendation would create a new administrative burden on the ICANN Board and on relevant support staff. However, given the limited burden imposed by the keeping of meeting records and the creation of minutes, its implementation should not be overly burdensome and is therefore considered feasible.

Implementation: The implementation has to be provided by the ICANN Board, with staff support. A successful implementation could consist in a complete record of ICANN BWG-RDS meetings and corresponding meeting minutes, which the Board should resolve to create as soon as possible and at the latest within 6 months.

Priority: Medium.

This Recommendation serves to create overall accountability and transparency of the Board's activities in a key field, and is therefore of strategic importance.

Level of Consensus: No objections

R3.1

Recommendation 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 gTLDs 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.

Findings: The requirement to provide outreach was correctly interpreted as to need significant RDS (WHOIS)-related documentation and this was carried out. Although the resultant Portal is somewhat lacking in navigation tools, it was generally very well done. However, it was not well integrated with other registrant-related information or with earlier RDS (WHOIS)-related documentation and tutorial efforts. Documentation related to WHOIS inaccuracy reports was noted as needed a particular focus.

Rationale: The original recommendation was not explicit as to what documentation was required or how it should be integrated. Although the work that was done was of high quality, the lack of integration makes it significantly less effective that it could have been. Although it is currently unclear to what extent RDS (WHOIS) information will be publicly viewable, such information will always be collected and thus ICANN has an obligation to document it clearly. Moreover, if there is tiered access to RDS (WHOIS) data at some point in the future, there will have to be extensive documentation on who can access such additional information and how that process is carried out.

Impact of Recommendation: All gTLD registrants should have full information on why their data is collected, how it can be used, and how they may make use of such data. Similarly, others who may have an interest in the registrant of a gTLD domain, or how to interact with that registrant should have ready access to such information and how to proceed if there is a problem to be resolved.

Feasibility of Recommendation: The documentation and educational materials requested are standard types of offerings.

R3.1

Implementation: The implementation should begin once it is moderately clear how GDPR will be addressed with relation to gTLD RDS (WHOIS). Should the implementation of this recommendation be deferred past FY2020, the then existing RDS (WHOIS)-related parts of the ICANN web site must be amended to cross-link the various sections on the RDS (WHOIS) portal, ICANN Contractual Compliance, Registrar and ICANN Learn.

As policies and processes change, so should the related user-oriented documentation.

Priority: Medium.

Level of Consensus: No objection

R3.2

Recommendation 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.

Findings: There is little evidence of outreach as described in the original recommendation and such outreach is still felt to have merits.

Rationale: The need for non-traditional outreach on RDS (WHOIS) was clearly understood by the WHOIS1 Review Team. This need was further supported by parts of the ICANN community. However, the apparent lack of insight by others to understand how GDPR might impact Internet communities demonstrates why such outreach is crucial and must include both traditional and non-traditional parties.

Impact of Recommendation: The potential impact and reach of such outreach will be determined during the first phase of consultation.

Feasibility of Recommendation: Although such outreach implementing the original recommendation was apparently not carried out to any great extent, there is no reason to believe that it is not feasible.

Implementation: The implementation should begin once it is moderately clear how GDPR will be addressed with relation to gTLD RDS (WHOIS). Implementation should not be a one-time effort but should have an ongoing component.

Priority: High.

Level of Consensus: No objections

R4.1

Recommendation 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.

Findings: As detailed in Section 3.5.3, currently, the ICANN Contractual Compliance team's responsibilities are mainly reactive in responding to WHOIS inaccuracy reports and working with the Global Domains Division (GDD) on the results of the ARS reports. The Compliance team could be more proactive in their approach and when they see suspected systemic issues research, analyze and enforce against inaccuracy in the registration data. With the number of registered domain names growing daily it becomes more important to security and stability to ensure there is accurate information in the registrant data on record.

Rationale: Data produced by ICANN's Domain Activity Abuse Reporting (DAAR) system is an additional resource that the ICANN Contractual Compliance team has available and is not currently including in their research and analysis. The use of DAAR data as one of many input sources would provide a different perspective for the ICANN Contractual Compliance team. Although DAAR data is non-authoritative, it is used globally to add to the security and stability of the internet. Bulk WHOIS Inaccuracy Reports may be helpful in addressing systemic issues. Reports through this tool may be indicative of wide spread problems and use of these reports could assist in enforcement.

Impact of Recommendation: This recommendation could positively impact the accuracy of registrant data. The Compliance team could implement this, unless it requires a new policy, in which case a GNSO Policy Development Process may be required. If this recommendation is not implemented the effectiveness of compliance actions will be lessened. As systemic issues increase and sophistication of attacks are on the rise the ICANN Contractual Compliance teams needs more effective tools and detection information to resolve issues. This recommendation is aligned with ICANN's Mission and within scope of the review team.

Feasibility of Recommendation: This recommendation would not be difficult for the Compliance team to implement, unless it requires a new policy, in which case contract negotiation or a PDP may be required.

R4.1

Implementation: The Community and ICANN org would work together on creating a framework/policy for this recommendation. This recommendation will be successful when the percentage of accurate registrant data records increases. There is currently no specific work underway on this issue except that the DAAR data is available and ready for evaluation. This recommendation could be implemented immediately upon approval by the ICANN Board.

Priority: High.

Level of Consensus: No objections.

R4.2

Recommendation 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.

Findings: As detailed in Section 3.6.3.2, all current RDS (WHOIS) accuracy-related compliance activities are separate and conducted individually. ARS sampled RDS (WHOIS) records to do accuracy tests, the Audit program samples registrars to conduct audits, and no synergies appear to have been gained through these different action tracks.

Rationale: A follow up audit would help in cases where a pattern of failure to validate and verify RDS (WHOIS) data as required by the RAA is detected, to help to mitigate issues regarding the identified registrar.

Impact of Recommendation: Registrars that do not consistently adhere to the requirement to verify and validate the data in the RDS (WHOIS) record will be impacted by this recommendation. If a pattern is detected for lack of adherence to RAA requirements, then the Registrar will be subjected to an audit of their verification and validation of RDS (WHOIS) records by the Compliance team. This could result in education of the Registrar, better understanding of the requirements required by ICANN policy, and an improvement in RDS (WHOIS) data accuracy. If this recommendation is not implemented, systemic issues will not be detected and there will continue to be Registrars that are not complying.

This recommendation is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

Feasibility of Recommendation:

This recommendation will make the Audit program more targeted. The ICANN Contractual Compliance team may need further assessment of resources to implement this recommendation.

R4.2

Implementation: Registrants, Registrars, Registries and ICANN Contractual Compliance will all be responsible for the implementation of this recommendation. Successful implementation will result in a reduction in percentage of inaccuracy reports for audited registrars and improved accuracy of RDS (WHOIS) records. There is no current work underway on this issue. This recommendation should be implemented immediately after approval by the ICANN Board.

Priority: High.

Level of Consensus: No objections

R5.1

Recommendation 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.

Findings: Throughout ARS project Phase 2, a consistently high percentage of ARS-generated tickets have been closed with no action. As detailed in Section 3.5.4.5, changes in the RDS (WHOIS) record between ARS sampling and inaccuracy ticket processing appear to account for 40-60% of closures resulting in no compliance action. In follow-up discussions with ICANN Org, the review team was unable to obtain sufficient information about these record changes and concluded that further investigation is warranted to determine the underlying cause(s) and either rule out or remediate possible processing anomalies.

Rationale: The intent of this recommendation is to improve the effectiveness of ARS in contributing to improvement of RDS (WHOIS) accuracy. If this unexpectedly high ratio of RDS (WHOIS) updates within a relatively short period of time can be extrapolated to all gTLDs, the review team believes that a better understanding of these RDS (WHOIS) changes may help to improve follow-up. For example, how many of such cases involve registrations that expire without renewal prior to ticket processing? How many involve domain names that are transferred to a new registrant and/or registrar prior to processing? How many involve RDS (WHOIS) records that are updated by the registrant or registrar, with or without remediating the ARS-detected inaccuracy? Analyzing the root cause behind closures resulting in no compliance action could uncover patterns that lead to better inaccuracy detection or more targeted compliance actions.

Impact of Recommendation: The ARS project team, the registrars receiving ARS-generated tickets, and (probably) the ICANN Contractual Compliance team will be impacted by this recommendation. If this recommendation is successfully implemented, the ratio of ARS-generated tickets closed without action may be reduced. If this recommendation is not implemented, there could be anomalies in detection or processing that reduce the benefits obtained from ARS. Currently, the ARS project represents a major effort to improve RDS (WHOIS) accuracy. However, given the considerable number of ARS-generated tickets closed with no action refining ARS methodology will contribute the effectiveness of ARS.

R5.1

Feasibility of Recommendation: For every ARS-generated ticket, the ARS project team has worked closely with the identified registrar. To implement this recommendation, further actions are needed to examine ARS-generated tickets that result in closure with no action to determine and analyze the underlying causes. Depending upon common underlying cause(s), investigation and action could involve the ARS Team, ICANN Contractual Compliance, and (to the extent feasible) follow up with the registrar. The review team acknowledges that root cause analysis would add to the workload of affected parties, but believe this effort is feasible and manageable.

Implementation: As described above, ICANN Org would be responsible for implementing this recommendation. In some cases registrars receiving ARS-generated tickets closed with no action could be involved as well. Given that ARS is an on-going project, this recommendation could be injected into the project's process for continuing improvement. The envisioned implementation timeline could be 12 months.

Priority: To be determined.

Consensus: No objections to place holder, pending further investigation.

R10.1

Recommendation 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.

Findings: The PPSAI PDP recommendations are expected to ensure the verification and validation requirements are expanded to also encompass the underlying registration details of privacy and proxy service providers. It is understood from review by the RDS-WHOIS2 Review Team of existing registrar practices that registrars often already include such processes even though there is no such requirement but this is not known to be a standard practice employed by all accredited registrars.

Rationale: In case the IRT does not result in policy, the policy loophole to the verification and validation of registration data would remain for registrations through such registrars that do not act in this manner and while ICANN would have no ability to enforce any such ability against nonaffiliated, non-accredited providers, the addition of such a requirement to the RAA could eliminate this issue for a large number of services.

Impact of Recommendation: Ensure better data quality and contactability of the underlying contact owner for registrations using privacy services. Would require amending the RAA.

Feasibility of Recommendation: Amendment process of RAA is envisioned in the RAA itself. It would merely expand already existing practices to all registrations using registrar-affiliated privacy services.

Implementation: Use of the RAA amendment process by mutual agreement between ICANN and accredited registrars.

Priority: Low.

Level of Consensus: No objections.

R10.2

Recommendation 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.

Findings: The PDP process has completed its work and the policy is now in its implementation stage.

Rationale: As no review of the effectiveness of a policy is possible prior to its implementation, this work should be deferred.

Impact of Recommendation: This will allow better assessment of the effective results of the policy.

Feasibility of Recommendation: Easy Implementation: Carrying out this recommendation would fall to the next RDS-WHOIS review team, when constituted.

Priority: Low.

Level of Consensus: No objections.

R11.1

Recommendation R11.1: The ICANN Board should direct the ICANN Organization to 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 RDS (WHOIS) fields returned blank?
- How often is data displayed inconsistently (for the same domain name), overall and per gTLD?
- How often does the tool not return any results, overall and per gTLD?
- What are the causes for the above results?

Findings: The current common interface (whois.icann.org) has no metrics that can be used to determine its effectiveness. It is therefore difficult to determine if effectiveness can and/or needs to be improved and what specific steps would be necessary for such improvement.

Rationale: Metrics and SLAs could be used to address this and also to proactively spot non-compliance or implementation issues that affect the provision of the service. The significance of the recommendation can only be appropriately assessed after its implementation as the prevalence of lookup failures is currently unknown. Anecdotal evidence suggests the existence of lookup issues. By generating metrics that will assist in recognizing systemic issues or non-compliance, the recommendation aligns well with ICANN's Strategic Plan and Mission as it helps to foster a healthy, resilient and secure identifier ecosystem. The recommendation is in compliance with the review team's scope.

Impact of Recommendation: This recommendation will impact RDS (WHOIS) service SLAs and data accessibility by identifying potential issues with service delivery by contracted parties. ICANN Contractual Compliance will be impacted by receiving an additional tool to verify compliance with contractual service levels. Users of the RDS (WHOIS) service will be positively impacted by reductions in lookup failures as a result of appropriate use of these metrics.

Feasibility of Recommendation: The review team believes this recommendation is feasible as basic log data for analysis is already being collected and generation of metrics from this data should not create a significant operational or technical impact.

R11.1

Implementation: Initially, the ICANN community should define (by public comment or other mechanisms) what metrics should be tracked. Based on this determination ICANN Org should analyze whether the logs currently generated for the service provide sufficient data for these metrics, and if necessary (and legally possible) expand the logs generated. Building upon the logs, ICANN should create the recommended metrics in regular intervals for analysis by ICANN Contractual Compliance to allow them to proactively investigate failure causes and - if possible – create or suggest remedies. This recommendation should be implemented by existing teams.

Priority: Low.

Level of Consensus: No objections.

R11.2

Recommendation R11.2: The ICANN Board should direct the ICANN Organization to continue to maintain the common interface to keep up to date with new policy developments or contractual changes for contracted parties to ensure that the common interface will display all publicly-available RDS (WHOIS) output for each gTLD domain name registration available from contracted parties, i.e., when they differ, both the registry and registrar RDS (WHOIS) output could be shown in parallel.

Findings: As noted above, registry and registrar interpretations of GDPR and the differential requirements for registries and registrars under the Temporary Specification for gTLD Registration Data, lookups at registries and registrars may result in different registration data returned by RDS (WHOIS) for the same domain name, depending on where the lookup is performed.

Rationale: The common interface must be maintained to adapt to such changes, to ensure that it continues to display all publicly-available RDS (WHOIS) output, regardless of which source is more complete or more authoritative.

Impact of Recommendation: A display of divergent results between registry and registrar may cause some level of confusion in users, but ultimately having more complete information available will benefit the users of the common interface.

Feasibility of Recommendation: This recommendation will need to be assessed for compliance with applicable laws.

Implementation: This recommendation can be directly implemented by ICANN after the legal assessment is completed. This recommendation should be implemented by the existing teams responsible for maintenance of the common interface.

Priority: High.

Level of Consensus: No objections.

R12.1

Recommendation R12.1: Reviewing the effectiveness of the implementation of Recs #12-14 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS review team after RDAP is implemented, and the translation and transliteration of the registration data launches.

Findings: There is no actual internationalized registration data in the current RDS (WHOIS) system to review the implementation of Recommendations #12-14 in a pragmatic way. Even after RDAP has been implemented, the internationalized registration data can still be waiting for implementation due to lack of a requesting party and financial support.

Rationale: There is still a need to offer internationalized registration data. When all prerequisites are ready, a follow up review could complete the implementation review of Recommendations #12-14.

Impact of Recommendation: The recommendation has no impact until RDAP is in use. When RDAP is in use, registrars and registries will be affected, as they will have to process the internationalized registration data for users, both in internationalized and ASCII format, and partially implement translation/transliteration themselves. Registrants will be affected as they will be able to provide the internationalized data. Though internationalized data is expected to be result in fewer accidental mistakes, the accuracy of ASCII data can also be reduced because of automated translation/transliteration. The Accuracy Reporting System (ARS) will be affected, as new possibilities of providing incorrect information will appear (e.g., mismatch between internationalized and ASCII data) and it will become necessary to involve native speakers to validate internationalized data.

Feasibility of Recommendation: Given that all the necessary work (RDAP protocol standardization, development of principles of internationalization, metrics of data accuracy) have been finalized, this recommendation should also be feasible when RDAP is implemented and internationalized registration data is available.

R12.1

Implementation: To fully implement the recommendation, the efforts of registries and registrars are required to implement the RDAP protocol and start collecting internationalized registration data. The target of successful implementation is all the audiences of RDS (WHOIS) services. Some RDAP implementations are underway already, but they are very limited for now and will not be in a contrary with the recommendation. The period necessary for implementation is estimated as more than 12 months.

Priority: Low.

Given a feasibility loophole in the contracts and no special interest in implementing the RDAP protocol more widely than for experimental purposes, this recommendation would not be in the RDS-WHOIS2 Review Team's top 5 at this time.

Level of Consensus: No objections.

R15.1

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

Findings: See Section 3.10.4, Problem/Issue.

Rationale: The intention behind this recommendation is to ensure that the plan and reports regarding implementation of recommendations generated by this review team are pragmatic and efficient.

Impact of Recommendation: Given that implementation plans and annual reports are regular ICANN activities, this recommendation will not impose extra workload on ICANN. Metrics tracking will impact Registrars, Registries, ICANN Contractual Compliance, 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 ICANN Board following the conclusion of such review ("Annual Review Implementation Report").

Feasibility of Recommendation: Measuring recommendation implementation should not be easy, The challenging part will be the design of metrics for each recommendation to be tracked.

Implementation: The ICANN Board should take the lead in developing the structure and metrics for the plan and implementation reports. An overview of the recommendations generated by this Review Team will be the foundation for that design. The envisioned implementation timeline should be within 6 months.

Priority: Medium.

Level of Consensus: No objections

Recommendation LE.1: The ICANN Board should resolve that regular data gathering through surveys and studies are to be conducted by ICANN to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement, as well as future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts).

Recommendation LE.2: The ICANN Board should consider extending and conducting such surveys and/or studies (as described in LE.1) other RDS (WHOIS) users working with law enforcement on a regular basis.

Findings: The review team found that the lack of available data on RDS (WHOIS) uses, advantages and shortcomings had a negative impact on the possibility to assess the functionality of the RDS (WHOIS) and whether it meets requirements set out in the Bylaws.

Rationale: The intent behind this recommendation is to ensure that future reviews, but also policy development processes, can benefit from a better and more reliable evidence base. The issues identified could best be addressed by repeated data gathering exercises that include the running of surveys at regular intervals to create comparable data sets. The potential impact of not addressing the recommendation would be a continued lack of data, which has already shown to add to current problems plaguing both reviews and policy development processes, where disagreement on basic facts has sometimes led to significant and enduring conflict. This recommendation is aligned with ICANN's Strategic Plan and Mission, which already seek to reflect the strategic priority given to RDS (WHOIS) and which could benefit from a better evidence base to assess whether its own projects and processes meet KPIs. This recommendation is also within the scope of the RDS-WHOIS2 Review Team's efforts.

Impact of Recommendation: This Recommendation would impact ICANN as an organization, creating an administrative burden. It would contribute to the legitimacy, transparency and accountability of the organization and the ICANN community, by ensuring that a better evidence base is made available to assess the uses and other aspects of the RDS (WHOIS) and further develop RDS (WHOIS) policy.

Feasibility of Recommendation: Given that the main burden of surveys lies on the respondents, the feasibility of the recommendation will depend on their willingness to participate. However, in light of the importance attributed to the RDS (WHOIS) in recent discussions, this risk seems to be manageable. Conducting surveys and possibly also studies would create an administrative and possibly also financial burden for ICANN as an organization, which however seems manageable in light of the benefits that are to be expected.

Implementation: The implementation has to be provided by the ICANN Board and ICANN Organization. A successful implementation would consist in a Board resolution within the next six months that is then put into practice by the ICANN Organization, e.g. through annual surveys of relevant user groups as defined by policy development processes.

Priority: High. These recommendations create an essential factual basis for further discussion and analysis.

Level of Consensus: No objections.

Recommendation SG.1: The ICANN Board should require that the ICANN Organization, in consultation with data security and privacy expert(s), ensure that all contracts with contracted parties (to include Privacy/Proxy services when such contracts exist) include uniform and strong requirements for the protection of registrant data and for ICANN to be notified in the event of any data breach. The data security expert(s) should also consider and advise on what level or magnitude of breach warrants such notification. In carrying out this review, the data security and privacy expert(s) should consider to what extent GDPR regulations, which many but not all ICANN contracted parties are subject to, could or should be used as a basis for ICANN requirements. The ICANN Board must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.

Findings: ICANN's agreements with contracted parties have inconsistent requirements regarding the protection of registrant data, and in several cases, no requirement that it be notified in the case of data breach.

Rationale: If ICANN has a requirement to safeguard registrant data, as Articles 4.6(e)(ii) and 4.6(e)(iii) imply, then ICANN has an obligation to ensure that all of its contracted parties act accordingly.

Impact of Recommendation: This recommendation will impact data security and potentially registrants whose data is collected in conjunction with gTLD domain registrations. By helping to ensure that such data is not altered inappropriately, their domain names and associated assets are protected. The recommendation could impose additional contractual requirements on registrars and registries. If this recommendation is not addressed, ICANN Contractual Compliance has no ability to either audit that reasonable efforts are being used to protect data, nor to be aware of serious problems with how its contracted parties are protecting such data.

Feasibility of Recommendation: The RDS-WHOIS2 Review Team believes that this recommendation is both feasible and necessary.

SG.1

Implementation: Implementation should ensure uniform and appropriate protection of registrant data by all contracted parties along with due notification of ICANN in the event of breaches and the ability of ICANN Contractual Compliance to audit such actions and take action in the case of noncompliance. The review team knows of no current effort to enact such change, but it should be completed within one year of this recommendation being accepted.

Priority: Medium.

Level of Consensus: No objections.

CM.1

Recommendation 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.

Findings: As detailed in Section 8.3.1 (e), currently, when a domain name is suspended for inaccurate information the false information remains in the record. The information in the record may belong to another person or entity so the inaccurate information remaining in the record continues the act of identity theft. At the very least, this information remaining is misleading.

Rationale: Ensure that inaccurate information does not remain in the record and if identity theft has occurred the person or entity doesn't continue to be impacted. Currently, the inaccurate information remains in the record which can cause confusion and harm if this was an act of identity theft. Inaccurate information is often used in the registration data in registration that are perpetuating DNS abuse. Eliminating the use of inaccurate data in any suspended domain name will add to the security and stability of the DNS. Inaccurate data would no longer be found lingering in the registrant data. This would not be difficult to implement a new policy would be created that registrar's would follow when suspending a domain name.

Impact of Recommendation: Successful implementation would result in new statuses in the domain name registration record that indicated the domain name was suspended due to inaccurate information. The inaccurate information would be redacted and result in removal of data that did not have authorization to be included in the registration data. No related work is currently underway. This recommendation should result in a PDP created immediately upon approval by Board. If this recommendation is not implemented registrant data will continue to be displayed that is not accurate, authorized for inclusion in registrant data and continue to contribute to identity theft. This recommendation is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

CM.1

Feasibility of Recommendation: Agreed upon language could be added into the RDS (WHOIS) record to clearly indicate status of the domain name.

Implementation: This implementation would involve the community to create the policy, ICANN Org to implement it, and the ICANN Contractual Compliance team to enforce it.

Priority: High.

Level of Consensus: No objections.

Recommendation 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.

Findings: As detailed in Section 8.3.1 (f), in the Accuracy Reporting System (ARS) report categorize the domain name registrations that are obligated to meet only RDS (WHOIS) requirements of the 2009 RAA RDS (WHOIS) requirements, the report refers to these domain names as grandfathered domains. These are treated separately from those that must adhere to the 2013 RAA. “the only difference between 2013 and 2009 RAA operability requirements is that the 2009 RAA requirements do not require that information be present in the registrant email or telephone number fields, while 2013 RAA require the presence of information in those fields.” The report estimates that of the 12000 domain names reviewed for compliance 30% (over 180,000,000 domain name registrations) were 2009 grandfathered domain names and do not have to meet the same requirements as domain names registered after the 2013 RAA was implemented. Considering that the only way these domain names would have to comply with the 2013 RAA is if they were deleted and registered again or transfer of registrant. This does not seem likely since early registrations are often the most valuable. They are often sold but not deleted.

Rationale: After 5 years of two existing policies domain name registrant data must comply based on when the domain name was registered a newly created policy with one standard requirement that all registrant data must adhere standardize the Registrant Data record and ease operability. Currently, the sub group has not found information to determine how many domain name registrations do not contain Registrant email address or telephone number. It may not be an issue if the registrants have proactively provided the information without the requirement to do so. If the policy is updated requiring the same registrant data for all domain name registration this will no longer impact future changes to registrant data policies. This is aligned with the ICANN’s strategic plan and mission and It will add to the security and stability of the DNS. 25 The review team is seeking community feedback on this percentage, as well as on impacts this recommendation might have on the rights of registrants in the use of their domain names.

Impact of Recommendation: Registrars, Registries and registrants will be impacted by this recommendation. The Registrant would have to provide this information upon renewal of the domain name. Registrars will have to collect all the same information for all domain name registrations no matter when it was registered. This may require collecting registrant information from the existing grandfathered registrations that they manage. The registry would be required to collect this information from the registrar. The ICANN Contractual Compliance Team will be required to review and analyze compliance with this new policy. If this recommendation is implemented it will resolve the issue of two different standards for collection of registrant data depending on when the domain was registered. If it is not implemented two standards for registrant data will continue to exist. This recommendation is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

Feasibility of Recommendation: This recommendation would require a review of domain name registered before 2013 and most likely a modification of registrar terms of service. It would require the registrar to collect the information from the registrants. This could be done on renewal of the domain name.

Implementation: This would require the Community to develop a new policy and ICANN Org to implement and the ICANN Contractual Compliance team to enforce. Successful implementation would result in 100% of domain name registrations complying with the same policy on registrant data. There is no current work underway on a similar policy. This assessment and possible creation of a new policy should begin immediately upon approval by the ICANN Board.

Priority: Medium.

Level of Consensus: No objections.

CM.3

Recommendation 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.

Findings: As detailed in Section 8.3.1 (g), in the ARS reports, the number of reports of inaccurate data from users in South America and Africa were significantly lower than the other continents. This could be due to lack of knowledge of the ability to report these or other cultural influences.

Rationale: Ensure that users in South America and Africa or any developing countries are aware of the RDS (WHOIS) record and that they can independently report inaccurate data. This is critical to ensure that developing countries can address issues with inaccurate data in the RDS (WHOIS). Continuing to reach out to the Global South to increase awareness of ICANN policies and tools to remedy issues is critical for the security and stability of the internet. This recommendation is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

Impact of Recommendation: This recommendation could result in an improvement in submission rates by region and may discover other cultural reasons that the inaccuracy reporting tool is not utilized. This recommendation would impact users in these geographic areas and the registrars who will respond to the Compliance team's request for review. This could increase the number of inaccuracy reports that the Compliance team works on. No implementation will continue to disadvantage the global South.

Feasibility of Recommendation: ICANN currently has many outreach events targeting the Global South along with some of the stakeholder groups. Information about accuracy requirements and how to report inaccurate data could be added to these events and materials distributed.

CM.3

Implementation: The ICANN Community and ICANN Org would work together on this issue. This recommendation will be successful if the ARS reports show similar reporting rates by users no matter what country they live in after implementation. Education and outreach is ongoing this could be added to and amplified in this work. This recommendation could be implemented immediately upon approval by Board.

Priority: Low.

Level of Consensus: No objections.

Recommendation 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).

Findings: As detailed in Section 8.3.3, according to the information provided by the ICANN Contractual Compliance team only 10 individuals/entities have been approved to use the Bulk WHOIS Inaccuracy Reporting tool. Of those 10, only 3 have reported inaccurate RDS (WHOIS) records in the last year. If more people understood this tool was available, it would be easier for reporters of large number of inaccurate data in the RDS (WHOIS) to report these to the ICANN Contractual Compliance team.

Rationale: This recommendation would enable ease of reporting large numbers of inaccurate RDS (WHOIS) data records. A small number of users of the Bulk WHOIS Inaccuracy Reporting tool may be a result of lack of knowledge of its availability. If resources are used to create such a tool it is worth spending resources on outreach and education about the tool. The impact would not be drastic but it would lead to an improvement of accurate data in the RDS (WHOIS) if more individuals/entities used the tool. It would also contribute to the reporting of detected systemic problems. The ICANN Contractual Compliance team should develop a system to review, evaluate and enforce on a group of domain names reported through the bulk WHOIS Inaccuracy Reporting tool instead of treating each as an individual report.

Impact of recommendation: If this recommendation is implemented it would result in more efficient inaccuracy report processing and lessen the burden on reporters and ease the review of the report by the ICANN Contractual Compliance team if all the registration data is the same. If it is not implemented multiple domain names with the same inaccurate information will continue to be reported one by one which creates more work for the reporter and require the ICANN Contractual Compliance team to review single reports. This recommendation would impact the users of the Bulk WHOIS Inaccuracy reporting tool by lessening the burden to submit reports. It would also impact the ICANN Contractual Compliance team in how they address inaccuracy reports. This recommendation will add to the security and stability of the DNS, is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

Feasibility of Recommendation: ICANN already does quite a bit of outreach and could add this to their efforts. It is very feasible to implement this recommendation.

Implementation: ICANN Org, with consultation of the community, could provide more outreach about the Bulk WHOIS Inaccuracy Reporting tool. Outreach and education to those that use the inaccuracy single reporting tool would increase the use of the Bulk WHOIS Inaccuracy Reporting tool. Education and outreach to start immediately upon approval by Board.

Priority: Low.

Level of Consensus: No objections

Recommendation 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.

Findings: As detailed in Section 8.3.5, in reviewing all new policies created since the WHOIS1 Review Team at least one was identified as not being enforced by the ICANN Contractual Compliance team. The impact of a policy can be measured with good statistics. If policy cannot be measured it is not a good policy.

Rationale: This new policy would ensure that all policies are measured, audited, tracked, reported and enforced by the ICANN Contractual Compliance team. The community while in the policy development process should ensure that the policy is developed with compliance in mind. One policy, the Consistent Labelling and Display Policy, was identified as not being monitored or enforced. Without statistics on this policy available it is impossible to understand the level of compliance with this policy. Policies not enforced risk being less effective. A risk-based enforcement strategy is critical when voluntary compliance is not sufficient. A strategy would include a rigorous and systematic approach to identifying and responding to risk. It is necessary to identify and assess the risk associated with non-compliance with policies or contractual obligations, based on this risk assessment.

Impact of Recommendation: Registrars and Registries will be impacted by this recommendation, as they will have to review compliance of this policy and provide information to the ICANN Contractual Compliance team and ensure that they are implementing the recommendation. The Compliance team will have to collect, analyze and enforce each policy as required. This will add to security and transparency. The community should develop policies with enforcement in mind. Successful implementation of this policy would result in knowledge of compliance with all policies. The review team requests this recommendation to be implemented immediately upon approval of Board. If this recommendation is not implemented, the current state of not knowing if the policies created by the community are implemented will remain, making the impact on the system as expected by the PDP process that created the policy difficult to assess. This recommendation is aligned with ICANN's Strategic Plan and Mission and is within the scope of the review team.

CM.5

Feasibility of Recommendation: It is feasible to enforce on all policies, as it could be included in any of the ongoing audits already performed by the ICANN Contractual Compliance team, including (but not limited to) registrar audits, Inaccuracy reports, or ARS results.

Implementation: If implemented, all policies will be evaluated for impact and effectiveness. If not implemented the community will not know if a policy is effective or has had unexpected consequences. The Community and ICANN Org would be responsible for this implementation. The review team would expect a PDP to be created immediately upon approval by the ICANN Board.

Priority: Low.

Level of Consensus: No objections.

BY.1

Recommendation BY.1: The ICANN Board should take action to eliminate the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii) and replace section 4.6(e)(iii) of the ICANN Bylaws with a more generic requirement for RDS (WHOIS) review teams to assess how well RDS (WHOIS) policy and practice addresses applicable data protection and cross border data transfer regulations, laws and best practices.

Findings: Refer to Analysis and Findings section.

Rationale: Refer to Problem/Issue section
Impact of Recommendation: This recommendation is aligned with the ICANN Bylaws and scope of this review. The impact of this recommendation will be to simplify the work of future Directory Service Review Teams. If this recommendation is not addressed, future Directory Service Review Teams will have to repeat the analysis conducted by the RDS-WHOIS2 Review Team.
Feasibility of Recommendation: The RDS-WHOIS2 Review Team believes that this recommendation is feasible.

Implementation: The RDS-WHOIS2 Review Team believes that this recommendation can be carried out by the ICANN Community, following the process foreseen by the current Bylaws Section 4.6(a)(v).

Priority: Medium.

Level of Consensus: No objections.

Appendix B

Public Comments Received

Draft Report

- Status of public comments received:

<https://mm.icann.org/pipermail/comments-rds-whois2-review-04sep18/2018q4/thread.html>

| # | Comment Submission |
|---|--|
| 1 | Internet Infrastructure Coalition |
| 2 | Domain Name Rights Coalition |
| 3 | Registrar Stakeholder Group (RrSG) |
| 4 | gTLD Registries Stakeholder Group (RySG) |
| 5 | Business Constituency (BC) |
| 6 | At Large Advisory Committee (ALAC) |
| 7 | Non-Commercial Stakeholders Group (NCSG) |

Draft Report – Public Comments Received

| # | Internet Infrastructure Coalition | Domain Name Rights Coalition | Registrar Stakeholder Group (RrSG) | gTLD Registries Stakeholder Group (RySG) | Business Constituency (BC) | At Large Advisory Committee (ALAC) | Non-Commercial Stakeholders Group (NCSG) |
|-------|-----------------------------------|------------------------------|------------------------------------|--|----------------------------|------------------------------------|--|
| R1.1 | | | Support | Support | Support | Support | Disagreement |
| R1.2 | | | Support | Support | | Support | Disagreement |
| R1.3 | | | Support | Support | | | Support |
| R3.1 | | | Support | Support | Support | Support | Support |
| R.3.2 | | | Support | Support | | Support | Disagreement |
| R.4.1 | | Disagreement | Disagreement | Disagreement | | Support | Disagreement |
| R.4.2 | Neutral | Disagreement | Neutral | Neutral | | Support | Disagreement |
| R5.1 | | | Neutral | Neutral | | Support | Disagreement |
| R10.1 | | | Disagreement | Disagreement | Support | Support | Neutral |
| R10.2 | | | Support | Support | | Support | |
| R11.1 | | | Support | Support | Neutral | Support | Disagreement |
| R11.2 | | | Neutral | Support | Neutral | Support | Support |
| R12.1 | | | Support | | Neutral | Support | Support |
| R15.1 | | | | Support | Support | Support | Neutral |

Draft Report – Public Comments Received

| # | Internet Infrastructure Coalition | Domain Name Rights Coalition | Registrar Stakeholder Group (RrSG) | gTLD Registries Stakeholder Group (RySG) | Business Constituency (BC) | At Large Advisory Committee (ALAC) | Non-Commercial Stakeholders Group (NCSG) |
|------|-----------------------------------|------------------------------|------------------------------------|--|----------------------------|------------------------------------|--|
| LE.1 | Support | Disagreement | Neutral | Support | Support | Support | Disagreement |
| LE.2 | Neutral | Disagreement | Disagreement | | Support | Support | Neutral |
| SG.1 | Neutral | | Support | | Neutral | Support | |
| CM.1 | | | Support | | | Support | |
| CM.2 | | Disagreement | Disagreement | Neutral | | Support | |
| CM.3 | | | Support | Neutral | | Support | |
| CM.4 | | Disagreement | Neutral | | | Support | |
| CM.5 | | | Support | | | Support | |
| BY.1 | Support | Disagreement | Support | Support | | Support | Disagreement |

- **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.”*

Appendix C

Draft Report Sections Overview

Sections overview

| Section | # Pages | Final? |
|---|---------|--------|
| Executive Summary & Recommendations | 10 | No |
| Review Background | 3 | No |
| WHOIS1 Rec #1: Strategic Priority | 12 | No |
| WHOIS1 Rec #2: Single WHOIS Policy | 6 | No |
| WHOIS1 Rec #3: Outreach | 5 | No |
| WHOIS1 Rec #4: Compliance | 7 | No |
| WHOIS1 Recs #5-9: Data Accuracy | 14 | No |
| WHOIS1 Rec #10: Privacy/Proxy Services | 7 | No |
| WHOIS1 Rec #11: Common Interface | 5 | No |
| WHOIS1 Recs #12-14: Internationalized Registration Data | 6 | No |
| WHOIS1 Recs #15-16: Plan & Annual Reports | 4 | No |

Sections overview

| Section | # Pages | Final? |
|--|---------|--------|
| Objective 2: Anything New | 4 | No |
| Objective 3: Law Enforcement Needs | 15 | No |
| Objective 4: Consumer Trust | 8 | No |
| Objective 5: Safeguarding Registrant Data | 3 | No |
| Objective 6: ICANN Contractual Compliance Actions, Structure and Processes | 14 | No |
| ICANN Bylaws | 3 | No |
| Appendix A: Glossary of Terms | 2 | No |
| Appendix B: Terms of Reference | 19 | Yes |
| Appendix C: GNSO and GAC Scope Inputs | 3 | Yes |
| Appendix D: Work Plan | 1 | No |
| Appendix E: Fact Sheets | 2 | No |
| Appendix F: Participation Summary | 1 | No |
| Appendix G: Law Enforcement Survey | 6 | Yes |
| Appendix H: Bibliography | 8 | No |

Appendix D

Workplan

Workplan (<https://community.icann.org/x/dtjRAw>)

| | | | | | |
|---|-----------|-----------|------------|-----------|------------|
| Final Report | | | | 54 | 0% |
| <i>Updating draft report</i> | | | | | 0% |
| Assemble final recommendations and update draft report based on public comments received | 18-Nov-18 | 21-Dec-18 | RDS-WHOIS2 | 33 | 0% |
| Cross-check final recommendations with scope and Bylaws | 18-Nov-18 | 21-Dec-18 | RDS-WHOIS2 | 33 | 0% |
| Approval process | | | | | 0% |
| Approve final findings and recommendations | 18-Nov-18 | 11-Jan-19 | RDS-WHOIS2 | 54 | 0% |
| Approve final report for submission to ICANN Board | 13-Dec-18 | 11-Jan-19 | RDS-WHOIS2 | 29 | 0% |
| Send final report | | | | | 0% |
| Send final report to ICANN Board | 6-Jan-18 | 25-Jan-19 | RDS-WHOIS2 | 384 | 0% |
| Publish final report | 6-Jan-18 | 25-Jan-19 | ICANN org | 384 | 0% |
| Send final report to language services | 6-Jan-18 | 25-Jan-19 | ICANN org | 384 | 0% |
| Provide community with overview of findings and final recommendations | 7-Jan-19 | 11-Jan-19 | RDS-WHOIS2 | 4 | 0% |
| Implementation Planning & Feedback | | | | 65 | 0% |
| Complete ICANN organization survey on review process | 25-Jan-19 | 15-Feb-19 | RDS-WHOIS2 | 21 | 0% |
| Identify one or two review team members to remain available for clarification as may be needed during the implementation planning phase | 12-Dec-18 | 25-Jan-19 | RDS-WHOIS2 | 44 | 0% |
| Face to Face Meetings | | | | | 75% |
| #1 Brussels | 2-Oct-17 | 3-Oct-17 | | | 100% |
| #2 Brussels | 16-Apr-18 | 18-Apr-18 | | | 100% |
| #3 Brussels | 26-Jul-18 | 27-Jul-18 | | | 100% |
| #4 Brussels | 10-Dec-18 | 12-Dec-18 | | | 0% |

Source: <https://community.icann.org/x/dtjRAw>

Appendix E

“Recommendation Shepherds”

Guidelines

- ◎ RDS-WHOIS2-RT: Approved Terms of Reference

The review team shall identify one or two review team members to remain available for clarification as may be needed during the planning phase of implementation of review team recommendations.

- ◎ Operating Standards (Draft version)

When leading the implementation, ICANN organization shall cooperate closely with the review team's appointed 'recommendation shepherd' as well as the wider community. This includes providing timely updates on progress, highlighting roadblocks, and working to confirm that the implementation reflects the intention of the review team.

- ◎ Specific Review Process flowcharts ([link](#))

"Review Team disbands but identifies 1-2 RT members to remain available for clarification through to implementation"

Implementation Planning – Suggested Role & Timeline

⊙ **Who?:**

- 1-2 review team members.
- Need for volunteers familiar with all recommendations

⊙ **How?:**

- On **as-needed basis**, provide clarifications via email, calls (if necessary), on:
 - Recommendations' intent
 - Recommendations' rationale
 - Facts leading to conclusions
 - Envisioned timeline
 - Successful measures of implementation

⊙ **How long?:** 6-12 months after submission of final report

All questions pertaining to any recommendations will be routed through MSSSI project manager/coordinator

Appendix F

S.M.A.R.T. Recommendations

Criteria for S.M.A.R.T. Recommendations

SPECIFIC

MEASURABLE

ACHIEVABLE

RELEVANT

TIME-BOUND

Evaluate results:

what is expected, how to get it done and what the target is?

Criteria for S.M.A.R.T. Recommendations

- 11 questions to encourage discussion and consideration to result in clear, useful and implementable recommendations:
 1. What observed **fact-based issue** is the recommendation intending to solve? What is the “problem statement”?
 2. What are the **findings that support the recommendation**?
 3. How significant would the impact be if not addressed:
 1. Very significant
 2. Moderately significant
 3. Impacted areas (for example, security, transparency, legitimacy, efficiency, diversity, etc.)
 4. What is the **intent of the recommendation**?
 5. What **outcome** is the Review Team seeking? How will the effectiveness of implemented improvements be measured? What is the **target for a successful implementation**?

Criteria for S.M.A.R.T. Recommendations

6. Does the Review Team envision[2] the implementation to be:
 - a) Short-term: implemented within 6 months
 - b) Mid-term: implemented within 12 months
 - c) Longer-term: implemented in more than 12 months

7. Is the recommendation aligned with ICANN's strategic plan and ICANN mission? If yes, how?

8. Does this recommendation require new policies to be adopted? If yes, what stakeholders need to be engaged in the policy development process to support successful implementation of this recommendation?

9. Is related work already underway? If so, what is it and who is carrying it out?

S.M.A.R.T. Recommendations

10. Who are the (responsible) parties that need to be involved in the implementation work for this recommendation?
 1. Community
 2. ICANN org
 3. Board
 4. Combination of the above

11. If only 5 recommendations can be implemented due to community bandwidth and other resource constraints, would this recommendation be one of the top 5? Why or why not?

Suggested Recommendations Format

Recommendation:

Findings:

Rationale:

Impact of Recommendation:

Feasibility of Recommendation:

Implementation:

Priority:

Level of Consensus:

*Included in your subgroup
report template*