
PAMELA SMITH: Good day, all. This is Pamela Smith speaking. Welcome to the webinar of the Registration Directly Service WHOIS2 Review Draft Report. Today is the 17th of September, 2018, and this is the 15:00 UTC session. This webinar is being recorded. You may mute your phone line by pressing *6. Pressing *6 again will unmute your line. Please hold questions until the end of the presentation. State your name before speaking for the sake of the transcript. You may also pose written questions by following the format outlined in the chat pod and placing the question in the chat pod. Thank you so much for joining us. I will now turn this call over to Alan Greenberg, chair of the RDS WHOIS2 Review Team.

ALAN GREENBERG: Thank you, Pamela. Welcome to those who are on the call. What we're going to be doing is do a very quick review of how we got here, the scope, methodology, and then go into our findings and the conclusions. We are not going to be going into each of the recommendations. That would take too long. But, we will highlight a few of them if we have some time. But, we of course will open for questions once we finish the initial part of the session. Next slide, please.

I don't think anyone on this call really needs an explanation of what RDS is and what WHOIS is. But, the WHOIS was identified in the Affirmation of Commitments, the last agreement ICANN signed in conjunction with the US Department of Commerce, and when we incorporated ... When we revamped the ICANN bylaws a couple of years ago, they removed from the Affirmation of Commitments the requirement to do a WHOIS review into the bylaws and that gets us to where we are today.

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This is the second such review that we have done. There was one done starting in about 2011 or 2012 I think and we are the second review. So, part of our job was to review the outcomes of that review and to look at what else we thought was relevant. Next slide.

The review team has eleven members on it. The ALAC, the GAC, and the GNSO chose to contribute people to this review and we have one member from the ICANN board. You can see the people there. So, it's a relatively small review team. Review teams may be up to 21 people, excluding the board member. We have a pretty small review team but we've been pretty agile and everyone has been very involved. Next slide.

Timeline. We first met in June of 2017, so a little bit over a year ago. We didn't really start work in earnest until a few months later, although we had some conference calls. The real substance of the work began when we met in a face-to-face meeting in October and finished formulating the scope, which the substantive work could not begin until we decided exactly what we were doing. The terms of reference were submitted to the board early this year and we have been working our way through them ever since ... We have a pretty tight timeline that we formulated at the beginning and perhaps amazingly we're pretty close to it right now.

We chose to delay the public comment on the draft report so that it would stay open through the Barcelona meeting. But, other than that, we're pretty well on time and we hope to have a final report delivered either late December or early January. Next slide, please.

This one is a little bit noisy slide, but it goes over essentially what we have been looking at. Our first responsibility was to evaluate the extent to which ICANN Organization implemented the 16 recommendations from the first WHOIS review and whether the implementation was effective. In other words, not only did they do what was written down, but did it help?

We looked at any policy changes that happened since WHOIS1 to see whether there's anything that we needed to cover that was not addressed by the first WHOIS Review Team.

We chose to do a number of other things – not chose. Well, we chose to, but they were either mandated within the bylaws and those include legitimate needs of law enforcement, to what extent does WHOIS promote consumer trust and to what extent do we safeguard registrant data.

We also chose something that was not specifically in the bylaws, to assess the effectiveness and transparency of ICANN enforcement of existing policy through contractual compliance actions, structure, and processes, and that turned out to be a very significant amount of work and a substantive part of what we're reporting.

Lastly, within the bylaws is an ability for review team to recommend to the board to alter the bylaws and we in fact have done that as well. Next slide.

Now, a number of areas we did not look at and for a number of different reasons. The bylaws specifically call for us to review the OECD guidelines on privacy and data transfer to see to what extent we

thought, we believe, that WHOIS is compliant. We did not do that for two reasons. Number one, there already is another item on safeguarding registrant data, which to a large extent, has a similar meaning. But, more important, with the discussions that are going on and the work that is going on related to GDPR, we did not believe that the OECD guidelines specifically were as relevant as they might have been when the bylaw was drafted and we chose not to put effort into that.

There had been suggestions from one of the parts of ICANN that we look at RDAP to see whether it was an effective protocol. We decided that we are not experts in protocols and we're not the right people to do that. Moreover, ICANN had already decided that RDAP would be used and it was not clear to what effect any such review would have. Similarly, the current WHOIS protocol, number one, its days were numbered we believed, and again we're not protocol experts and this didn't seem to be an appropriate thing for us to do.

We did not either try to evaluate what the full impact of GDPR would be or how ICANN would address it. These are both things that are in transit, so to speak, in process. And although we have not ignored GDPR and we have mentioned where it is appropriate and where we understand the outcomes, it has not been our major focus.

There was some concern when we started the review that because of the GDPR discussions, most of our review would have to be deferred. Once we started looking at things in detail, that became obvious that was not the case. Next slide.

Methodology. Well, obviously we're following the bylaws. We are as transparent as we can be. All meetings including leadership meetings are all open to observers. Pretty much – not pretty much, all of our mailing lists are publicly open and all of our meetings are both recorded and transcribed and are available for anyone to participate afterwards.

We accept input from the public as we're going forward, although we have gotten very little of it. We have done our best to make sure that when we analyze data, we're not doing things based on personal opinions but basing it on the data and what we actually find.

Recommendations that we're making – hopefully, we're formulating recommendations which will be both implementable and effective. Next slide, please.

As I mentioned before, there were 16 recommendations coming out of the WHOIS1 Review Team and we have a fair number of other items we covered and we divided them into groups of one or more of the original recommendations to try to divide the work into areas where we thought it made sense. We also combined the effort on contractual compliance that we were undertaking the new effort with the review of the compliance recommendation out of WHOIS1. So, the items on the screen right now, this recommendation four out of WHOIS1, and item number six were done by the same team in parallel. We have separated out the work, the recommendations, but the work was done by a single team at that point. Next slide, please.

Now we're going to our findings. The strategic priority. This essentially said ICANN should treat WHOIS as a strategic priority. We judge this to

be partially implemented. ICANN failed to achieve ... Our belief is ICANN failed to achieve the original aim of instilling a culture of proactive monitoring and planned improvement into RDS WHOIS and of course the current position we're in with respect to GDPR, which to some extent is a catch-up process, is an example of why we believe this is the case.

There was a recommendation to create a single WHOIS policy document. We judge that to be fully implemented. Everything was gathered together in a webpage with pointers to the relevant documents. There was a perception among some people in the original review team that we really wanted a brand new policy to be written, a single policy. That of course was not done. That may come out of the GDPR discussions or not going forward. But, technically, the work was done as requested and we judge that to be fully implemented.

I'm going to turn the floor to the next few slides over to Susan Kawaguchi, one of the vice chairs of the review team.

SUSAN KAWAGUCHI: Thanks, Alan. I'm not sure you can hear me at this point.

ALAN GREENBERG: Yeah, I can hear you.

SUSAN KAWAGUCHI:

Okay, good. I didn't see myself as presenter. Thanks, all, for joining us this morning. So, slide 15, outreach. ICANN's [inaudible] outreach including to communities outside of ICANN.

So, this was one of the initial recommendations and we deemed as partially implemented. It needs some work on integrating it with other WHOIS or RDS-related parts of the ICANN website and then also reaching out to communities that are not normally involved with ICANN. So, still some work to be done on that recommendation.

Contractual compliance. The original review team noted that the compliance team and organization within ICANN needed to have a higher level of appearance in the org and should be overseen by a senior executive.

Part of this recommendation was implemented and there's definitely significant improvement to the compliance org, but the part that we deemed as not implemented was who the senior executive reports to. The first review team suggested that or recommended that this person report up to a board committee, and in reviewing all of this now, it looks like that's not very feasible for those two things.

Let's go to the next slide on data accuracy. There was quite a lot of work done by the data accuracy subgroup and the data accuracy original recommendation was pretty detailed. So, they came up with part of the rec was fully implemented and there are partial implementations of many of the other parts of the recommendation.

So, the accuracy reporting system, ARS, came out of this recommendation. There's definitely some issues with that. And GDPR may impact that. One more slide, please. Go to the next one.

Not implemented was the metrics-based assessment of RDS for data quality improvement. So, more work is needed on that. The privacy-proxy, because this is still in implementation stage, we had quite a bit of discussion about the privacy-proxy ongoing IRT work, that as far as we can see at this point, it's basically fully implemented. It's just not ... It hasn't been ... The recommendation is fully implemented but the process and accreditation has not been implemented within the ICANN community.

So, there is as much work that could be going on possible with and we've asked that the next RDS Review Team take a look at once that accreditation occurs and this policy is fully implemented, then the next team should look at that.

The common interface, that was requesting that there be a single place to look up a gTLD WHOIS record, sort of a one-stop-shop. That was implemented, portal was created. There should be some metrics. Right now, there's no metrics trapped for this and/or service level agreement. But we're also seeing with the implementation and GDPR, some of this is now broken because not all registrars have a high level of response rate for those lookups through ICANN's common interface.

I'm going to hand it back to you, Alan.

ALAN GREENBERG:

Thank you very much, and we'll go on to slide 18, please, and we're already there. The next section is internationalized registration data. I'll note that this is based on three recommendations, 12-14 of the WHOIS report. The title they used was IDNs, Internationalized Domain Names. In fact, that was an incorrect title, but the subject matter was indeed internationalized registration data, that is being able to use character sets and languages for the registration data itself. The name of the registrant, the organization, the address and such. And that's applicable to both IDN domain names and to regular ASCII domain names if they're registered in an area where people normally use some other script.

We deemed them to be [fully] implemented. There was a very significant amount of work that was done to facilitate the implementation of internationalized registration data. None of it is live because all of it requires RDAP as a protocol to be able to store the non-ASCII, non-seven-bit data. But ICANN and the community did everything it could until then. So, we're deeming that to be fully implemented but we will have a follow-on recommendation which says the next review team should see whether it actually works or not and whether it's effective.

On planning and reports, we deemed to be partially implemented. The reports and plans were done, but in the end, were found to be not nearly as effective as we had hoped because of the way that the reporting was done and it was done, essentially, based on activities and not whether outcomes were achieved and without sufficient facts and analysis going into it. So, we will be talking about that as well going forward. Next slide, please.

We did a comprehensive review of all the policy changes that have happened since the first review team, and to a large extent, we did not find any of those problematic. There were a few things that we thought needed to be looked at in some detail and perhaps recommendations coming out of them and those were very neatly under subjects that the first review team did do and we moved them into those areas, so there's nothing, recommendation specific to this section.

One of the requirements in the bylaws is to evaluate to what extent we satisfy the needs of law enforcement. This was a rather interesting one, because of course, no one has ever defined what those needs are and there was no practical way for a review team sitting in a room or in a teleconference to do that.

But, what we did is we did undertake a relatively significant study, survey of law enforcement around the world and we'll be talking about the specific results of that in a few moments, but I think it was a rather interesting study and hopefully will inform ICANN going forward on how to proceed with its WHOIS work.

Issue of consumer trust was one of the mandated items and we had some difficulty with that one because, although we are starting to understand the issues of consumer trust with regarding gTLDs in general, and of course there's a full other review team looking at that, the concept of consumer trust in relation to WHOIS itself was far less clear. And to the extent that consumers use WHOIS or other bodies such as reputation services use WHOIS to effect consumer trust, those of course are going to be significantly impacted by GDPR and we don't really know where that is going sufficiently at this point to make a real

evaluation. So, there are no recommendations coming out of that but there is some interesting discussion. Next slide, please.

The last two areas we looked at are safeguarding registrant data, and of course this is in reference to both privacy and to transport of data across national boundaries. The current WHOIS or the previous WHOIS up until May 25th of this year prior to GDPR, protected no data in terms of making it available and visible. That is, everything was visible. That clearly is changing right now, but it's hard to say exactly where we will end up. Clearly, we will have data more protected than it was before. That's a clear outcome of GDPR. Whether it's all data or just European data remains to be seen.

The issue of how well data is protected across boundaries, well, we know there were significant problems there in some countries. Again, that will be influenced by GDPR and similar privacy legislation.

A related part of safeguarding data is not only safeguarding it from being viewed, but safeguarding it against being changed. ICANN's contracts with the registrars, registries, and escrow providers were a mixed bag of whether there were rules associated with how data should be protected, whether breaches should be – ICANN should be informed about data breaches and things like that. That also will change significantly under GDPR because GDPR is quite specific about that, but we are making recommendations that may or may not be necessary because of GDPR, but we are making recommendations that ICANN establish a uniform policy across all providers and not have different rules for different organizations.

The last section was the bylaws. As mentioned before, we found that there was both a conflict between or an overlap between the OECD guideline section and the section on safeguarding registrant data, and moreover, the OECD guidelines may not be the most relevant reference point in the post-GDPR world. So, we're recommending that those two sections be deleted and they be replaced by a more generic requirement that WHOIS RDS address data protection and cross-border data requirements. Next slide.

Next slide is a summary of the law enforcement section. We decided we're going to highlight this a little bit. Cathrin is on the line. I know she has a bad cold and is losing her voice. Cathrin, are you in a position where you think you can talk or would you like me to cover it?

CATHRIN BAUER-BULST:

No, Alan, I think I will be fine for this one. I apologize to everyone if I sound a little muffled. As Alan said, I'm about to lose my voice, so thank you for your patience. But I am glad to be presenting, at least the highlights from the survey that Alan already introduced that we did. Basically, assess whether the WHOIS meets legitimate needs of law enforcement for [inaudible] accessible, accurate, and complete data.

To test this, we basically conducted a pretty detailed survey with a large number of questions that we sent out to law enforcement representatives from around the world, many of whom answered on behalf of their country. We have a total of 55 responses as of now.

In the survey, we are trying to do two things. We tried to assess, first of all, how certain changes to policy such as privacy-proxy services and

other evolutions in the way the WHOIS and the IDS manage, have affected law enforcement. But we also tried to assess how the status quo has changed or how the status quo has been affected by the temporary specification and what the impact on law enforcement has been of the temporary specification. So, it's a very detailed write-up of the results of the survey in [inaudible] report which I invite you to consult and we also have the full list of questions. But we just wanted to [inaudible] a couple of those diagrams here for the benefit of the people in the webinar.

First of all, we had a number of questions to assess how important the use of the WHOIS is for law enforcement, and of course a very good proxy for that is to see how often it is used. And as you see here on this first slide, you can tell that before the temporary specification took effect, your typical unit responding to this survey was making somewhere between 100 and 1,000 requests a month, some were making fewer. But there were also a significant number of units who were making more than 1,000 and [inaudible] between 1,000 and 10,000 requests. And then there were a number – a smaller number, but still a number of units – were making more than 10,000 requests a month. We thought that this statistic was somewhat helpful also in terms of assessing how we now want to deal with the WHOIS system going forward, because of course, the number of queries has an impact on what sort of format can be chosen and how important the ease of access is to be able to continue to consult this for investigative needs in the way that has been done before.

If we go to the next slide, you will also see another proxy for the importance, the impact, of unavailability of the WHOIS data. So, we

asked law enforcement what alternative data sources they might be able to use or already use to fulfill the same investigative needs. And you will see that 60% of respondents said that they cannot replace the WHOIS access with any other source of information that will give them the same investigative needs. 16% said that, yes, there were some other sources that they could use. Actually, when you delve into that in a bit more detail, many of them said that those other data sources are actually third-party providers that provide the same data. So, tools such as domain tools or other third-party providers which essentially provide the same data and possibly also no longer have access to this now. So, the other sources also have to be taken with a bit of a grain of salt.

We also asked what the impact of the unavailability of the information is on an investigation and more than half of the investigations are delayed because of this. And a full 26% are even discontinued because there are no other leads that can be used instead.

If we go to the next slide, we also tried to do a comparison. Now, between before and after the implementation of the temporary specification – and of course we did the survey in June and July, so it's still very early days and many law enforcement officials were still investigating pre May 2018 [inaudible]. So, for them, the unavailability of the WHOIS data was not as pronounced, because per the use of their third-party tool, they were still able to get relevant data for their investigation concerning [inaudible] back in February.

But, nonetheless, you can see that the number of individual WHOIS lookups dropped. And more importantly, what you see on the diagram on the right-hand side of the screen is that before May 2018, you have a

spike in the percent of WHOIS lookup results that help an investigation that hovers somewhere around 80%.

So, if you make a lookup, as law enforcement, pre May 2018, in four out of five cases, you were able to get data that helps your investigation. Of course, I'm somewhat exaggerating, but that's the spike that we have here.

Now, if you take the post May, so June onward data, you can tell that actually for only one or two [inaudible] investigations out of five, so 20-30%, is where you now see the majority of responses of percent of lookup results that actually help your investigation. So, that shows that obviously the temporary specification have had a significant impact on the usefulness of the WHOIS data to law enforcement.

Now, if we go to the last slide on this survey highlight. It's not yet showing up on my screen. Can you see the last pie chart of the impact of change?

ALAN GREENBERG:

It's on the screen.

CATHRIN BAUER-BULST:

Thank you. So, here you can see in a very powerful manner the impact of the change. When you look at the question we asked, "Did WHOIS meet investigative needs before May 2018?" you can tell that even though there was some unhappiness, 53% of people said yes and another 45% of people said it meets partially did it meet our investigative needs.

Now, if we ask post May 2017 scenarios, the current WHOIS as implemented through the temp specs, you have a full 67% who say, no, the current WHOIS no longer meets our investigative needs. So, clearly, if we now are called upon to assess whether the WHOIS meets the legitimate needs of law enforcement, as of now, the situation is not very rosy. But, given that we are still in the process of developing the new policy, that now the review team has decided to make this data available and recommend that the survey be run again. But, of course, in the hopes that this will be informative to the expedited policy development team which will then have opportunity to consider to what extent they can accommodate law enforcement needs.

At this point, I'll turn it back over to Alan for the conclusions.

ALAN GREENBERG: Thank you very much, Cathrin. Your voice is holding up really well.

CATHRIN BAUER-BULST: Thank you.

ALAN GREENBERG: So, I think you'll be able to give the second [inaudible]. Next slide, please. 26, please.

One of the ... The raw numbers are for the 16 recommendations, ICANN analysis was all 16 were implemented. Our analysis was half of them were not fully implemented. That results in an interesting discussion that we haven't had yet, actually, of to what extent is ICANN fairly – and

fairly is clearly a judgment call – and appropriately reporting on the work they’re doing and should they be doing their analysis somewhat differently so that we don’t have to wait five years for a review team to say, oh, but some crucial thing that was recommended five years ago wasn’t really implemented?

As I said, we haven’t had the discussion yet and we don’t have a recommendation that addresses this. But, it’s, from my perspective, a little bit disturbing that the ICANN Org analysis and our analysis are that different. That I think is going to be an interesting part of our conclusion, and hopefully we’ll get some input during the public comment period on this as well.

Overall, we have 23 new recommendations that are coming out. Some are follow-ons to previous ones and some are brand new. But, a little under half of them we judged to be high priority and the rest are scattered either medium, low, and one we haven’t actually come up with a priority yet. Perhaps among the interesting results is, although we had a very large amount of strong discussion – I won’t say heated because I think we were all being reasonably civil with each other. But, a large amount of discussion and disagreement. In the end, I believe all of – well, I know all of the recommendations had full consensus of the review team and I don’t believe we watered them down to do that. So, I believe we have come up with a set of recommendations where it will be interesting to see what the community says, but the review team believes that they’re appropriate and hopefully will further the development of WHOIS RDS as we go forward.

We have a fair amount of time left. We can either at this point address any questions people have or we can go through a selected number of the recommendations in some detail. I'm going to stop for a moment to see if there is any interest in doing questions right now or we'll go along with the recommendations? I see no questions come up in the chat as we've gone through. At least, none that I've noticed. And there are no hands at this point, so we'll go on and review a few of the recommendations.

If we can go on to R1.1, first. That's a recommendation on strategic priority. The recommendation reads: "To ensure the RDS WHOIS is treated as a strategic priority, the board should put in place a forward-looking mechanism to monitor possible impacts on RDS WHOIS from legislative and policy developments around the world." I guess one could translate that as saying let's not be caught by the next GDPR unawares. Someone actually has to be responsible. We go on to talk about the mechanism to do that in the next recommendation but this one says, if WHOIS is important, it has to be treated as important and it has to be treated as important, as an ongoing part of the internal ICANN processes.

Next recommendation, let's go on to 3.1. That is one of the ones on outreach. The recommendation, the result of our analysis, as Susan pointed out, was there was some very significant work done on documenting WHOIS and it was very well done. But it was done in isolation. So, although there were parts of the WHOIS documentation with the new parts were well done, one could find other parts of ICANN that were conflicting with it. We had essentially both conflicting and disparate – that is, spread all over the website different parts of WHOIS.

So, we're recommending that, number one, it's clear that post-GDPR, there's going to have to be a revision of this data. However the world comes out, it has to be well documented for both registrants and others. More important, ICANN must look at the website in general and not just the new sections to make sure that what we're doing is cohesive, makes sense, and is self-consistent. That essentially is this recommendation. But we're saying it doesn't make a lot of sense to even think about this until we know where we're coming out with regard to the GDPR and related policy changes.

Recommendation 3.2. This is the second half of the outreach one, the one that says we should do outreach. ICANN does lots and lots of outreach, but it is not clear that ICANN tried to reach out to people who are not familiar with WHOIS, be they registrants, law enforcement, or privacy commissioners for that matter, to talk about WHOIS and see where we are going forward. And we're saying this we believe is something that must be done and the recommendation 3.2 addresses that.

The next recommendations are on compliance and I'll turn it over to Susan.

SUSAN KAWAGUCHI:

Thanks, Alan. Thank you. So, one of the recommendations that came out of the original recommendation and our review of that was that ICANN is very reactive to reports of inaccuracy and maintaining, enforcing accuracy requirements, but they're not proactive. So, we've

asked that ICANN take a risk-based approach to assess and understand inaccuracies.

So, when you have an issue where registrant data is reported as inaccurate, that single record will be taken care of or enforced upon and required to be made accurate, but there's no review and evaluation if that same inaccurate data was used in other registrations, which we see that in doing work in the WHOIS. And that was a high priority.

The second one is that in a more pointed troublesome registrar, if the same registrar fails to validate, verify RDS and that's reported through an inaccuracy tool, then if there is a significant deficiency, then ICANN should take additional actions, enforce contractual obligations and the consensus policy.

So, what this could help with is a registrar that just is not doing the work they're supposed to be and repeatedly get inaccuracy reports sent to them. Back to you, Alan.

ALAN GREENBERG:

Thank you very much. And if we could go to recommendation 11.2. That is the one on common interface. The common interface seriously said ICANN should create a WHOIS portal and ICANN did do that. And despite the fact that there were some inadequacies that we addressed in recommendation 11.1 that is occasionally things didn't work and it's not clear that ICANN was reacting to whether things were working or not, whether they were both being tracked and addressed, basically the WHOIS portal worked pretty well and it certainly worked better than it's predecessors.

The problem is, with GDPR, the results have changed significantly. The WHOIS portal presumed that, for a thick registry – that is, everything but some of the legacy TLDs such as dot-com – that the registry is the definitive source of data and not the registrar. So, the WHOIS portal displays the registry data.

Unfortunately, with GDPR, for some registries, the registry have decided to redact all data and present nothing at this point and the registrar in some cases is still presenting all of the data, but it's not available through the WHOIS portal. This says that if they are different, then ICANN must present both of them. That is, it should present any available data if it's to be useful and a portal that is relied upon.

Next slide is the law enforcement slides. I'll give Cathrin a break and not ask her to speak right now. They're quite simple. One says we believe the survey that we did is useful and ICANN should continue to do such surveys going forward, especially with the implementation of GDPR and we don't know where that's going to come out. It's going to be important to continue to assess on a regular basis and not wait for another review team to do that.

The second part of the requirement – and this was a more controversial one – was that it is understood that law enforcement does not work alone in this business, that an awful lot of the lead-up work to something that where law enforcement can take action is done by other cybersecurity people. To the extent that those cybersecurity people are a necessary part of the overall process, and we don't know the extent to which that is true, but more than many of us believe that they are an integral part of it, that we should assess whether the WHOIS meets

their needs as well, because of course law enforcement may have access through legal means that other people may not. So, we are suggesting that going forward we try to figure out to what extent others who work with law enforcement, to what extent their needs are being met by WHOIS RDS.

The last recommendation, and I've already discussed this, is the [BUI1] recommendation and this is the one to reconcile the bylaw with essentially the path we took of saying remove the redundancy between safeguarding data and the reference to privacy legislation or best practices and replace it with a more generic one, which simply says that this is an important area and it has to be assessed, but not try to guess exactly which law or which set of regulations are the ones that the review team should look at.

With that, our major presentation is over. We have all of the recommendations on slides, so if anyone has done any homework and wants to talk about a particular one or [inaudible] reference under our initial part of the presentation can talk about. But, at this point, we'll open the floor. Hopefully, someone has something to ask.

I'll also open the floor to any of the review team members who would like to make any comments or focus the discussion on any issues that are of interest to them. I see Susan. Please, Susan, go ahead.

SUSAN KAWAGUCHI:

Yeah. It looks like we skipped the second round of compliance recommendations. I'm just trying to figure out which slide that is. Can we go back one? There we go.

ALAN GREENBERG:

There should have been a reference in the first section when we summarized our findings to the fact that we did generate a number of recommendations. Somehow that got left off of the slide. Maybe we'll work with staff to fix that for the second seminar. Susan, please go ahead.

SUSAN KAWAGUCHI:

Thank you. So, the data accuracy subgroup actually came up with many of these recommendations, but it all pointed back to compliance. So, you won't see data accuracy recommendations for the additional work outside of the reviewing the first WHOIS team recommendations. So, those were ... The compliance subgroup and the data accuracy subgroup sort of were on the same track. So, we combined them all here.

One of the recommendations that we're making is that when a domain name is suspended due to the inaccurate contact data, currently that contact data stays within the WHOIS record until the domain name is deleted. Some registrars will make a change to that data, but oftentimes that inaccurate data is still public for years beyond the suspension date. So, we suggested or recommended that there should be some sort of a notation or status that indicates this record was suspended due to inaccurate data. And then also to make sure a record that was suspended with inaccurate data is not unsuspended without correcting that data. There seems to be two little loopholes that occur right now and we'd like to fix that. And that was a high priority.

Also, in 2013 RAA, there were new verification and validation requirements put into that contract, but specifically does not adhere to domains registered before that. And if you look at the ARS report ICANN puts out, they reference the grandfathered domain names. In the 2009 RAA, the grandfathered domains were not required to have a registrant e-mail address. And considering how GDPR may impact the records, this could be another issue where we would end up with very little information collected on a registrant and then maybe, depending on the temporary specs of maybe tech and admin contacts are no longer collected.

So, it seems to be this could be a problem. We didn't know for sure if all of these pre-2013 registered domain names, which they're estimating at 40%, is actually missing this data. But we definitely felt like all WHOIS records and all registrant data should be consistent and adhere to one policy and not have it change by the date it was registered.

So, let's go to the next page, please. Also, we found that there were very few inaccuracy reports by some of the global south and so [inaudible] low priority but we are suggesting or recommending that whether it's a lack of knowledge in the global south, Africa and South America, to be [inaudible] or is there another critical factor that makes those parts of the world are not using the inaccuracy reporting tool.

Then, the next recommendation is to encourage the use of the bulk WHOIS inaccuracy tool or any successor tool. So, right now, there's only ten approved users or maybe eleven now of the bulk WHOIS inaccuracy reporting tool. So, instead of going one by one reporting, you can

actually take 100 domain names and report those all at once. Unfortunately, then they only act on them one by one.

Then, the last recommendation there on this page is the ICANN board should recommend that the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting, and enforcement in all new RDS policy.

So, not all policies that have been implemented are tracked and there's any sort of measurement or auditing, so it's hard to tell if it's an effective policy. So, if the community while they're working in the PDP thinks about that and puts in requirements within the policy to do that, I think we will all ... That would have an outcome that would be favorable.

I think there's one more page here, so go to the next slide. Nope. That was it.

ALAN GREENBERG:

Thank you, Susan. Now we will really open the floor up to either people with questions or other review team members who want to address anything. In the lack of that, then we will give people back a half-hour of their time. But we do have a fair amount of time left if anyone is interested.

Seeing nothing, then I encourage everyone to look at the actual document. It's a long document, but it is well-divided into sections, so you can easily focus on the parts that have interest to you. We look forward to the public comments. There is a form to make it easy to

support, to address your public comments, but if you feel you want to use [inaudible] instead, then that is of course your call.

We'll do a last call for comments. If we can bring up the last slide, please. That just gives you the URL but it of course is listed on ICANN's public comment page, which I presume everyone knows how to find. We will have a meeting, time yet to be determined. We were originally scheduled to present our report in parallel with the opening session which I've never seen in ICANN before but we suggested that might not be an optimal time and we're trying to find another time and I think we have found one.

If any group would like to have us present privately to an AC or SO, or in fact meet at Barcelona, we'll do our best to accommodate that. And of course everything we're doing is on the Wiki. Feel free to follow us and contact us if necessary.

Last opportunity for questions or comments from anyone on the review team.

Then, I'll thank Susan and Cathrin for helping me present, thank our staff for putting together these slides and making sure this webinar has gone off smoothly and I thank you all. Bye-bye.

PAMELA SMITH: Thank you, everyone, for joining.

[END OF TRANSCRIPTION]