YVETTE GUIGNEAUX: Good day, all. This is Yvette Guigneaux speaking. I'm the Adobe Connect host in the room. Welcome to this webinar of the Registration Directory Service WHOIS2 Review Draft Report. Today is the 17th of September 2018 and this is the 21:00 UTC session.

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Okay, I think that about does it for me. Thank you and I will now turn the call over to Alan Greenberg, the chair of RDS WHOIS2 Review Team.

ALAN GREENBERG: Thank you very much, Yvette. Welcome, all. The purpose of this call is to review the draft report that the RDS WHOIS2 Review Team issued a week or so ago. The public comment is open and will remain open until a week after the Barcelona meeting. We look forward to both a good session here and going forward over the next month and a half or so.

What we'll be doing is going very briefly over – yes, that side, please. Very briefly over the history of how we got here, what subjects we looked at and a little bit about why, the methodology, the findings, and where we're going from here on conclusions. We also have geared up

on the slide deck all of the recommendations. We will not be going through all of them, but time permitting, we will go through a number of the more interesting ones. Next slide, please.

I think anyone on this call has some familiarity with WHOIS and RDS, so we're not going to belabor the point too much. The Affirmation of Commitments which ICANN signed, an agreement they signed a number of years ago with the US government required that, as a condition for essentially being reasonably independent from the NTIA and Department of Commerce, we were obliged to perform a number of types of reviews and WHOIS is one of those reviews. The first one was performed starting in about 2012 and this is the second one in the series. They were originally scheduled to be held every three years, I believe, and under the new bylaws they're now every five years. Next slide, please.

What you see now is the review team. We're a reasonably small team. The bylaws allow the review team to be up to 21 members plus a board member and we, in fact, are just 10 plus a board member. We have participants from the ALAC, the GAC, and the GNSO which are the groups who are most concerned with WHOIS-type matters. It's been a small team but a very active one. I think I'm certainly very pleased with how the group has worked together. Next slide, please.

The milestones. We first convened officially in June of 2017. There were some teleconferences but not … We didn't really get to a point where we knew what kind of work we were going to be doing until a face-to-face meeting that was held in October. At that face-to-face, we finalized the scope that we would be working on. So, at that point, we had a

pretty good idea of what the topics were and how we would be looking at them.

We worked pretty diligently over the next couple of months and had the next face-to-face meeting in April where we essentially firmed up all of the major areas we were working on, reviewed draft recommendations going forward, and committed to the final timeline that we're on. We had a timeline obviously from the very beginning, but at that point, it was pretty clear we would make our deadline, the original target deadline, of the end of the year or close to it and we have stuck to that.

We had another face-to-face meeting at the end of July where the intent was to finalize all of the recommendations, and as much as the text in the report, and we did in fact do that, and the report was issued at the end of August or beginning of September, the report that you now see in front of you.

I think one of the interesting things is that, when we started, the timeline looked almost unachievable and one of the reasons was GDPR which was looming at that point. And as we'll talk about going forward, it became clear in the work plan and in our work that GDPR was not going to be the onerous thing in our work plan or in our work, although clearly it has great importance in ICANN altogether. Next slide.

Now, this is a relatively busy slide and it shows what we ended up doing, partly because of bylaws, partly because of other issues that arose. So, the first part of our work – clearly, we had little option on this one – is to look at the recommendations that came out of the first WHOIS Review Team, and there were 16 of them, and assess to what

extent they were implemented and to what extent they were effective in their implementation.

The next part of what we did is we had some concern that, although we believed the first WHOIS Review Team did a good job at analyzing the situation at that point, we weren't sure what had happened since then that might have made the boat less stable, so to speak. So, we took a look at all of the policy changes that have happened in the interim five or six years and assessed whether they would be something that we needed to consider.

The bylaws, the original Affirmation of Commitments and now the bylaws requirement for the review, also include a number of other things we needed to look at. One was does WHOIS, or RDS now, meet the legitimate needs of law enforcement? Another one, does it produce, promote consumer trust and to what extent does it safeguard registrant data?

We took upon ourselves, in addition to that, to do a larger analysis of some aspects of contractual compliance looking at assessing the effectiveness and transparency of ICANN's enforcement of existing policy through compliance's actions, structure, and process.

Lastly, the bylaws assigned to us the ability to comment on the bylaw that governs us and recommendation to the board whether we believe changes are necessary in that and we have done that as well. Next slide.

Perhaps what's interesting are the things that we chose not to do. Things came out of a number of different sources. One of them was a bylaw requirement to assess to what extent RDS and WHOIS are aligned

with the OECD guidelines on privacy and transport of data across borders. We chose not to do that for a number of reasons. First of all, in light of the work going on with GDPR, the world has sort of overtaken these guidelines and that is not our focus at this point. And going forward, it's not clear that they will be the focus because GDPR and other privacy legislation certainly is going to be a major focus for ICANN.

Moreover, there was already an item on do we safeguard registrant data, which essentially is the same topic, phrased somewhat differently. So, we took that one off our agenda.

There were recommendations or suggestions that we look at to what extent RDAP would be a good protocol to move towards and to what extent WHOIS is a reasonable protocol to be using right now. We chose not to do either of those because, first of all, we are not protocol experts, and it's not clear that we had the knowledge or perspective to judge whether this protocol is better than that protocol. And second of all, to a large extent, decisions have already been made. ICANN has already incorporated into many of its contracts the requirement to use RDAP when the time is ready. So, we didn't feel that we needed to do that analysis, nor did it feel reasonable to analyze WHOIS, which we all hope at some level is on its way out.

GDPR, of course, was something that was a major topic. At one point, we were somewhat concerned that a large part of our work would not be doable because of the uncertainty of how we're proceeding with GDPR. As it turned out, that wasn't the case. Clearly, we are not in a position to assess the impact of GDPR or the impact of any implementation respecting GDPR. That's going to have to be done by

some future review team, I suppose. However, we didn't ignore GDPR, either, and there are certain aspects of GDPR which we already understand the potential impact and those were considered and will be mentioned moving forward. Next slide.

Nothing particularly [inaudible] about our methodology. Clearly, to the extent the bylaws controlled what we did. We followed them. We have run a completely transparent operation in that all mailing lists, all meetings, are open and viewable. We have tried to do things by consensus and, to a large extent, have succeeded. I don't think we have taken a vote on anything. As you'll see as we go forward, we have achieved a pretty strong sense of consensus within the working group on what we're doing.

As any of these reviews, we try to make them fact-based, not just working on personal beliefs or whims, and we're trying to formulate recommendations which we believe will be implementable and measurable going forward. Next slide.

Since the amount of work we were doing was quite a large body, we had to divide it up into a number of sections. The original WHOIS review recommendations were readily compartmentalized into different sections and we followed that pattern basically, although we did group together plans and annual reports, I believe.

We took each of the other items and assigned them to a separate group with the exception of the new contractual compliance work was undertaken by the same group that looked at the contractual compliance recommendation out of WHOIS1. There was enough overlap

there of skills and interests that it didn't seem worthwhile having two separate groups. Each of these subgroups had two to four people in it with a rapporteur and each of them undertook, essentially, to investigate their work, whatever their area of work was, formulate analysis and recommendations, if applicable, and then everything went to the plenary group and was reviewed completely and rehashed there.

So, everything that you see essentially has been originally started with one small subgroup and then analyzed and processed by the entire review team. Next slide.

The first two items are, the first one is strategic priority. You might remember that one of the recommendations of the first review team is make WHOIS a strategic priority. They went into some detail as to what the reporting structure should be and the management structure to make sure that happened. We deem that to be partially implemented. They never quite implemented what was recommended. It's been quite clear, and if not for no other reason, than look at the fact that we are trying to play catch-up on GDPR, that we did not focus well enough on WHOIS strategically to make sure that it was something that we were covering fully. So, we deemed that one to be partially implemented. We'll talk a little bit more about that when we look at the recommendations that come out of that original recommendation.

The second one is a single WHOIS policy. The recommendation was that ICANN develop a single policy document. Now, there were people in the review group who would have preferred to see a single policy, but it was not deemed to be practical at that point to demand a full policy be written, but it needs to at least be documented well enough so people

could find all the pieces of it, because remember, some WHOIS policy was developed as consensus policy. Other parts are essentially practice that has existed with the Internet prior to ICANN and was simply integrated into ICANN's documents and processes going forward.

We deem that to be fully implemented. Everything was gathered together. It was not necessarily fully satisfactory to some people, but the letter of the recommendation was followed and we did deem that to be completely implemented. Next slide. And I think I'm going to turn it over to Susan at this point.

SUSAN KAWAGUCHI: Thanks, Alan. This is Susan Kawaguchi. I'm vice chair of the review team. The next recommendation is on outreach. The first review team thought it was essential to educate those outside of ICANN on what WHOIS was and promote consumer awareness. We deemed this as partially implemented because, although ICANN did a lot of outreach, they did little to communities that weren't usually involved with ICANN. So, partially implemented on this one.

Then, onto contractual compliance. This is WHOIS recommendation #4. There were three elements to this and we deemed this as partially implemented due to the fact that one part of the recommendation spoke specifically about having a senior executive report to a board compliance group. So, that … Previously, the management of ICANN Org compliance team reported up to the legal department and that seemed like a conflict. Unfortunately, that probably was not sustainable or practical, so even though there is now a senior management person

specifically tasked with compliance, they are not reporting up to this board committee and probably can't be. But that's what the first review team requested or recommended, so we deemed this as partially implemented.

Let's go to slide 16. Data accuracy. A lot of data accuracy, there were several elements to this recommendation. The review team decided that the first part of the rec was fully implemented. It's registrant educates on the requirements for accurate RDS/WHOIS data. There was only partial implementation of other parts of this data accuracy recommendation, but some good things came out of that. The Accuracy Reporting System (ARS) Project releases reports every six months. There's a few things that aren't working quite as well as ARS as we'd like and GDPR may also, or we're seeing that it obscures the data accuracy.

I'm going to hand this one back to you. Oh, I'm sorry, let's go to the next slide with privacy-proxy.

Privacy-proxy, there was a full PDP that originated out of the review team's recommendations and it is now an IRT, but it has not been implemented yet but it's getting very close. So, we decided, at this point, as much as we could tell it was fully implemented, what we couldn't tell was it effective or not. So, our recommendation is that the ICANN board recommend that the next RDS Review Team would look at the effectiveness of the privacy-proxy accreditation policy.

Then, common interface. At the time of the first review team, there was only … It was very scattered on how to look up a WHOIS record and ICANN improved their WHOIS lookup so that you could go to one place

and look up a WHOIS for gTLDs instead of trying to figure out who the registrar was and then going to the registrar. So, this was fully implemented. The portal was created and it was working fairly well but now we're starting to see issues because of GDPR. Not all registrars are allowing the number of lookups needed, so sometimes you're timed out and you cannot get a lookup there. Now I'm going to hand it back to you, Alan.

ALAN GREENBERG: Thank you. For those who are wondering why we have some confusion, the slides changed slightly between the session we gave six hours ago and this one. The handover point has moved a little bit. By the way, I should have mentioned, Susan is the crossover person who was on the first WHOIS Review Team and on the second one as well. So, she's our link to all things history associated with why and how the first review team did its work. We will go the next slide, please, and that is internationalized registration data.

I'll note that the first WHOIS Review Team incorrectly titled their section, Internationalized Domain Names. In fact, the content is all about internationalized registration data. That is the name of the registrant, the address, the organization name and such. And all of those, there is a need to handle internationalized character sets, regardless of whether the domain name itself is an IDN name or an ASCII name.

Essentially, the recommendation was do the work to allow internationalized registration data. A lot of work was undertaken,

several studies and a PDP, and all of the work that could be done was done and we judged it to be fully implemented.

That being said, none of it is live because all of it requires RDAP or a comparable protocol to be used which has not been done yet, although we now expect that to happen very, very quickly because of the GDPR work going on. So, we expect to see this internationalized registration data starting to appear once the core infrastructure is there. Because we were not in a position to evaluate the effectiveness of it, we are making a recommendation that suggests that the board charge the next review team with measuring and analyzing effectiveness.

The next recommendation was on planning and reports and we judged that to be partially implemented. Essentially, the letter of the law, the letter of the recommendation, was implemented but they ended up being not nearly as useful and informative as we believe they should have been.

Part of it is because the reporting was done based on activities and not really based on outcomes and there was a lot of … I won't say, not superficial, but information reported without the underlying facts, figures, and analyses that went with it. So, we are reiterating that essentially best practices be used to go forward to make sure that the reports are in fact more practical and useful. Next slide, please.

The section on anything new, that was looking at all policy changes that have happened in the last five, six years since the first WHOIS Review Team. The bottom line was we found only two specific items that there was some level of interest in or concern in and they fit well into

recommendations that were being done as part of other responses, so they sort of got morphed, incorporated into recommendations in other places. So, there's no specific recommendations because [inaudible] new policies.

Some of the new things – for instance, the privacy-proxy work that's going on – is already implicitly being reviewed as part of our earlier work because it was triggered by the first WHOIS Review Team.

The next item was to assess whether WHOIS and RDS meets the needs of law enforcement. That was a little bit tricky because it's not quite sure … It's never quite documented and probably will never be exactly what the needs are, but nevertheless, we're supposed to assess whether they're being met or not.

There was a real lack of any data on this and we decided our only action could be to try to survey law enforcement to the extent that we could get there and try to understand what's going on. And because of the overlap with the implementation of the temporary specification and GDPR, we also took the opportunity to try to assess to what extent that may have been implementing or effecting or effect the outcomes going forward.

We were quite successful, as you'll hear, and we had something like 55 I think responses from about 35 countries and some of those responses are country-wide response. So, it was not nearly as good coverage as we hoped in some regions, but all five regions were covered and we have some interesting results that we'll be talking about in a few minutes.

The last item on – well, I'm not sure if it's the last item. The next item certainly is consumer trust. This is a difficult one because, although we're starting in ICANN to understand consumer trust with regard to gTLDs in general, it's not nearly as clear what the implications are in WHOIS. We did some investigation. We have some ideas going forward. There are no recommendations coming out of it at this point, but we do try to address what the issues are. Next slide.

The next one is safeguarding registrant data. This is clearly a GDPR-related area. In terms of protecting data from access, that was basically non-existent in the traditional WHOIS and anything going forward is going to protect data more than it has been in the past. It still remains to be seen exactly what data is protected and in what cases.

Transporter access or transfers of data has not really been addressed to a large extent in ICANN contracts and clearly that is another area where one country's safeguards may not be as sufficient as another country's and has to be considered.

Also, to what extent ICANN contractors must use specific methodology to protect data and to notify ICANN in case of breach of that data. Contracts with registrars, registries, and escrow providers each had a different set of terms in terms of what wording was used and how to protect the data, if at all, and to what extent any breaches were needed to be – ICANN needed to be told about breaches, rather. And we are recommending that ICANN use a uniform methodology for all. It turns out GDPR also has some strong statements about this, so that's likely to happen anyway.

Lastly, we were asked to review the bylaw itself, and as I mentioned earlier, we are making a recommendation that we merge the safeguard registrant data and the OECD guideline data, guideline requirement, into a more generic one that doesn't specify exactly which guidelines we're talking about because they will vary around the world but that ICANN take a specific focus and review that in each successive review. Next slide.

The next part of our program is the summary of some of the findings on law enforcement and I'm going to ask Cathrin, our second vice chair, to speak, assuming Cathrin can speak. She has come down with a cold and was losing her voice earlier today and I'm not quite sure whether she can speak or not.

CATHRIN BAUER-BULST: I'm here. Thank you, Alan.

ALAN GREENBERG: You're here and your voice is clear. Marvelous!

CATHRIN BAUER-BULST: My voice is much better, thanks to lots of herbal tea. Hopefully, I'll make it through those four slides. Bear with me. This is Cathrin Bauer-Bulst, the second vice chair of the RDS Review Team and I'm very glad to be presenting just a little snapshot of the law enforcement survey that Alan already gave an eloquent teaser for a little bit earlier in his presentation.

So, as he was saying, we did a number of assessments of implementation of previous recommendations but then also were looking at some independent assessments that we made on the basis of bylaws and one of the key ones there is the question of whether the WHOIS meets legitimate needs of law enforcement for access to data and we have [inaudible] accessible, accurate, and complete data.

So, a number of the items that Alan spoke about, a number of the recommendations from the first review team, of course are of high relevance to law enforcement as well, such as the accuracy of the data. Nonetheless, we also wanted to do [inaudible] assessment of whether the current WHOIS meets law enforcement needs, and of course a specific issue, as Alan has already mentioned, was the fact that while the review was ongoing, the temporary specification went into effect.

So, what we did with our survey was we tried to cover several bases. We tried to, first of all, ask some general questions about policies around the WHOIS and what the impact has been in the past on law enforcement, but we also tried to see whether we can study any further change in between the way the WHOIS is used by law enforcement and how useful it is for law enforcement and whether there were any changes between the time before the temporary specifications and the time after the temporary specifications went into effect.

So, one of the first things we tried to assess was how important the WHOIS is for law enforcement and one way to [inaudible] for that is, of course, how frequently it is used.

As Alan was saying, we had 55 responses from around the world and a number of those were made on behalf of countries, and what you can see from this graph, that there are a significant number of units, between 100 and 1000 lookups per month, quite a few still who make more than 1000 up to 10,000 lookups and a few units who make more than 10,000 lookups a month. Of course those figures show that the WHOIS lookup is of strong importance for law enforcement investigations because it is used very frequently and can also inform the work, of course, of the expedited policy development process in terms of what the mechanics for law enforcement lookup would need to be to respond to that frequency of lookups, so that we thought was also possibly helpful information looking forward. Now, if we go to the next slide, please.

Another proxy for the importance of the WHOIS to law enforcement investigation is whether the unavailability of the WHOIS has significant impacts or not and it did turn out to have quite an important impact, so we asked law enforcement whether absent to WHOIS there would be other alternative data courses that could be used or that are already being used to fulfill the same investigative needs.

What we saw here, in the graph on the left, is that 60% flat-out said no. There were 16% who did say, yes, there are alternative data sources but then when we asked them what exactly they were using instead, a number of them mentioned third-party tools such as Domain Tools that are not truly alternative data sources in the true sense of the word because they rely on the same source, namely the WHOIS, to feed their data sets. Then, 24% said they didn't really know. That already shows that the WHOIS has an important role for investigations and it becomes

even more evident when you look at the impact of unavailability from the chart on the right. You can see that 52% of law enforcement has to delay an investigation if WHOIS information is unavailable. And 26% even had to discontinue investigations because WHOIS information was not available.

If we go to the next slide, you will see that this was one slide where we tried to show the impact of the change brought about by the temporary specification and the full slide deck, a number of additional graphs, are available in the full report which I invite you to read. And you will also find in the annex to the draft report the full set of questions that we asked to participants of the survey.

Now, if we take the left-hand graph first, you can see that the number of individual WHOIS lookups per month has already seen a slide drop. So, when you look at the orange slides, those are the lookups made before May 2018 and then in blue you see the number of lookups after May. So, as of June 2018, which are moving to the left, so to the lower end of the spectrum and this trend becomes more evident even when you look at the right-hand graph where you see the percent of WHOIS lookup results that help an investigation.

So, here, the data before May 2018 shows that there was a spike at around 80%. So, 80% of lookups resulted in information that helped an investigation.

If you now look at the post-May, so the June 2018 data which is after the temporary specifications have gone into effect, one of the highest bars is around the 20% mark meaning that's only 20% of lookups now

made by law enforcement actually result in information that is useful to an investigation. Now, that's, of course, a striking change.

If we go to the final slide, it's this little snapshot. This is the before and after in terms of investigative needs. So, we did ask the overarching question, "Does WHOIS meet your investigative needs?" and we asked it both for the pre-May 2018 WHOIS version and for the current WHOIS and you can tell from the pie charts there is a significant difference. So, as of May 2018, you have 53% of respondents who found the WHOIS useful, who thought it met their needs. At least 45% thought that it partially met their needs, at least.

And if you now move over to the current WHOIS, you see that 67% of respondents said, "No, it clearly does not meet our needs," and only 25% at least partially think it meets their needs, and a mere 8% are still happy with it. This is quite a striking change. And if you want the full analysis, again, we would invite you to please consult the full draft report and of course provide us with your input on this.

As one of the follow-ups, given that we had 55 responses, a number of which were on behalf of countries, but also some individuals, we do want to expand the survey size and have thought about possibly rerunning the survey in the fall to expand the data set. We'll get into that once we come to the recommendations.

At this point, I would hand it back over to my trusted chair, Alan. Thank you very much.

ALAN GREENBERG:	Thank you very much. Jean-Baptiste, I'm told we have to delay while we're reconnecting someone at this point.
JEAN-BAPTISTE DEROULEZ:	Yes, to delay. It's just that there would be [inaudible]. Apologies about that.
ALAN GREENBERG:	Okay. While we're waiting, just one more comment on the law enforcement survey. A comment that Cathrin had made at one of our previous meetings. It's sort of obvious but it hadn't struck me. Law enforcement, often, it takes a while to build a case and by the time it gets to law enforcement and law enforcement can work on it, we're often dealing with things that happened a while ago. Therefore, in some cases, the lack of current WHOIS may not matter, but clearly as time goes on, they're going to be getting more and more into cases for events that occurred past the end of this May and presumably the impact will grow there.
ANNOUNCER:	The host has left the meeting to speak with meeting support and will rejoin soon.
ALAN GREENBERG:	And with that, are we ready to go to the next section? When the slide turns, I'll assume we're ready. Thank you.

So, overall conclusions. Of the 16 recommendations that WHOIS1 made, we have deemed half of them to be fully implemented and half of them to be partially implemented. One of them was not implemented at all, but that was understood at the initial ICANN analysis that what was being asked for was not achievable, although ICANN did attempt to get similar data in other ways.

That results in a troublesome statement and the review team has not really discussed it yet, but I think it's going to be one of the things we do look at going forward of how do we rationalize the fact that we believe half of them were not fully implemented, and yet ICANN's self-analysis was that everything had been done completely. I think we need to understand the differences between either our methodologies or our perspective to make sure that future review teams, we don't have to wait for a five-year analysis later on to find out if things are going well or not. Somehow we need better processes going forward.

Nevertheless, we ended up with 23 new recommendations, 9 of them high priority and varying numbers of medium and low priority, and one not yet assessed. I think the most important statement that goes along with this is all recommendations have the full consensus of the review team. That wasn't obvious going forward that we would get 100% buy-in because there were some very strong different opinions going forward, but I believe we have ended up with a set of recommendations that are strong. We didn't weaken them to get consensus but we do end up having full consensus at this point and that's something I think we can be pleased with. Next slide, please.

We'll spend a few minutes going over some of the recommendations. I'd like to leave some time, however, for questions and comments. We're on 1.1 to start with. That was ensure that it be treated as a single policy. Sorry, a strategic priority. And as I mentioned, just the fact that we are running as fast as we can on GDPR meant that it sort of caught us by surprise and we believe that some changes need to be made in how ICANN treats subjects like this – and WHOIS is probably not the only one – to make sure that we are staying on top of the ball going forward. And we have a number of recommendations aimed at that.

If we can go to 3.1, please. That is the one on outreach that we talked about earlier. That is make sure all the documentation is up to date and make sure that we reach out to people. Our recommendation 3.1 is on the documentation first. Although a really good job was done of creating new documentation for WHOIS, it was done as a separate part on the website and there was no attempt to integrate it with other things that related to WHOIS in other parts of the website, of the ICANN website. Therefore, we had multiple views of the same thing in some cases and in some cases, differing views, and differing recommendations on how to do things.

So, going forward, we believe that the information obviously will have to be updated post-GDPR but it has to be updated in a coherent way across the website, not just in one isolated section. Obviously, that shouldn't be done until the dust settles just a little bit at least.

Recommendation 3.2. That's the one on outreach. We believe strongly that there are parts of the overall Internet community that are not necessarily knowledgeable about ICANN. Registrants are certainly one

part of that, but there's also consumer protection, to some extent law enforcement, and various other government agencies and independent groups that we believe should know what WHOIS is, and from a registrant point of view, they should now going forward what is to be done with their data.

Again, what we talk about is going to depend on what information is publicly available or available to selected groups based on their credentials. So, the GDPR implementation has to come first. But we believe this should be a high priority once we know where we're going.

I'll turn it over to Susan now to talk about the recommendations four and we'll skip ahead to the CM ones and then come back to me.

SUSAN KAWAGUCHI: Thanks, Alan. So, these two recommendations you see on the screen came out of a review of the first WHOIS review recommendations on compliance.

The first one is that we acknowledge that ICANN's compliance team acts very reactively to any reported inaccuracy but they don't have a proactive view of that. So, we're recommending a risk-based approach to assess and understand the inaccuracy and then to take action. So, a proactive approach. If they see an issue, then act on it and not wait for it to be reported.

The second recommendation is to, in those inaccurate reports, if they are seeing deficiencies by a specific registrar to validate or verify the information – and this is something the team over and over and it can

be recognized as a problem, not just a few reports – then they should take action and really review that registrar and their best practices. So, this would be a way of making sure that registrars are following the contractual obligations that are in the 2013 RAA.

If we want to skip to the CM slides. There we go. In looking at the compliance team in general and compliance activity and reports, we came up with several other recommendations and some of these came out of the data accuracy work, subgroup work, but we felt like they all came, all of the recommendations pertain mainly to compliance actions, so we grouped them here.

The number one, [inaudible] one, concerns anytime a domain name is suspended for inaccurate information. That data is still retained in that record until the domain name is deleted. So, we're recommending that a notation or some sort of status be implemented to indicate that this was incorrect data.

Also, with any record that has that notation or status, that it wouldn't be unsuspended without correcting the data. Right now, that shouldn't happen, but it can happen. There's nothing to prevent it. So, that's a critical – we decided that was a high priority.

CM2 was a priority of medium. We did have consensus on this recommendation. It's concerning … There's about 40% of the legacy gTLDs do not have to comply with the 2013 RAA and do not have to collect or display the phone number or registrant e-mail address. In this recommendation, we're asking that ICANN take a look at this, review those registrations to see if those elements are missing and then … But,

at the end of the day, all WHOIS records should abide by the same policy. Next page, please.

So, CM3 is a low priority but still important. There seems to be a lack of reporting in the global south of inaccuracy reports. So, in this recommendation, we're asking ICANN to take a look at those to see why the submission rates are so small and whether or not it's just an educational issue and then take steps. That's a low priority but still important.

CM4 is low priority. The ICANN board should encourage the use of the bulk WHOIS tool. ICANN rolled out a bulk WHOIS tool many years ago but there's only about 11 users, so it seems like other … If it was more well-known, people would use it.

Then, CM5 is a low priority but still very critical. We're asking that the ICANN board should recommend to the GNSO that in any PDP that's creating new policy, that it should also create requirements for measurement, auditing, tracking, reporting, and enforcement and all new policies. So, as the PDP Working Group is discussing and developing that policy, they should also keep all of these in mind because we have found policies that have been implemented but there's no data on how well the policy is doing or how it was implemented really and whether or not people are actually following the policy.

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

EN

ALAN GREENBERG:	Thank you very much. If we can go back to recommendation 11.2. Close. That's it.

11.2 has to do with the common interface. That is the WHOIS portal. The WHOIS portal was requested to make sure that there was a single place that an interested party could go to to get WHOIS information instead of having to find the right registrar, WHOIS site, or something like that.

It was done pretty well. There were a number of problems, as we've mentioned, that occasionally things didn't work and they're not necessarily problems [that were not tracked]. But overall it was a significant improvement over what was available before.

Unfortunately, with GDPR, it broke. The implementation presumed that for thick registries the registrars – the registry, rather – is the definitive source of data. As GDPR has been implemented differently by registries and registrars, we now have situations where the source that the portal goes to has no information whatsoever, but that information is still available from the registrar. So, the single source has broken and we are recommending that the portal be fixed to make sure that its information is available, that it be provided to whoever is doing the questioning.

Of course, what information will be available on the long term, post-GDPR implementation, remains to be seen. But regardless of what it is, the portal should deliver whatever information is available.

Next one is LE1 on law enforcement. As you saw from Cathrin's presentation, we believe that we have collected some interesting

information on use of WHOIS by law enforcement. But by its very nature, anything we're doing is constrained in terms of how much we could cover and what timeframe we can look at it over and we are recommending that ICANN continue to do this on a regular basis. That's recommendation LE1.

LE2 recognizes that law enforcement is often the last step of a process of trying to address problems in the Internet and there is a large cybersecurity not entity but groups around the world that do a lot of the preliminary work. And although they work with law enforcement, they are not technically law enforcement and we are suggesting that they, too, be surveyed to try to understand to what extent this meets their needs.

Now, there's an inherent issue there of how do we define who these people are and that needs to be done, but going forward, it's quite clear, to us anyway, that it's something we have to consider looking at.

That is it for the recommendations, if we can go to the next slide after recommendations. And there are no more slides after recommendations. So, I will open the floor to any questions and answers. I will point out that we do have Lili Sun on the call who is one of our team members and the person who did a number of the critical areas, among others, the one that perhaps required the most analysis, that is on data accuracy. Any comments or questions? I don't think there have been any typed into the chat, either. Is that correct?

JEAN-BAPTISTE DEROULEZ: That's correct, Alan.

ALAN GREENBERG: Then can we go to the last slide? The public comment is open now. It is open through the week after the Barcelona meeting. There is a form to fill out if you want to use that which structures your response based on the recommendations but there is also an option of simply using freeform or whatever to say whatever you want to say. You can use either or both.

We will be having an engagement session at ICANN 61 which will be similar to what we've done here. The exact structure I think we'll decide when we get a little closer to the meeting. And if anyone would like to have us schedule a conference call with their particular group or potentially even meet in Barcelona, if we can find the time, then we'll certainly do our best to satisfy that request.

Other than that, as I mentioned earlier, our Wiki is open. All of our mailing lists are open. All of our calls can be listened to and participated in with a parallel Adobe Connect session. We'd be delighted if we get any input from anyone.

I'll do one last call to see if there are any questions or comments. If not, we'll turn some time back to you. Any other team members who want to add any last words before we close off?

Hearing nothing, we have a thank you from Cathrin in the chat and we won't strain her voice. I thank you very much for participating and we will see you online. Bye-bye.

[END OF TRANSCRIPTION]