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RDS-WHOIS2-RT Plenary Call #44

17 December 2018



RDS/WHOIS2-RT Plenary Call Agenda

1. Welcome, roll-call
2. Recommendations updates review
 - R5.1
 - CM.3
 - R10.1
3. A.O.B.

Recommendations updates review

Agenda item #2

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.

R5.1

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.

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.

R5.1

Proposal for a replacement for R5.1 in the draft report.

- To recap, R5.1 asked for an investigation of anomalous ARS compliance actions. Based on the discussion that Susan and I had with ICANN Contractual Compliance, we still do not FULLY understand the issues but we are sufficiently comfortable that we do not believe there is any merit in keeping the recommendation as written.
- We had **two discussions**, one on Monday morning (before Stephanie had arrived) and a second one on Tuesday afternoon.
- The conclusions for both were roughly comparable. My summaries were:
 - *"Okay. So a recommendation saying we must have some level of contactability/accuracy monitoring, [give us a] high level of confidence in the data. And the issue that we have to put on hold somewhere further is resourcing of Compliance if necessary."*
 - *"At this stage the recommendation is being withdrawn. The replacement recommendation will reiterate the need for continuing diligence regarding accuracy and we will be recommending that the ARS or something comparable be continued."*
 - I also note that during the discussion, the issue of contactability vs accuracy was brought up with some RT members feeling that the former was a better measure and perhaps easier to achieve (not all RT members agreed).

I propose:

1. We adjust the report section to reflect the overall results of the ARS results to date, removing undue reference to the "anomalous" results we flagged in the draft report but keeping the clear statement that there were still significant accuracy issues being detected. If it does not already reflect it, it should make it clear that the ARS was suspended due to the Temp Spec. and its continued use is contingent of appropriate EPDP actions to sanction such processing.

2. R5.1 The Accuracy Reporting System, which was instituted to address concerns regarding RDS (WHOIS) contact data accuracy has demonstrated that there is still an accuracy concern and therefore such monitoring must continue. ICANN Org should continue to monitor accuracy and/or contactability through either the ARS or a comparable tool/methodology.

This recommendation is in line with the conclusion drawn to both discussions and there was no objections raised at the time.

I further note that we had planned to return and include a recommendation on Contractual Compliance resourcing. If we wish to do this, here is a proposed recommendation:

CM.3: The ICANN Board should take steps to ensure that ICANN Contractual Compliance is adequately resourced factoring in any increase in workload due to additional work required due to compliance with GDPR or other legislation/regulation.

R10.1 (Draft Report)

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.

R10.1 (Draft Report)

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.

R10.1 (FtoF4)

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 initiate action to that propose an amendment to the RAA is proposed that ensures that the underlying registration data of domain name registrations using Privacy/Proxy providers affiliated with registrars shall be verified and validated in application of the verification and validation requirements under the RAA unless such verification or validation has already occurred at the registrar level for such domain name registrations.** ~~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. **This recommendation is not intended to require duplicate verification or validation for the same domain name registrations, but only to ensure that the current requirement incumbent on registrars under the RAA can not be circumvented by use of an affiliated privacy / proxy service provider.**

R10.1 (FtoF4)

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.

A.O.B.

Agenda item #4

Confirm Decisions Reached & Action Items

FtoF #4: Consensus Reached on Recs

Agenda item #4

FtoF #4: Consensus Reached on Recs

R1.1 | R1.2 (Not updated):

Decision reached: Consensus reached

Action item: Cathrin/Dmitry to update surrounding text making sure that process will be more active for both ICANN and national stakeholders at least.

R1.3 (Not Updated):

Decision reached: Consensus reached on recommendation with the addition of “Board Committee or Working Group” instead of “Board Working Group”

R3.1 (Not updated):

Decision reached: Consensus reached

R3.2 (Updated):

Action item: Remove “in light of GDPR-driven changes,”, and remove “effectively” in the original text. Move the reference to GDPR, and other substantial policy changes into the dialogue.

Decision reached: Consensus reached

R4.1 (Updated):

Decision reached: Consensus reached

FtoF #4: Consensus Reached on Recs

R4.2 (Updated):

Decision reached: Consensus reached

R5.1 (Updated):

Decision reached: Defer discussion to plenary call #44

R10.1 (Updated – not submitted on list):

Decision reached: Discussion deferred to plenary call #44.

Action item: Due to the many changes made to the recommendation, send out an email showing recommendation before and after changes.

R10.2 (Not updated):

Decision reached: Consensus reached

R11.1(Updated – not submitted on list):

Language in “Implementation” was updated by Volker, which Susan disagreed with.

Action item: Language is accepted, with the addition that “should arise” to be changed with “be noted”

Decision reached: Consensus reached.

FtoF #4: Consensus Reached on Recs

R11.2 (Updated – not submitted on list):

Decision reached: Consensus reached.

R12.1(Not updated):

Decision reached: Consensus reached.

R15.1 (Updated):

Decision reached: Consensus reached.

Action item: Language mentions 6 months, Jackie to update language as per operational input received in the morning: “ICANN Bylaws, the ICANN Board has six months within receipt of the final report to consider the review team’s recommendations. We would suggest factoring this into implementation details you include in your recommendations (see 1.1 – 1.2 – 1.3 – 15.1 – LE.1 – LE.2)”.

LE.1 (Updated):

Decision reached: Consensus reached.

FtoF #4: Consensus Reached on Recs

LE.2 (Not updated):

Action item: Add a clause for factoring costs/benefits in this recommendation.

Action item: Remove “extending” , and add “conducting comparable” in the recommendation.

Decision reached: Consensus reached.

SG.1:

Action item: Alan to review body of the report with an eye to section 3.2 of the 2013 RAA.

CM.1 (minor update):

Decision reached: Consensus reached.

CM.2:

Decision reached: Consensus reached.

CM.3:

Decision reached: Recommendation to be deleted, discussion scheduled on Plenary #44.

FtoF #4: Consensus Reached on Recs

CM.4:

Decision reached: Consensus reached on deleting recommendation.

CM.5:

Decision reached: Consensus reached.

Action item: Numbering of recommendation should change to CM.3

BY.1:

Action item: Replace “Eliminate the reference” with “Extend the reference”, add “(which refers to the OECD Guidelines) after “replace section 4.6(iii) of the ICANN Bylaws.”

Decision reached: Consensus reached.