At-Large Planned Implementation of the New Registration Data Access Protocol (RDAP) Workspace

Comment Close Date	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
28 Nov 2015	Planned Implementation of the New Registration Data Access Protocol (RDAP)	ADOPTED 10Y, 0N, 0A	Main penholders: Holly Raiche Carlton Samuels	09 Nov 2015	20 Nov 2015	23 Nov 2015	27 Nov 2015	28 Nov 2015	n/a	AL-ALAC-ST-1115-01-00-EN

For reference materials that provide background to this Statement, please click here >>

Note: This Statement is intended to be sent to the ICANN CEO & President Fadi Chehade, copying Board Chairman Steve Crocker, once the ALAC ratifies it.

Reference materials that provide background to this Statement:

- Final Report from the Expert Working Group on gTLD Directory Services: A Next-Generation Registration Directory Service (RDS) (in particular, please reference Section III 'Users and Purposes' Page 19-39)
- Request for Comments (RFC):
  - https://www.rfc-editor.org/rfc/rfc7480.txt
  - https://www.rfc-editor.org/rfc/rfc7481.txt
  - https://www.rfc-editor.org/rfc/rfc7482.txt
  - https://www.rfc-editor.org/rfc/rfc7483.txt
  - https://www.rfc-editor.org/rfc/rfc7484.txt
- Registration Data Access Protocol (RDAP) Implementation session in ICANN 54

FINAL VERSION TO BE SUBMITTED IF RATIFIED

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FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The ALAC is very concerned that the planned implementation of the new Registration Data Access Protocol (RDAP) may not support enhanced privacy protections proposed by the Expert Working Group on gTLD Directory Services (EWG).

At a session in ICANN 54 on the implementation of the RDAP (https://meetings.icann.org/en/dublin54/schedule/wed-rdap-implementation), Francisco Arias, Director of ICANN Technical Services, suggested that when implementing the new RDAP, it would be "voluntary" for contracted parties to include additional features in the protocol that would allow differentiated access to registration data.

The existing Whois protocol allows every user the same anonymous public access to gTLD registration data – access that is no longer in line with increasingly accepted privacy protection law. The EWG recommendations provide a better balance between the privacy rights of registrants and the legitimate needs to access that information in the way that registration data is collected, stored and accessed.

Following on from the EWG recommendations, the Internet Engineering Task Force (IETF) developed the RDAP which has features that allow for differentiated access to registration data, depending on the authentication and accreditation of requestors.

The basic features of the RDAP comply with existing Whois policy requirements. However, unless the additional RDAP features that allow differentiated access to registration are adopted as a mandatory part of the RDAP, the protocol would not allow differentiated access to registration data.

While the final Issues Report on next-generation gTLD registration directory services (RDS) to replace WHOIS was approved only in October 2015 and its Policy Development Process is yet to start, this policy work will proceed on the foundation of the EWG recommendations and part of this work concerns with how data should be collected, stored, and disclosed and how these data elements are mapped to RDAP.

The ALAC is strongly arguing against "voluntary" adoption of the RDAP features that allow differentiated access to registration data. While those features are not now required under existing WHOIS policies, they will most likely be required under new RDS consensus policies as recommended by the EWG.

On these facts, the ALAC strongly argues that the RDAP implementation profile must include the feature set that will support differentiated access. This will ensure that when the future policies, which follow the EWG recommendations, on differentiated access to data are finalized, the protocols will be in place to ensure that these may be readily switched on and implemented.

FIRST DRAFT SUBMITTED

The ALAC is concerned that the planned implementation of the new Registration Data Access Protocol (RDAP) may not support enhanced privacy protections proposed by the Expert Working Group (EWG).

At a session in ICANN 54 on the implementation of the RDAP (by Technical services, on 21 October from 12.30-13.45 IST), Director, Technical Services Francisco Arias suggested that, when implementing the new RDAP, it would be 'voluntary' for contracted parties to include additional features in the protocol that would allow differentiated access to registration data.

The existing Whois protocol allows every user the same anonymous public access to gTLD registration data – access that is no longer in line with increasingly accepted global data protection law. As part of the implementation of EWG recommendations, the IETF developed the RDAP which has features that will allow differentiated access to registration data, depending on the authentication and accreditation of requestors.

While the basic features of RDAP allow compliance with existing Whois policy requirements, unless the additional features are adopted as part of the RDAP protocol, the protocol would not allow differentiated access to registration data, as recommended by the EWG.

Considerable policy work needs to be done to replace the existing WHOIS policy with a new policy for registration directory services (RDA). Indeed, the final Issues Report on next generation RDS to replace WHOIS was approved only in October 2015. However, the policy directions of the EWG are clear: access to registrant information must provide a better balance between the privacy rights of registrants and the legitimate needs to access that information.

The ALAC is concerned that adoption of the RDAP features that allow differentiated access to registration data will only be 'voluntary'. While those features are not now required under existing WHOIS policies, they will be required under new EWG policies. We therefore insist that the RDAP implementation profile must include differentiated access . This will ensure that when the EWC policies on differentiated access to data are finalized, the protocols will be in place to ensure that the they can be implemented.