

RDS-WHOIS2 Review Draft Report

Public Comment Proceeding Input Form

The purpose of the Public Comment posting is to request community feedback on the Draft Report published by the RDS-WHOIS2 Review Team. The following template has been developed to facilitate input to this Public Comment. Use of the template is not required but is encouraged to ensure that comments are appropriately applied. This template provides the opportunity for general input on the proposal as well as specific comments by section. Please note that there is no obligation to complete all sections – commenters may respond to as many or as few as they wish.

A PDF version of this template is provided for use by individuals. The template can also be used by a group to facilitate development of consolidated group comments; once comments are finalized by the group, please enter them into this template rather than sending them as a separate Word or PDF file. Following completion of the template, please save the document and submit it as a PDF attachment to the Public Comment proceeding: comments-rds-whois2-review-04sep18@icann.org.

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN Privacy Policy and agree to abide by the website Terms of Service.

Please provide your name:

Please provide your affiliation:

Please provide your email address (Not mandatory. This is to allow for follow-up, as needed):

Are you providing input on behalf of another entity (e.g. organization, company, government)?

- Yes
 No

If yes, please explain:

Please refer to the specific recommendation and relevant section of the Draft Report for additional details and context about each recommendation.

Please add your comments into the designated areas.

Section 3.1 WHOIS1 Recommendation #1 – Strategic Priority

Enter any comments or observations you may have on findings in this section:

Recommendation #1.1

To ensure that RDS (WHOIS) is treated as a strategic priority, the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #1.1:

Recommendation #1.2

To support this mechanism, the ICANN Board should instruct the ICANN Organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the Board.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments to Recommendation #1.2:

Recommendation #1.3

The ICANN Board should update the Charter of its Board Working Group on RDS to ensure the necessary transparency of the group's work, such as by providing for records of meetings and meeting minutes, to enable future review of its activities.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #1.3:

Section 3.3 WHOIS1 Recommendation #2 – Single WHOIS Policy

Enter any comments or observations you may have on findings in this section:

Section 3.4 WHOIS1 Recommendation #3 - Outreach

Enter any comments or observations you may have on findings in this section:

Recommendation #3.1

The ICANN Board should direct ICANN Organization to update all of the information related to RDS (WHOIS) and by implication other information related to the registration of second-level gTLD domains. The content should be revised with the intent of making the information readily accessible and understandable, and it should provide details of when and how to interact with ICANN or contracted parties. Although not the sole focus of this recommendation, interactions with ICANN Contractual Compliance, such as when filing WHOIS inaccuracy reports, should be a particular focus. The revision of this web documentation and instructional material should not be undertaken as a purely internal operation but should include users and potentially focus groups to ensure that the final result fully meets the requirements. The resultant outward facing documentation of registrant and RDS (WHOIS) issues should be kept up to date as changes are made to associated policy or processes.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #3.1:

Recommendation #3.2

With community input, the ICANN Board should instruct ICANN Organization to identify which groups outside of those that routinely engage with ICANN should be targeted effectively through RDS (WHOIS) outreach. An RDS (WHOIS) outreach plan should then be developed, executed, and documented. There should be an ongoing commitment to ensure that as RDS (WHOIS) policy and processes change, the wider community is made aware of such changes. WHOIS inaccuracy reporting was identified as an issue requiring additional education and outreach and may require a particular focus. The need for and details of the outreach may vary depending on the ultimate General Data Protection Regulation (GDPR) implementation and cannot be detailed at this point.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #3.2:

Section 3.5 – WHOIS1 Recommendation #4

Enter any comments or observations you may have on findings in this section:

Recommendation #4.1

The ICANN Board should direct ICANN Contractual Compliance to proactively monitor and enforce RDS (WHOIS) data accuracy requirements to look for and address systemic issues. A risk-based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them.

Choose your level of support of this recommendation:

- Support Do not support Not sue It depends

Enter comments for Recommendation #4.1:

Recommendation #4.2

The ICANN Board should direct ICANN Contractual Compliance to look for patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the Registrar follows RDS (WHOIS) contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in RDS (WHOIS) data validation or verification are identified.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #4.2:

Section 3.6 - Recommendation #5-9 – Data Accuracy

Enter any comments or observations you may have on findings in this section:

Recommendation #5.1

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.¹

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #5.1:

Section 3.7 – WHOIS1 Recommendation #10 – Privacy/Proxy Services

Enter any comments or observations you may have on findings in this section:

¹ This is a place holder recommendation that will likely change because, in parallel with this Draft Report being published for Public Comment, the RDS-WHOIS2 Review Team is further investigating this issue with the ICANN Org ARS team and ICANN Contractual Compliance. The review team wishes to better understand why the ARS reports indicate such an unexpectedly high ratio of RDS (WHOIS) updates, while there is little evidence that the overall data accuracy rate improved to a comparable extent.

Recommendation #10.1

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.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #10.1:

Recommendation #10.2

Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS (WHOIS) review team after PPSAI Policy is implemented.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #10.2:

Section 3.8 – WHOIS1 Recommendation #11 – Common Interface

Enter any comments or observations you may have on findings in this section:

Recommendation #11.1

The ICANN Board should direct the ICANN Organization to define metrics or SLAs to be tracked and evaluated to determine consistency of results of queries and use of any common interface (existing or future) used to provide one-stop access to registration data across all gTLDs and registrars/resellers. Specific metrics that should be tracked for any such common interface include:

- How often are RDS (WHOIS) fields returned blank?
- How often is data displayed inconsistently (for the same domain name), overall and per gTLD?
- How often does the tool not return any results, overall and per gTLD?
- What are the causes for the above results?

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #11.1

Recommendation #11.2

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments to Recommendation #11.2:

Section 3.9 – WHOIS1 Recommendation #12-14 – Internationalized Registration Data

Enter any comments or observations you may have on findings in this section:

Recommendation #12.1

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #12.1:

Section 3.10 – WHOIS1 Recommendation #15-16 – Plan & Annual Reports

Enter any comments or observations you may have on findings in this section:

Recommendation #15.1

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #15.1:

Section 4 – Objective 2: Anything New

Enter any comments or observations you may have on findings in this section:

Section 5 – Objective 3: Law Enforcement Needs

Enter any comments or observations you may have on findings in this section:

Recommendation #LE.1

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #LE.1:

Recommendation #LE.2

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #LE.2:

Section 6 – Objective 4: Consumer Trust

Enter any comments or observations you may have on findings in this section:

Section 7 – Objective 5: Safeguarding Registrant Data

Enter any comments or observations you may have on findings in this section:

Recommendation #SG.1

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

In carrying out this review, the data security and privacy expert(s) should consider to what extent GDPR regulations, which many but not all ICANN contracted parties are subject to, could or should be used as a basis for ICANN requirements.

The ICANN Board must either negotiate appropriate contractual changes or initiate a GNSO PDP to consider effecting such changes.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #SG.1:

Section 8 –Objective 6: ICANN Contractual Compliance Actions, Structure and Processes

Enter any comments or observations you may have on findings in this section:

Recommendation #CM.1

The ICANN Board should negotiate contractual terms or initiate a GNSO PDP to require that gTLD domain names suspended due to RDS (WHOIS) contact data which the registrar knows to be incorrect, and that remains incorrect until the registration is due for deletion, should be treated as follows.

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #CM.1:

Recommendation #CM.2

The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the RDS (WHOIS) Registrant field. If 10-15% of domain names are found to lack data in the Registrant field, then the ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements within 12 months.²

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #CM.2:

² The RDS-WHOIS2 Review Team is seeking community feedback on this percentage, as well as on impacts this recommendation might have on the rights of registrants in the use of their domain names.

Recommendation #CM.3

The ICANN Board should direct ICANN Organization to review the RDS (WHOIS) records of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge of RDS (WHOIS) inaccuracy reporting tools or other critical factors are responsible for low RDS (WHOIS) inaccuracy report submission rates in some regions.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #CM.3:

Recommendation #CM.4

The ICANN Board should direct ICANN Organization to publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool).³

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #CM.4:

³ The RDS-WHOIS2 Review Team is considering expanding this to include a recommendation that ICANN Contractual Compliance consider a different, more efficient methodology in analyzing bulk data submissions where such data identifies patterns of problems.

Recommendation #CM.5

The ICANN Board should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies.

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #CM.5:

Section 9 – ICANN Bylaws

Enter any comments or observations you may have on findings in this section:

Recommendation #BY.1

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

Choose your level of support of this recommendation:

- Support Do not support Not sure It depends

Enter comments for Recommendation #BY.1

Other Comments

Are there any other comments or issues you would like to raise pertaining to the RDS-WHOIS2 Draft Report? If yes, please enter your comments here:

Save your document, then send as a PDF attachment to:
comments-rds-whois2-review-04sep18@icann.org