

# WHOIS Access Changes and their projected impact on Wikimedia

Feedback on the Draft Framework for a Possible Unified Access Model for Continued Access to Full WHOIS Data from 8/20/18

**In section B**, ICANN proposes:

“... a third party that is part of an “eligible user group” could submit an application to an “accrediting body” to apply for credentials to be used to access non-public WHOIS data. If the application is approved by the authenticating body, the user would be required to agree to abide by Terms of Use that would include required measures to adequately safeguard the personal data that may be made available to the user. Violation of the Terms of Use could result in revocation of the user’s credentials for access among other things.”

The WMF concurs with the general approach but has concerns about the envisioned process developing the Terms of Use, section F.16.

“The registry operator/registrar would validate the credentials with the authenticating body before providing a response to the user’s query.”

This mechanism should be examined more closely during ICANN63 to help the ICANN community understand the implications beyond the definitions set out in section D.

**In section E**, ICANN writes:

“1. whether or not an authenticated user requesting access to non-public WHOIS data must provide its legitimate interest for each individual query/request;”

The WMF does not consider individual query interest records an undue burden for the Wikimedia community use cases outlined in the submission from 7/12/18. It considers individual records a possible procedural component in the proper allocation of risk and liability to the inquiring authenticated user under a Terms of Use framework.

“2. whether or not full WHOIS data must be returned when an authenticated user performs a query;”

The WMF concurs with the BC submission from 9/13/18, favoring full records.

“5. Whether or not there should be a fee imposed for accessing non-public WHOIS data;”

The WMF is supportive of fee-free authenticated access for users with legitimate academic, non-profit, research, and volunteer purposes.

“6. Whether or not there should be a centralized portal operated by ICANN from which authenticated users are able to perform queries of non-public WHOIS data.”

The WMF concurs with the BC submission from 9/13/18.

**In section F, ICANN writes:**

“2. At the outset, governments within the European Economic Area (who also are members of the GAC) would identify or facilitate identification of broad categories of eligible user groups (“Eligible User Groups”).”

The WMF continues to have concerns regarding undue interference in determining eligibility to access; see the WMF submission from 7/12/18 for background with a concrete example.

“16. In consultation with the GAC and the European Data Protection Board, ICANN org would develop the standardized terms and safeguards common to be included across all Terms of Use. “

The WMF is in favor of a Terms of Use developmental process under the established ICANN multi-stakeholder approach as opposed to exclusive consultations with GAC and EDPB. Based on the WMF’s own experiences revising Terms of Use through open community consultations, multi-stakeholder processes lead to enhanced language and a well-supported consultation process can ensure its timely conclusion.