SSAD ODP Discussion with ALAC

SSAD ODP Project Team

16 February 2022
Agenda

- Background and Assumptions
- Org’s Analysis and Considerations
- Questions for Discussion
Cost & Fee Structures - Background

The key items to cover

- The projected **volumes** for:
  - Users
  - Requestor Declaration Verifications
  - Accreditations Identity Verifications
  - Disclosure Requests

- The estimated **costs** to:
  - Design and implement
  - Operate the system annually

- The estimated **fees** that ICANN will charge.

- The estimated **duration** of the implementation phase.
Assumptions on Costs

**Design and Implementation Phase**

- Duration of this phase impacts the costs of this phase.
- Relies heavily on outside vendors to develop the system.
- The projected timeline accounts for parallel work to the extent possible.

**Ongoing Operations Phase**

- The costs to operate the system are heavily impacted by the volume of requests and the number of users.
- Full outsourcing model contemplated for the operation of the SSAD.
- Full cost-recovery model of ICANN’s development and operation fee.

*All the assumptions and designs are based on the requirements set forth within the policy recommendations of the final report of the EPDP Phase 2.*
Actual demand is *unknowable* until well after the launch of the SSAD.

- ICANN org contacted 11 reputable, well-known, research firms to assess the market demand.
  - Many turned down the work due to the “unknowable” nature of the research.
  - Others provided limited scope proposals with incomplete solutions.
  - Negotiating contract with one vendor.

- ICANN’s surveys to contracted parties and the ICANN community provided inconclusive and contradictory data.
  - Participation from 101 CPs representing 160M+ DUMs:
    - Majority reported receiving less than 10 requests/month
  - Participation from 355 community respondents:
    - 130 respondents reported sending less than 10 requests/month.
    - 30 respondents sent 50-499 requests/month.
    - 30 respondents reported sending over 2,000 requests/month.

- EPDP Phase 2 WG estimated 20,000 users.
Assumptions on SSAD Demand/Usage

For the purpose of ODP:

- Project Team estimated for the SSAD
  - The # of users: 25,000 ~ 3 million
  - The # of requests: 100,000 ~ 12 million

- Estimates based on a variety of inputs including, CP and community surveys, RDDS requests, abuse rates, etc.

- Actual demand may be lower than team’s estimate, but the team needed to develop an estimated range to design a solution that would scale over time.

- ICANN Contractual Compliance receives an average of 3 complaints a month related to registration data access.
  - From September 2020 to August 2021, Compliance received 142 complaints indicating an issue with access to non-public Registration Data.
  - 104 of those were closed as out-of-scope.
Summary of Org’s Assessment

3-4 Years to Develop SSAD

- 3-4 years of development
- Selection of vendors
- Vendor ramp-up
- System development
- Legal instrument development
- Communications plan and support

Unknown duration of IRT
- Potentially 2 yrs based on experience
- Development and confirmation of requirements
- Policy document development

System development and IRT work is conducted in parallel to the extent possible.

Complexity

- 8 types of Actors
- 8 Subsystems
- 60 Processes

Approx. $14M - $107M for Annual Ongoing Operations

- Ongoing operations outsourced
- User accreditation volume drives cost
- ICANN org oversees ongoing operations, vendors, etc.
- 7 functions to fill through RFPs

SSAD Fee Structure

Based on full cost recovery model

Accreditations/Identity Verifications:
- $86 - $21 (low - high usage)

Requestor Declaration Verification:
- $190- $160 (low - high usage)

Disclosure Requests:
- $40 - $0.45 (low - high usage)

Fee structure based on the assumptions* of:
- 25,000 and 3 million users**
- 100,000 and 12 million requests

*Based on a variety of inputs incl. the CP and community surveys, RDDS requests, abuse rates, etc.

**Requestors may still directly go to the CP, bypassing SSAD entirely. This may impact request volumes, if potential Requestors see the SSAD as too onerous.
## What will SSAD achieve?

**SSAD will:**

- Provide a “one stop shop” to Requestors for account setup and verification.
- Provide a repeatable request process for Requestors.
- Reduce or potentially eliminate the need for CPs to identify Requestors.
- Provide some predictability for response times (SLAs) to requests.
- Provide automated disclosures in limited circumstances (see next slide).

**SSAD will NOT:**

- Process requests for free.
- Guarantee data disclosure or provide predictability of disclosure.
- Provide a “one stop shop” to CPs as Requestors can go directly to them outside the SSAD.
- Have comprehensive data for all registration data requests as the Requestors can still go directly to CPs.
- Guarantee participation from countries/territories to accredit governmental Requestors.
- Necessarily reduce costs for contracted parties.
Automated Disclosure in SSAD

EPDP Recommendation: Disclosure for these use cases MUST* be automated

9.4.1. Requests from Law Enforcement in local or otherwise applicable jurisdictions with either 1) a confirmed GDPR 6(1)e lawful basis or 2) processing is to be carried out under a GDPR, Article 2 exemption;

9.4.2. The investigation of an infringement of the data protection legislation allegedly committed by ICANN/Contracted Parties affecting the registrant;

9.4.3. Request for city field only, to evaluate whether to pursue a claim or for statistical purposes;

9.4.4. No personal data on registration record that has been previously disclosed by the Contracted Party.

*If a contracted party determines disclosure is not legally permissible or carries significant risk not identified by EPDP, it may seek exemption*
Other considerations

- Complexity of envisioned SSAD:
  - Higher-than-expected development costs and longer duration of implementation.
  - Risk of new legislation impacting recommendations during and after implementation work.
  - Potential negative impact on stability and security of the system (e.g., more room for system bugs and errors with a more complex system and multiple subsystems).

- Financial Sustainability:
  - SSAD fees changing often due to uncertain user and request volume.
  - Declining users due to potentially high costs or dissatisfaction with disclosure request outcomes.
    - Domains with Privacy/Proxy services not considered in SSAD Recommendations.
Will SSAD Impact Data Availability?

- SSAD will not circumvent the GDPR or any other applicable legal restrictions on registration data access and disclosure
  - SSAD will not change the responsibility of the contracted parties to determine whether or not disclosure is permissible under applicable law
  - SSAD will not eliminate burden on requestors to demonstrate a legitimate and lawful interest in data access, including a legal basis for this processing, where applicable
  - The SSAD is a recommended system to streamline the processing of requests for data access. It cannot, itself, increase access to data, as this is determined by applicable law
- Thus, the SSAD is expected to have little-to-no impact on the contracted parties’ ultimate disclosure (or non-disclosure) in response to a request
Questions for Discussion

◉ Does SSAD serve the global public interest?
◉ Does the value of these recommendations when implemented outweigh the cost associated with SSAD?
◉ Does ICANN’s investment in the system serve the global public interest if the system is perceived to be of little benefit?

What if we...

◉ Start by measuring the problem?
  ○ No comprehensive data available to determine what the “problem” is.
  ○ Is there really a problem when Compliance receives so few complaints?
  ○ Analyze collected data to determine the next step.

◉ Start with a simple centralized intake system?
  ○ For registration data disclosure requests.
  ○ No accreditation and no/minimal identity verification process.
Thank You

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