ICANN86 · NEXTGEN

Reimagining Privacy in Domain Name Governance

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Not patching. Reimagining.

40 Years of WHOIS

1

1982

Elizabeth Feinler at Stanford publishes WHOIS — a frictionless directory for a network of thousands.

2

Three Decades

WHOIS served cybersecurity researchers, IP lawyers, journalists, and law enforcement — the internet's phone book.

3

The Problem

360 million registered domains. Stalkers, spammers, and bulk harvesters exploited the same openness.

4

Today

The architecture had not kept pace with the world it was meant to serve.

MAY 2018

The GDPR Changed Everything

GDPR didn't mention WHOIS by name. It didn't need to. The conflicts were immediate:
ICANN's 2019 Temporary Specification was a stopgap. A permanent policy arrived on 21 August 2025.

Purpose Limitation

WHOIS published data to everyone, indefinitely – no defined purpose.

Data Minimisation

Full names, addresses, and emails published whether you owned google.com or a personal blog.

Extraterritorial Reach

ICANN, headquartered in Los Angeles, suddenly subject to EU data protection law.

The New Policy Architecture

Privacy by Default

Personal data is no longer published publicly. The public record shows only domain name, registrar, dates, and nameservers.

Reduced Data Surface

Administrative and billing contacts removed. The Organisation field now determines ownership for disputes.

RDAP Replaces WHOIS

On 28 January 2025, RDAP became the definitive source for gTLD data — 43 years of WHOIS, replaced.

Differential Disclosure

First protocol designed with tiered access in mind. Different users see different data based on who they are and why they're asking.

REALITY CHECK

The RDRS Denial Rate

79%

Requests Denied

Nearly four in five legitimate requests rejected in the first six months of RDRS operation.

41%

Domains Out of Scope

Of the gTLD domain space sits outside RDRS due to voluntary registrar participation.

7

Days to Respond

A turnaround window useless during an active phishing campaign that compromises thousands in under two hours.

⚠ **When security researchers cannot act in time and 41% of domains are unreachable — is the system protecting privacy, or blocking the very actors it was designed to serve?**

The EU Keeps Moving

Joint Opinion 2/2026

February 2026 — EDPB and EDPS issued guidance on the Digital Omnibus package, directly intersecting with domain registration data.

ePrivacy Regulation

Still being negotiated. Data protection authorities across 27 member states are increasingly active in enforcement.

ICANN's Posture

Seven years reacting — from the 2019 Temporary Specification to the Registration Data Policy. It is time to co-create. The window in Brussels is open, but it won't stay open indefinitely.

The Fundamental Tension

Privacy Is Right

Domain registrant data is personal data. Article 8 of the EU Charter protects it as a fundamental right. Doxxing and harassment of registrants are documented, not hypothetical.

Accountability Is Also Right

An internet where malicious actors hide behind privacy services indefinitely — where cybercriminals pivot domains faster than law enforcement can submit a request — has a legitimacy problem of its own.

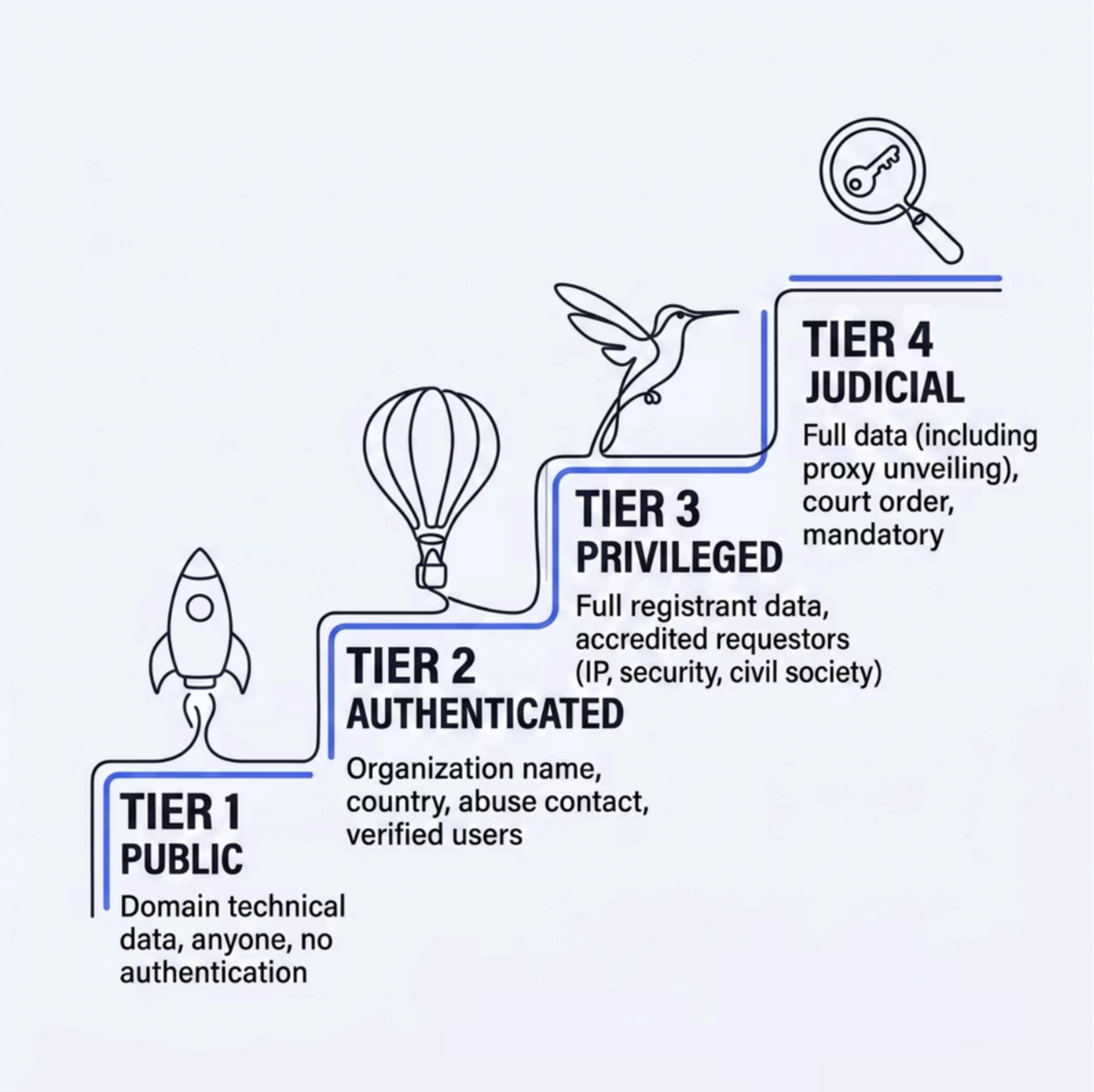
This is a false binary. The real question: to whom, in what context, and under what conditions?

HELEN NISSENBAUM, 2004

Privacy as Contextual Integrity

Privacy is violated not by disclosure itself, but when data flows inappropriately — breaking the norms of its context. Medical data shared with your doctor is appropriate. Shared with your employer, it is not.

WHOIS treated a journalist investigating disinformation and a bulk spammer identically. That is the failure.



Open Banking and the NHS use this architecture. Zero-knowledge proofs are mature enough — ICANN should commission feasibility work now.

Three Pillars Forward

1

Universal RDRS Coverage

59% participation is a pilot, not infrastructure. ICANN must move from voluntary to mandatory RDRS participation for all accredited registrars.

2

Accredited Requester Classes

Define classes — law enforcement, certified IP practitioners, vetted researchers, civil society. Identity provider testing is underway as of May 2026. This community cannot afford another seven-year cycle.

3

A Permanent Presence in Brussels

Not for lobbying — for co-design. A joint ICANN-EDPB working group, before the next regulation passes, would be a genuine structural achievement.

Privacy Is Not the Enemy of Accountability

> **Opacity is.**

The Foundation

The August 2025 Registration Data Policy is a beginning, not a destination.

The Gap

79% denial rate. 41% coverage gap. EU regulation evolving. The work is not done.

The Path

Contextual integrity architecture — tiered access, accredited requestors, cryptographic verification, and proactive EU co-design.

The post-GDPR era asks us to replace default openness with contextual openness — data flowing to those who need it, under conditions the public can trust. That is the challenge for this community.

Sources & References

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GDPR & Domain Privacy

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- ICANN EPDP Phase 1 Final Report (2019): Expedited Policy Development Process on WHOIS registration data

RDAP Transition

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- ICANN RDAP Overview: Registration Data Access Protocol documentation
- ICANN Global Amendments (2023): Base gTLD Registry Agreement amendments for RDAP implementation
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EU Data Protection & Policy

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- EU Charter of Fundamental Rights: Article 8 (Right to Data Protection)
- Helen Nissenbaum (2004): Privacy in Context — Contextual Integrity framework

Additional References

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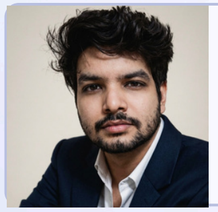

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Let's Connect

About Me

Amaan Ali is a law student at University College London with interests in technology regulation, Internet governance, privacy law, and digital policy. Alongside his academic work, he has been involved in pro bono legal and community-focused initiatives aimed at improving legal awareness and access to justice.

He currently works as a Research Assistant on projects involving regulatory law, technology governance, and the evolving relationship between digital infrastructure and public policy. His work focuses particularly on how global governance systems respond to emerging legal and technological challenges.

At ICANN86, his research examines the future of domain name governance and privacy in the post-GDPR era.

"The future of Internet governance will be shaped not only by technology, but by the values embedded within its governance systems."

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