BARCELONA – ICANN GDD: RDS/WHOIS Update
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ICANN63 | Barcelona, Spain

TRANG NGUYEN:

Hello, everyone. Welcome to the Registration Directory Services, or RDS for short, Update Session. This session is intended to provide you with an update on the various Registration Directory Services related activities that are going on across the community that we're going to hopefully provide you with some visibility into what's going on as well as provide you with some visibility into the various topics that are being discussed underneath these activities, and as you will see, there's quite a bit of overlap in terms of discussions that are happening across the community underneath each one of these activities.

So, we will have a presentation part in the beginning and then we'll leave plenty of time at the end for any questions or comments. So, we're going to go right into it. The first update that we're going to be providing you is on the temporary specification for gTLD registration data. We're going to call this temp spec for short.

The temp spec establishes temporary requirements to allow ICANN and gTLD registry operators and registrars to continue to comply with existing ICANN contractual obligations and community developed policies as well as with the GDPR.

So, the board made a decision to adopt this temporary specification on May 17th of this year and it became effective on May 25th. Part of the procedures for establishing temporary policies. This temp spec is

effective for a 90-day period beginning May 25th and the board may reaffirm the temporary adoption every 90 calendar days for a total period not to exceed one year. So, the board most recently reaffirmed this temporary policy on August 21st.

So, as the community may be aware, there is being discussed in other sessions at ICANN 63 – following the community dialogue, the ICANN board identifies some implementation issues that were raised during the course of the development of the temporary specification. So, the board encouraged the community to continue discussing, so that the issues could be resolved as quickly as possible.

Among the items that the board encouraged the community to continue discussing is the topic of access. So, that conversation is happening across some of the other sessions that are being held here at ICANN 63.

Part of the procedure as far as establishing temporary policies. Upon the board's adoption of the temporary specification, the board also implemented the consensus policy development process per ICANN's bylaws and the expedited policy development is currently underway. It is chartered to determine if the temporary specification should become an ICANN consensus policy as is or with modifications while complying with GDPR and other relevant privacy and data protection laws.

There is a requirement that the expedited policy development process complete before the expiration of the temporary specification which, as I mentioned earlier, is in place for no more than one year.

The EPDP team is working hard and they have held a session on Monday of this week providing an update on their work. They have other face-to-face meetings that are occurring today as well as tomorrow. The initial report is anticipated to be published next month and they anticipate publishing the final report in February.

There is a next generation Registration Directory Services policy development process that was initiated a while back by the board. It was a board-initiated PDP. The work of this group was halted in April of this year by its leadership in order to seek guidance from the GNSO Council regarding the future of the PDP in light of ICANN board's decision to adopt a temporary specification.

Just earlier this month the leadership of this PDP has made a recommendation to the GNSO Council to terminate the PDP and that recommendation is being provided because there has been so many changes since the working group was first created. It is currently unknown if another PDP will be needed following the expedited PDP on a temporary specification but it was determined that restarting the working group would likely require considerable revisions to its charter as well as its work and the amount of time that would have passed wouldn't gain any benefit of continuing to keep this PDP in process while the EPDP team is doing its work. Hence, the leadership of this PDP has recommended to the GNSO Council to terminate.

Moving on to Registration Data Access Protocol, RDAP for short. So, RDAP is a protocol that was envisioned to replace the WHOIS protocol. Some of the features that RDAP provides over the current WHOIS

protocol include the ability of internationalizations of contact data, access control, structured queries and responses, secure access, tiered or layered access. So, those are just some of the features that RDAP would provide over the WHOIS protocol.

The RDAP protocol was developed by the technical community within the IETF, and in the temporary specification that I talked about earlier that the board adopted. Per that temp spec, the registry operators and registrars are required to implement RDAP within 135 days of ICANN Org's notice to the registrars to implement that protocol. So, there is a requirement within the temporary spec for the implementation of RDAP.

At the end of August, ICANN Org published a set of RDAP profiles for public comment. The public comment window for those profiles just closed, so as the next step in the process, ICANN Org will be reviewing any input provided and providing a summary and analysis of those comments as part of the ICANN public comment process.

I'm going to move on to thick WHOIS. In 2014, the ICANN board adopted the policy recommendations to transition dot-com, dot-net, and dot-jobs to thick registries and implementation plan for this transition specify a phased approach as you can see on the slide there under the fourth bullet under relevant days. They describe the phased approach anticipated in the implementation plan.

Due to uncertainty created by the GDPR and other privacy regulations, the ICANN board has made a decision to deter compliance enforcement of the thick policy. So, that's the status of the work around thick WHOIS.

So, now, I'm going to hand it over to Negar to give you and update on the Registration Directory Services Review 2. Thanks, Negar.

NEGAR FARZINNIA: Thank you, Trang. Good afternoon, everybody. My name is Negar Farzinnia. I am a member of the Multi-Stakeholder Strategy and Strategic Initiatives team at ICANN Org and I oversee the [inaudible] implementation of the specific reviews. I'm going to be providing you a brief overview on the status of the RDS review that is currently ongoing.

As you may know, under the new bylaws of ICANN, the board [inaudible] a periodic review of assessing the effectiveness of the current gTLD Registry Directory Service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data.

The first RDS Review concluded its work in May 2012. Five years later, in June 2017, the second RDS review was announced and the review team met soon after that to start selecting their scope, selecting leadership, and set up their work.

In February 2018, the review team successfully adopted their Terms of Reference and work plan which they submitted to the board and they continued gathering their data and performing their research. They held multiple face-to-face meetings and finalized their findings to date, adopted the recommendations that their subgroups had produced and published their draft report and recommendations for public comment in September 2018. The public comment is ongoing still and it is due to

conclude no November 4, 2018. So, in a few short days, the public comment will end. We're encouraging everybody to read the draft report and provide feedback to the review team under findings and recommendations and help them finalize their work going forward.

The review team is going to be holding an engagement session here at ICANN 63. The engagement session is actually scheduled for tomorrow 8:30 to 10:00 AM in room 117. I encourage all of you to attend so you can get an overview of all of the recommendations and their findings.

At this point in time, the review team is working towards delivering their final report to the board by December of 2018. So, we're all looking forward to your input and your participation in the upcoming engagement and discussions. With that, I'll hand it over to my colleague.

KAREN LENTZ: Thank you, Negar. I'm Karen Lentz, Director of Operations and Policy Research for ICANN. We support research and policy implementation projects throughout the organization. I'm going to talk about a couple of those projects that are on the implementation side.

The first is translation and transliteration of contact information. This is work that has been going on in the community for quite a while considering the ability to use multiple languages for the registration data that's published that's associated with domain name registrations. And if people are going to translate and transliterate and

use that information in many languages, what are the guidelines and standards for that to occur?

So, there have been a few studies that the board commissioned as well as policy work from the GNSO which resulted in policy recommendations that were adopted by the board in 2015. When we go to implement a consensus policy that's gone through the bottom-up process in the GNSO, we also convene a volunteer group of Implementation Review Team members (IRT members) who help us interpret the policy recommendations and bring them into an operational state.

So, we began working with the IRT on the translation and transliteration policy recommendations and we've taken that as far as we can for the moment including drafting the actual policy language that would apply to registries and registrars who use this information.

The policy recommendations themselves anticipate the availability of RDAP which Trang mentioned earlier, the technical protocol that helps support internationalization. So, we're pending the completion of the RDAP profile and having that available before we can move forward to finish drafting the policy document and move forward with that implementation.

The second project I'll talk about is the ICANN procedure for handling WHOIS conflicts with privacy law. This is a procedure that came about again from GNSO policy work several years ago. It's been in place since 2005 or 2006. But it has to do with a procedure if a registry or registrar is the subject of an investigation or some type of action from authority

which might affect its ability to comply with the obligations and its agreement with ICANN having to do particularly with use of the personal data associated with domain name registrations.

So, the community has looked at this procedure a few times from an implementation standpoint. Most recently, in April 2017 adding a new trigger to the procedure based on the community group's recommendation such that a written opinion from a relevant authority would also serve as a trigger to the procedure even if there was no formal proceeding initiated.

So, the trigger went into effect. The GNSO recommended that we again gather some information from the community on the effectiveness of that trigger which we did. The GNSO then drafted a charter for a new group which would look at the public comments that we received on the most recent version.

The group has not commenced due to the number of activities that have surrounded the effectiveness of the GDPR among other activities that are happening within the community relating to this information. So, most recently, in August, the GNSO Council determined that they would revisit this topic after we see the initial report from the expedited policy development process on the temporary specification and determine whether or in way they might want to proceed with that group.

So, I will turn it over next to Andee. Thanks.

ANDEE HILL:	Thank you, Karen. My name is Andee Hill. I'm with the Registrar Services and Engagement Director. I wanted to go over the privacy proxy service provider accreditation implementation. We're currently … Excuse me.
	Once implemented, these final PDP recommendations will be replaced with interim proxy – sorry, privacy and proxy requirements in the 2013 Registrar Accreditation Agreement. There's currently a concurrent session going on on this exact subject if you're looking for more detail. It's in room 133.
	The across field address verification implementation is a 2013 Registrar Accreditation Agreement in the RAA that requires ICANN Org to review requirements under the WHOIS Accuracy Program Specification in consultation with the Registrar WHOIS Validation Working Group to identify the sets of tools that will establish the accredited registrars to complete validation actions required in the agreement.
	The Registrar Working Group and ICANN Org are continuing to work on this together in their efforts.
	I'm now going to turn this over to Chris Bare.
CHRISTOPHER BARE:	Thank you, Andee. This is Chris Bare, Director, Global Implementation and GDD. I'm going to talk on the WHOIS Accuracy Reporting (ARS) System.

For those of you who are familiar with it – hopefully, everyone is – back in June we published the sixth cycle of the report using data that was pulled back in January of this year.

The process is currently on hold right now as the data we would be pulling would be after GDPR. So, it's currently being assessed whether or not we're going to or how we're going to be addressing the process based upon the GDPR considerations, so we're on hold for the moment. Once we get the guidance on that, we'll be moving forward with it. Thank you.

TRANG NGUYEN: Thanks, Chris. Thanks, everybody. So, for this next section of the session we want to be able to show you some of the topics of discussions that are going on across these activities.

You've heard updates from the panel here on the various RDS related activities that are being discussed across the community and what this matrix is attempting to do is to provide a consolidated view of all of those activities and show the topics that are being considered underneath each one of those activities. I know this matrix is a little bit small and it's in the presentation deck so you can download it as well.

What this matrix is telling us is that there are 17 topics that are being discussed across these two, four, six, eight, nine activities and 11 of 17 topics are being discussed under more than one activity. So, that means separate discussions are being had across the community on the same topic but under different activities.

So, what could happen is that could potentially result in different requirements coming out of those discussions, though not in all cases, but theoretically that could happen.

In coming up with a list of topics here, obviously there's no definitive list of topics to consider. What we try to do is identify the topics that are being discussed, like I said, underneath each one of these activities. So, if you have any input on the topics as well, we would love to get those inputs. What we want to be able to do is provide this as a tool for the community to have visibility into and to track where the various conversations are occurring.

So, I'm not going to go in detail into each one of these topics or activities. This is just meant to give sort of a visual into where the conversations and discussions are taking place.

So, with that, I'm going to move us to the Q&A portion of the session. We have a mic up in the front here if anyone would like to come up – if you have any questions or would like to provide any input or comment. Go for it, Volker.

VOLKER GREIMANN: Hello, Volker Greimann speaking, Key Systems and [Centra NIC]. Because nobody else is stepping up here, I thought I'll make a start. WHOIS ARS we just looked at that. What is ICANN currently doing with the data that was already collected and might still be retained? I mean, some of that retention and collection under the GDPR might be seen as a bit iffy or problematic.

And second, when is ICANN going to name a data protection officer and put the name on their website? Thank you.

CHRISTOPHER BARE: Thank you, Volker. This is Chris Bare, again. As to the part for data retention, that is one of the topics that is being reviewed so I don't have an answer for you yet, but that is one of the topics.

TRANG NGUYEN: Thanks, Chris, and thanks, Volker. With regards to your second question about the Chief Data Officer, Privacy Officer. So, for the internal ICANN Org activities that [inaudible] I think he's published a blog that describes his role in that context. Thanks.

ROB GOLDING: Rob Golding, Astutium. One of the slides that you were looking at the procedure for the conflicts versus WHOIS and privacy law and a trigger for that could be a letter from a competent authority. As ICANN have for more than ten years had letters from the Article 19 Working Group under EU telling you that WHOIS is illegal, why has that not triggered this activity?

UNIDENTIFIED FEMALE: Thank you. The trigger is meant to or the procedure is available to a contracted party, so it would be a registrar or a registry.

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ROB GOLDING: It applies to more than a third of your contracted parties.

UNIDENTIFIED FEMALE: Understood. But the entity who would submit something to ICANN to invoke the procedure would be one of those contracted parties rather than an entity such as a government authority or work party itself.

ROB GOLDING: So, is the suggestion then we take a copy of the letter the governments wrote you and we send it to you?

UNIDENTIFIED FEMALE: So, I think the intention – and I have to look at the perfect procedure and I don't have the letter in front of me, either, but the goal with the procedure is obviously to look at that specific case. So, you have let's say it's a registrar. A registrar saying, "I've received this," or, "I have this written." A document or a letter from this authority. It concerns these specific obligations and this goes into that level of detail. So, if that's something that would fit the case, then that could be submitted by the registrar. Thank you.

TRANG NGUYEN: Is there any questions from the remote participants?

UNIDENTIFIED FEMALE: Not yet.

TRANG NGUYEN: Okay. Are there any other questions from the audience here? No? Alright. In that case, we'll go ahead and close the session. Thank you so much for your attendance.

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