ICANN 57: Summary of High Interest Topic Cross-Community Session – Update on WHOIS-Related Initiatives

To follow is a summary of the High Interest Topic (HIT) session held at ICANN57, Hyderabad (Saturday 5 November, 2016)

This summary has been prepared by the independent ACIG GAC Secretariat for the information of ICANN's Governmental Advisory Committee (GAC).

It is **not** a formal record of the meeting.

Transcript and recordings from the session:
http://schd.ws/hosted_files/icann572016/77/I57%20HYD_Sat05Nov2016-Update%20on%20WHOIS-Related%20Initiatives-en.pdf

Chair & Panel

This session was Chaired by Ms. Alice Munyua from the GAC. The panel were:

- Mr. Graeme Bunton – Chair, Registry Stakeholder Group (GNSO)

- Ms. Krista Papac – Global Domains Division, ICANN

- Mr. Chuck Gomes – Chair RDS PDP Working Group

- Mr. Greg Mounier – GAC Public Safety Working Group

- Mr. Jared Erwin – Global Domains Division, ICANN (Accuracy Reporting Team)

- Ms. Margie Milam – Multistakeholder Strategic Initiatives Team, ICANN (RDS Review Team)

- Mr. Roger Lim – Contractual Compliance, ICANN

- Mr. Allen Grogan – Contractual Compliance, ICANN

- Mr. Fabien Betremieux – GAC Support Team, ICANN

- Ms. Cathrin Bauer-Bulst – GAC Public Safety Working Group Co-Chair (Session Moderator)

Summary of Discussions

The purpose of this HIT was to provide a snapshot to the community of the various initiatives currently underway related to WHOIS. The focus within the meeting was on the accountability of domain registration information (WHOIS data) across the ICANN community. Accountability in this sense was defined as whether or not the information was fit for purpose and accurate.

The Moderator passed the floor to seven speakers, giving time for meeting participants to ask questions of each, following their presentations.

1 – Mr. Gregory Mounier, PSWG

Mr. Mounier shared some concerns of the law enforcement community with the meeting. He provided case studies of where Europol has used WHOIS data to successfully prosecute criminals for both online crimes (placing botnets on the internet) and physical crimes (creating and distributing child pornography). He provided a working definition of an accountable WHOIS system (from the perspective of law enforcement) as being: *the ability to trace somebody who is responsible for criminal activity utilising the DNS environment.* Therefore to law enforcement, the accuracy of information in WHOIS is absolutely critical.

2 – Mr. Jared Erwin, ICANN

Mr. Erwin works within ICANN on the Accuracy Reporting System (ARS). He described how the system was piloted in 2014 and implemented in 2015. He reported that the ARS is now fully operational and has provided three cycles of reporting.

Mr. Erwin described how the ARS samples data and how it tests it for accuracy. The results are both reported and provided to the ICANN Contractual Compliance group.

ICANN uses the ARS to produce an accuracy report every six months. The reports are posted on www.whois.icann.org under "ARS Reports". The reports show that 65% of data in WHOIS was deemed accurate for cycle 1 of reporting and 70% for cycle 2. Cycle 3 results are imminent, but yet to be published.

3 - Mr. Roger Lim, ICANN

Mr. Lim shared with the meeting what the ICANN Contractual Compliance team do with the data they are provided by the ARS reports and how they work with Registrars to check their information validation and verification. He also shared with the group how Contractual Compliance conduct 'outreach' activity with Registrars to try to ensure compliance with the 2013 RAA contracts.

4 – Ms. Krista Papac, ICANN

Ms. Papac advised the meeting that ICANN's Global Domains Division (GDD) were in the process of implementing three WHOIS-related projects currently across all seven registry contracts that ICANN hold:

- Thick WHOIS

    o Consistent labelling and display of data in WHOIS – due to be completed by August 2017

    o Thick registry model for all new domain name registrations – due to be fully in place by February 2019 (2018 for existing registrations, 2019 for new).

- Registration Data Access Protocol Project – changes to be implemented under this project will be done within the existing contracts, not by creating new ones.

- Translation and Transliteration Project – Registries will voluntarily decide whether or not to take on board this activity.

5 – Ms. Margie Milam, ICANN

Ms. Milam spoke to the audience about the recently announced RDS Review (now a Specific Review, formerly one of the AoC Reviews). The new Bylaws require this review to look at WHOIS policy to see whether it is accurate, accessible and safe.

Ms. Milam advised that there is a Board WG on the RDS Review. They have written to all SO and AC leaders to propose that the scope of the review be limited to a post-mortem of the implementation activities of the first WHOIS Review Team. The purpose of this proposal is to complete the review as efficiently as possible, while still meeting the requirements of the Bylaws to conduct it. Each SO and AC Chair has been requested to respond to this proposal shortly following the completion of ICANN57.

The call for volunteers for the Review Team went out in October and closes on 7th December. Once this occurs the Charter will be developed and it is expected that work will commence in March 2017.

It appeared that most communities had not seen the proposal to limit the scope of the review and there was some discussion about this.

6 – Mr. Chuck Gomes, RDS PDP WG Chair (GNSO)

This PDP has been established to examine the needs for a future-oriented Registry Directory Service (RDS). One of the questions it will be looking at is whether or not the community needs a new RDS or whether the existing WHOIS could be modified to meet all of the community needs. There are 130 people participating in the RDS PDP WG.

Mr. Gomes advised that phase 1 of the PDP aims to document the full requirements from the community of an RDS. This phase is almost complete. As part of this the PDP WG are looking at:

- Who should have access to gTLD registration data and why

- What the elements of gTLD registration data need to be

- What data should be collected, stored or disclosed and how does this relate with privacy.

The second phase of the project will look at gated or differentiated information access capabilities – something the current WHOIS does not have. This will raise policy questions such as:

- If we do it, who authorises who to have access to what data?

- Who manages which gates?

- How do we ensure accuracy across multiple gateway levels?

The final phase will be implementation.

7 – Mr. Graeme Bunton, RSG Chair (GNSO)

Mr. Bunton spoke about the Privacy and Proxy Services Accreditation (PPSAI) PDP.

The ICANN Board adopted the GNSO recommendations in August on the provision that the GAC Advice and comments from the GAC PSWG were included in the work of the Implementation Review Team (IRT).

The IRT met for the first time in October and again during ICANN57. There are 40 members of the team which is staff, not community led.[1] There are 3 GAC PSWG members on the IRT. The IRT aim to complete the implementation of the work by January 2019.

There is some concern that the work of the IRT will be slowed down by questions of jurisdiction and notification, both of which are elements of GAC and PSWG Advice and required to be addressed as part of implementation.

The jurisdiction concern relates to when a law enforcement agency request information from a privacy or proxy record. Does the law enforcement agency need to be from the same jurisdiction as the service from which the information is requested, or can any law enforcement agency make such a request?

The notification concern is the question of whether or not requests for information about privacy and proxy services from law enforcement agencies should be kept confidential, or notified to the end customer.

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[1] All IRT teams are staff, not community led as they are implementation teams