ICANN81 | AGM – GNSO: RDRS Standing Committee Work Session
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DEVAN REED: Hello, and welcome to the RDRS Standing Committee Work Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor back over to Sebastien.

SEBASTIEN DUCOS: Thank you, Devan. I am Sebastien Ducos, the chair of the RDRS Standing Committee. It is normally our practice at ICANN, given the fact that we have visitors, to give an update on where we're at. But we've agreed a few weeks back, given the fact that we had given an update during prep week, I gave another update an hour ago in front of the Council, so we've agreed to make this as brief as possible and spend as much time as possible on the work now that we're together. So for those of you who are coming here to know where we're at, apologies. I'll go very briefly through it. But I'll cordially invite you to go and check the prep week recording, because all was said there.

So very, very briefly, this RDRS pilot that we're one year into—the first of two years, and after the discussion that we'll have today, possibly

less than two years, but we'll see—is a pilot program with the aim of evaluating the effectiveness, evaluating the relevance of a tool to process requests for registrant data in an efficient way, but in a way that is simpler, easier, cheaper to operate than the SSAD that we have policy recommendation for would have suggested, at least as per the effort that staff put into the operational design phase, operational design report. I can't remember what the final document is called. So this has been our work. Next slide, and I'll keep it very brief.

So we just wanted to make sure that we had a tool that was reachable and available to every requester, that a maximum of registrars—the registrars in this scheme are the people that respond to the requests—that was easy to use, that was both collecting all the information needed for requests to be processed and doing that in a secure way to protect the data of the requesters, to protect the data in general. And the success of this pilot would be that it's basically used enough without setting a precise bar, used enough for us to learn the lessons that we need to learn. And we'll see later in the session that there's a number of lessons and assumptions that we feel very comfortable making.

Next slide, I'm not going to go through the exercise of reading this. So we've been spending the last year testing this tool, improving this tool through the data that it generates, the monthly reports that we get from it, through an initial phase early on of user feedback—some of it organized by the Commercial Stakeholder Group in ICANN, Sun Juan, I want to say. Some of it organized also by ALAC through remote sessions in order to have a product that is easier to use, better usability.

We are now at a phase where even though there's still two or three development items still in process of being delivered, but we're in a phase where we are gelling the product, at least in terms of the data that we collect from it—freezing rather than gelling. Doesn't say in the future we won't be able to collect other things, but in principle, we'll stop for the pilot. We'll stop at what we have. And we're moving on today into the next phase, which is looking at what recommendations we should be working on, scoping a bit this next phase of the project, which is building our report. Next slide. One more.

So yeah, that's what we're going to discuss now, is what to expect, what do we want to build for this report, what do we want to come back to council with. And I think that's what we're going to do in the session before, when we had that report, the council chair reminded us kindly that it is a report that we're sending back to council, not something that is going back anywhere else. But we'll have that discussion in the next hour so we can move on.

And more importantly, I think that's the next slide, where you will find a link. That's it. You'll find that presentation in the schedule website. I'm going to go to please click there. And we'll send you back to the prep week, where we took an hour to explain all that. There was also a discussion from John here on the user experience, Reg Levy presented from the registrar's side. So a lot more information there that you're cordially invited to go and see.

And now, let's start our work. So I'd like to invite a discussion. So let's have an open discussion first, basically, on the trends that we're seeing

and the initial lessons that we can perceive from RDRS. And we'll take notes and follow up on these things.

In a second phase, we're going to go—so the registrars and organized by Sarah, who's online remotely, who's joining us. I don't even know how early it is in your morning in Canada. But anyway, who's joining us now remotely. And she's going to walk us through the notes that she's put in our document to at least review the registrar side of the feedback. I hope that you've had a read of it. I found it very interesting. And I found it particularly interesting because there's obviously multiple voices from multiple registrars that participated. And I wanted to thank them for that. And I did earlier on a different mic.

So what trends have been identified so far? Does anybody want to suggest? I mean, I can. I hope that Lisa will be able to, when she reports on her effort of user surveys, and particularly on the registrar side, that she will be able to confirm that numerically. But whilst I keep on hearing that the number of requests that we're seeing through this tool are low, that we should expect a lot more, I want to remind everybody that there's been a world change a few years back when WHOIS went redacted—to not say dark—and that registrars since that day have been receiving requests for disclosure directly and have witnessed a certain traffic. And whilst we only have 59%—let's say half—of the domains under management represented by participating registrars, anecdotally, we hear from those registrars that about half of the traffic that they used to have for the last few years, which is a constant traffic, about half of it goes through RDRS and the other half goes to them directly. So even if the number of requests seems low compared to pre-

GDPR world, where it was millions, my gut feeling says it's going to be anywhere between a quarter of the total traffic and possibly a tenth of the total traffic. Even if it's a 20th of the total traffic, [inaudible] has done a bit of the math of trying to evaluate the cost per request if we were using that sort of traffic, of return on investment, we're still very low on traffic. And it's not RDRS. It's the traffic that exists, the traffic requests that exist in this world. We're still very, very low to justify something as big as an RDRS. With this, and apologies for not having seen the hands earlier, Sarah, I see your hand up.

SARAH WYLD: Thank you. Sebastien, we said that I would share the registrars' input later on in the session, but the question's up on screen. I can't not answer the question that's up on screen. How am I supposed to do that?

So for this first question of what trends have been identified and what have we learned, what I would say, we know the primary purpose of the RDRS is to gather volume data, and what we've learned from the reporting is that the usage is not very high. So we can extrapolate cost of building and maintaining the SSAD based on the request rate, and if we do that with today's request rate, which averages to about 2,200 a year, if you take this whole year, the cost would be very high. It could be in the hundreds or thousands of dollars, depending on whether that's spread out over a multiyear period.

We've learned that the RDRS is being used at a rate that we believe represents overall long-term usage volume. We've learned that the most frequent requester type is an IP holder, and we've learned that

there are issues with expedited being selected when it properly should not be. Thank you.

SEBASTIEN DUCOS: Thank you, Sarah, and yes, you'll be invited to repeat that when we go through the spreadsheet.

GABRIEL ANDREWS: Is it possible to share a screen while we're doing this? I sent a share request using the Zoom room, and I'm not sure whether or not it's feasible, but I had some slides I made for reviewing the RDRS in front of the GAC recently, and I thought it might be beneficial to share them here, too.

Perfect. So this is a slide I made when speaking for the GAC on the issue that I think is probably relevant to this notion of how much utilization exists for the RDRS one year into the effort. We noted from the data that has been collected in ICANN's metrics, we've seen in the first year about 18,000 domains that were input. As users come in, they type a domain in to see what's going to happen. Of that, only 2,000 times did those domains actually result in requests being submitted, and I'm speaking on behalf of a law enforcement constituency, so I kind of drill in, and I see that about 300 of those times people are requesting that law enforcement category, which is self-identified. I'll take it, though, for granted that, you know, maybe they are, maybe they aren't.

But for comparison, because I've noticed in my evangelization of this as a tool and trying to raise awareness and finding how hard it is to do that

through push messaging, I've also gone to my IT staff and I've asked in the last X period of days—they said 90, because they could easily pull 90 days of weblogs—I chose three random WHOIS web tools that I know investigators have used, because for decades, investigators have used these publicly available web interfaces. And so I chose three at random, and I said, can you tell me how many times our agency alone are still using these web tools, because these are old dogs using old tricks? 35,000 times lookups were observed over just a 90-day period for just one law enforcement agency in the world. I think this really speaks to an awareness challenge, despite all of the great efforts of ICANN staff, really trying to raise awareness. Predominantly we're pretty darn aware in the ICANN community that this exists. But when I go out and I talk to cops in the field, even in large organizations—and I stopped in Kentucky on the way here to talk to our state and local and federal US-based law enforcement partners, of all the agencies in the room of a multi-agency convening, one agency knew what it was before I did my presentation on it. That was the Secret Service. All the others had never heard of it before, but were interested as I talk.

That's a year in after trying to do this consistently at multiple places. This is why one of the pieces of feedback through the GAC that's come is it would be great if we had some mechanism to link those old tools to the new so that anytime that investigators like my colleauges and counterparts that are doing WHOIS lookups through the old tools, at the very same moment that they're seeing this data has been redacted for privacy, there was also a text message that said, and you can go to RDRS if you have a lawful purpose for getting past this redaction. And

until we actually do that, I don't think this awareness challenge is going to be solved.

And so this is one of the key qualitative lessons I think we've learned through this RDRS experiment, is that you have to link those old tools to the new in order to get any sort of successful awareness to occur. So I will say, Sebastien, I've updated to the most recent metrics—the same sort of Sankey that I've been doing for a while. This is the most recent. We see, again, 18,000 or so.

The other key learning I want to say is, the top of those three thick trunks of data that are going to the right, the top one is for TLDs that aren't supported. So we still see people that are making requests, for example, ccTLDs. It'd be great if we found a way to enable the voluntary participation of ccTLDs that want to. Even if you say, you have to be this tall technically to ride. You have to meet these standards, whatever. Because obviously, there's demand coming through, knowing that it doesn't route theirs. People are trying anyway.

The second category is registrars that aren't supported. So we see about a third of the time, people are still making requests for registrars that aren't, right now, voluntarily participating. But obviously, that's a whole chunk that could be really useful to requesters.

And then for the third of the time that it is actually a supported request, for whatever reason, we see that if there's about 5,000, 6,000 times where a request could be submitted, only about a third of the time—I think, actually scratch that, 40% of the time—those requests were going

through. And I think that that 60% is really hard to identify why those requests aren't going through to completion.

But some of the feedback that you've seen me provide in the past is that the tool itself has a lot of friction on the front-end interface that could be moved to, for example, the user profile. If I'm always making law enforcement-based requests, and I'm always asserting a particular GDPR caveat, and I'm always using the same phone number and the same contact info, why am I entering this time-in, time-out? And I know that there's some—I think I was educated again by Lisa—that there's a template functionality. But I don't even know that I noticed that as I'm going through. These are the kinds of things that perhaps we can find better ways to take them away from the user friction that might also help with just that 60-40 divide in the grain. And I'll stop there. I think I've rambled enough.

SEBASTIEN DUCOS: So on the TLDs, on your first point, on inviting the ccTLDs, I'd like to park that. Sorry, not to forget it, but to have that—it will possibly, or possibly should be a recommendation of this group back to council. I know that it's not self-evident. It will require further development in the interface, particularly because in the case of ccTLDs, it will be the ccTLD most likely that will answer, or not answer. But it won't be the registrars, because they have a different structure. So it will have to create a new—but it makes complete sense.

On the request, on the last point that you made, I think that we might find some answers there out of the interviews that Lisa is conducting.

And one of the things that seems to appear, and this will go back to the point that you made also earlier with the older tools, people use this just to see what's the story with a domain before they even take action. They may want to see if there is the ability to do anything, to start a request, and then ask the owner or the original requester to say, do you want me to proceed, before they actually do.

GABRIEL ANDREWS: I think that's a valid point. One potential feedback might be to remove the siloing between lookup.ICANN.org and RDRS.ICANN.org, and that could be the same functionality. When you log in, why is there a wall of text that is the first thing you see as your user experience, telling you why this tool probably shouldn't be used? Instead of saying, maybe go elsewhere, why isn't that just the first part of this? Here's the data and click this button if you want to submit a request now.

SEBASTIEN DUCOS: Okay. Farzaneh, I think you're next.

FARZANEH BADII: So, one of the issues that became apparent to us as NCSG was that RDRS, if we want to have that in place, as well as the number of demands, we should also focus on accountability and transparency of the system, so that it does not get abused, and have processes in place to ensure that.

So, I was talking about whether the requester, there are processes already to prevent the requester from abusing the system and there

seems to be some notification that says that, use this responsibly or something like that. I'm sorry, I'm butchering the phrase, but that is not enough. It is a good step, but it's not enough. We need to discuss, if we want to have the system in place, we need to discuss how we can have a transparent and accountable system.

SEBASTIEN DUCOS: So, I've heard you say this before, but maybe if you were able to guide us as to what sort of, because I can imagine, for example, tracking a metric of how many requests per requester or how many accounts or sub-accounts a requester may have and try to figure, but if you have other examples, it would be very good to have and put that in recommendations. Again, at this stage of the pilot, I'd like to think that we're not going to start redeveloping that specifically at this stage, but it could be something that we put in the recommendation for a final product and then it will be developed then. Is that satisfactory?

FARZANEH BADII: So, yes, I just want to put that on our agenda, that we should, as well as looking at demand, we should also think about what sort of accountability and transparency we have in place, and we will think about solutions as well.

MARC ANDERSON: I don't know if it's possible. Gabriel, if you could put the slides back up. I wanted to react to a couple things on there. Maybe while you're doing that, I just will, sort of looking back, I want to remind everybody that

this was a pilot and we came up with the idea to do a pilot. We asked ICANN Org what they could produce quickly and cheaply leveraging existing technology and we agreed that this would be an optional pilot. We knew this was limited, limited in scope and limited in what we were going to do.

So I think I want to quibble a little bit with what Gabe said. Some of the shortcomings you're pointing out, I think, were limitations we knew going in. I understand your frustration, but these were known to us when we started the pilot, I think, and so I think we have to take that into account as we're considering our recommendations. Many of the things that you pointed out just now are, I'm not disagreeing with your points, but I think these are best focused on our recommendations for what comes after RDRS, and so I maybe wanted to make that point. You've mentioned ccTLDs multiple times and I think we've heard that quite a bit, that there's demand for having ccTLDs be able to, of course, optionally integrate, and I think you haven't gotten any pushback on that. I think there's pretty good support for the idea that whatever successor system we develop should, as a requirement, include the option for ccTLDs to integrate with it, and so I think that's a valid point, but I don't want to paint that as a failing of the pilot, rather a learning that we want to take forward into our recommendations for what comes after the pilot.

Another point you made was about the linkage between the lookup and the regular WHOIS lookup, and as you pointed out, ICANN, I think our support from ICANN has been excellent, I want to acknowledge that and pass that along. ICANN did, in fact, very quickly react to that and put

some linkage on the lookup.icann.org, RDRS, or RDAP site, sorry, struggling with acronyms, so I just wanted to acknowledge that and thank Org and Lisa, you and your team, I think you've been very responsive to us, and being able to get that done, and get that done quickly, I think was very appreciated by those of us on the standing committee, so I guess I'll stop there, but I wanted to maybe, I don't think pushback is quite the right word, but maybe redirect your points towards lessons learned in our recommendations to move forward.

GABRIEL ANDREWS: So this is Gabriel again, and we're in agreement, I think, about having these constructive recommendations, so same page, and also in agreement that staff has been phenomenal and great to work with throughout. The one clarification, just in case people that are listening aren't as familiar with this topic as we are, the ask ultimately about having a bridge from the old tools to the new is very specifically not for a single web platform to have that link, but the data itself in the WHOIS response or the RDAP response to have it, because there could be literally a thousand different front-end tools that end users have been using and they all have their own favorite flavor to use, and the only commonality is in the data that's returned, and so even though it's great that ICANN was so swift to put it on their specific tool, I don't think many cops use that tool, so it's sort of not going to help my particular use case, but no matter what tool we use, if it's in the data, it gets there.

STEPHANIE PERRIN: I do apologize. I haven't been participating much lately, circumstances beyond my control, but I was shocked at the suggestion that while I well understand that police continue to use the legacy scraper-based systems that were out there, and the data is probably still valid in many cases, ICANN could not be in a position to foster this system and recommend that users go to data that was illegally obtained, either it was scraped or it was not in compliance with law with ICANN's ready participation in that noncompliance. So frankly, I don't think that that's an option. Thanks.

SEBASTIEN DUCOS: Just to clarify, and maybe Gabe wants to answer that too, I don't think that he was referring to old data in old systems. I think that he was referring to interfaces to WHOIS or to RDAP that just make it human readable without whatever. So the data is still live data that is being scraped, not scraped, but that is being picked up live as the request is made, and that delivers right now the very limited information that you get out of WHOIS. And for those that are not present in the room, he's shaking his head positively.

STEPHANIE PERRIN: Yeah, good. Okay, sorry, I thought I heard him say they were using legacy systems like... I can't remember the name of it, but I know that the police, when we surveyed them during WHOIS 2, they said they continued to use all of those old systems that provided full sets of data. Thanks.

GABRIEL ANDREWS: Yeah, just to clarify, not closed sets, just friendly human usable tools to query existing WHOIS and RDAP databases.

JOHN MCELWAINE: So just to kind of give some of the trends we're seeing from the requester side. First, a large percentage of the domain names we're going to do a lookup on or a request on are behind privacy proxy registrations. I know that, and this is not scientific, but my sort of review of it from the ones that I've submitted is running somewhere around 80% are behind a privacy proxy.

And then the next thing is that I think a trend we've seen is that the—and I'm using the word—the quality of the responses haven't really changed. I think the form responses were decided upon by the registrars, and we've essentially seen the same types of responses. In other words, we didn't get more or less detail over the life of the program. The answers have pretty much been the same, which leads—this isn't really a trend, but leads to one of the points I've been trying to make in hallways and when I could get a mic, is that in agreeing with statements that Gabe has been making since the beginning, although the purpose of this group was to look at the volume of requests, the volume has to do not only with just the number, but with the product or the service that we're putting out there. So how efficient is the process? How many, as we've talked about, how many clicks do we need to go through? How easy is it to understand the process? I'm sure people who aren't as used to this as we are could get frustrated with some of the questions.

And then how worthwhile is the data that those requesters are getting back? So all that, I think, goes to volume. And one of the points I've been making is that the responses you get back are—I've been trying to use the word opaque, in that they are form responses and you might get a response back that says you need to submit more information, but you're not told what additional information is needed. And I guess I'd pause and when I'm describing this, how many people here have submitted an RDRS request and gotten a response back?

UNIDENTIFIED SPEAKER: Sorry, John, do you mean gotten any response or a disclosure response?

JOHN MCELWAINE: Any response. i could share my screen while we're sharing screens. I could show everybody what a response looks like and kind of the point I'm trying to make with a better understanding if staff can—can I do it? Yeah. So this is just an example of what you get back within the RDRS system, which is essentially what you get back in an email. So you submit a request. In this case, it was for UniqueTrademarkTwoLetters.com, and those two letters had to do with the client's business. So we submitted it on June 10th, and then we got the response back on August 7th. The reason it was denied—this is denial—was that the request was incomplete and more information is required, and then the explanation is what you see on the right, which is sort of just a laundry list. In fact, I think it got so long it ran out of characters and just cut off at law enforc—

But there's nothing in that explanation to the right to tell me as a requester what additional information was needed. And that's why I think one of the improvements for, again, the quality of the responses, the quality of the service that you get as a requester would be to try to improve upon this communication process. But I just wanted to provide, because I figured not a lot of people here had submitted requests and see what you're getting back. But this is the experience, and there's nothing really more to do at this point. You've been denied, and you can't communicate more. I shouldn't say you can't communicate all the time, but you probably can't communicate with the registrar to ask what was missing. So, and that, again, that was a trend that we saw through the life of the program was this type of stilted communication. Thanks.

SEBASTIEN DUCOS: So, I can't think immediately how to resolve that in the course of the pilot. But this is definitely something that we should memorialize and pass on as a recommendation that work should be done—policy or not—but work should be done in developing coherent communication back that makes sense to the requesters.

JOHN MCELWAINE: Just to be clear, I wasn't suggesting that this was part of the mandate of this standing committee. I just wanted to explain in terms of trends what the real world was seeing. Thank you.

LUC SEUFER: Thank you. So, I will be complaining, but from the other side of the aisle. I was wondering—now it's too late for the pilot—but can the reports continue to speak out all the functionalities that we want, but also recommend using another piece of software?

SEBASTIEN DUCOS: Sorry, I don't understand the question.

LUC SEUFER: Can we continue describing all the functionalities we want in the RDRS, but can we name them, but not use Salesforce and use a proper software where it's more flexible, like the gentleman was saying? Like, the limit of characters that you can input, it's all because of the software we are using. So, can we put that in the report, or?

SEBASTIEN DUCOS: So, yeah, that could definitely be a recommendation. I don't know if we want to do it, but the recommendation to say we want to keep this functionality, we want to keep this tool, but the framework that was used for it—Salesforce—is probably not adequate, and we should move on to something else, which would then trigger new costs, because we'd have to redevelop somewhere else the same thing, but it could be a recommendation that we have. Yeah, absolutely. I don't know if it's going to be followed by effect, but it could be a recommendation. Thank you.

ROGER CARNEY: I'm going to say that Gabe stole most of my thunder here, but I saw some chat going on, so I wanted to clarify it a bit. I think it's smart for this group to recommend the RDRS link in the RDAP response, and that solves Gabe's issue of—it's not just ICANN Lookup that we care about, it's everybody's response. The protocol today technically allows it, but the profile does not, and the profile would have to be updated so that we could put that back.

GABRIEL ANDREWS: I probably am going to defer to your expertise, but I will say that when I read the profile, it was my understanding that there were certain data fields—data elements, it was called—that were required, but there was an explicit permission that registrars could respond with additional data elements, and I thought this could be one such.

ROGER CARNEY: And that's true, and if you want some registrars to do it, then it works. If you want them all to do it, then the profile has to say to do it. And I just wanted to follow up with John, too. Over the last couple months, I would say, our disclosure team has seen remarkable improvements in requesters' information that they're providing. And I think that's why we probably saw a small tick-up in the number of disclosures. So, thanks.

STEVE DELBIANCO: Yeah, thank you. Steve DelBianco with the BC. Since we're together, it struck me as a great opportunity for us to talk about the work we'll have

to do if we begin now on the preparation of a recommendations report. I actually thought that's what we were going to cover today because we could use all of this time and more on specific items of feedback, but what is—you as chair, John as co-chair—what are you envisioning for when we would begin and how we would draft recommendation reports?

I am of the—and I spoke in front of the board on this on Monday—I am of the opinion we've gathered enough data to do our report and the essential part is to understand that we're advising council who will then decide what to say to the board. We aren't designing a system; we're advising council about what this pilot taught us with respect to things that could happen in the future, either inside or outside of ICANN. And dusting off the SSAD ODP is only one possible recommendation. I highly doubt that is what we would come up with.

It's almost as if we ought to use time together when we're face to face to think about what do we think the likely recommendations are going to be and then we'll fill in the data that will lead to that, but don't we know enough to know what we're going to recommend and what process do you have for us to pull that together?

SEBASTIEN DUCOS: Thank you for asking a question. I literally wanted to have a very open question because I wanted to hear from you guys. There's a very simple way of saying it, and Becky said it the other day on the mic between, at least in the session that I was between the CPH and the board, which is basically RDRS, we're not going to cut it off, the pilot could stop today,

the recommendation is that SSAD itself is not feasible, that we're going to work with an RDRS and that's it. The conclusion would be pare back the SSAD recommendation to an RDRS and that's it.

I just wanted to make sure that we're also collecting all the side recommendations and try to gauge a bit the volume of that. I don't honestly think that we need another year of this. I think that indeed we know what we want to know about this. I just wanted to gauge from this group a bit the extent of the recommendation. Is it going to be a two-liner like we heard on the mic, or do we have, you know, 30 recommendations that we want to put through?

STEVE DELBIANCO: Right. We have 18 minutes left, and rather than go through more anecdotal feedback, why don't we go to those questions that you just raised, and what level of support does staff provide at pulling the report together? Do you want volunteers from this standing committee to draft sections of such a report? Do you think you want to do that?

SEBASTIEN DUCOS: I don't know if you had time to look at the input from the registrars, but what I wanted to actually use that is as a starting template and to go through them. There's a lot of those questions that are answered. They went back to the charter and gone through that. A lot of the points make full sense to me. I just wanted to make sure also this group doesn't want to add, you know, many other points.

In terms of structure or how we're going to do it, I think that staff and in this particular case, Feodora, is going to work on the basis of what the input is that she's going to find in the Excel sheet. That's why I encourage you to go to the Excel sheet. We'll put a first draft. I don't think the Excel sheet or the spreadsheet is a good way of drafting these things. So to translate that into a Google Doc, at this point, we'll share it with everybody as is, literally copy-paste from the spreadsheet, and we'll start asking for input.

I don't know that we need to have a sub-team of a small team of a standing committee. I think that we should be able to—we're not that many around the table—we should be able to at least the volunteers to take the pen. But I would encourage—I would want to give a few weeks, maybe not that many, but two or three weeks after this call for people to put their input, and again, I'll give the mic to Sarah to be able to present what they've done, to put their input, to help Theodora then be able to collect that into a Google Doc, but yeah, to migrate to that pretty fast and start drafting.

Does that make sense, or is this too fuzzy at this stage? But you have a lot more experience in these things than I do, so I'm very open to your suggestions.

STEVE DELBIANCO: Because piles of input that go into a sheet, and then staff puts them in, there's no way to relatively weight or order, prioritize, or understand what the overall recommendation is, and that would end up coming later. I just thought that if we put up a straw man for what our

recommendation may be, we'll find the data to support almost any recommendation, because there's all over the map in this thing.

But I do sense on the part of the board and the general community that we've probably learned all we need to learn about this experiment. That doesn't mean shutting the system down. If Gabe and law enforcement are getting some concrete use of it, of course you leave it up, and I said that to the board Monday. But I said most of us will say it isn't a good assessor of demand, which is different than saying we assess that demand is low. Some of us will differ on that, and how are we going to work out our differences about that conclusion?

Well, it turns out it won't matter if we have differences in conclusions if we end up centering on the same recommendation. So working backwards from the recommendation is still the way that I would work this thing through. Rather than work bottom up and build a pyramid from the bottom up, I don't know what it's going to look like. If you go from the top down, are we close to recommending something along the lines that you just said, pared back, SSAD or no SSAD at all?

SEBASTIEN DUCOS: Well, I happen to be in agreement with myself, and as long as everybody is, then yes, we can. Marc.

MARC ANDERSON: Thanks, Sebastien. First I want to thank John for showing us the response and your experience with that. If you haven't already done so, please make sure you get that in the impressions document. I think that

real-world experience and the point about not having that two-way communication, I think that's important when it's maybe in the weeds, and I think we're—but I want to make sure that's captured and we have that going forward.

That said, I want to give a strong plus one to what Steve just said. I agree with him. I've been thinking along those very same lines, and I guess trying to figure out how to articulate that to the group, but I think Steve maybe jumped in, and I'll just give him a plus one. I think you're right. I think that's exactly what we need to do. I think we're all kind of saying the same thing. We've captured the data that we're going to capture. I think we heard from the board in various forums that the board's in agreement. We've learned what we're going to learn, and it's time to start talking about where do we go from here.

Steve, you mentioned sort of concern about characterizing demand as low, and I think we should avoid putting words like that into our report. This is the demand we assessed under the constraints of a limited pilot. We should avoid characterizing it as high, medium, low, or anything. This is what we assessed given the constraints of our system, and I've heard just from speaking mostly to the people in this room, but people outside of this room as well, I get the sense that we're all kind of on the same page as far as what we think should happen next. So to Steve's point, let's just jump in and roll up our sleeves and do the work.

SEBASTIEN DUCOS: Okay. So now we have barely 12 minutes. Yeah. So can we go to the spreadsheet, and Sarah, would you be ready to walk us through it?

SARAH WYLD: Yeah. I'll just talk through what the registrars' input was to these four assignment questions that we have put into the workbook because that's what we thought we were supposed to do.

The first one we already talked about, so I will skip that in the interest of time. For assignment two, possible technical updates, the first thing the registrars wanted to note is that some technical work has already been accomplished. Other work is in progress or planned, and we really appreciate those updates because they have already helped to make the platform more usable for us throughout the pilot.

With that said, some registrars would like to see the ability to request and provide the data that is related to a domain that uses a privacy or proxy service. Other registrars want to consider the possibility of actually disclosing registration data through the RDRS instead of separately. And then I heard earlier today input, not from a registrar, but from John, that we could improve the process by building back-and-forth communication into the RDRS. I definitely agree with that. And really also like Luc's suggestion, that the public reporting should include what system improvements are being requested, worked on, completed. I know it's not quite the same as metrics, but I think that would be very useful for the broader community to have awareness of that. So that's topic two.

Topic three, specific lessons learned. I have three thoughts. The first that we've learned, I'm going to make Marc unhappy, valid request volume is small. And the reason why we say that is not small compared

to the overall picture of all requests that could exist, but compared to the requests that are submitted, the ones that come back as valid, we would consider a small portion of the total that are requested.

A lesson learned that I'm sure everybody has heard and could probably repeat in their sleep, submission of a request does not necessarily mean that data will be disclosed. The balancing test is still required and determinative of the outcome.

The last lesson, which actually came as a surprise to me, is that authentication is not really the problem. The difficult part of data disclosure is balancing the requester's documented proof of purpose or need for the data against the registrant's right to privacy and determining who the requester is, is actually less difficult.

Finally, moving on to assignment four, suggestions for proposed recommendations. We are of the opinion that the RDRS is working for legitimate requests that fulfill the requirements. So the Registrar Stakeholder Group would suggest to continue operating the RDRS with the sort of discussed and suggested technical updates on a voluntary basis as it is today. As indicated by ICANN's operational design assessment in combination with this data that we've gathered over the last year, it does seem that the SSAD is not really economically viable.

And there's an interesting question, which the EPDP Phase 2 recommended that the SSAD include identity verification as well as request processing. So is it possible or appropriate to implement part of the recommendations and not all of them, like to create an SSAD that has request processing but not identity verification? That's iffy. So

that's a thing that we would need to consider. Yeah, and I've probably said enough. Okay, thank you.

SEBASTIEN DUCOS: So before I give you the hand, Gabriel, I just wanted to ask—so two things. First of all, to the point that Luke made earlier, that if it is a recommendation, also it's a question of do we continue developing this because this is what we're going to use in the end? Or do we stop any further development because we're going to have to start from scratch on another platform? And whilst I fully agree with you, Steve, I'd love a set of recommendations in three lines, that's something that we're going to have to develop a bit.

Second point, and I've already forgotten what that was—to the last point that you made, Sarah, can you remind me what you last said?

SARAH WYLD: I last said the RDRS is working for legitimate requests, but we don't think we should build a broader SSAD. We would suggest to continue operating RDRS.

SEBASTIEN DUCOS: That's also a discussion that we need to have in this group. Are we saying as a recommendation, you need to go and work on the policy and correct the SSAD recommendations as are? Or do we actually, without going through the full set of them, say, for example, this whole set of recommendation on validation and authentication and validation, we should abandon altogether because it happens not to be

a function that is needed? Should we also, for example, recommend the fact that we abandon this idea of having a system that is self-financed, that we recommend that this system should be and remain a system that is free access, free request, and that ICANN somehow finds a budget for it? That's the sort of thing that we could also bring up. Okay? Gabriel.

GABRIEL ANDREWS: I wanted to respond with something I hope is salient to a few of the issues that Sarah brought up, and I need to raise awareness for you all. Speaking only for one requester constituency, that of law enforcement, I want to make you aware that we are on a voluntary basis really trying to step up and take on some of the onus of the authentication of our own constituency. And some of that work is really enabled by the ongoing presence of an RDRS, because otherwise what are we really engaging with?

And so this is work that will also, to the point of the price of any future SSAD or successor system, whatever it may be, if so much of the cost associated with that is contemplating the cost of authenticating end users, perhaps we can take a heavy portion of that on our own shoulders as well.

And so just for awareness, this is something that is very much the intent of law enforcement going forward and recognition that we need to do more as a constituency.

SEBASTIEN DUCOS: So on this, and you've been heard, I've heard a lot of talk about it this week, I think that one of the concerns that I've heard in the community, and maybe you're able to better explain what the intent is here, is that whilst everybody would—I don't think that there are many problems in identifying an FBI, a Europol, whatever. But one of the things that we're trying to do with these practices, and we know what we're talking about, is to create standards based on law enforcement that come from jurisdictions where generally accepted law practices work, and then setting that as a global standard available for jurisdictions where these standards are not met. I don't know how to say it politely, but you know what I mean.

GABRIEL ANDREWS: That's quite all right. And this is Gabriel. I'm actually talking about something different, so I'm glad you said this, because I should clarify. I'm talking very much about actually the process of just the authentication, because I don't think we should trust that we can all do that properly. And I will note that even this past week, my own employer and agency put out a notice, and this is good just to raise awareness. Over the past year, we've seen an increasing targeting by criminal actors of law enforcement email addresses to specifically try to compromise them and use them in things such as emergency disclosure requests, which are for ISPs typically, but have a rough parallel of the notion of an urgent request in the ICANN context.

And so part of what we're seeking to do is to go a step beyond just the reliance upon, oh, that email address may match such and such agency, and come up with a mechanism that is a bit more trustworthy than that,

you know, that can be relied upon in a consistent fashion, not speaking at all to then the balancing test that registrars might do on their own with regards to whoever they want to trust or distrust. We're speaking purely about just making sure there's technical means of authentication.

SEBASTIEN DUCOS: Okay. Thank you for that clarification. We've got three minutes and three people in the queue. Volker, you've got one minute and one minute for Stephanie and one minute for Farzaneh.

VOLKER GREIMANN: As one registrar that is participating in this trial, I am considering to withdraw our registrars from the trial simply because of the fact that when I look at the time it costs to answer a request that comes in via the system as opposed to a request that comes in through our regular abuse channels, it takes about five times as much to respond properly to a request that comes in through the RDRS. Therefore, it feels like a waste of time.

It might be more efficient if instead of looking at expanding the system, we look at building it back to a very rote framework that just simply plugs into the pre-existing systems that registrars have to receive complaints, disclosure requests, and so forth. Basically, you enter in all the information that you have and then it gets converted into the format that the registrar can take in their own ticketing system, in their own intake system, and then respond directly from there. Have a link

added that gives them the same ability to provide feedback to the RDRS—

SEBASTIEN DUCOS: I think that we understood your point. You're on the list of interviewees for Lisa's—I don't know if the interview happened or is to happen, but please share all that feedback in the interview and it will be recorded there. Sorry to push you, but we're running out of time. Stephanie, go ahead.

STEPHANIE PERRIN: Just a short question. Who's going to be the data controller if you start adding any kind of authentication features? Even if law enforcement takes on the job of authenticating themselves, which is a big one, and don't get me wrong, they really need to with the criminal element out there defrauding people as fake law enforcement people. But if you load that onto an ICANN platform, the registrars and registries will still have to check that authentication. There's PII in there; somebody's got to own it. Who is going to own it?

SEBASTIEN DUCOS: Farzaneh, take us home.

FARZANEH BADII: I just wanted to remind people that law enforcement, in some parts of the world, can actually violate human rights. And we should not, just because they are authenticated, that could be perceived by the

registrar that it's okay to disclose the registrant's personal information. And also, some of the registrars don't do this balance of fundamental rights, so we have to consider that as well. Thank you.

SEBASTIEN DUCOS: Thank you. With this, we're at time. Thank you very much for all your input, and Devan, you can wrap this up.

[END OF TRANSCRIPTION]