HYDERABAD – Privacy and Proxy Services Accreditation Implementation Review Team: Project Overview
Friday, November 04, 2016 – 11:00 to 12:15 IST
ICANN57 | Hyderabad, India

AMY BIVINS: And Owen will provide some remarks from the compliance perspective. And the IRT members who are here will also provide some feedback and general comments about the project. We've devoted a significant amount of time in this session for question and feedback from you. So please, as we're going through the presentation, if you think of questions and comments, make a note of them so that you can come to the mic and raise them at the end. We're expecting that roughly half of the presentation will be dedicated to Q and A. So please come with questions. Okay, next slide.

So this slide is just a general overview of this project. As you know, probably this project was launched to implement the final policy recommendations that were adopted by the GNSO council in January. And were approved by the board in August. And I'll provide a summary of the recommendations in a few minutes.

The IRT has been convened. And we had our first meeting on October 18th. So just a couple weeks ago. 37 community

members have signed up for the IRT. There are many registrars that are on the IRT and also representatives from the IPC and the BC and the NCUC and government.

And we're also going to be having a working meeting with the IRT next week on Wednesday. Hopefully, if you guys are interested, you can also attend that meeting.

This slide is just an overview of the implementation process that we'll be following as we implement these final recommendations. The IRT process is different from the Policy Development Working Group process. And this, IRT will operate in line with the principals that were set out in the GNSO's Policy and Implementation Working Group's report. Which was published last year.

The major difference between PDP working groups and IRTs is that IRTs are not policy making groups. The policy recommendations were implemented through the PDP process. And we're here to implement those recommendations. IRTs are convened to assist staff during the implementation process. To ensure that the implementation reflects the intent of the policy recommendation.

And if a now policy issue arises or a question about a policy issue arises during the implementation, it will be referred to the GNSO council.

This IRT will operate as transparently as possible. The calls will be recorded and all the materials will be posted on the wiki page. And we're also anticipating that we'll have at least two public comment periods during this process. There could be more if additional issues arise that justify having another public comment period.

Can you go back a slide?

So this slide provides a general overview of the final recommendations that we will be implementing. Obviously it's not everything. Because the report was roughly a hundred pages long. So it's impossible to go through that in this session. But it's just a high level overview of the recommendations.

The report included definitions of privacy and proxy services. And so we'll be obviously keeping that in mind and working it into the structure of the program. The report also included provisions to be included in privacy/proxy customer agreements. So that will be part of the requirements that we'll be implementing. There are best practice recommendations

related to transfers and protecting the privacy of customers during those transfers.

There are recommendations related to the relay of communications to privacy and proxy service customers. And implementation will also require the creation of processes for privacy and proxy services to follow when they receive claims of abuse. That will be a significant portion of this implement. And the report also includes a detailed framework for IP requests to privacy and proxy services. So we'll be implementing that.

During the implementation, we also expect to address the accreditation process and the consequences of that. Who is labeling and possibly data escrow. We'll be discussing that with the IRT. The processes for customer data validation and verification and also the general accreditation and onboarding processes will be a major point that will be discussing with the IRT.

So this slide provides a general overview of the stack implementation proposal that we sent to the IRT for feedback before the first meeting. It's also published on the wiki. And I hope that you have a change to look at it.

During the policy development process GDD staff went to to the PDP working group a few time to talk through potential ways

they we were thinking we might be able to implement this program, and solicited feedback from the PDP working group. Which was really helpful in terms of figuring out the intent of the working group, in terms of what this program could look like.

To the working group, we proposed three possible ways that we could implement this program. The first one was a registrar type model. Which would involve, the privacy/proxy services signing an accreditation agreement with ICANN.

The second model was a reseller type model, which would involve, instead of having a contract directly with the privacy/proxy services. It would be passing down the requirements through the registrar and the RAAs. And the third model was looking at a process similar to how ICANN approves data escrow services. So ICANN would screen and approve services but would not be contracted with them.

The working group's reaction to our comments was very helpful in terms of providing feedback on the overall structure of this program. And you'll see in the proposal that we sent to the IRT that it seemed that the working group intended that we develop a contract based approach to this so that ICANN would have direct enforcement authority over privacy and proxy services.

And so that's what's in the proposal document that is being reviewed by the IRT. We are looking for the IRT's feedback on whether this fulfills the intent of the policy recommendations. And provided that we have buy-in from the IRT on this approach we'll proceed to the (inaudible) of this implementation.

Possibly before the end of the year. I invited Owen to talk for a few minutes about the compliance perspective in all of this, in terms of the framework proposal and the implementation process.

OWEN: From a structural compliance perspective, the team has been involved with this since the beginning of the PDP. The team has either attended sessions, and along with the rest of ICANN staff, provided feedback to the… and to any of the interim and final reports as well.

Which was… that staff feedback was incorporated and addressed in there. Additionally, the compliance team currently has a privacy/proxy complaint type from the 2013 RAA. So we're able to provide some metrics and data based upon the types of the complaints that have been received since the adoption of the 2013 RAA, to help frame some of the issues to be addressed.

Additionally, we've been involved internally with the staff. IRT team, I guess you would call that? And we'll be actively participating in the IRT as well too. Because based upon the working group's recommendation, there does want to be an enforcement aspect of that. Which would fall to the compliance team.

We've been approaching this similar to how the team did the 2013 RAA, in terms of thoughts about the time and effort that's gonna take to do that. And there's a number of areas that we'll have to look at too.

Once the framework is adopted to ensure that there is compliance. Part of that will be during the process. Part of it will be a building process and then some of it will be ongoing monitoring activities as well too.

Some of the high level areas that I like to highlight that will have some changes will be the processing of existing privacy/proxy complaints. Some of those current obligations that are in the 2013 RAA may be incorporated into whatever accreditation framework comes forward. There may be additional ones.

So many to drop as well too. There are some other complaint types that would be impacted by changes to privacy/proxy framework: abuse complaints, transfer complaints, who is

accuracy? So there may need to be tweaks and changes to a number on both as part of that for you. Additionally, the contractual compliance team conducts a audit of contracted parties, registrars, as well as registry operators. So an audit plan will need to be built out for the privacy/proxy providers. And additionally there'll be some changes that'll be needed to the complaint processing system. Which is already been anticipated with the sales force effort that's ongoing, in conjunction with the GDE team. For their onwarding process they'll have for the new entities that will be accredited as well too. In addition, there's going to have to be some staff training. We expect there'll be some significant changes in terms of what come out of an accreditation agreement.

AMY BIVINS: Thanks Owen.

This next slide shows, it's basically a summary of the first version of the project timeline that we presented to the implementation review team. And the IRT is currently reviewing this timeline and we anticipated there could be some changes to it based on their feedback.

The initial timeline is based around the framework that we proposed to the IRT. It contemplates that we will be drafting a

policy and an accreditation agreement and also developing all of the various processes that go along with running this type of program.

Some of the initial feedback that… based on our initial estimate, staff estimated that we could have the documents ready and through the IRT potentially as soon as the middle of 2018. Which is a long time from now but also not considering what we have to deliver. Some of the feedback from the IRT indicates that we may end up needing to push this timeline back a little bit. So stay tuned for that. We'll be updating the timeline regularly. And we will be keeping the community up-to-date on the status of that.

And this next slide is just a visual of the timeline. As you can see, we've tried to stack the work on the various elements of the program to avoid having an extremely lengthy implementation process which this could easily become. And so you'll see that we're proposing to start the operational preparedness side of this.

As soon as we get general buy-in on the framework so that that work can start and hopefully be complete by the time the drafting of the required documents and everything else that goes into this implementation is complete. So that we're not building the systems are needed at the end. And as you can see,

we're proposing two public comment periods and these will... they'll shift a bit based on how quickly the work proceeds in the IRT. And if there need to be more public comment periods, obviously we'll build additional ones into the project plan.

With this point, we're really happy to have two IRT members here that are going to provide some initial feedback on this implementation project. So I'll start with Alex Deacon.

ALEX DEACON: Thanks Amy.

So Amy just asked me to make a few statements here and thanks for that. I appreciate the opportunity. I'm a relative new comer to the ICANN process. It's been 3 years. So maybe I can't use that excuse anymore. PPSAI PDP was my first ICANN experience and I was impressed by both the process and I think more importantly the results of what we did. The final report is a great example the so-called bottom up, multi-stakeholder process.

It wont surprise anyone, being I'm representing the Motion Picture Association that I'm particularly happy with the IP framework that was outlined in the final report. And it's worth mentioning, during the PDP process, w discussed that other communities could use a similar framework to address issues that they may have.

And so I hope we see these communities engage and be more active in the implementation phase. Law enforcement for example is one that was discussed during the PDP process.

Regarding the IRT, personally I tend to learn by doing. This will be my first IRT process. I'm looking forward to that. And ultimately, I think we're all looking forward to the launch at some date in the future of accredittive privacy/proxy service providers into the marketplace. This is what it's all about in the end.

And of course the enforcement of the PPSAI policies by the ICANN community and the compliance teams. Thanks again for the opportunity.

GRAHAM: Hi, this is Graham.

I was co-chair of the privacy and proxy PDP but I'll be not speaking as co-chair at the moment. More as a registrar now involved in the IRT and throughout the whole process.

Like Alex, I think we did I pretty good job on that policy. I think it's reasonably balanced. It required a lot of compromise. In our discussions, we to what I think is a pretty good place. A couple of initial thoughts on this IRT, first is the method of accrediting

privacy and proxy providers. There is a couple different options floated. And I think we got to the right place, which is going to be using a sort of registrar model.

There was some talk of using reseller model. And there is considerable resistance to that. For a couple reasons. One is many registrars don't have resellers and are unfamiliar with managing those relationships.

Another is, the bar will be increased for providing privacy and proxy services and hanging your creds on someone else's implementation of those is risky. The place we got to is good, I think. There are considerable questions that have yet to be answered around what that's going to look like, especially if we have a new contracted party.

What does that mean? What does that de? What is that happen inside the GSO? And so there's lots of thinking to be done about that yet. I think we're going to have an interesting adjustment period as this goes live. As we all live in a new world with these new accredited privacy and proxy providers. That adjustment period might be a little bit bumpy. But I think we can all get through that pretty happily.

In terms of the timeline for privacy and proxy and this implementation, I think it's probably about right. The challenge I

think we're going to have inside this IRT is making sure that we are sticking to implementation issues and we're not rehashing a lot of the policy discussions that already happened at length inside the PDP.

This is my gentle encouragement to those participating and interested, let's keep it [INAUDIBLE] narrow and move that forward and we can get there in the timeline that's proposed. Where I think it's going to be interesting and maybe difficult and where that timeline might have challenges is where this IRT starts. And we need to figure out how it overlaps with other existing policies. Registrars have already flagged an issue inside of IRTP-C and how it works with privacy and proxy services. And there's going to be all sorts of other overlaps with other policies that need to be sorted out.

And then we also have the issues raised by law enforcement and the GAC. Sorry, public safety working group and the GAC. And whether we can look at the illustrative disclosure framework that was built for intellectual property concerns and see if there's a model there we can use for public safety concerns as well. And whether that can fit within implementation or whether we end up in more policy discussions keeping that narrow and constrained is gonna be kind of challenging.

I think that's most of my notes. I think we're in a reasonably good place but there's still an awful lot of work ahead of us.

AMY BIVINS: Thanks so much.

We're going to open this up to questions and feedback from you shortly. But I just want to run through quickly, the next step on this project and also highlight some sessions of interest that will be happening this week.

You can advance the slide.

Our general plan is provided that... we're still soliciting feedback from the implementation review team on the framework document and also on the proposed timeline.

We'll be discussing this in greater detail at the working meeting on Wednesday of next week. And we've received feedback from several members of the IRT that, the timeline is very tight and that we should really look at it and think about whether there is adequate time allocated.

We'll be walking through the timeline in greater detail during the work meeting. And provided after the meetings here... provided that we have general buy-in from the IRT on their framework, we'll proceed to the substance of this implementation.

We are going to be setting up our regular meetings beginning at the end of November. We could reach the substance potentially this year. There are a couple addition sessions of interest. I've mentioned the working meeting several times.

The Governmental Advisory Committee will also be discussing this topic tomorrow during their WHOIS initiative session. You may be interested in that.

And that's it from me and this presentation. And we'd really encourage you guys if you have questions or feedback or comments to come up to the mic. We've got a half hour left. Obviously if we don't have that much, we can end early. But hopefully, we have some feedback or questions from you. Or in the chatroom also.

KEVIN BLOOMBERG: Good morning... or afternoon now, I guess... Kevin Bloomberg.

Having a tight timeline at this stage is a good thing. To expand it now before any work has actually really gone on, means that it will be then expanded again. So having tight now and allowing a little bit of creep later on, will definitely be the right thing. So looking at your timelines, it's probably right in line with that aspect.

One question, new to this process, you're talking about accreditation. What will be the process related to non-accredited people? People that are just doing it themselves, irrespective of anything else. How is that? I realize that's probably in the policy process part of it. But from a compliance point of view, what I'm looking at is, what are you looking at from a compliance point related to non-compliant or non-accredited people or organizations?

AMY BIVINS: Thank you for your question. And that's obviously one that has been discussed extensively among staff. And will be discussed with the implementation review team as well.

The final recommendations include a requirement that registrars can only knowingly work with accredited privacy and proxy services. So that will be one limitation. And we'll be continuing to discuss this with the implementation review team as well, as far as whether there's anything else that should be done. I don't know if anybody else... Owen or Jen...

KEVIN BLOOMBERG: Thank you. That actually answers my question.

AMY BIVINS: Okay, thank you.

No questions? Okay.

JODY CAULKER: Good morning, or afternoon I guess. Jody [INAUDIBLE], from GoDaddy.

What I'm curious about is, you talked about verification and validation. I'm just curious, is that about the proxy services or is that about the registrant that's being protected? I'm just wondering if you could explain what that is, what you meant by that?

AMY BIVINS: Sure, and thanks for the question. I don't have the specific language in the final recommendations in front of me. But in general, I believe the recommendations say that the underlying data for the customers should be validated and verified in the same way that registrars are required to verify and validate registrant data.

JODY CAULKER: So that would be just a phone number or an email address? Is that right? That's how we're required to validate now. Or do you mean address?

JENNIFER GORE: This is Jennifer Gore speaking for the record. So there's obviously competing policy implementations and discussions occurring around address validation across fields... which we'll have an update on that this week. But I think the question's relevant. We probably should congree, convene and get back to you. And I can promise that we can get back to you in the next 24 hours. Answer your question related to that. We'll also post the question onto the wiki site. Make sure we respond, so everyone can receive the response.

My point is, it's a great question. Maybe we've only answered half of your question. I want to acknowledge that and then get back to you with the other half. Cause I understand your concern around address validation not being currently implemented. And how does it relate to the current policy recommendations associated to privacy/proxy. I got it.

JODY CAULKER: All right. I have lots more more questions. So...

JENNIFER GORE: Oh, okay. Come on.

JODY CAULKER: If we're talking about an accreditation process. I'm wondering, will you be covering the deaccreditation process then also on this, and the rules of that?

JENNIFER GORE: This is Jennifer Gore again for the record. Just to answer Jody's question, his particular question was, will we be responsible for the accreditation process as well as the deaccreditation process. And the answer to that is yes. We'll also be accounting for perhaps a privacy service provider consolidating with another privacy service provider.

JODY CAULKER: And then my next question, thanks for that. My next question is, maybe this to be decided by the IRT or maybe it's been decided by policy already? What happens to a domain when it is audited and it's found that it is using a privacy service that's not accredited? What happens to the domain?

You can't hear me?

AMY BIVINS: That's a really excellent question. And the short answer is that we'll be discussing that with the IRT.

JODY CAULKER: Cool, thanks.

JENNIFER GORE: Jody, these questions are welcome, because it helps us think through the process, so if you could continue to submit them to the group, we would appreciate it.

JEFF ECKHAUS: Hi, Jeff Eckhaus here from Rightside.

I guess the only question I have here, and I think it was brought up is, now we're going to have a now contracted party, does that affect how the whole structure works of contracted party house and all the other parts? I want to make sure that's... is that part of something this IRT handles? Is it something somebody externally handles? Because something did other reviews of the GNSO.

Now that we'll have a new contracted party within the whole, it's structure, how is that going to affect everything? I'm sure

somebody is looking at it but is that something that the IRT handles? Or is it somebody external? Just trying to figure out who sort of makes the final call. Or how that decision making process comes about, how that effects the whole ICANN infrastructure.

AMY BIVINS: Thank you for that question. Obviously, that point has been raised and it's being discussed. It's our understanding that that will probably be raised throughout this process. But that's not an issue that'll be handled through the IRT. There's more of a community process that would be involved if that were to be raised in the GNSO.

JEFF ECKHAUS: Okay, that's fine. I just wanted to see and make sure, is it the IRT? But that somebody else, external, will come through and say, it could, could not affect anything. This is just going to be on the actual... on that policy itself.

AMY BIVINS: Right.

EN

JEFF ECKHAUS: Perfect.

JENNIFER GORE: Jeff, this is Jennifer Gore. I just want to follow up on that one. It is the responsibility of the IRT to raise it. And the responsibility of other parties, including the GNSO to determine how it'll be impacted as a result.

JEFF ECKHAUS: So it's officially been raised then?

JENNIFER GORE: Yes.

JEFF ECKHAUS: Good.

JODY CAULKER: Hi, Jody Caulker again, from GoDaddy. With Jeff asking that question about contracted parties, was wondering is there going to be a charge for privacy services to ICANN? Will you have to pay for this, to provide a privacy service? Is it per domain? Is it once a year? That kind of thing. I just wondering if that we thought of yet.

AMY BIVINS: Thank you for that question. And at the risk of sounding like a broken record, that's another issue that we'll have to explore with the IRT. There will be costs on the ICANN side, in terms of accrediting privacy and proxy services. So that will be a topic that we will have to discuss with the IRT.

JENNIFER GORE: But we do have that already noted in the project plans, in the work line.

AMY BIVINS: We still have about 25 minutes, if anyone has questions or comments. Also in the Adobe Connect room... nothing in the Adobe Connect room. Okay. All right.

Anyone? All right.

Does anyone else on the panel have any comments they would like to raise in response to the questions that have... no? Okay we have another question.

UNKNOWN SPEAKER: [INAUDIBLE] We, in our [INAUDIBLE] we often face [INAUDIBLE] re-query to identify the registrar by WHOIS information. So by introducing the privacy and the proxy services, that may

produce an obstacle to that objective. I just wonder, maybe GAC maybe involved for the purpose of popular interests. I just want to know whether this whole PDP has involved GAC into the whole process. And how do we deal with their concern? Thank you.

AMY BIVINS: Thank you for your question. Throughout the PDP process, it's my understanding that the GAC's input was requested. And there are three GAC members that are on the implementation review team as well. So they'll be participating through the implementation process. I don't know if that answers the question but hopefully.

NICK: Hi, my name is Nick [INAUDIBLE]. I am from the UK government. I'm on the GAC and I'm one of the people involved in the IRC. So yeah, that kind of answers that question. I'll say, just by way of information, the GAC did submit advice to the ICANN board during the Helsinki meeting regarding some of the outstanding issues that hopefully might be addressed as you mentioned through the IRC. And just this way of information, the GAC is still awaiting a response from the board on that. And maybe that

might impact timelines as we go forward. We don't know but we're still waiting on that response to our advice at the moment.

AMY BIVINS: Thank you.

JENNIFER GORE: All right, do we have any more questions? Comments? Anyone?

AMY BIVINS: Okay, nothing in the chat. All right, I guess we can wrap this session up early then. Thank you everyone and if you have questions or comments, feel free to reach out to me directly. If you're interested in following the work of the IRT, please check out the wiki page. And also, the IRT working meeting will be on Wednesday. I believe it's at 11 in the morning. And we encourage all of you to attend. Anyone is welcome. So, thank you.

[END OF TRANSCRIPTION]