

ICANN | GAC

Governmental Advisory Committee



Public Safety Working Group (1)

ICANN 58 Working Session | 11 March 2017

Introduction and General Updates

- ⦿ Opening by PSWG Co-Chairs
 - Alice Munyua, African Union Commission
 - Cathrin Bauer-Bulst, European Commission
 - Wanawit Akhuputra, Thailand
- ⦿ Introduction of PSWG Members in attendance
- ⦿ General PSWG Updates
 - PSWG Newsletter: [Issue #1](#) released on 9 March 2017 (translations expected)
 - PSWG Activity Report to the GAC: well received first edition of regular email
- ⦿ Review of Working Session Agenda

Agenda

Introduction and General Updates

1. Abuse Mitigation: Follow-up on Annex 1 of Hyderabad Communiqué
2. Consumer Choice & Consumer Trust (CCT) Review Team
3. Security Framework for Registries to respond to Security Threats
4. Privacy/Proxy Services Accreditation (PPSAI) LEA Disclosure Framework
5. Registration Directory Services Review

As time permits

6. Next Generation RDS and Data Protection
7. Review of ICANN Meeting Schedule & Working Session 2 Agenda

1. Abuse Mitigation: Follow-up on GAC Advice

Annex 1 of Hyderabad Communiqué - Background

- ◉ 2009 -2012: GAC endorsed Law Enforcement Due Diligence Recommendations, implemented in the 2013 Registrar Accreditation Agreement (RAA) and New gTLD Applicant Guidebook (AGB)
- ◉ 11 Apr. 2013: [Beijing GAC Advice](#) on Safeguards applicable to New gTLDs, implemented in part in the New gTLD Registry Agreement (RA)
- ◉ 8 Nov. 2016 : Questions to the ICANN Board on DNS Abuse Mitigation by ICANN and Contracted Parties (Annex 1 of [Hyderabad Communiqué](#))
- ◉ 8 Feb. 2017: [Answers by ICANN's CEO](#)

1. Abuse Mitigation: Follow-up on GAC Advice

Annex 1 of Hyderabad Communiqué - Analysis of Answers by ICANN

- ⦿ **Challenge:** public interest commitments in a contract between private parties
- ⦿ Registrar-related provisions and enforcement
 - WHOIS Address Across Field Validation requirement not yet implemented
 - Part of the [2013 RAA Whois Accuracy Program Specification](#)
 - Effort on identifying commercially reasonable solution still ongoing: Registrar WHOIS Validation Working Group reformed in January 2017 to consider [ICANN's strawman proposal \(ICANN 57\)](#)
 - Answers lacking information to assess:
 - Enforcement of WHOIS Requirements (incl. outcome of the 32,000 annual WHOIS Inaccuracy complaints)
 - Standard of diligence applied to registrars in their response to reports of abuse
- ⦿ New gTLDs Registries provisions
 - No data on content and use by ICANN of statistical Reports on Abuse (Specification 11.3(b) of Registry Agreement)
 - Inability to assess effectiveness of the related Safeguard Advice
- ⦿ Anti-abuse activities of ICANN
 - Lacking information to assess effectiveness of collaboration of ICANN Contractual Compliance and SSR Departments

1. Abuse Mitigation: Follow-up on GAC Advice

Annex 1 of Hyderabad Communiqué – Next Steps

- ⦿ Proposed GAC Follow-up Scorecard to Annex 1 of GAC Hyderabad Communiqué
- ⦿ Discussion with GAC Plenary – [Tuesday 14 March 13:45-14:30 \(Hall A2\)](#)
 - Goal: explain to the GAC why this is so important, recommend follow-up (including potential GAC Advice)
 - Outline of fundamental challenge: Public interest clauses in a private contract – how to hold the parties accountable for enforcement?
 - Examples to illustrate: Overview of analysis of ICANN Answers
 - Delayed implementation of key contractual requirements (RAA WHOIS Across Field Validation, RA Spec 11 3b)
 - Missing information to assess effectiveness of contractual enforcement
 - Proposal for follow-up process, notably GAC-ICANN Board meeting and follow-up question; review procedures?
- ⦿ Potential Recommendation to the GAC
 - Annex 1 Follow-up including time limits on implementing Across Field Validation, Spec 11 3b Advisory
 - Processing of Complaints: Transparency to complainant on measures taken to address the complaint
 - Use of New gTLD auctions proceeds for Abuse Mitigation (among other Public Interest issues)

1. Abuse Mitigation: Follow-up on GAC Advice

Annex 1 of Hyderabad Communiqué – Next Steps

- ◎ **GAC-ICANN Board Meeting** - [Wednesday 15 March 09:00-10:30 \(Hall A2\)](#)
 - Goal: come to an understanding of how to move forward with this issue
 - Concrete situation (Annex I): agree on timeline for follow-up by ICANN Board; appoint persons in charge to report back at next GAC-ICANN Board Meeting
 - Possible creation of a common set of indicators for regular reports to create transparency for GAC to ensure compliance

1. Abuse Mitigation: Follow-up on GAC Advice

ICANN 58 Cross Community Session: [Towards Effective DNS Abuse Mitigation: Prevention, Mitigation and Response](#) on [Monday 13 March 13:45-15:00 \(Hall A2\)](#)

◎ Objectives

- Seek to “Turn a page” on how abuse is addressed at ICANN
- Focus on ICANN’s Efforts, based on answers to questions in Annex 1 of the [GAC Hyderabad Communiqué](#)
- Not a panel discussion
- Instead: a series of topical presentations + Q&A with ICANN community
- Ensure effective outcome such as best practices identified

◎ Presenters

- Greg Aaron, APWG
- Craig Schwartz, .BANK/.INSURANCE and vTLD Consortium
- David Conrad, ICANN CTO
- Maguy Serad, ICANN Contractual Compliance

2. Consumer Trust & Consumer Choice Review

⦿ Background

- Part of regular reviews at ICANN (form. Affirmation of Commitments, now Art. 4.6 of [ICANN Bylaws](#))
- Review Team formed in January 2016
- To determine the extent to which the introduction of new gTLDs has promoted competition, consumer choice and consumer trust in the DNS.
- To assess the effectiveness of (a) the application and evaluation processes, and (b) safeguards put in place to mitigate issues

⦿ Update

- [Draft Report](#) released for public comment on 7 March 2017

⦿ For PSWG Discussion

- Implication of findings for other work tracks (Security Framework, RDS Review, Next Rounds of New GTLDs, etc.)
- Contribution to [Public Comment](#) by the GAC (due 27 April 2017)

3. Security Framework for Registries

◎ Background

- Framework for Registries to respond to Security Threats called for by an [ICANN Board Resolution](#) (June 2013) in response to [New gTLDs Safeguards Beijing GAC Advice](#) (April 2013)
- Drafting Team formed in August 2015, drafting initiated in Dec. 2015
- Challenge for Registries and PSWG to agree on substantive voluntary measures and standards

◎ Drafting Team now working on the Jan. 2017 re-draft by the PSWG

- Feedback expected from Registries on latest edits (v4)
- Several meetings during ICANN 58:
 - PSWG only: [Sunday 12 March - 11:00am - 12:45pm \(Hall B3\)](#)
 - Meeting with registries: [Tuesday 14 March - 5:00pm - 6:30pm \(Hall B4.1\)](#)
- Goal: Reach Drafting Team Agreement on final draft during ICANN 58

3. Security Framework for Registries

Discussion by the PSWG

- ⦿ Briefing of GAC Plenary in Copenhagen – [Tuesday 14 March 13:45-14:30 \(Hall A2\)](#)
 - Reminder of Background
 - Latest Update on Progress
 - Planned Next Steps, incl. endorsement of Draft Framework

- ⦿ Endorsement of Draft Framework by the GAC
 - Seek endorsement before submission of draft to Public Comment
 - Consider level of changes requiring new endorsement after Public Comment

4. Privacy/Proxy Services Accreditation (PPSAI)

Background

- ◉ As a follow-up to the [2013 RRA negotiations](#), the GNSO conducted a [Policy Development Process](#) on the issue of accreditation of Privacy and Proxy Services Providers (Oct. 2013 – Jan 2016)
- ◉ The [GAC Helsinki Communiqué](#) (June 2016) advised the ICANN Board on public policy concerns that should be addressed as part of implementation, in particular:
 - Confidentiality of law enforcement and consumer protection requests
 - Need for consideration of cross-border issues
 - Access of Privacy/Proxy Services to domains engaged in collection of money
- ◉ In August 2016, the [ICANN Board adopted](#) the policy recommendations
- ◉ In October 2016, an [Implementation Review Team \(IRT\)](#) was formed to assist ICANN in its implementation effort, several GAC and PSWG members joined as volunteers
- ◉ On 13 December 2016 the [ICANN Board encouraged the IRT](#) to continue working with GAC/PSWG to address the Helsinki GAC Advice

4. Privacy/Proxy Services Accreditation (PPSAI)

Drafting of the LEA Disclosure Framework

◎ Current Status

- ICANN GDD requested that PSWG draft a proposal in consultation with IRT
- Nick Shorey (UK) issued a call for volunteers to GAC and PSWG in Dec. 2016
- A PSWG Task Force of 7 members was formed in Jan. 2017 and has started meeting and deliberating, and engaged with IRT during ICANN 58

◎ Key questions

- Definition of a Law Enforcement Authority and issue of jurisdiction
- Definition of requirements for acceptable disclosure request
- Processing and prioritization of requests
- Notification of registrant

◎ Next Steps – For PSWG Discussion

- Briefing the GAC Plenary - [Tuesday 14 March 13:45-14:30 \(Hall A2\)](#)
- Seeking GAC endorsement of PSWG Disclosure Framework proposal

5. Registration Directory Services Review

⦿ Background

- Review mandated by the new [ICANN Bylaws](#) (Article 4.6) to review enforcement of ICANN policies relevant to RDS and explore structural changes to improve accuracy and access to gTLD registration data
- Following 1st Whois Review Team ([Final Report](#) was published in May 2012)

⦿ Status

- [Call for Volunteers](#) issued on 28 Oct. 2016 and [last extended](#) through 22 March 2017
- 3 PSWG applicants appointed by the GAC on 22 February 2017:
 - Cathrin Bauer-Bulst (EU Commission),
 - Lili Sun (Interpol),
 - Thomas Walden (US DOJ)

⦿ Scope of the Review

- The GAC expressed PSWG concerns over ICANN's proposal to limit the scope to reviewing implementation of 1st Review recommendations
- GNSO advanced an [alternative proposal](#) to address issues of concern for contracted parties (such as RDAP) as well as to “*ensure no duplication of work that is the responsibility of the GNSO's RDS Policy Development Process Working Group*”

5. Registration Directory Services Review

For Discussion by the PSWG

1. First task of Review Team: determine scope of Review

What specific topics should be included in the scope of the Review ?

- WHOIS Address Across Field Validation (Annex 1 of Hyderabad Communiqué)
- WHOIS Accuracy Reporting System Implementation (CCT Review Team)
- Other elements of the [GNSO's scope proposal](#) ? Other suggestions ?

2. Process for GAC and PSWG Input into the Review

- Ensure opportunities for update to and input from GAC/PSWG
- Draw from experience of PSWG representatives in the CCT Review Team

⦿ Item for discussion with the GAC Plenary - [Tuesday 14 Mar. 12:00-12:30 \(Hall A2\)](#)

- Proposal on scope of review
- Proposal on process for GAC Members input and update

6. Next Generation RDS PDP WG

⦿ Background

- The [RDS PDP](#) was Launched in November 2015, following the work of the Expert Working Group on gTLD Directory Services ([Final Report](#) in June 2014)
- To deliberate in 3 phases, including on whether or not a new RDS system is needed
- As of Oct. 2016 there were 7 GAC and 4 PSWG representatives in the Working Group

⦿ Status

- The working group developed preparatory documents for its deliberations, including: a [Problem Statement](#), a set of [Example Uses Cases](#), a Draft [Statement of Purpose](#) for Registration Data and Directory Services and hundreds of [potential requirements](#) it identified for a Next Generation PDP

⦿ Recent Key Focus: Data Privacy Issues

- The PDP WG will meet with Data Commissioners during ICANN 57 ([Wednesday 15 March at 13:45-15:00 in Hall C1.4](#))
- PDP WG developed [a set questions](#) for this event addressing issues of interest to Public Safety Agencies

6. Next Generation RDS PDP WG

Main Issues of Concern for the GAC and PSWG

⦿ Data Protection and Privacy

- Possibility of conflicts between RDS Policy and national or supranational law such as Data Protection Rules
- The GAC 2007 Principles on gTLD WHOIS services call for a balance between privacy and law enforcement/public interest in attribution of responsibility for online content or services

⦿ Gated Access to registration information and jurisdictional issues

- Implementation of a Gated or Tiered access RDS may create jurisdictional issues for law enforcement when requesting data from private entities across borders
- Adopting an accreditation scheme that would entitle law enforcement authorities to access gated (or protected) data on a global scale may be difficult to achieve

⦿ Next Steps

- Highlight Issues to the GAC Plenary for information and discussion
- Continued participation of PSWG Volunteers in RDS PDP WG

7. Working Session 2 - Agenda

PSWG Working Session 2 – [Tuesday 14 March 08:00-09:00](#)

1. Child Protection
2. New gTLDs Subsequent Rounds
3. Defining a Strategy for the PSWG

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