ICANN | GAC

Governmental Advisory Committee

Registration Directory Services

GAC Plenary and PSWG | 14 March 2017

Agenda

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Registration Directory Service Review Team

2

Next Generation RDS PDP
and
Data Protection

1. Registration Directory Service Review

- ⦿ Background
  - – Review mandated by the new ICANN Bylaws (Article 4.6)
  - – to assess whether current RDS implementation meets the legitimate needs of law enforcement, promotes consumer trust and safeguards registrant data

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

- ⦿ For Discussion: representation of GAC Input by Review Team Volunteers
  - – Regular reporting on progress to the GAC
  - – Opportunities to collect input from the GAC
  - – Any suggestions ?

1. Registration Directory Service Review

Expected 1st Task of Review Team: Definition of Scope of the Review

- ⊙ Backround
  - – ICANN proposed to limit the scope to reviewing implementation of the 2012 Whois Review Team [Recommendations](#) (Oct.-Nov 2016)
  - – GAC Chair shared GAC and PSWG Members' concerns (Dec. 2016)
  - – GNSO advanced an [alternative proposal](#) (4 Jan. 2017)

- ⊙ <u>For Discussion:</u> What specific topics should be addressed as part of the Review?
  - – WHOIS Address Across Field Validation (Annex 1 of Hyderabad Communiqué)
  - – WHOIS Accuracy Reporting System Implementation (CCT Review Team)
  - – Endorse GNSO Suggestions apart from the following :
    - – *9. Ensure no duplication of work that is the responsibility of the GNSO's RDS Policy Development Process Working Group.*

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Next Generation RDS PDP
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2. 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 Public Policy issues

2. Next Generation RDS PDP WG

Main Issues of Concern for the GAC and PSWG

- ⊙ Data Protection and Privacy
  - – Possible conflicts of RDS Policy with nat./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