
Policy Development Process: Next-Generation Registration Directory Service to Replace WHOIS

WHAT CAN I EXPECT AT ICANN60 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) has scheduled two separate face-to-face meetings, on Saturday, 28 October, from 8:30-12:00, and on Wednesday, 1 November, from 16:00-18:30. The WG expects to make progress on its [work plan](#).

WHAT IS THIS ABOUT?

In April 2015, the ICANN Board requested to initiate a GNSO Policy Development Process (PDP). The goal of the PDP is to “define the purpose of collecting, maintaining, and providing access to generic top-level domain (gTLD) registration data, and consider safeguards for protecting data”. The Board also asked the GNSO to “[use] the recommendations in the [Expert Working Group \(EWG\) Final Report](#) as an input to, and, if appropriate, as the foundation for a new gTLD policy.”

Following the publication of the PDP Final Issue Report, the Generic Names Supporting Organization (GNSO) Council adopted the charter for the PDP WG, which commenced its deliberations at the end of January 2016. During the Phase 1 work, the WG has been tasked with providing the GNSO Council with recommendations on the following two questions: (1) What are the fundamental requirements for gTLD registration data? (2) Are a new policy framework and next-generation (next-gen) registration directory services (RDS) needed to address these requirements?

WHY IS THIS IMPORTANT?

Comprehensive ‘WHOIS’ policy reform remains the source of long-running discussions within ICANN. Any discussion of the ‘WHOIS’ system for gTLD domain name registration data – hereafter called gTLD registration directory services (RDS) – involves various topics. These include purpose, accuracy, availability, privacy, data protection, cost, policing, intellectual property protection, security, and malicious use and abuse. ICANN’s requirements for gTLD domain name registration data collection, maintenance, and provision have undergone some important changes. Nevertheless, after almost 15 years of GNSO task forces, working groups, workshops, surveys, and studies, the policy is still in need of comprehensive reforms that address the significant number of contentious issues attached to it.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The WG for gTLD registration directory services has been working on the fundamental requirements for gTLD registration data and directory services. It has also been working to understand whether a new policy framework and next-generation RDS are needed to address these requirements.

The WG is currently working to reach initial rough consensus agreement on key concepts related to the WG's charter questions concerning RDS users/purposes, data elements, privacy, and access.

Since ICANN59, the WG has expanded its deliberation to define requirements for registration data elements beyond the Minimum Public Data Set (MPDS) that must be supported by the RDS. It used the Expert Working Group on gTLD Directory Services (EWG) Final Report as a starting point of discussion. The WG is continuing to use weekly calls and polls to facilitate development of tentative rough consensus agreements on these key concepts.

Furthermore, considering the impact of data protection laws, such as the European Union (EU) General Data Protection Regulation (GDPR), the WG has taken two additional steps:

- (1) Solicited [input from country code top-level domain \(ccTLD\) registry operators on their approaches to GDPR compliance](#), and
- (2) Retained the services of independent legal counsel to [answer questions](#) about the impact of data protection laws on registration data and directory services; senior EU privacy experts [previously answered](#) questions in this regard.

The WG expects to use input received from all these sources in its deliberation on key concepts and possible requirements concerning RDS users/purposes, data elements, privacy, and access.

As of the end of September 2017, **44 initial points** of rough consensus had been reached during iterative and ongoing deliberation. The WG drafted an overall [statement of purpose](#) for registration data and directory services, which guided all initial agreements.

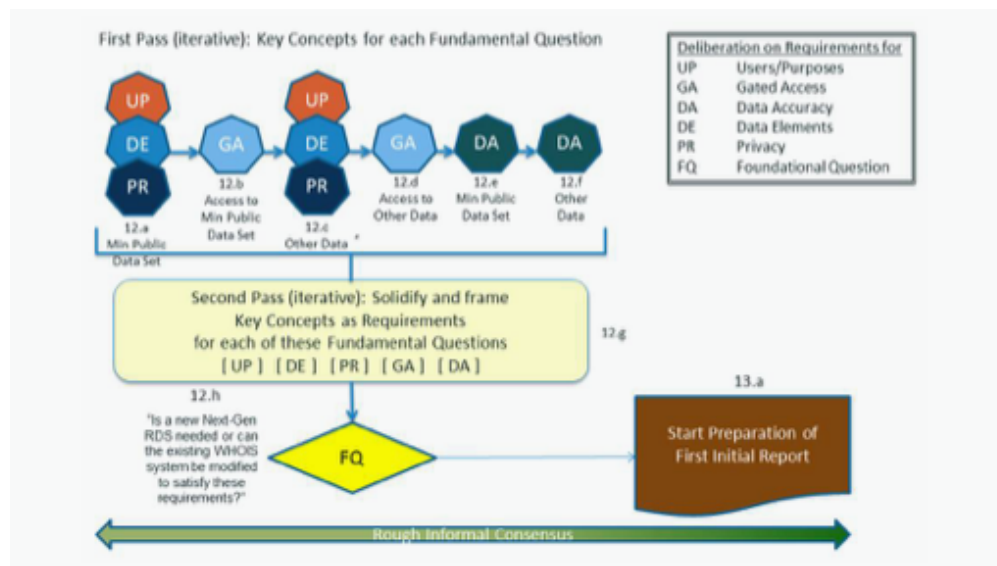
WHAT ARE THE EXPECTED NEXT STEPS?

The WG is continuing its current task to reach rough consensus agreements on key concepts concerning all registration data elements, including those beyond a Minimum Public Data Set. Specifically, the WG will continue to use weekly polls to reach rough consensus on key concepts for which data elements must be supported by the RDS, and whether it is mandatory or optional to collect all identified data elements. The WG will then try to answer other charter questions for that universe of data elements, including:

- Users/purposes (who needs each data element and why?),
- Access (should access to each data element be public or controlled in some way?), and
- Privacy (how do data protection and privacy laws apply to each data element?).

The WG will apply [answers](#) provided by both independent legal counsel and senior EU privacy experts concerning RDS compliance with data protection laws, including the GDPR. To set a baseline for deliberations, principles have been derived from this input and mapped against the WG's charter questions.

As required in Phase 1 of the PDP charter, the WG is in process establishing a foundation for completing deliberations on possible requirements. They will use the key concepts agreed to by the WG, along with guidance on data protection laws provided by external experts, and feedback obtained from the community at ICANN59. The goal is to reach as strong a consensus as possible for each possible requirement. Due to interdependencies, WG deliberation will likely continue to be iterative, especially on fundamental questions pertaining to purpose, data, and privacy.



Note: The graphic above illustrates the iterative approach in the WG deliberation. The numbers (e.g., 12.a, 12.b...13.a) refer to the steps in the PDP WG [Phase 1 Work Plan](#).

Currently, the WG aims to begin drafting the first of two initial reports planned for Phase 1 in the first quarter of 2018. The first initial report will include responses to the first five of eleven questions in Phase 1. Further input opportunities will occur throughout the WG's Phase 1 deliberations, as well as during Phases 2-3, should the GNSO decide a next-generation directory service is needed to meet Phase 1 requirements.

HOW CAN I GET INVOLVED?

Anyone interested can join this effort at any time. Complete the registration form at goo.gl/forms/bb65ilznLv or contact the GNSO Secretariat gnso-secs@icann.org.

MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/rds
- WG Workspace: community.icann.org/x/rjJ-Ag
- WG Work Plan: community.icann.org/x/olxlAw
- WG Charter: gnso.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15
- Final Issue Report: goo.gl/0ZrpVK
- Board-GNSO Process Framework for this PDP: goo.gl/zq3edl

BACKGROUND

Pursuant to its Resolution on 8 November 2012, the ICANN Board directed the ICANN CEO to launch a new effort to redefine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data. This effort would serve as a foundation for new gTLD policy and contractual negotiations. Moreover, the Board directed the preparation of an Issue Report on the purpose of collecting and maintaining gTLD registration data, and on solutions to improve accuracy and access to gTLD registration data, as part of a Board-initiated GNSO PDP. The Board then went on to pass a resolution that led to the creation of the **EWG**. The Board referred to this as a ‘two-pronged approach’ that is based on ‘broad and responsive action’ in relation to the reform of gTLD Registration Data.

The Board approved a Process Framework to enable effective consideration of the many significant and interdependent policy areas that the GNSO must address. GNSO Councilors and Board members collaboratively developed this Process Framework to structure this complex and challenging PDP for success. This phased process includes:

- Phase 1: Establishing requirements to determine if and why a next-generation RDS is needed to replace today's WHOIS system;
- Phase 2: If so, designing a new policy framework that details functions that must be provided by a next-generation RDS to support those requirements; and
- Phase 3: Providing guidance for how a next-generation RDS should implement those policies, coexisting with and eventually replacing the legacy WHOIS system.

Throughout this three-phase process, the many inter-related questions that must (at minimum) be addressed by the PDP include:

- Users/Purposes: Who should have access to gTLD registration data and why (i.e., for what purposes)?
- Gated Access: What steps should be taken to control data access for each user/purpose?
- Data Accuracy: What steps should be taken to improve data accuracy?
- Data Elements: What data should be collected, stored, and disclosed?
- Privacy: What steps are needed to protect data and privacy?
- Coexistence: What steps should be taken to enable next-generation RDS coexistence with and replacement of the legacy WHOIS system?
- Compliance: What steps are needed to enforce these policies?
- System Model: What system requirements must be satisfied by any next-generation RDS implementation?
- Cost: What costs will be incurred and how must they be covered?
- Benefits: What benefits will be achieved and how will they be measured?
- Risks: What risks do stakeholders face and how will they be reconciled?

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