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# Implementation Status: Privacy and Proxy Services Accreditation Issues Policy Recommendations

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## **WHAT CAN I EXPECT AT ICANN64 IN RELATION TO THIS TOPIC?**

ICANN organization (ICANN org) is proceeding to implement the Privacy and Proxy Service Provider Accreditation Program at a pace that accounts for the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data, including Phase 2 work on a potential standardized access model for nonpublic gTLD registration data.

## **WHAT IS THIS ABOUT?**

A privacy service allows domain name registration in the registrant's name, but all other contact details displayed in the publicly-accessible Registration Data Directory Service (RDDS) are those given by the privacy service provider, not by the registrant. A proxy service allows the registered name holder to license the use of the domain to a customer who actually uses the domain while contact information displayed in the RDDS system is that of the proxy service provider.

The ICANN org is implementing a new Privacy and Proxy Service Provider Accreditation Program, pursuant to policy recommendations that were developed by the Generic Names Supporting Organization (GNSO) Privacy and Proxy Services Accreditation Issues Policy Development Process (PDP) Working Group (WG), adopted by the GNSO Council in January 2016, and adopted by the ICANN Board in August 2016.

## **WHY IS THIS IMPORTANT?**

The 2013 Registrar Accreditation Agreement (RAA) contains a temporary specification that governs registrars' obligations with respect to privacy and proxy services. This specification will expire on 1 July 2019 or when ICANN implements a privacy and proxy accreditation program, whichever occurs first.

## **WHAT IS THE CURRENT STATUS OF THIS PROJECT?**

The Implementation Review Team (IRT) started meeting in October 2016 and has reviewed the draft Accreditation Agreement and other program materials in preparation for the Public Comment phase.

In proceeding to finalize the draft accreditation program materials for Public Comment, parallel effort to monitor the EPDP Team’s work by the ICANN org became increasingly apparent. As noted in discussions at ICANN63, there is currently a significant amount of uncertainty around interpreting the data privacy requirements of the General Data Protection Regulation (GDPR) related to this type of proposed accreditation agreement. In its **2 November 2018 message** to the IRT, ICANN org elaborated further on these areas of uncertainty, as well as areas where the IRT could benefit from the work of the EPDP, and continued discussions with the European Data Protection Board. ICANN org continues to monitor the EPDP Team’s work for potential applications in the privacy and proxy context.

#### **WHAT ARE THE EXPECTED NEXT STEPS?**

The draft Accreditation Agreement and related materials will be posted for Public Comment once these materials are finalized, likely after the implementation of the EPDP Team’s work is complete.

The project timeline will be revisited and updated quarterly on the ICANN.org **implementation status webpage**.

#### **HOW CAN I GET INVOLVED?**

Broad community input is encouraged during the Public Comment phase, which will be found here: **<https://www.icann.org/public-comments>**.

#### **MORE INFORMATION**

- PDP Final Report: **<http://gnso.icann.org/en/issues/raa/ppesai-final-07dec15-en.pdf>**
- PDP Webpage: **<http://gnso.icann.org/en/group-activities/active/ppsa>**
- IRT Workspace: **<https://community.icann.org/x/VA2sAw>**

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