



The Internet Corporation for Assigned Names and Numbers

## Whois Privacy and Proxy Relay & Reveal - Pre-Study Feasibility Survey

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This report briefly describes the Whois Privacy/Proxy Relay & Reveal Pre-Study Feasibility Survey referenced by the following GNSO Council Motion dated 07-Mar-2011:

<http://gns0.icann.org/mailling-lists/archives/council/msg10868.html>

### Background

In 2010, terms of reference for a **Whois Privacy/Proxy Relay & Reveal** study were drafted, based on proposals by members of the ICANN community, including GAC Data Set 1 (to what extent are legitimate uses of Whois data curtailed by use of proxy or privacy services). The study explores a sample of actual relay and reveal requests for Privacy/Proxy-registered domain names to document how they are processed and identify factors that may promote or impede timely communication and resolution.

An RFP inviting interested researchers to bid on conducting that study was posted on 29-Sep-2010:

<http://www.icann.org/en/announcements/announcement-29sep10-en.htm>

No bids were received and potential bidders expressed significant concerns with study feasibility. The following assessment report was delivered to the GNSO Council, summarizing perceived barriers:

<http://gns0.icann.org/issues/whois/whois-pp-relay-reveal-studies-report-11feb11-en.pdf>

Staff concluded that it was premature to conduct a full study, and recommended that a pre-study survey be conducted first, to determine if launching a full study is in fact feasible. The following sections summarize the goals, benefits, and costs associated with conducting this pre-study survey.

## **Study Barriers**

The RFP proposed collecting a broad sample of relay and reveal requests from volunteers, including individuals, businesses, first responders, complaint centers, and law enforcement agencies. Privacy/Proxy providers and Registrars would then be given a chance to supply secondary input about their published policies and practices and how sampled requests were actually handled.

The key challenge appears to be obtaining a sufficient data sample. Researchers could not assess the feasibility of finding willing and able volunteers to supply this sample or effort to do so because:

- Finding diverse participants appears likely to require a very large outreach campaign.
- Some essential parties (e.g., Privacy/Proxy providers, Registrars) may object to the study.
- Law enforcement agencies are unlikely to supply data pertaining to on-going investigations.
- Many others parties may be unable to supply data due to business sensitivities or privacy laws.
- Even willing participants are likely to have limitations on the data elements they can disclose.
- Incentives and data collection aids may be needed to encourage sufficient participation.

## **Pre-Study Feasibility Survey Goals**

Given sampling uncertainties and extensive third-party dependencies, respondents could not reliably estimate study cost or duration. To resolve these uncertainties while establishing the foundation needed to run the full study anyway, we propose to conduct a pre-study feasibility survey of limited duration.

If this survey can identify a pool of potentially willing and able participants (including request originators, Privacy/Proxy providers, and Registrars), along with measures and tools required to enable accurate timely data collection, bids can be solicited to conduct the full-blown exploratory study. However, if the feasibility study determines that obtaining a sufficient set of willing and able participants is unlikely, this would also help the community decide whether to pursue, revise, or abandon the full-blown exploratory study.

## **Pre-Study Feasibility Survey Approach**

The pre-study feasibility survey shall be conducted by a team of senior researchers with a solid grasp on the problem, study goals, and contacts needed for community outreach. This team will attempt to:

- Assess community willingness and ability to participate in a full Relay & Reveal study, including request originators, Privacy/Proxy providers, and Registrars
- Identify potentially-willing participants and limitations on their participation, including their business sensitivities and privacy laws

- Identify availability of requested data elements and conditions for sharing it, including measures needed to protect relay and reveal requests and responses
- Explore the impact of incentives and data collection tools on participation, including viable methods for timely accurate reporting and follow-up
- Solicit actual request examples for use in formulating a full Relay & Reveal study, and to assess Privacy/Proxy provider and Registrar ability to supply secondary input

To accomplish this, the following project is proposed:

1. Conduct an online survey, broadly publicized to potentially interested parties;
2. Follow up with in-depth interviews with a small but representative set of survey respondents;
3. Perform both statistical and qualitative analyses of survey and interview results;
4. Document findings in a draft report, to be presented to the GNSO; and
5. Deliver all tools, data, and intermediate results (including a list of potentially-willing participants) to serve as a launch point for the full exploratory study

The survey will be carefully designed, tested, and validated so as to get the best possible answers to the questions raised above. An iterative approach will be used to refine the survey to maximize the chance of gathering good data. A standard on-line survey tool will be used to conduct the survey in English and a few additional languages to enable international participation. Community outreach efforts will be used to solicit participation from all participant categories. Follow-up calls will be conducted with randomly-selected respondents in each participant category to obtain further detail.

#### **Pre-Study Feasibility Survey Duration and Cost**

The cost to perform this pre-study feasibility survey is estimated at \$80K, to be completed over a 4 month period. This estimate is based largely but not exclusively upon a proposal supplied by a researcher that declined to bid on the full study but willing to undertake this pre-study survey. If GNSO Council approves this pre-study feasibility survey, that initial proposal would be expanded and refined prior to project start. In particular, language translation is required to conduct this study; the above-estimated project cost and duration reflects this extension.