

6 August 2024

Re: RrSG Input on EPDP Phase 1 Recommendation 18 (Urgent Requests)

Greg DiBiase, Chair
Generic Names Supporting Organization (GNSO) Council

Dear Greg and Members of the GNSO Council,

I am writing to support the ICANN Board of Directors' 3 June 2024 [letter](#) and to share the Registrar Stakeholder Group (RrSG)'s perspective on the issue of Urgent requests for disclosure of previously-public gTLD registration data.

The RrSG agrees with the substantive concerns raised in the Board's letter. The RrSG believes that the Recommendation to "consider" a timeline for Urgent requests has been fulfilled, as the Implementation Review Team discussed this issue at length. We also agree that the idea behind the Recommendation has value to the Community and the broader world of Internet users. With that in mind, the RrSG remains open to addressing the Board's concerns, as well as to finding a path forward to set requirements for an expeditious response to Urgent requests.

Further, the Board raised a process concern which the RrSG shares: the Board approved EPDP Phase 1 Recommendation 18 but the Implementation Review Team was unable to agree on a specific response time for these Urgent requests.

The correct solution to this problem has already been identified: global law enforcement agencies, working with or through their ICANN GAC representatives, should come together to develop and offer an expedient, authoritative, legally sufficient, cost-effective, cross-border process for validating law enforcement or other emergency responders who request disclosure of previously-public gTLD registration data.

The availability of such a process, coupled with a method to ensure that **only** authenticated, validated users can submit Urgent requests would permit the Community to continue work on Registrar response times to Urgent requests without needing to address how the requestors are authenticated.

Returning to the substantive concerns raised in the Board's letter, the RrSG supports the input provided and offers these additional thoughts:

1. **Response time for Urgent requests.** The RrSG agrees with the Board that in a case of imminent threat to life, serious bodily harm, infrastructure, or child exploitation, a response that comes after multiple days is unsatisfactory and could result in inability to mitigate that harm.
2. **Authentication of requestors.** The RrSG has long maintained, as the Board acknowledged in their letter, that parties requesting the disclosure of registration data must be authenticated to ensure that only legitimate entities can issue such exigent requests. In the absence of an authoritative industry-wide authentication method many registrars have developed their own process to verify requestor identities as needed.
3. **Time to authenticate.** The process to verify a requestor's identity is not instantaneous and, as the Board confirmed, authentication may require different lengths of time in different circumstances. This verification can easily take much more time than would be appropriate for a truly Urgent request.
4. **Availability of authentication.** There is no current system available to registrars for authenticating requestor identity or affiliation. With thousands or even hundreds of thousands of law enforcement agencies in a given country, the potential expanse of individuals who must be authenticated is impossible for any single registrar to process.
5. **Operation of an authentication system.** As the Board states, "creation, operation and maintenance of a legally sufficient authentication system would consume significant human and financial resources" and would require the assistance (financial and otherwise) of law enforcement, governments, and other involved parties.

The RrSG stands ready to work with our GAC colleagues and other Community members on this topic. Registrars understand that Urgent requests require the highest priority and the most expeditious response possible to avoid harm and believe this is most achievable if the issue of authentication requiring multiple working days can be resolved. The RrSG is committed to collaborating to move forward on this issue.

We are available to discuss further as needed.

Thank you,

Ashley Heineman
Registrar Stakeholder Group Chair