ICANN | GAC

Governmental Advisory Committee

15 October 2024

Tripti Sinha
Chair, ICANN Board of Directors

Subject: Urgent Requests Follow-up - GAC Response to Board Clarifying Question and Additional Considerations

Dear Tripti,

The GAC appreciates the ICANN Board's consideration of the [ICANN79 San Communiqué](#) Advice (11 March 2024) and the subsequent follow-up on this Advice in the [ICANN80 Kigali Communiqué](#) (17 June 2024) for the ICANN Board:

> *To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC.*

The GAC took note of the ICANN Board's resolutions on [5 May](#) and [7 September](#) to defer action on this Advice, in connection with the [ICANN Board letter to the GNSO Council](#) (3 June 2024) on this matter and the [GNSO Council's response](#) (29 August 2024).

In its clarifying question regarding the ICANN80 Kigali Communiqué Follow-up on Previous Advice, the ICANN Board stated:

> *The GAC indicates that discussions on authentication should proceed "in parallel and commence before ICANN81." The GAC also acknowledges the necessity of law enforcement involvement in discussions around authentication and indicates that work within the PSWG has already started. Can the GAC clarify the scope of the policy development it is recommending to occur in parallel? In particular, given the dependency on working out issues around authentication, could the GAC identify which area(s) of policy development it envisions could progress absent this information?*

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In response, the GAC notes its follow-up advice from ICANN80 related to Urgent Requests for disclosure of registration data, which stated "*that discussions on the authentication of Law Enforcement Agency requestors and on the response time for Urgent Requests should proceed in parallel and commence before ICANN81*." The GAC also notes its acknowledgement of the importance of the more recent concerns from the Board regarding the need to identify possible solutions for an authentication system for requestors, and it has flagged its availability to contribute to finding a solution via the work of the GAC Public Safety Working Group (PSWG).

The GAC agrees that authentication mechanisms for Urgent Requests are needed to ensure that the urgent requests issued to registrars are bona fide. However, the re-commencement of Urgent Request policy work is not dependent upon the completion of authentication mechanisms. In the interest of moving forward in an expeditious manner, in parallel with the PSWG's work on authentication mechanisms, Urgent Request policy discussions can assume that urgent requests received by registrars have been authenticated, but the form of that authentication is not a prerequisite for such discussions.

Additionally, the GAC would like to share a proposal for further consideration by the ICANN Board on how to proceed moving forward.

In its ICANN80 Kigali Communique, the GAC noted in the Follow-up on Previous Advice section that "*discussions on the authentication of Law Enforcement Agency requestors and on the response time for Urgent Requests should proceed in parallel and commence before ICANN81, to address the issue of Urgent Requests as soon as possible.*" We propose the two parallel tracks should proceed as follows:

- Authentication: The GAC PSWG plans to hold an event on the sidelines of ICANN81 for law enforcement agencies to explore possible ways forward on an authentication solution. Building on this event, contracted parties should work together with the PSWG to develop a scalable authentication process for Urgent Requests, initially focused on authenticating requests from law enforcement agencies.
- Response Time: In parallel with the PSWG's work on authentication mechanisms, the GAC should resume discussion on this issue in the lead-up to and during ICANN81 – in particular during meetings with the Board and the GNSO Council. Discussions about an appropriate response time for Urgent Requests should be based on an assumption that urgent requests received by registrars have been authenticated. Specifically, discussions should be scoped to focus on answering the following question: With the assumption

that the identity of a requestor has met authentication requirements, what is the timeline within which a response (in most cases, a substantive response) must be provided?

For the work on authentication, we would support the establishment of a joint PSWG/CPH task force. For the work on the response time for authenticated requests, we invite the Board and the GNSO Council to identify an expedited procedure for addressing this workstream. We strongly suggest resuming the work of the IRT, which was halted last summer.

The GAC looks forward to discussing these matters with the ICANN Board during the upcoming Board-GAC Interaction Group (BGIG) call scheduled on Monday 21 October 2024.

Sincerely,

Nicolas G. Caballero
Chair, Governmental Advisory Committee (GAC)
Internet Corporation for Assigned Names and Numbers (ICANN)