RDS/WHOIS and Data Protection Policy (incl. Accuracy)

Session 3

Contents

Session Objective

This session aims to discuss status and consider possible next steps for the GAC in relation to deliberations and implementation efforts aiming to establish a new WHOIS/Registration Data policy framework taking into account relevant Data Protection law.

The GAC will be briefed on latest developments and related policy concerns, in connection with:

- The proposed Registration Data Consensus Policy (EPDP Phase 1);
- The ongoing development of a Registration Data Request Services (previously known as the WHOIS Disclosure System) as a proof of concept of EPDP Phase 2 Policy Recommendations for a System for Standardized Access/Disclosure (SSAD);
- The recent activities related to privacy/proxy services, including the Cancún GAC Advice; and
- Dependencies on the scoping of possible future policy work regarding accuracy of registration data.

Leadership Proposal for GAC Action

1. **Consider progress in the design and development of the Registration Data Request Service (RDRS),** as reported by ICANN in recent webinars[1], including as it relates to the confidentiality of law enforcement requests[2], in light of success criteria to be proposed by the GNSO Council for consideration by the ICANN Board[3].

2. **Continue assessing the public interest impacts, including on the RDRS, of delayed implementation of the privacy/proxy services accreditation policy recommendations**, following previous GAC Advice to resume implementation of the Privacy/Proxy Accreditation Policy to deliver an accreditation program including a law enforcement disclosure framework. In the Cancún Communiqué, the GAC advised the ICANN Board to provide regular updates on this matter[4].

3. **Follow-up on the GAC's public policy concerns**[5] **regarding the proposed Draft Registration Data Consensus Policy** (EPDP Phase 1 Implementation), including: definition and proposed timelines to respond to urgent requests; collection and publication of reseller data; collection/publication of registration information related to legal entities; need for clear standards around implementation and enforcement; and implementation of a partial system resulting in a policy gap. The Implementation Review Team is currently considering ICANN's response to the public comment period closed in December 2022[6].

4. **Examine opportunities for advancing accuracy of registration data** in gTLDs, following the pausing of the Registration Data Accuracy (RDA) scoping team by the GNSO Council[7] due to dependencies on ongoing ICANN org activities. Recently, ICANN determined that "*a sufficient legal basis exist to proceed*" to conducting proactive contractual compliance audit(s) of registrars regarding validation and verification of registration data. Regarding analysis by ICANN of a sample of full registration data for validation and verification of contact data, further, more targeted outreach with European data protection authorities may be required.[8]

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[1] See materials and recordings of recent ICANN org webinars (16-17 May 2022)

[2] Per the GAC Advice to the ICANN Board in the Cancún Communiqué (20 March 2023) and the ensuing Clarification call between the GAC and the ICANN Board (11 April)

[3] See Proposed Success Criteria by the GNSO Small Team on EPDP Phase 2

[4] See Section V.3 p.11 of the GAC Cancún Communiqué (20 March 2023)

[5] See GAC Comments on the Draft Registration Consensus Policy for gTLDs (21 November 2022)

[6] See ICANN org's Addendum to the Public Comment Report (28 April 2023), starting p.40

[7] See GNSO Council Resolution 20221117-4 (17 November 2022)

[8] See ICANN org correspondence to GNSO Council (14 March 2023) and previously stated intention to engage with the European Data Protection Board (see ICANN letter of 2 June 2022 to the European Commission).

Current Status and Recent Developments

- **The policy foundations of a new Registration Data Policy regime** initially proposed to become effective before the end of 2024, **are expected to be further discussed** following ICANN's response to public comments received in December 2022**.**

  - ICANN published a proposed [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022) as developed by ICANN org with the EPDP Phase 1 Implementation Review Team (IRT), in response to the ICANN Board's [resolutions](#) adopting the policy recommendation of EPDP Phase 1 (15 May 2019).

  - This Consensus Policy **would become part of ICANN's contractual requirements for Registries and Registrars within 18 months of its adoption** and replace the current [Interim Registration Data Policy for gTLD](#) (20 May 2019) which currently requires Contracted Parties to continue to implement measures that are consistent with the [Temporary Specification](#) (20 May 2018). **It would also introduce** [changes to existing ICANN Policies](#) which rely on, or relate to Registration Data, including the superseding of the Thick WHOIS transition Policy and revisions of the implementation of the Registration Data Access Protocol (RDAP).

  - **The GAC provided input** at several stages of the developments leading to these proposals, including most recently on the resulting consensus policy proposal:

    – [Input to the ICANN Board](#) (24 April 2019) before its consideration of the GNSO Policy Recommendations from EPDP Phase 1, in which the GAC deemed the "*recommendations to be a sufficient basis for the ICANN Community and organization to proceed - with all due urgency - to the completion of a comprehensive WHOIS model covering the entirety of the data processing cycle, from collection to disclosure, including accreditation and authentication, which would restore consistent and timely access to non-public registration data for legitimate third party interests, in compliance with the GDPR and other data protection and privacy laws*". The GAC also highlighted and referenced in this correspondence prior policy concerns it has expressed.

    – Advice to the ICANN Board in the [Montréal Communiqué](#) (6 November 2019), to "*ensure that the current system that requires 'reasonable access' to non-public domain name registration is operating effectively*" ([accepted](#) by the ICANN Board on 26 January 2020) and "*to ensure that the ICANN org and the EPDP Phase 1 Implementation Review team generate a detailed work plan identifying an updated realistic schedule to complete its work*", which were the subject of follow up in the GAC Communiqués of [ICANN70](#) , [ICANN71](#), [ICANN72](#) , and [ICANN73](#) and related interactions with the ICANN Board[9].

    – In the latest [GAC Comments](#) (21 November 2022), **the GAC expressed public policy concerns with the proposed Draft Registration Data Consensus Policy for gTLD**

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[9] See Board GAC Advice Scorecards related to each Communinqué at:
   https://gac.icann.org/activity/icann-action-request-registry-of-gac-advice

including: definition and proposed timelines to respond to urgent requests; collection and publication of reseller data; collection/publication of registration information related to legal entities; need for clear standards around implementation and enforcement; and implementation of a partial system resulting in a policy gap. **The GAC recalled these concerns** in the [Cancún Communiqué](#) (20 March 2023)[10]

- ○ Based on consideration of input received from 14 community groups, **ICANN org updated the Draft Consensus Policy Language to reflect its analysis of Public Comments** (see [redline version](#) circulated to the IRT on 4 May 2023). ICANN org also provided [responses to public comments](#) (28 April 2023)

  - – Regarding the timeline for response to Urgent Requests ICANN's Implementation Project Team (IPT) "*believes that the 24-hour response time accurately reflects the intent of the EPDP policy recommendations*" (see p.44 of Addendum and section 10.6 of updated consensus policy), but did not extend the definition of urgent requests to include "imminent or ongoing cybersecurity incidents"

  - – Regarding the collection and publication of reseller data, "*the IPT believes that making any recommended changes is beyond the scope of the policy as it would create additional changes that are not required by the EPDP Phase 1 recommendations.*"

  - – Regarding the policy's impact on Thick WHOIS,: "*The IPT, in consultation with the Implementation Review Team, concluded that ICANN org could enforce a transfer requirement only if the relevant contracted parties agree that a legal basis exists for the transfer and a data protection agreement is in place*"

  - – Regarding the Phase 1/Phase 2A policy gap, ICANN org reached out to the GAC Small Group on WHOIS/EPDP with a [memo](#) (5 May 2023) which clarified that:

    - ● *The functionality of distinguishing between legal and natural persons is beyond the scope of the EPDP Phase 1 IRT*

    - ● *During the EPDP Phase 2A deliberations, the EPDP Phase 2A Working Group made a policy decision not to mandate the contracted parties to change their practices with regard to data of legal and natural person*s

- ○ As part of EPDP Phase 1 Implementation, the conclusion of **Data Processing Agreements (DPAs) between ICANN and Contracted Parties** consistent with EPDP Phase 1 Recommendation 19, which the GAC referred to in its ICANN72, ICANN73, ICANN75 Kuala Lumpur and ICANN76 Cancún Communiqués, is identified in the [EPDP Phase 1 Implementation timeline](#) (last updated 3 April 2023) as standing at 79% completion.

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[10] See Issues of Importance to the GAC, Section IV.3 pp.7-8

- **Feasibility of a System for Standardized Access/Disclosure of Registration Data (SSAD) is now focusing on the implementation of the Registration Data Request Service** (formerly WHOIS Disclosure System), following the [GNSO's request for an SSAD proof of concept](#) (27 April 2022) on the basis of an ICANN org [Design Paper](#) (13 Sep. 2022) and [updates](#) (7 Nov. 2022) [suggested](#) by the GNSO Council to the ICANN Board (17 Nov. 2022).

  - The GNSO [resolution](#) on the EPDP Phase 2 Final Report (24 September 2020) **adopted the 18 recommendations that seek to establish an SSAD, requesting a consultation with the ICANN Board** prior to its consideration of the policy recommendations **to discuss "*questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements*"** including in the [GAC Minority Statement](#) (24 August 2020).

  - Prior to considering the GNSO's SSAD Policy Recommendations, **the ICANN Board [launched](#)** (25 March 2021) an **Operational Design Phase (ODP)** [to perform an assessment](#) of possible implementation parameters. A GNSO Small Team reviewed ICANN org's resulting [Operational Design Assessment](#) (25 Jan. 2022) in support of the GNSO Council's consultation with the ICANN Board and consideration of questions and concerns expressed in a [Board letter](#) (24 Jan. 2022).

  - In a [letter to the ICANN Board](#) (27 April 2022), **the GNSO shared concerns with ICANN's Operational Design Assessment** and called for a pause of the Board's consideration of the SSAD recommendations to allow for work to continue on a "proof of concept", in collaboration with ICANN org, who suggested it could propose a simplified "SSAD Light Design" in a [Concept Paper](#) (6 April 2022)[11]. The **ICANN Board** [confirmed](#) (9 June 2022) its **agreement and decision to pause the consideration of the policy recommendations**.

  - In the [The Hague Communiqué](#) (20 June 2022), while looking forward to the "*timely completion of the 'proof of concept'*", the GAC emphasized "*the importance of providing specific timelines and goals*" for this work and clarifying "*what will happen after the 'proof of concept' phase concludes*".

  - Shortly before ICANN75, ICANN org introduced a [WHOIS Disclosure System Design Paper](#) (13 Sep. 2022) the key features of which were considered in [GAC plenary](#) (20 Sep. 2022).

  - In the [Kuala Lumpur Communiqué](#) (26 September 2022), the GAC noted the proposed WHOIS Disclosure System is a **useful first step which would facilitate the collection of useful data**, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied. The GAC also deemed **important to properly log Information about approvals or denials of requests**, timing of the response, and reasons for denial; **and to include a mechanism to allow for confidential law enforcement requests**.

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[11] The approach proposed by ICANN org in the SSAD Light Concept Paper was presented to the GAC during the [Pre-ICANN74 ICANN org's briefing to the GAC](#) on 31 May 2022 (*GAC website login required*)

- The **GNSO Council** adopted the [addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) and expressed being "***supportive of the request that the ICANN Board proceeds with the implementation of the Whois Disclosure System***" in the [GNSO Chair letter to ICANN Board Chair](#) (17 Nov. 2022) consistent with ICANN org's [WHOIS Disclosure System Design Paper](#) (13 Sep. 2022)

- On 27 February 2023, the ICANN Board [resolved](#) to **launch the implementation of the WHOIS Disclosure System**, or "Registration Data Request Service" per the associated [announcement](#) (2 March 2023).

- In the [Cancún Communiqué](#) (20 March 2023) **the GAC advised the ICANN Board to "*direct ICANN org to promptly engage with the PSWG to identify and advance solutions for confidentiality of law enforcement requests** so as not to preclude participation by law enforcement requesters when measuring usage of the WHOIS Disclosure System".* This advice was eventually accepted by the ICANN Board per its [Scorecard of Board Action](#) (15 May 2023)

- Following discussion during the [Board/GAC Clarification call](#) (11 April 2023), the GNSO Small Team on EPDP Phase 2 hosted a [subteam meeting](#) (10 May 2023) dedicated to the **discussion of confidentiality of law enforcement requests between representatives of the GAC PSWG, ICANN org** and observers from the GNSO Small Team. A [follow-up discussion](#) is expected shortly before ICANN77 (5 June 2023)

- On 16 and 17 May 2023, ICANN held [two webinars](#) during which the user interface of the future Registration Data Request Service (RDRS) was presented and discussed by community members, including representatives from the GAC PSWG. The expected date of public launch of the RDRS is December 2023.

- **The work of the GNSO Scoping Team on Accuracy of Registration Data** remains paused, while ICANN org reports recent progress in its assessment of whether or not it has a legitimate purpose to request access to registration data records for purposes of accuracy verification.
    - The GNSO Council adopted substantive and procedural [instructions](#) for the Scoping Team (22 July 2021). In the [ICANN72 GAC Communiqué](#) (1 Nov. 2021) the GAC welcomed "*the effective start of the accuracy scoping exercise launched by the GNSO*" and expressed support for "*all four assignments*" of the team. The GAC nominated representatives from the European Commission and United States to participate in these [weekly deliberations](#) which started on 5 October 2021.
    - The work of the scoping team was informed by an [ICANN org briefing](#) (26 February 2021), an [ICANN org Memo on the WHOIS Accuracy Reporting System](#) (January 2022) and [ICANN org responses](#) to questions by the Scoping Team.
    - In the [ICANN72 GAC Communiqué](#) (1 November 2021) the GAC reiterated "*that maintaining accurate domain name registration data is an important element in the prevention and mitigation of DNS abuse*". The GAC also noted that it is "*looking forward to exchanging with other constituencies not only on the definition and measurement of accuracy but also on solutions on how to enhance accuracy. The GAC gives particular importance to the verification, validation and correction of all registration data by registrars, and certain registries, in line with their contractual obligations, and supports rigorous monitoring and enforcement of such contractual obligations by ICANN.*"
    - In the [ICANN73 Communiqué](#) (14 March 2022), the GAC highlighted that as part of the work of the scoping team to date, it "*has emphasized the importance of holding contracted parties accountable for their compliance with the existing accuracy requirements, as well as the importance of increasing transparency about compliance, in order to inform an evidence-based analysis of these issues*"
    - In May 2022, the **ICANN org shared with the Scoping Team** a [set of scenarios](#) **for which it planned to consult the European Data Protection Board** on whether or not ICANN org has a legitimate purpose that is proportionate (i.e. not outweighed by the privacy rights of the individual data subjects) to request that Contracted Parties provide access to registration data records for purposes of accuracy verification.
    - In its [preliminary recommendations](#) for the GNSO Council (2 September 2022) the scoping team recommended:
        - **A registrar Survey** be conducted on the status of accuracy of their domains under management (Recommendation 1). In the [ICANN74 Communiqué](#) (20 June 2022), the GAC noted that "*the voluntary nature of the survey [...] could limit the volume of feedback received*" and therefore encouraged "*the team to explore additional and complementary work items, such as testing accuracy controls in a manner that is not dependent upon access to personally identifiable data*". However, the preliminary report notes that "*[a]t this stage, the Scoping Team has not identified sufficient benefits of moving forward with any of the other proposals that do not require access to registration data [...]*".

- **A Registrar Audit** be considered regarding their procedures for determining the accuracy of registration data (Recommendation 2)

- **A pause of scoping team work in relation to proposals that require access to registration data** until feasibility is clearer (Recommendation 3) including through: ICANN org's outreach to the European Data Protection Board (EDPB), a possible Data Protection Impact Assessment to be conducted by ICANN, and the finalization of Data Processing Agreements between ICANN and Contracted Parties.

○ **GNSO Council adopted a** [motion](#) (17 Nov. 2022) **pausing the work of the scoping team and deferring consideration of the recommendations to conduct a survey and an audit** "*until such time the DPA negotiations between ICANN org and Contracted Parties have completed and there is feedback from ICANN org on if/how it anticipates the requesting and processing of registration data will be undertaken in the context of measuring accuracy, or for six months, whichever is the shorter*".

○ In a [GNSO Council letter to ICANN org](#) (1 December 2022), **ICANN org was requested to "*Proceed with both (i) your outreach to the European Data Protection Board and (ii) your work on a Data Protection Impact Assessment* in connection with the scenario(s) in which the request and processing of registration data takes place as a matter of urgency; *Finalize negotiations on the Data Processing Agreement (DPA) as soon as practicable*, as the absence of a completed DPA may act as a roadblock for the policy work before the GNSO Council.*"*

○ In a [correspondence to the GNSO Council](#) (14 March 2023) ICANN org reported it has determined that "*a sufficient legal basis exist to proceed*" **to conduct proactive contractual compliance audit(s) of registrar compliance with registration data validation and verification requirements** (Scenario 2), while further, more targeted outreach with European data protection authorities may be required[12] regarding analysis by ICANN of a sample of full registration data for validation and verification of contact data (Scenario 3)

○ In the meantime, as reported in the [ICANN Specific Reviews Q1 2023 Quarterly Report](#) (31 March 2023):

- **Recommendations 4.1, 4.2 and 5.1 of the RDS-WHOIS2 Review Team** [Final Report](#) (3 September 2019) **relating to data accuracy monitoring and enforcement** (all identified as "High" priority) **remain in "Pending Board Consideration" status** in light of continued dependencies on Board consideration of the SSAD and the work of the Registration Data Accuracy Scoping Team.

- **Recommendation 9.2 of the SSR2 Review Team** [Final Report](#) (25 January 2021), for ICANN org to **proactively monitor and enforce contractual obligation to improve accuracy of registration data**, is currently **in "Pending Board Consideration" status and "likely to be rejected** unless additional information shows implementation is feasible" requires additional time before further consideration.

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[12] Consistent with ICANN's previously stated intention to engage with the European Data Protection Board (see [ICANN letter](#) of 2 June 2022 to the European Commission).

Reminder on the status of other policy development, policy implementation and Review recommendations pending further consideration

- **Policy Development in Phase 2 of the EPDP concluded** with the publication of a [Final Report](#) (31 July 2020), which recommended a System for Standardized Access/Disclosure (SSAD) to gTLD Registration Data with a significant level of divergence among stakeholders as documented in the Consensus Designations (Annex D) and Minority Statements (Annex E), including the [GAC Minority Statement](#) (24 August 2020).

  - **Consensus was achieved on** aspects of the SSAD relating to **accreditation of requestors and centralization of requests** (recommendations 1-4, 11, 13 and 15-17). Once implemented these recommendations should improve the current fragmented systems by providing a central entry point to request access to registration data, according to clearly defined standards, and providing guarantees of appropriate processing.

  - **Stakeholders could not agree on** the policy recommendations necessary to provide for **a System for Standardized disclosure** that meets the needs of all stakeholders involved, including public authorities (recommendations 5-10 and 12). Neither could stakeholders agree on the possibility to evolve the SSAD towards more centralization and more automation of disclosure decisions in the future. (recommendation 18)

  - In the [ICANN70 GAC Communiqué](#) (25 March 2021), the GAC Advised the ICANN Board "*to consider the [GAC Minority Statement](#) and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate.*" The Board [accepted](#) the advice (12 May 2021) noting that "*standing on its own, the GAC's Minority Statement does not constitute consensus advice*", and included a detailed discussion of issues raised in the GAC Minority Statement on EPDP Phase 2.

  - The GAC issued a [response](#) (6 October 2021) to the Board's [clarifying questions](#) on the ICANN70 advice that were re-iterated before and discussed during the [GAC/Board ICANN71 Communiqué clarification call](#) (29 July 2021)

- **Policy Development in Phase 2A of the EPDP** to address the issues of **legal vs. natural persons** and the **feasibility of unique contacts** to have a uniform anonymized email address, **concluded** with the publication of a [Final Report](#) (3 September 2021), a subsequent ICANN [Board resolution](#) (10 March 2023) directing their implementation and recent clarification by ICANN org that "*it will ultimately be up to the technical community to determine [whether] a field will be created to distinguish between legal and natural persons.*"

  - The EPDP Team Chair presented the report as "*a **compromise that is the maximum that could be achieved** by the group at this time under our currently allocated time and scope, and it **should not be read as delivering results that were fully satisfactory to everyone**"* underscoring "*the importance of the minority statements in understanding the full context of the Final Report recommendations*"

  - In its [Minority Statement](#) (10 September 2021), the GAC acknowledged "*the usefulness of many components of the Final Recommendations*" including:
    - *the creation of data fields to flag/identify legal registrants and personal data;*
    - *specific guidance on what safeguards should be applied to protect personal information when differentiating between the domain name registrations of legal and natural persons;*
    - *encouragement for the creation of a Code of Conduct that would include the treatment of domain name registration data from legal entities;*
    - *encouragement for the GNSO to follow legislative developments that may require revisions to the current policy recommendations, and*
    - *useful context and guidance for those who wish to publish pseudonymized emails.*

  - **The GAC** noted however that it **"remains *concerned that almost none of the Final Recommendations create enforceable obligations*"** which *"**fall short of the GAC's expectations** for policies that would require the publication of domain name registration data that is not protected [...] and create an appropriate framework to encourage the publication of pseudonymized email contacts with appropriate safeguards.*"

  - After adoption of these policy recommendations by the GNSO Council, the ICANN Board provided the [bylaw-mandated notification to the GAC](#) (9 Dec. 2021), in [response](#) to which **the GAC requested that the ICANN Board** "c*onsiders [...] the GAC Minority Statement in its entirety, as well as available options to address the outstanding public policy concerns expressed therein.*" (9 Feb. 2022).

  - On 10 March 2022, the ICANN Board [adopted](#) the Phase 2A policy recommendations and directed ICANN org to develop and execute an implementation plan for these resolutions.

  - In the [GAC Comments](#) on the proposed Draft Registration Data Consensus Policy for gTLD (21 November 2022), **the GAC expressed public policy concerns in connection with the implementation of EPDP Phase 1 recommendations without those of Phase 2A**, resulting in a partial system and a policy gap. In response, ICANN org reached out to the GAC Small Group on WHOIS/EPDP with a [memo](#) (5 May 2023) which clarified, inter alia, that "*it will ultimately be up to the technical community to determine [whether] a field will be created to distinguish between legal and natural persons*"

- **Privacy/Proxy Services Accreditation (PPSAI) Policy Implementation and related issues**

  - As of 15 February 2023, the PPSAI Implementation remains [on hold](#) with ICANN org planning to "*allocate resources and finalize a timeline to continue the implementation of PPSAI once the implementation of EPDP Phase 1 is finalized and the design criteria of the EPDP Phase 2 SSAD and Whois Disclosure System are sufficiently stable so that org and the community can identify what synergies can be leveraged with these projects and the PPSAI implementation.*". As part of EPDP Phase 1 Implementation, in the so called [Recommendation 27 Registration Data Policy Impacts Wave 1.5 Report](#) (23 February 2021), ICANN org conducted in depth analysis of the substantial impact of the Registration Data Policy requirements on the PPSAI recommendations, and invited the GNSO to consider whether updates of the latter are needed.

  - In the meantime, per the [ICANN Specific Reviews Q4 2022 Quarterly Report](#) (21 February 2023), **RDS-WHOIS2 Review Recommendation R10.1** (low priority, currently pending Board consideration[13]) for the ICANN Board **to monitor the implementation of the Privacy Proxy Services Accreditation (PPSAI) policy** recommendations, and to ensure that until it is implemented "*the underlying registration data of domain name registrations using Privacy/Proxy providers affiliated with registrars shall be verified and validated in application of the verification and validation requirements under the RAA*", addressed in Recommendation 19 of the [EPDP Phase 2 Final Report](#) (31 July 2020), is **expected to be subject to an assessment in Q1 2023** to inform Board action.

  - In the recent [GAC Comments](#) (16 November 2022) on the [proposed RDAP and Bulk Registration Data Access (BRDA) Contractual Amendments](#) the GAC argued that **"commercial proxy services"** may need **"their own data element or entity role"** in RDAP **responses**, "*in recognition of the purposes of the RDDS system and the evolving domain name industry*" and the need to include "*all entities inherent to the registrar's domain name registration data distribution channel*", when they exist, in RDAP query responses.

  - In the [Report of Public Comments](#) (16 December 2022), ICANN org acknowledged the GAC's input, noting that:
    - *The proposed RDAP Profile enables the publication of data elements of which the reseller is included.*
    - *ICANN org will continue to work with the ICANN community to identify how roles and entities are represented in RDDS as part of the policy development process and will work with the contracted parties to update the respective agreements as policies require*
    - *Issues specific to privacy and proxy services will be managed via the implementation of privacy proxy policy recommendations*

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[13] The status of all recommendations may be consulted in the ICANN Specific Reviews Q4 2022 Quarterly Report (published 21 Feb. 2023) starting p.28, along with further documentation at: https://www.icann.org/resources/reviews/specific-reviews/whois

- In the [Cancún Communiqué](#) (20 March 2023) **the GAC advised the ICANN Board:**

  i. *To prioritize the assessment related to the pending RDS-WHOIS2 Review Recommendation R10.1 which called for the Board to monitor the implementation of the PPSAI policy recommendations, and all necessary steps to resume this implementation, consistent with the intent of the GAC's previous advice.*

  ii. *To regularly update the GAC on the status of activities related to privacy and proxy services.*

- This advice was discussed during the [Board/GAC Clarification call](#) (11 April 2023) and eventually accepted by the ICANN Board as reported in the [Scorecard of Board Action](#) regarding the Cacún Communiqué (15 May 2023) which noted, at it relates to (i), that "*the assessment is in progress within the org*".

- In the meantime, the [ICANN Specific Reviews Q1 2023 Quarterly Report](#) (31 March 2023) clarified that "*Recommendation 10.1 aims to provide better data quality and contactability of the underlying contact owner for registrations using affiliated Privacy or Proxy services by requiring registrars to verify and validate the underlying registration data of domain name registrations.*" and stated:

  - *Following further review, the 2013 Registrar Accreditation Agreement (RAA) already includes requirements for registrars to validate and verify registrant contact data of privacy services.*

  - ***ICANN org plans to resume the implementation of Privacy and Proxy Services Accreditation Implementation (PPSAI)**, which will provide additional explicit requirements to verify and validate registrant contact data of both Privacy and Proxy Services, once the EPDP Phase 1 implementation is completed.*

Key Reference Documents

- [ICANN org Review of Public Comment](#) (28 Avril 2023) - starting p.40 - on the [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)

- GAC Advice in the ICANN76 [Cancún Communiqué](#) (20 March 2023), and the related
  - [Summary Notes](#) of the Board/GAC Clarification Call (11 April 2023)
  - [Scorecard of Board Action](#) regarding the Cancún Communiqué (15 May 2023)

- [ICANN Org Correspondence to the GNSO Council](#) regarding the Registration Data Accuracy Scoping Team (14 March 2023)

- ICANN Board [resolution regarding WHOIS Disclosure Implementation](#) (27 February 2023)

- [GAC Comments](#) (21 November 2022) on the [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)

- [GNSO Council Motion](#) (17 Nov. 2022) pausing work of the Registration Data Accuracy Scoping Team and deferring consideration of several recommendations for possibly up to 6 months.

- [Addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) regarding requirements for an SSAD proof of concept.

- [WHOIS Disclosure System ICANN Design Paper](#) (13 Sep. 2022)

- Accuracy Scoping Team [preliminary recommendations](#) to the GNSO Council (2 Sept. 2022)

- [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)

- [ICANN org Update to the Accuracy Scoping Team](#) on scenarios for EDPB engagement (9 May 2022)

- ICANN org SSAD [Operational Design Assessment](#) (25 January 2022)

- GAC Advice in the [GAC ICANN72 Communiqué](#) (1 Nov. 2021) and related ICANN Board [Scorecard](#) (16 January 2022)

- GAC Advice in the [GAC ICANN71 Communiqué](#) (21 June 2021) and related ICANN Board [Scorecard](#) (12 September 2021)

- GAC Advice in the [GAC ICANN70 Communiqué](#) (25 March 2021), related ICANN Board [Scorecard](#) (12 May 2021) and [GAC Response to ICANN Board Clarifying Questions](#) (16 Nov. 2021)

- [GAC Minority Statement](#) (24 August 2020) on EPDP Phase 2 [Final Report](#) (31 July 2020)

- [GAC Minority Statement](#) (10 Sept. 2021) on EPDP Phase 2A [Final Report](#) (3 Sept. 2021)

- [GAC Response](#) (6 October 2021) to [ICANN Board Clarifying Questions](#) (21 April 2021) on the ICANN70 GAC Advice regarding the GAC Minority Statement on EPDP Phase 2, as reiterated during the ICANN71 Communiqué clarification discussions.

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