

WHOIS and Data Protection Policy

GAC Speakers:

Gabriel Andrews (PSWG, United States)
David Bedard (Canada)
Martina Barbero (European Commission)
Owen Fletcher (United States)

Guest Speakers:

Jeff Bedser (SSAC)
Paul McGrady (GNSO Small Team)
Sarah Wyld (RrSG, Tucows)
Dr. Devesh Tyagi (NIXI, .IN)

ICANN84
28 October 2025

I C A N N | G A C

Governmental Advisory Committee

Agenda

- 1. Background**
- 2. Registration Data Request Service (RDRS)**
- 3. Privacy/Proxy Discussions Update**
- 4. Urgent Requests for Disclosure of Registration Data**
- 5. Accuracy of Registration Data**
- 6. GAC Dublin Communiqué Consideration**

WHOIS and Data Protection: Importance to the GAC

Why this is important for the GAC

Per the [GAC Principles Regarding gTLD WHOIS Services](#) (28 March 2007), recalled in the [GAC Abu Dhabi Communiqué](#) (1 Nov. 2017), the GAC noted they “continue to reflect the important public policy issues associated with WHOIS services” including that “WHOIS data [...] is used for a number of legitimate activities, including:

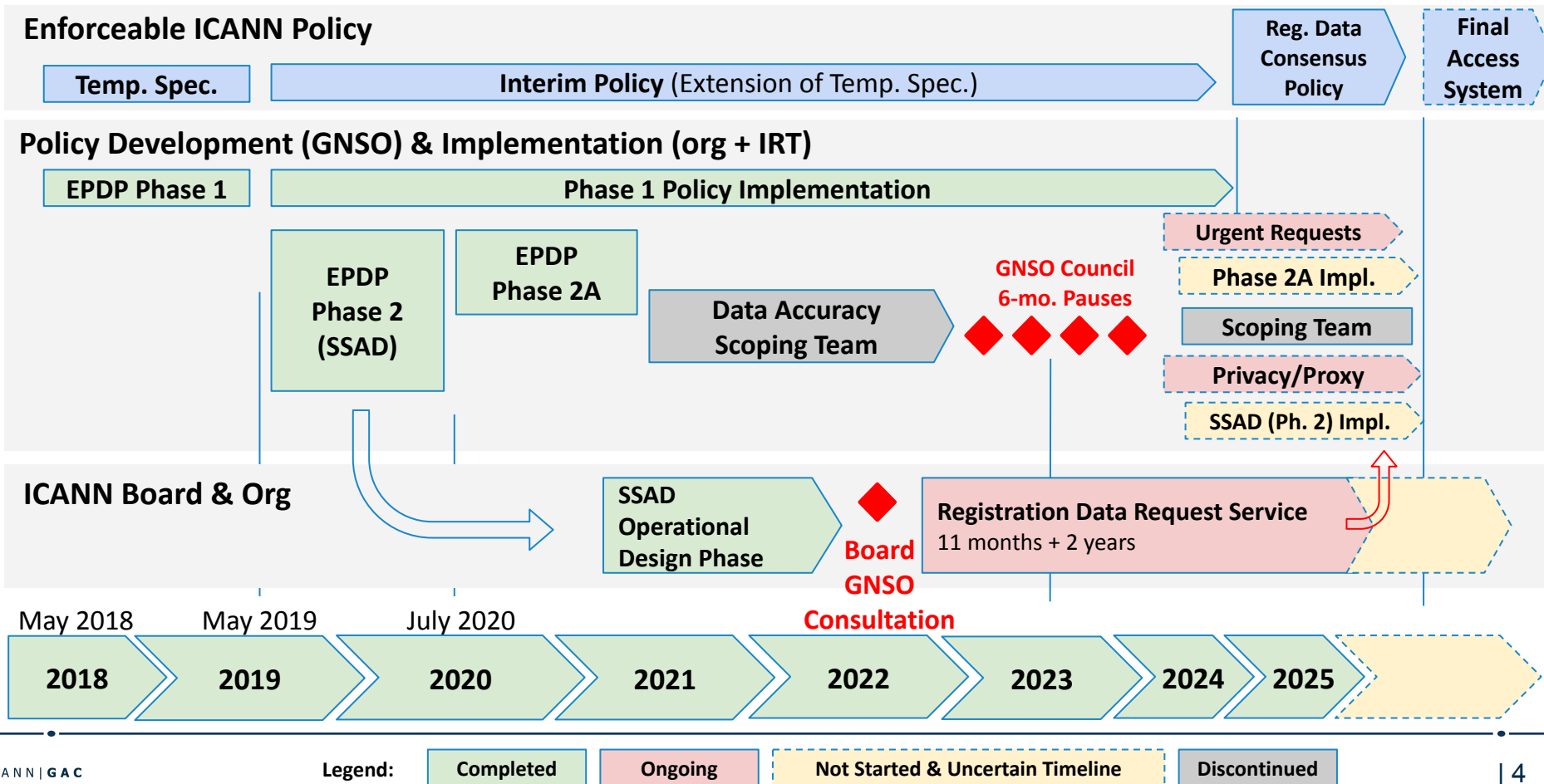
1. **Assisting law enforcement authorities in investigations and in enforcing national and international laws, assisting in combating against abusive use of internet communication technologies;**
2. **Assisting businesses, other organizations, and users in combating fraud, complying with relevant laws, and safeguarding the interests of the public;**
3. **Combatting infringement and misuse of intellectual property;**
4. **Contributing to user confidence in the Internet as a reliable and efficient means of information and communication by helping users identify persons or entities responsible for content and services online.”**

And still relevant when considering compliance with Data Protection Law

The GAC advised the ICANN Board “it should use its best efforts to create a system that continues to facilitate the legitimate activities recognized in the 2007 Principles, including by:

1. **Keeping WHOIS quickly accessible for security and stability purposes**, for consumer protection and law enforcement investigations, and for crime prevention efforts, through user-friendly and easy access to comprehensive information to facilitate timely action.
2. **Keeping WHOIS quickly accessible to the public** (including businesses and other organizations) for legitimate purposes, including to combat fraud and deceptive conduct, to combat infringement and misuse of intellectual property, and to engage in due diligence for online transactions and communications”

WHOIS and Data Protection: Timeline to New Framework



Registration Data Request Service (RDRS)

Registration Data Request Service (RDRS) - Background



Source: adapted from ICANN84 Prep Week [Key Insights from the Two-Year RDRS Pilot Program](#)

Registration Data Request Service (RDRS) - Background

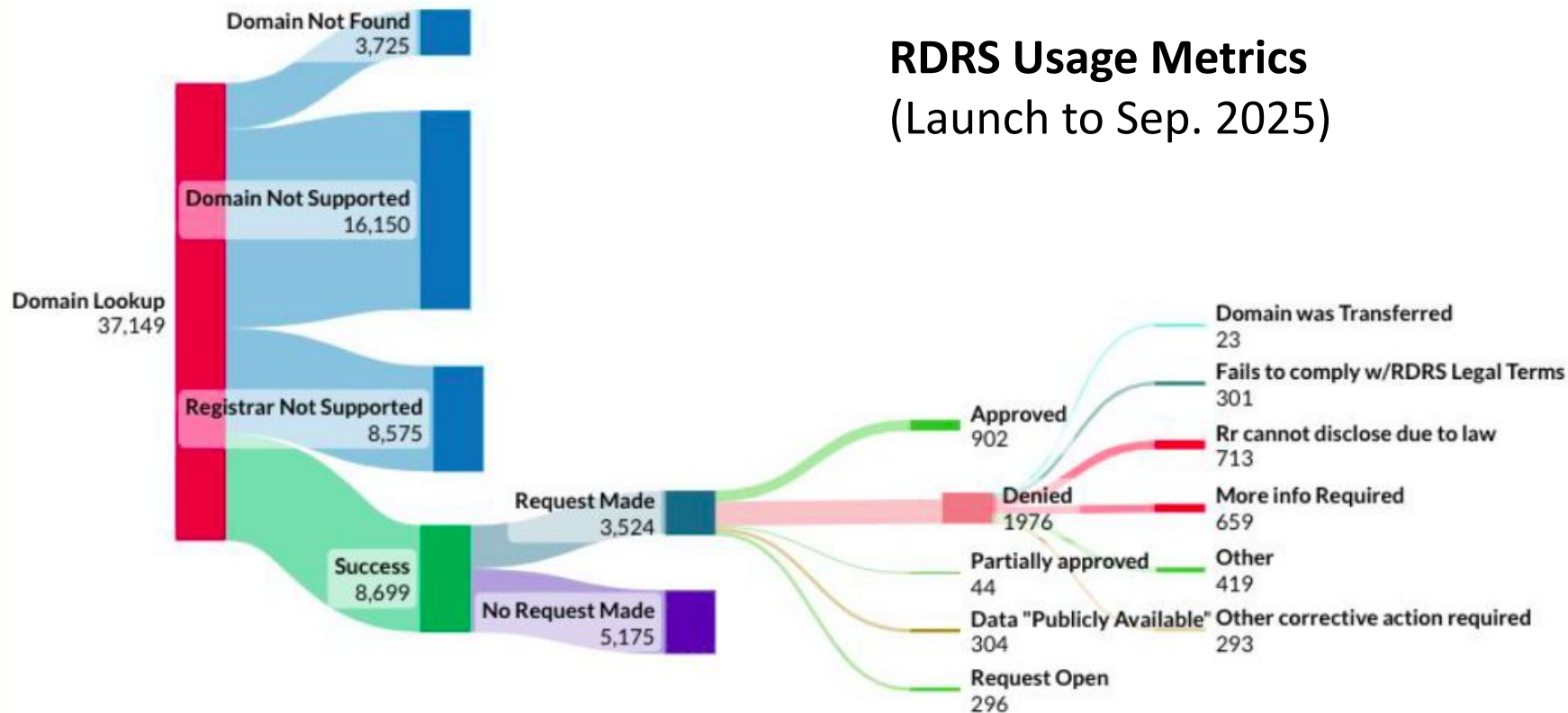
GAC Communiqué Statements in *Issues of Importance* include:

- [Washington D.C. Communiqué](#) (20 Jun. 2023): the GAC noted “*the importance of maximizing voluntary participation in the system, including through effective outreach and potential incentive structures*”
- [Hamburg Communiqué](#) (30 Oct. 2023): recalled that the ICANN Board “*urged the GNSO Council to consider a Policy Development Process or other means to require registrars to use the RDRS*”
- [GAC San Juan Communiqué](#) (11 Mar. 2024): the GAC stated that it “*believes all contracted registrars should participate.*”, encouraging “*ICANN org to conduct a survey of registrars who are not currently participating in the RDRS to gain insights into the concerns of these parties and potential challenges that could be addressed*”
- [GAC Prague Communiqué](#) (16 Jun. 2025): the GAC expressed its “*concerns regarding the reduced use of the tool in light of the departure of certain registrars from the pilot and reiterates its recommendation that RDRS participation should be made mandatory for all gTLD registrars*”

Registration Data Request Service (RDRS) - Pre-ICANN84 Key Insights

Month / Year	Events / Webinars	Requestor Accounts	Registrar Accounts	% Registrar DUMs
November 2023	1	209	60	51%
February 2024	29	2,937	77	59%
May 2024	48	4,496	91	59%
August 2024	68	5,944	91	59%
November 2024	83	7,871	93	60%
February 2025	84	9,511	95	60%
May 2025	86	10,817	88	54%
September 2025	93	12,714	79	46%

Registration Data Request Service (RDRS) - Pre-ICANN84 Key Insights



Proposed Recommendations to the GNSO Council in the [RDRS Standing Committee Report](#) (19 August 2025):

1. Continue the RDRS beyond the pilot period.
2. Allow for authentication of requestor groups, beginning with law enforcement.
3. Implement Key System Enhancements to sustain and evolve RDRS
4. Consider further policy work in specific areas such as privacy/proxy data and the inclusion of RDRS links in RDAP responses
5. GNSO Council to recommend ICANN Board to reject the recommendations (as a package) and send them back to GNSO Council to produce supplemental recommendations.
6. Maintain the current Standing Committee with narrowed Scope.

[GAC Comments](#) (29 September 2025) on the RDRS Standing Committee Report

- GAC's view that the RDRS should be made mandatory for all gTLD registrars to increase its utility ([GAC Prague Communiqué](#), 16 June 2025)
- Work on authentication solutions for law enforcement requestors is proceeding. RDRS should incorporate these future authentication solutions
- Concern with Rec. 3 *"ICANN org does not plan to add enhancements to the RDRS while further discussions between the GNSO Council and ICANN Board are ongoing"*.
- The original package of EPDP Phase 2 recommendations may benefit from revision in light of RDRS findings. However, a blanket rejection of the recommendations may carry unwarranted risk by calling into question the future of all the SSAD-related recommendations
- The GAC calls for measures to ensure the ultimate result is progress toward the Board's previously expressed goals for the RDRS.

Following discussions in the January 2025 Board Workshop, **views of the ICANN Board on the future of RDRS** were shared in meetings with the GAC and the RDRS Standing Committee (10 February 2025):

- The RDRS is a useful tool that should continue to be up and running
- Some changes are needed, such as:
 - Participation by all registrars
 - Integration of (affiliated) privacy/proxy services into the system
 - Development of requestor authentication mechanisms where appropriate (in particular for law enforcement)
 - Allowing voluntary participation by ccTLDs
- These changes could be informed by policy that is either already available (including EPDP Phase 2 SSAD) or that may need to be developed

Registration Data Request Service (RDRS)

Next Steps (between ICANN84 and ICANN85)

- The **RDRS Standing Committee** has noted the Public Comments received and will shortly issue its revised Final Report (minimal changes anticipated).
- During ICANN84 (Thursday), the **ICANN Board** is expected to vote to extend the RDRS for two years while policy work is undertaken in the GNSO.
- **ICANN org** will (Friday?) be seeking community input on the Gap Analysis // Alignment Report expect to be released. This report was solicited by the Board to path out which of their RDRS objectives can be accomplished via existing policy.
- The **GNSO Council and ICANN Board** will then engage on the basis of the RDRS Standing Committee Recommendations and the community input on ICANN's expected Policy Gap Analysis// Alignment Report

Registration Data Privacy / Proxy Services

Registration Data Privacy / Proxy Services

- On 9 August 2016, the ICANN Board approved the [Final Report](#) of the Privacy and Proxy Services Accreditation Implementation (PPSAI) Working Group
- ICANN org convened an Implementation Review Team (IRT) from 2016 to 2019. **Implementation work was paused** due to issues around the General Data Protection Regulation (GDPR), data processing, and the Temporary Specification.
- In June 2024, ICANN org reconvened the PPSAI IRT to consider how to move forward.
- The IRT developed [threshold questions](#) **sent to GNSO Council** (1 Aug. 2025) for guidance.
- A GNSO Small Team [proposed responses](#) (29 September 2025) for Council discussion.
- PPSAI IRT work will continue.
- GAC and Board have called for RDRS improvements to facilitate privacy/proxy requests.

Urgent Requests for Disclosure of Registration Data

Urgent Requests For Disclosure of Registration Data - Background (1/3)

Part of the Board-approved EPDP Phase 1 Policy Recommendations (15 May 2019),
removed from the resulting Registration Data Consensus Policy, EPDP Phase 1 Implementation (24 Feb. 2024)

EPDP Team Recommendation #18.

- A separate timeline of [less than X business days] will be considered for the response to 'Urgent' Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure [time frame to be finalized and criteria set for Urgent requests during implementation].
- **Agreeing on a timeline for response to Urgent Requests for disclosure of registration data** in “*circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation*” **proved unattainable** in the policy implementation process.
- **The GAC provided input** at several stages of policy development and implementation, and last in a [letter to the ICANN Board](#) (23 Aug. 2023) requesting a careful review of the proposed timeline for response to Urgent Requests.

Urgent Requests For Disclosure of Registration Data - Background (2/3)

- In its [response to the GAC](#) (11 Feb. 2024) the ICANN Board “***concluded that it is necessary to revisit Policy Recommendation 18 concerning urgent requests [...] and the manner in which such emergencies are currently handled***”, indicating that “[f]or this, we believe that consultation with the GNSO Council is required”.
- In the [ICANN79 GAC San Juan Communiqué](#) (11 March 2024), the GAC Advised the ICANN Board “***To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests [...] to respond to the vital public safety interests related to such requests. [...]***”.
- In a [letter to the GNSO Council](#) (3 June 2024), the ICANN Board expressed concerns and noted:
 - [...] To respond to truly imminent threats, ***a much shorter response timeline, i.e., minutes or hours rather than days, would seem to be more appropriate.***
 - ***Applicable law, regulation, and reasonable registrar policies will often require registrars to authenticate self-identified emergency responders and confirm the purpose(s) for which registrant data is sought prior to disclosing personal data [...]***
 - [...] an authoritative, legally sufficient cross-border ***system for authenticating emergency responders/law enforcement globally is not available to ICANN [...]***

Urgent Requests For Disclosure of Registration Data - Background (3/3)

- The [GNSO Council responded to the ICANN Board](#) (29 August 2024) expressing agreement with the concerns raised by the ICANN Board and proposing to schedule “***a meeting between the ICANN Board, interested GAC and PSWG representatives, and the GNSO Council [...] to discuss the concerns in detail, explore the complexities involved, and determine the most effective way to proceed***”
- [The GAC proposed to the ICANN Board](#) (15 October 2024) that **two tracks of work be conducted in parallel**:
 - **An Authentication Track** to explore possible mechanisms to authenticate law enforcement requestors
 - **A Policy Track** to determine an appropriate response time for authenticated Urgent Requests, assuming a mechanism is in place

Urgent Requests For Disclosure of Registration Data - Current Status (1/4)

- **Law Enforcement Authentication Mechanisms:**

- **“Long term”** mechanism

- Use existing and aspirational Law Enforcement Portals as “Identity Providers”

- INTERPOL’s support of this work has been much appreciated

- Alignment of expectations for standardized protocol, data elements

- Dev work anticipated first half 2026

- ICANN dev resources will be balanced against next round gTLD work

- **“Short term”** mechanism

- Lists of law enforcement identifiers have been gathered and shared with ICANN

- Potential integration into RDRS (as additional data point for Rr consideration)

- Proposed these identifiers be accessible to all registrars via their ICANN NSP portal.

Urgent Requests For Disclosure of Registration Data - Current Status (2/4)

Per the compromise reached in the Registration Data Policy IRT:

- Would be added to the “Definitions and Interpretation” section of the [Registration Data Policy](#)

3.8 **“Urgent Requests for Lawful Disclosure”** (“Urgent Requests”) are a subset of Disclosure Requests submitted by an Authenticated Requestor that are limited to circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where disclosure of the data is necessary in combatting or addressing this threat. Critical infrastructure means the physical and cyber systems that are vital in that their incapacity or destruction would have a debilitating impact on economic security or public safety.

3.9 **“Authenticated Requestor”** means a law enforcement requestor or trusted/competent authority that is authenticated through an authentication mechanism implemented pursuant to ICANN Consensus Policy.

- Would be added to the “Disclosure Requests” section of the [Registration Data Policy](#)

10.7.1 [...]

10.7.1.1 A Disclosure Request is **an Urgent Request** if it is submitted by an **Authenticated Requestor** and such entity attests that the request **pertains to the circumstances** defined in Section 3.8

10.7.2 Upon receipt of an Urgent Request, **Registrar and Registry Operator MUST:**

10.7.2.1 Acknowledge receipt of the Urgent Request **within two hours**; and

10.7.2.2 Respond to the Urgent Request **without undue delay, not to exceed 24 hours** absent exceptional circumstances as described in 10.7.2.3.

- Would be added to the “Disclosure Requests” section of the [Registration Data Policy](#)
 - 10.7.2.3 If **exceptional circumstances** occur, Registrars and Registry Operators **MUST**, without undue delay and in all cases within 24 hours, notify the Authenticated Requestor if there is a need for an extension to respond. The notification **MUST** include the rationale for the extension and **the timeframe within which the Registrar or Registry Operator expects to respond, which cannot exceed 72 hours from receipt of the request**. Examples of exceptional circumstances include events of force majeure (**unforeseen and uncontrollable events**), such as those affecting the availability of the infrastructure, and circumstances associated with the complexity of the request, such as a request involving a high number of domain names. For the avoidance of doubt, circumstances which do not justify extending the 24-hour timeline include foreseeable circumstances such as calendar holidays, planned leave, or planned travel.

Urgent Requests For Disclosure of Registration Data - Next Steps

- ICANN org is now [seeking input from the ICANN community](#) (until 15 Dec.) on the [proposed timeline](#) for Urgent Requests for Lawful Disclosure, seeking comment specifically on three themes:
 - **Is the proposed policy language clear ?**
 - **Does the proposed timeline align with the requirements in the GNSO Policy Recommendation (EPDP Phase 1 Rec 18, adopted by the ICANN Board (15 May 2019) and the expectations of the Board, GAC and GNSO Council ?**
 - **Does the inclusion of an authentication mechanism for law enforcement requestors require additional GNSO policy development ?**

Actual wording of ICANN's question: "The IRT has discussed the proposed Section 10.7 and some IRT members believe the authentication mechanism (when available) would require additional policy work, while others believe the authentication mechanism is part of the implementation of Rec 18 and would not require additional policy work."

Urgent Requests For Disclosure of Registration Data - Next Steps

- **GAC concerns** with the current status:

- **Registrars have expressed reservation towards the proposed 24-hour timeline.**
Lack of consensus in the IRT would require GNSO Council involvement and more delay
- **The necessity to Authenticate Law Enforcement Requestors** arose from the previous failed attempt of the Registry Data IRT to agree on an appropriate timeline for response to Urgent Requests. The PSWG has been working on the development of a tool.

Requiring new policy development would unnecessarily delay progress.

In the GAC Bilateral meeting with the ICANN Board yesterday, the Board signalled potential option to revisit Recommendation 18 to determine if new policy work is needed.

- **The GAC Small Group on Registration Data will prepare a Draft GAC Comment** in response to the recently launched [public comment proceeding](#) on the proposed policy language:
 - GAC Members should expect reviewing a Draft Comment by late November/early December
 - The GAC Comment will need to be submitted by 15 December.

Accuracy of Registration Data

Registration Data Accuracy - Background

The GAC has consistently emphasized the importance of data accuracy.

[ICANN73 Communiqué](#) (14 Mar. 2022), the GAC recalled “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.”

[ICANN81 Communiqué](#) (18 Nov. 2024): “The GAC stresses the importance of **resuming work on accuracy as soon as possible**,” particularly in light of Accuracy Scoping Team pause since 2022.

[ICANN83 Communiqué](#) (16 June 2025): “The GAC notes with interest the idea to investigate **shortening the timeline for registrars to perform registration data validation and verification**” from 15 days currently.

[GAC input](#) on GNSO [threshold questions](#) (Feb 2025): Accurate registration data is important for purposes such as law enforcement performing subject attributions and victim notifications.

Registration Data Accuracy - Background

Status of ICANN Work on Accuracy of Registration Data

- Work of the [GNSO Accuracy Scoping Team](#) paused from 2022 onward, now appears closed
- [GNSO Small Team recommendations](#) adopted by the GNSO Council (14 Aug. 2025):
 - Examine 15-day timeline for contact information validation
 - Make educational materials to encourage registrants to submit accurate information
 - Work to ensure data records show when a domain is suspended due to inaccuracy
 - Close the Accuracy Scoping Team
- In a [pre-ICANN84 GAC Webinar](#) (15 Oct. 2025), ICANN Compliance briefed the GAC on current accuracy requirements in ICANN's contract and how those are enforced, including:
 - Registrars must validate email or phone of registrant for contactability within 15 days.
 - Must use registration agreement to require registrants to provide accurate contact information. Must make commercially reasonable efforts to enforce.
 - Compliance audits registrars annually. Includes accuracy-related questions.

Participants:

- **Owen Fletcher**, United States (Moderator)
- Panelists:
 - **Jeff Bedser**, SSAC
 - **Paul McGrady**, GNSO Council Small Team on Accuracy
 - **Sarah Wyld**, Registrar Stakeholder Group
 - **Dr. Devesh Tyagi**, National Internet Exchange of India (NIXI)

Discussion Questions:

- Thoughts on requiring phone/email validation *before* a domain becomes active?
- With lack of public registration data, how can accuracy be assessed?
- What are possible next steps?

Considerations for the ICANN84 Dublin Communiqué

- Issues of Importance
 - RDRS
 - Urgent requests
 - Accuracy