ICANN | GAC

Governmental Advisory Committee

Status	Final
Distribution	Public
Date	29 September 2025

Governmental Advisory Committee Comments on the Registration Data Request Service (RDRS) Standing Committee Report

These GAC comments for GAC Review are proposed in response to the [ICANN Public Comment proceeding](#) on "Registration Data Request Service Standing Cmte. Report for GNSO Council Review" opened on 19 August 2025 and closing on 29 September 2025.

Introduction

The ICANN Governmental Advisory Committee (GAC) welcomes the opportunity to provide comments on the Registration Data Request Service (RDRS) Standing Committee Report. GAC members have reviewed ICANN org's draft planning documents and herein provide comments on aspects of this work relevant to its constituent members. The GAC thanks ICANN org staff and the members of the RDRS Standing Committee for their work during the RDRS pilot period.

At a high level, it remains the view of the GAC that a functioning system enabling lawful access and submission of disclosure requests regarding domain name registration data is essential to ICANN's mission of ensuring *"the stable and secure operation of the Internet's unique identifier(s)".* [1] Lawful access to registration data "*helps achieve many such public policy interests, including enhancing trust in the DNS, ensuring consumer protection, protecting intellectual property, combating cyber-crime, piracy and fraud."* [2] Achieving such a permanent functioning system should therefore be prioritised by ICANN org.

The GAC recognizes that this report does not exist in a vacuum; ongoing ICANN community discussions help to inform the GAC's view. The RDRS is acknowledged to have been created as an intermediary system, a pilot, which did not aspire to meet the full suite of requirements laid out for a more permanent Standardized System for Access and Disclosure (SSAD) by the Final Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process (EPDP Phase 2)[3]. Until the implementation of a permanent system for centralized disclosure requests, the GAC appreciates that, as noted by the RDRS Standing Committee, the RDRS has shown itself to be a "*somewhat useful … stopgap, providing value to users*"[4]. Thus, this GAC comment may be considered to address both issues important to

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[1] See [ICANN Bylaws](#), Section 1.1(a)

[2] See [ICANN61 GAC San Juan Communiqué](#) (15 March 2018), rationale of GAC Consensus Advice to the ICANN Board "on GDPR and WHOIS", p.8

[3] https://gnso.icann.org/en/correspondence/epdp-phase-2-temp-spec-gtld-registration-data-2-31jul20-en.pdf

[4] See [RDRS Standing Committee Report](#), p. 5

improving the RDRS's near-term utility, as well as *"lessons learned that should be factored into consideration of how to proceed with the SSAD".*

<u>General Comments: Review of the Standing Committee Recommendations to the GNSO Council</u>

Recommendations Expected but Not Observed

It remains the GAC's view that the RDRS *"should be made mandatory for all gTLD registrars to increase its utility."[5]* The GAC notes that within the SC report, in discussion of the "Lesson Learned: Participation" (p. 32), *"SSAD was considered as a mandatory system. RDRS is based on voluntary participation. Optional registrar participation resulted in approximately 60% of gTLD domains under managements available [at the height of registrar participation]. The limited participation of registrars may have resulted in reduced requestor participation."* Mandatory registrar participation is needed, especially if ICANN ultimately pursues iterative improvement of the RDRS rather than following the original SSAD Operational Design.

To that end, the GAC would appreciate action by the SC to incorporate such a recommendation.

Recommendation 1: Continue the RDRS beyond the pilot period.

As recently as ICANN83 the GAC has expressed its concurring view calling for *"the RDRS to continue operating beyond its pilot period and for enhancements to be made to the RDRS as previously identified by both the ICANN Board and the GAC including improved integration for requests related to privacy and proxy services."[6]* The GAC considers it important that ICANN maintain and continue improving the RDRS and notes that an adequately improved RDRS could potentially become the permanent solution for centralized disclosure requests.

Recommendation 2: Allow for authentication of interested requestor groups, beginning with law enforcement.

As noted most recently in its ICANN83 Prague Communiqué, *"the GAC notes that work on authentication solutions for law enforcement requestors is proceeding…"* and *"that one important enhancement to the RDRS would be to ensure it can incorporate these future authentication solutions."[7]*

The GAC supports such efforts.

Recommendation 3: Implement Key System Enhancements to sustain and evolve RDRS post-pilot while more policy work is underway.

As noted in the GAC communication captioned under Recommendation 1 above, the GAC supports ongoing enhancements to be made to the RDRS as previously identified by both the ICANN Board and the GAC, to include API integration, User Experience (UX) improvements, and support for the onboarding of voluntary ccTLD operator participation.[8] The GAC finds that any future UX/UI changes should focus on reducing user friction, designed in consultation with user communities (including law enforcement requestors).

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[5] See ICANN83 GAC Prague Communiqué (16 June 2025), Section IV.1.a, p. 5
[6] *ibid.*
[7] *Ibid.*
[8] See ICANN Board Comments (4 April 2025) regarding the ICAN82 GAC Seattle Communiqué Issues of Importance 1.b (17 March 2025)

The GAC notes with concern that recommendation 3 states that "*ICANN org does not plan to add enhancements to the RDRS while further discussions between the GNSO Council and ICANN Board are ongoing*". Since the RDRS continues to be operational, swiftly implementing system enhancements that have been discussed as necessary in the community for some time is essential for the usability of the system and ultimately to increase usage by requestors.

The GAC would therefore request that the SC report explicitly includes a recommendation to the ICANN Board to that effect.

Recommendation 4: Consider further policy work in the following areas.

4.1. Privacy/Proxy Data

The GAC understands that many leading registrars provide privacy/proxy services to registrants by default, yet not all of those registrars consider providing data of the underlying privacy/proxy customer when responding to a RDRS disclosure request. Thus, as communicated previously by the GAC in statements such as the ICANN82 Seattle communique, quoted here, the GAC believes the RDRS "*system's ability to address requests for data underlying privacy and proxy registrations should be improved.*"

The GAC supports efforts seeking improvement in this area.

4.2. Inclusion of RDRS links in RDAP responses

As noted most recently in the GAC's ICANN83 Prague Communique, *"Promoting awareness and education regarding the RDRS should also remain an important priority. To that end, it may be warranted to contemplate policy requiring links to RDRS (or successor systems) from Registration Data Directory Services that Contracted Parties are required to provide."* The GAC appreciates this recommendation, and considers it among the most important steps that can be taken to raise awareness of the RDRS to all users of WHOIS and RDAP registration data directory services.

The GAC is thus supportive of this line of effort.

Recommendation 5: Consideration regarding next steps on EPDP Phase 2/SSAD Policy Recommendations

Among other items, the GAC notes this recommendation states: *"Council should recommend that the ICANN board reject the SSAD recommendations (as a package) and send them back to the GNSO Council for further action and Supplemental Recommendation."*

The GAC recognizes that the original package of EPDP Phase 2 recommendations may benefit from revision in light of RDRS findings, especially as pertains to allowing for more cost effective authentication of key requestor groups.

However, the GAC has concerns that a blanket rejection of the recommendations may carry unwarranted risk by calling into question the future of all the SSAD-related recommendations, including ones the RDRS Standing Committee expressly supported.

Further, the GAC calls for measures to ensure the ultimate result is progress toward the Board's previously expressed goals of:

- Making RDRS participation mandatory for all gTLD registrars, which the Board has suggested could be done based on an existing EPDP Phase 2 policy recommendation;
- Continuing RDRS operation past its pilot period "until missing policy elements are in place";
- Better facilitating requests through RDRS for the data underlying registrations made with a privacy or proxy service, especially when the service is affiliated with an ICANN-accredited gTLD registrar;
- Developing a policy requirement for privacy and proxy service providers affiliated with registrars to participate in RDRS;
- Developing a mechanism that allows for authentication or accreditation of requestors;
- Creating APIs for both registrars and requestors to facilitate greater ease of use and integration of RDRS into existing processes for registrars;
- Considering options to enable voluntary participation by ccTLD operators, given requestor interest in ccTLD participation but also challenges related to technical compatibility and diverse national policies affecting ccTLDs.

With regards to the Table of potential modifications to be made to the "18 SSAD policy recommendations":

SSAD Recommendation #6: Priority Levels.

The GAC supports the suggestion from the RDRS Standing Committee that "urgent requests" should be listed as an option when requestors identify the priority level of their disclosure request in RDRS.

The GAC encourages swift implementation of this suggestion.

SSAD Recommendation #9: Automation of SSAD Processing.

The GAC disagrees with the conclusions drawn by a portion of the rationale text, specifically, the text reading:

> "*The pilot indicated that human review is still needed for each request, and introducing automation would add significant cost and complexity. The SC concluded that full automation is currently infeasible due to the need for nuanced human judgment in balancing privacy and disclosure rights.*"

The GAC agrees that a balancing of privacy and disclosure rights is expected, but notes that this balancing test can in many cases be addressed by forethought. For example, if a registrar frequently receives lawful requests from an authenticated, local public safety agency, who attest they are making the request as part of their official duties, that registrar might decide that the sum of these circumstances is sufficient to decide in favor of disclosure. Thereafter, potential automation of such requests could significantly *lower* the cost of fielding those requests. Similarly, a registrar might wish to automate *non-disclosure* responses when receiving incomplete requests, communicating back to the requestor which of the necessary request elements were missing. This, too, could save money when fielding high request volumes. There is no aspect of automation which inherently prevents the balancing test from being conducted, so long as the same considerations are made pre-emptively as would have been done reactively.

Recommendation 6: Maintain the current Standing Committee with narrowed Scope.

The GAC supports maintaining the SC (whether formally or informally) as a resource for further community work as needed.

<u>Closing</u>

The GAC is grateful to ICANN org for this opportunity to share its perspective on the RDRS SC Final Report and looks forward to contributing to continued community discussions.