

ICANN | GAC

Governmental Advisory Committee

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Governmental Advisory Committee Comments on the Timeline for Urgent Requests for Lawful Disclosure of Nonpublic Registration Data

These GAC comments are proposed in response to the [ICANN Public Comment proceeding](#) on “Timeline for Urgent Requests for Lawful Disclosure of Nonpublic Registration Data” opened on 22 October 2025 and closed on 15 December 2025.

Introduction

The GAC welcomes the possibility to provide feedback on the proposed language regarding the timeline for Urgent Requests for Lawful Disclosure of Nonpublic Registration Data. The GAC has participated through its representatives to the works of the Implementation Review Team (IRT) and would like to congratulate the IRT for having achieved a preliminary compromise text.

The GAC has on several occasions emphasized the importance to finalize an effective policy on urgent requests (on this matter the GAC Advice in the ICANN79 San Juan Communiqué and its Follow-Up on Previous Advice in the ICANN80 Kigali Communiqué are still pending) due to the vital public safety interests related to Urgent Requests and the very specific circumstances that would trigger such requests, which limit significantly the number of cases to be expected.

The GAC further recalls the agreement reached with the ICANN Board and the GNSO Council¹, to progress on this matter through two parallel tracks, one focusing on the timeline for disclosure and one on authentication of Law Enforcement Authorities. The GAC welcomes the progress made across those two tracks and the efforts and involvement of the community in finding sensible solutions.

¹ During the second trilateral call between the GAC, the ICANN Board and the GNSO Council on 12 February 2025. See [agenda and recording](#) under “Dialogue with GAC, GNSO Council, and Board on EPDP Phase 1 Recommendation 18 (Urgent Requests)” on the GNSO Council Wiki.

Specific questions asked by ICANN in this Public Comment proceeding:

1. Does the draft language proposed for inclusion in Sections 3.8, 3.9, 10.7, and Implementation Note K of the Registration Data Policy clearly describe the applicable requirements?

While the GAC is generally satisfied with the progress made in advancing these discussions within the IRT, the GAC believes that some changes are needed to enhance clarity, ensure alignment with EPDP Phase 1 Recommendation 18, and support the effective implementation of a final policy. These proposed changes align with positions outlined in the recent [GAC Dublin Communiqué](#) (3 November 2025) and will be detailed in our responses to the questions included in this comment.

2. If you believe that the draft language proposed does not clearly describe the applicable requirements, what areas require additional clarification?

The GAC would like to propose the following redlined text changes to Section 3.9 (including a related implementation note for added clarity), and Section 10.7.2.2 (including a proposed new implementation note regarding reporting on appropriate metrics):

Section 3.9

3.9 “Authenticated Requestor” means a law enforcement requestor or trusted/competent authority that is authenticated through an authentication mechanism **to be implemented by ICANN as part of this policy.** ~~pursuant to ICANN Consensus Policy.~~

New Implementation Note related to Section 3.9

The authentication mechanism is expected to enable the sharing with relevant registrars of the name of the Authenticated Requestor, the name of their agency, its country (or special economic zone), as well as the entity asserting the authentication.

Rationale

In implementing EPDP Phase 1 recommendations, both the ICANN Board and the GNSO Council have raised concerns about the absence of an authentication system in helping Contracted Parties meet policy requirements for responding to Urgent Requests within appropriate timelines. The GAC, the Board and the GNSO Council therefore agreed to pursue two tracks of work in parallel: one on determining the appropriate response time to authenticated Urgent Requests, and another supporting Public Safety Working Group (PSWG) efforts to develop a scalable authentication process for Urgent Requests.

To address this second track of work, the GAC PSWG, in collaboration with Contracted Parties, various GNSO stakeholders and ICANN Org, has sought to identify and/or develop mechanisms to authenticate Law Enforcement Agency requests, including those requests which might be subject to the Urgent Request timelines being proposed within this policy. This technical work has been progressing in parallel with the IRT’s policy efforts, and the GAC is satisfied with the progress to date.

Looking ahead, the GAC supports enabling ICANN Org to implement the authentication system, recognizing that, like any system, it can be progressively enhanced over time. Importantly, the GAC maintains that

establishing a functioning authentication mechanism should not require a new policy development process, as the authentication mechanism is a prerequisite for implementing the EPDP Phase 1 recommendations. The GAC also understands that the Board shares this position, as expressed during the GAC Board bilateral in ICANN84 (see further details in the answer to question 4 below).

Section 10.7.2.2

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, **and in all cases within ~~not to~~ exceed 24 hours, in the absence of ~~absent~~ exceptional circumstances as described in 10.7.2.3.**

Rationale for edit of Section 7.2.2.2

Edits proposed are intended to add clarity and improve readability.

Proposed Implementation Note related to Section 10.7.2

For the purpose of enabling operational monitoring, aggregated periodic metrics data should be collected and published by ICANN org after obtaining it from the registrars regarding the volumes of authenticated Urgent Requests, registrar response times, and the frequency and justification of exceptional extensions.

Rationale for proposed Implementation Note:

The publication of aggregated, non-identifying metrics is consistent with ICANN's transparency commitments and enables the community, including governments and contracted parties, to evaluate the effectiveness of the Urgent Request mechanism over time. Such data will assist in identifying bottlenecks, supporting improvements, and ensuring that the policy meets its intended purpose of responding swiftly and proportionately to urgent situations.

3. Does the proposed Urgent Request timeline align with the requirements in EPDP Phase 1 Rec 18, and the expectations provided by the Board, GAC and GNSO Council?

In the [ICAN84 GAC Dublin Communiqué](#) (3 November 2025), the GAC noted that *"the current proposal for a 24-hour timeline to address Urgent Requests, with potential extension to 72 hours in cases of force majeure, is in line with previous positions expressed by the GAC and the ICANN Board"*. Specifically in its [correspondence with the GNSO Council](#) (3 June 2024), the ICANN Board stressed that an appropriate timeline should be expressed in hours or minutes and not days.

4. 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. Do you believe this requires additional policy work?

As mentioned above and within the GAC's [ICANN84 Communiqué](#), the GAC does not believe new policy development is needed to implement the authentication mechanism currently being developed within the Public Safety Working Group (PSWG), with active input by the Contracted Parties and ICANN Org. Consistent with its position as expressed since the halt of the IRT work in 2023, the GAC is of the view that the full implementation and use of an authentication mechanism is part of the overall implementation process associated with existing Registration Data Policy.

Furthermore, the GAC appreciated the exchanges with the ICANN Board at ICANN84 during which the Board mentioned a possible path forward for integrating the authentication mechanism in the policy without further policy development. In line with this, *"the GAC encourages the ICANN Board and the GNSO Council to collaborate in identifying ways to swiftly integrate the outcomes of the PSWG's work on authentication mechanisms into the policy on Urgent Request"*, as full implementation of this policy depends on the existence of a law enforcement authentication mechanism. Given that the authentication mechanism will require technical integration with ICANN systems, the GAC values the continued engagement of ICANN staff and community members in the PSWG's Law Enforcement Authentication Practitioners Group. The GAC supports the PSWG's efforts and urges the necessary parties to continue prioritizing this work.

Closing

The GAC thanks the PSWG and the IRT for their ongoing work. Given that this issue has been outstanding for some time, the GAC encourages swift action following the closing of this Public Comment proceeding to ensure the timely implementation of a fit-for-purpose Urgent Requests policy. The GAC would also appreciate, as expressed in relation to the Registration Data Request System (RDRS), that the urgent request policy be incorporated swiftly into the request system in order to support coherent implementation, efficient resource utilization, and to avoid the development of parallel or duplicative systems