
ICANN82 | CF – GAC Discussion on WHOIS and Registration Data Issues
Monday, March 10, 2025 – 15:00 to 16:00 PST

GULTEN TEPE OKSUZOGLU

Hello, and welcome to the ICANN82 GAC Discussion on WHOIS and Registration Data Issues session on Monday, 10th of March at 15:00 local time. Please note that this session is being recorded, and is governed by the ICANN Expected Standards of Behavior, and the ICANN Community Anti-Harassment Policy.

During this session, questions or comments submitted in the chat will be read aloud if put in the proper form. Please remember to state your name, and the language you will speak in case you will be speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation, and make sure to mute all other devices when you are speaking.

You may access all available features for this session in the Zoom toolbar. With that, I will leave the floor over to GAC Chair, Nicolas Caballero. Over to you, Nico.

NICOLAS CABALLERO

Thank you very much, Gulten. Welcome back, everyone. I hope you had the time to enjoy your lunch, the good Washington State coffee, and as a matter of fact, the free ice cream. There was free ice cream for everyone on the seventh floor. I think it was the seventh floor, and also here. Oh, that's always good. Häagen-Dazs,

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I assume was the—so welcome again, everyone to this GAC session at ICANN82 here in Seattle. Once again, my name is Nico Caballero. And I'm, as you may already know, I'm the GAC Chair.

Today, we're going to be talking about a very important topic, WHOIS and data protection. So, in a nutshell, WHOIS is like a public directory of domain name registration data. And it is, as a matter of fact, an important tool for law enforcement, but also, for businesses and consumers. However, it is also important to protect the personal data of domain name registrants. So, we need to find the right balance there, as everybody knows.

So, we're also going to be discussing some other important topics, such as the Registration Data Request Service, RDRS. And I'm trying to clarify the meaning of the acronyms for the benefit of the 60 new GAC members, as I said yesterday. So, sometimes we just say RDRS, and some people might or might not understand. So, my apologies if I'm a little bit insistent on this. So basically, also urgent requests for disclosure of registration data, and the accuracy of registration data, which is also a very important point. So, these are all complex issues.

We have a fantastic team. We will have enough time for a Q&A session. These are, I would say, again, complex issues, so it is really important to get them right. So, I encourage you to ask questions, right? Lots of questions. The more, the better. And share your thoughts, of course. We're here to basically learn from each other. So again, thank you for being here. And without further ado, let me welcome this fantastic team, David and Janos. And Melina is going

to be joining us online. She's in Brussels, if I am not mistaken. So, welcome, everyone. Over to you, Janos.

I'm sorry, Melina is going to be starting. Melina's online from Brussels. Welcome, Melina. The floor is yours.

MELINA STROUNGI

Thank you, Nico. Hi, everyone. I couldn't be there, but I'm happy to see everyone online. So, my name is Melina Stroungi. I'm a GAC representative following mostly the WHOIS workstream, and working at the European Commission. As Nico mentioned, this will be a presentation on the WHOIS and especially the domain name registration data. So, this slide, the first slide that you see on screen is an all-time classic. We always include it in our presentation as it is a useful refresher on why WHOIS data are important.

So, the WHOIS system, as also Nico described it. We can also say that it is like the phone book of the internet. It gives you information on who is behind a domain name. As per the GAC principles regarding gTLD WHOIS Services, WHOIS data have a lot of legitimate uses and benefits. They help law enforcement authorities to identify the bad guys on the internet. It can even help victims, especially when it is needed to quickly convert a domain name or an IP address to track an actual person.

WHOIS data also help cybersecurity professionals, and all sorts of businesses and organizations to combat the fraud and abuse. They also help intellectual property owners to protect against misuse of their rights. And overall, they have boosted people's confidence in

the security and reliability of the internet by essentially helping them know with whom they are interacting online. And these objectives of security and reliability of the domain name system are also in line with ICANN bylaws.

Now as we all most likely know, certain things about the WHOIS system changed in light of some developments in the privacy rules and the data protection rules, especially with the entry into force in 2018 of the GDPR, the General Data Protection Regulation. So, due to certain privacy concerns, a lot of data that were previously publicly available on WHOIS, they were redacted. Now the GDPR in principle protects personal data of natural persons, but the data that were redacted also concerned data of legal persons. And as a result, a big part of WHOIS went black.

So, it is now important to find ways to the greatest extent possible, of course, under the laws to keep WHOIS quickly accessible for security and stability purposes, and to retain the WHOIS system as a useful tool for the public for legitimate purposes, such as combating fraud or protecting ourselves against criminal activity. Next slide, please.

So, this a bit complicated timeline, but I'm happy to guide you through it. Shows the path to a new registration data policy framework, which would include requirements that are consistent with applicable data protection law. And it would also give the final access system to data that are not publicly available for lawful and legitimate purposes. So, since May 2018, which was the time that the GDPR entered into force, and the adoption of a temporary

specification, the ICANN community, including the GAC, has been actively involved in policy work in a succession of interrelated phases.

So, all the bubbles that you see in the color green, they show the work that has been already completed. So, this is for example, you see in the first line, EPDP phase 1, then on the second line, you see EPDP phase 2, the SSAD, the Standardized System of Access and Disclosure. And then you see also the EPDP phase 2A, which concerned the distinction between legal and natural persons. These green bubbles have been completed. Now you see also the phase 1 policy implementation. This track delivered the Registration Data Consensus Policy on February 2024, which is about to become effective in August of 2025.

So, this is completed, but an important section was left outside of this policy. Certain provisions regarding urgent requests that I'm going to also go through in detail later in the presentation, was left out. Quickly remind that urgent requests are requests that are in circumstances, for example, that are life-threatening or there is a risk of bodily injury, but we're going to go in detail later.

Then the bubbles that you see in red or pink color show that the work is either ongoing or has not been completed yet. And in yellow, you see work that is expected in the future. And then some small dotted lines surrounding the bubbles, so that the timeline for these streams is uncertain or has not been defined yet. So, for instance, if you take the bubble of urgent requests, you will see it's half red, pink and half yellow. It means this stream actually is

composed of two different tracks. One track on authentication that has already started partially, and one track on policy that has not started yet. And this is why it is half and half. So, half of the work has been partially started while half is still expected.

Then the work on the Data Accuracy Scoping Team was formed back in 2021. We had some preliminary recommendation, but then the work was suspended. And actually, every time for six months. So, if you see these four diamond shapes, it shows it's time that this work has been posed for six months, and it is not clear when the work will resume. And this is why you see the scoping team in yellow. So, we don't know yet when and if the work will be resumed.

Then we have the Registration Data Request Service, the RDRS. This started as a pilot for a possible future SSAD. So, you see in the slide, EPDP phase 2A, this was the phase—sorry, EPDP phase 2. This was the phase where this Standardized System of Access and Disclosure was discussed. There were certain recommendations on that. Then there were certain feasibility assessments of that model. And now we have a more simplified, let's say, version of it. The pilot Registration Data Request Service, the RDRS, which we'll also cover later in the presentation. This pilot program was expected to run for two years, so until the end of 2025. And this session also later, we will discuss how we can make possibly this system to continue to operate beyond these two years. And this is why it's yellow.

And then also useful to note that the RDRS also has heightened concerns with the use and impact of privacy proxy services in the

registration data. And policy implementation towards accreditation of the services has resumed in a reconvened privacy proxy services accreditation IRT. So, at least, there was a policy recommendation done in 2015. And now the IRT, which had been post, has been resumed in these works. And I'm going to stop here. Let's have this timeline to be digested. And we're going to cover each of these important topics in more detail now. I'm going to give the floor to Janos to present on the RDRS in more detail. And I will be coming next again to present in more detail the issue of urgent requests.

NICOLAS CABALLERO

Thank you very much for that, Melina. Just one thing before I give the floor to Janos. We'll have a Q&A session right after the four presentations, right? Rest assured you'll have enough time for any kind of question you might have. Janos, please go ahead.

JANOS DRIENYOVSKI

Thank you very much, Nico. So, the RDRS, what is the RDRS? Melina already touched upon it and mentioned it. So, it was launched in November 2023 as a two-year pilot project, a proof of concept for a permanent system for standardized access and disclosure, or SSAD for short. Per the EPDP phase 2 policy recommendations, as Melina also mentioned. It was developed with community input, and implemented at the direction of the ICANN board to help inform policy decisions related to the SSAD.

It's a free one-stop shop to submit nonpublic domain registration data requests related to gTLDs to participating registrars worldwide. And also, Melina mentioned the timeline, so it was a two-year pilot, and we are more than halfway through this two-year pilot. Next slide, please.

So, why there is a need for RDRS? So, law enforcement, cybersecurity professionals or government officials have a legitimate interest in having access to accurate registration data for the investigations of abusive use of domain names and for protecting internet users. So, on the right side of the slide, you see the unredacted version of contract data which is vital of these actors that I just mentioned. Due to personal data protection laws, as Melina mentioned, many ICANN-accredited registrars are required to redact personal data from public domain name registration records. Most notably WHOIS.

So, on the left side of the slide, you see the redacted version, which is the outcome of these changes. So RDRS is meant to provide a centralized tool to request access to such redacted data. RDRS usage metrics reports are published monthly and provide system usage and demand data as requested by the GNSO council. There's also an RDRS Standing Committee of which my co-chair in the PSWG, Gabe Andrews is a member, is tasked to review information generated by the RDRS pilot specifically to identify trends in monthly data, to suggest updates to RDRS on how it is being promoted, and lessons from RDRS that might inform the successor

system of SSAD. This latter one may include specific suggestions to the GNSO council to make to the ICANN board.

Let's next focus on our assignment one, trends in the monthly data. Yes, this slide. Yes, perfect. Thank you. So, this is a graphic overview of data generated taken from the first year of ICANN's RDRS reports. As briefed to the GAC before, we see approximately one-third of the initial domain lookups related to TLDs which aren't serviceable by RDRS such as ccTLDs. We also see that another third of the initial domain lookups were associated with non-participating registrars.

So, just to guide you a bit more on this image, you see the blue part of it, the bright blue. You clearly see the three categories of initial lookups. So only one-third were successful, the other two-thirds fell into these two categories I described. And so, in light of this, it was very encouraging to hear some of the recent comments on RDRS made by the ICANN board. Next slide, please.

So, the ICANN board believes that a lot has been learned from the RDRS pilot to date. It is not clear that there is much more to be learned at this stage. So, the RDRS is proven to be a useful tool that should continue to operate although some changes are needed to make it durable and a robust tool, including participation by all registrars, integration of at least affiliated privacy proxy services into the system, development of request or authentication mechanisms where appropriate. Of course, particularly for law enforcement. And also, finally allowing voluntary participation by ccTLDs. So, these changes could be informed by policy that is either

already available including EPDP phase 2, or that may need to be developed, or a new policy may need to be developed. Next slide, please.

And finally, to conclude, I would like to draw attention to the RDRS Standing Committee Work Session, which is taking place on Wednesday afternoon this week. In this session, the RDRS Standing Committee will continue its work on the final findings reports on the RDRS. And with that, I would hand the floor back to Melina.

MELINA STROUNGI

Thank you, Janos. So as promised, we're now going to move to the urgent requests for disclosure of registration data that obviously are not available, because as I said in the beginning, some data are still available on WHOIS, but a lot of data have been redacted. So, in order for access seekers to be able to access those data, we need a system. Next slide, please.

So, the issue of urgent requests has been very high on the GAC agenda. This issue had been on ice since the summer of 2023, but lately, there have been some positive developments, and hopefully, things will start moving forward. So just to remind, what are urgent requests? So, there are requests for disclosure of data that are not publicly available. In circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation. This was part of the broad approved EPDP phase 1 policy recommendations and specifically, Recommendation 18 that you see on the slide.

So, ultimately, this policy, the Registration Data Consensus Policy, was published and must be implemented by 21 of August, 2025. But it was published without a section on the timeline to respond to urgent requests. So, why this part was not included? Because an agreement on what is the appropriate timeline to respond to an urgent request could not be agreed upon. Basically, why the GAC would state that a 24-hour response time would be more suitable. Contracted parties would propose to extend this 24-hour deadline by up to two business days plus one business day for complex or multiple requests, which as you understand, in case of weekends or public holidays, you could end up even to one week to reply to an urgent request. So, because it was not possible to reach an agreement, this topic was a bit frozen, and was not included in the publication of the policy.

The GAC provided input on several stages of the developments leading to the adoption of this policy. For example, we provided the GAC public comments in November of 2022, and also, in the letter to the ICANN board on August of 2023. And in the letter to the GAC in 2024, the ICANN board concluded that it is necessary to revisit this Recommendation 18 on urgent requests, indicating that the consultation of the GNSO is required. In the ICANN79, GAC San Juan communique, we issued an advice to the ICANN board expeditiously to establish a clear process and a timeline for the delivery of a policy and urgent request to respond to the vital public safety interests. Next slide, please.

So, the ICANN board then sought the GNSO council input on what are the next steps and described this as an unprecedented

situation. So, in a letter to the GNSO council, the ICANN board said that neither the bylaws nor the existing procedures account for such a situation where a policy that has been previously adopted, and approved has to be revisited before implementation. And among the concerns that the ICANN board raised, it noted that in order to respond to truly imminent threats, a much shorter response timeline would seem more appropriate. So, minutes or hours rather than days.

The board additionally raised the issue of authentication. So basically, the fact that the data requesters need to be identified and authenticated, stressing that such a cross-border system is not available in ICANN, and that it cannot be created without the assistance of law enforcement and governments. Something that we, as GAC and especially through the Public Safety Working Group, the PSWG, have offered to help with and commit resources to see if existing authentication mechanisms currently used by law enforcement authorities can be leveraged to help the issue of authentication. So, the GNSO council responded to the ICANN board back in August of 2024, and proposed to schedule a meeting between the board, the GNSO and interested GAC and PSWG representatives to discuss in detail and examine what would be a path forward. Next slide, please.

Then the GAC proposed to the ICANN board that two tracks of work could be conducted in parallel in order not to lose significant time. First, to explore possible mechanisms to authenticate emergency law enforcement requesters, so the so-called authentication track, and with a hypothesis that such a mechanism is in place. Then

determine what would be an appropriate response time for authenticated urgent requests, so the policy track.

This proposal was discussed before the ICANN81, during a trilateral call with the ICANN board, the GNSO council, and the GAC. Also, during the ICANN81 in Istanbul, also in a GNSO council letter to the GAC Chair on January 2025. And then a second trilateral call on 12 February of 2025. So, what is the current state now and what are the next steps? Basically, the PSWG co-chairs have initiated the formation of a practitioner's group with representatives from several umbrella law enforcement organizations, and from several stakeholder groups in the GNSO, including from the contracted parties house.

And also, an initial meeting was held before at ICANN82, and this group is expected to meet every two weeks after ICANN82, and to report on its progress on a regular basis. Also, it's worth mentioning that back in ICANN81, we also had a law enforcement workshop where again law enforcement agencies offered their commitment to help leverage an existing mechanism in place. So, it's interesting to see the results of this group. Then in the policy track, and this is the positive development I mentioned about, we understand as GAC that there is agreement to resume the EPDP phase 1 IRT discussions to determine what is an appropriate timeline to respond to urgent requests.

So, we really expect and hope that this IRT will reconvene shortly. So, overall and to conclude, because I acknowledge that this might be a complex and very detailed timeline, just to recap and

emphasize three takeaways, three key points. So first, as I said in the beginning, the issue of urgent requests is very high on the GAC agenda. It is covered already in several GAC communiques. Also, as advice to both the GAC San Juan advice and the GAC Kigali advice, and also, in the issues of importance. It is very positive that we have an established dialogue with the board and the GNSO, and that they seem to agree with the GAC to resume the IRT. So, we're quite satisfied in that front and we hope this goes smoothly.

Also, second, the work on authentication that is currently being done in the context of the PSWG shows our commitment also towards the concerns raised by the board. And we are counting on the PSWG to lead the work and report back. And last but not least, we will be waiting to know when the IRT will restart and discuss the timeline. Maybe we will have some further updates in the coming days. The intention is that some GAC representatives will participate to the IRT. And just to recall once more that our position, the GAC position to date, as expressed both in the public comments and in the GAC Washington communique, has been that the timeline, the most appropriate timeline should be the 24-hour to truly correspond to the urgent request character.

So, this is from my side. I'm happy in the end of the presentation to take any questions. And I'm now going to give the floor to David for an update on accuracy. Thank you.

NICOLAS CABALLERO

Thank you very much, Melina. Before I give the floor to David, let me kindly disagree with you in terms of the complexity of the issue.

For the GAC, it's a very simple thing. We're talking about hours, not three, four or five business days. So, with that, David, the floor is all yours.

DAVID BEDARD

Thank you, Nico. So, yes, I'm going to touch on the accuracy of registration data here. So, next slide. Perfect.

So, here's some background on GAC positions, and building up to some following processes that sort of outline where we are today with the issue. So, just at a high-level, in 2020, the GAC did not support the EPDP phase 2 decision to defer the consideration of data accuracy. And I think it's important to highlight here that there was an acknowledgment that accurate data is critical for processing purposes, as inaccurate data can undermine an SSAD system, and may violate data protection laws. So, concerns on data accuracy persisted during this period, where there was an acknowledgment that data inaccuracy impacts DNS security, stability, and resiliency.

So, in February 2021, ICANN org briefed the GNSO on accuracy-related obligations, policy, and enforcement challenges following the GDPR, and the temporary specification of gTLD registration data. And a study had been proposed to measure accuracy, including to public and non-public registration data. Next slide, please.

So, the GNSO scoping team was formed in 2021 as an initial step in the policy development process. So, this was essentially to help

facilitate community understanding of the issue and to accurately define and scope the issue of data accuracy. So, its work was informed by ICANN org, including from within a WHOIS accuracy reporting system memo in 2022, and the ICANN response to scoping team questions. So, within the scoping team's preliminary recommendations, they recommended that the registrar survey be developed and administered as well as an audit of current registrar's procedures of verification of data accuracy.

They also recommended that the work of the scoping team be paused until feasibility on the work of data accuracy was clear. So, as Melina mentioned earlier, the GNSO paused the work of the scoping team, and deferred consideration of the survey recommendation for six months. So, that pause has existed ever since, leaving the issue unresolved. Next slide, please.

So, this brings us to our latest developments. In 2023, ICANN org concluded that it lacked legitimate purpose to request individual or bulk access to registration data for accuracy reviews, and suggested analyzing registrar audit data or ccTLD practices as alternatives. A draft processing specification, or a DPS, was published for public comment in 2024, but the ICANN board clarified it would not enable large-scale accuracy studies. So, in October 2024, the board reaffirmed that ICANN's access to registration data remains limited to compliance-related inquiries under existing laws and contracts. Next slide, please.

So, in 2024, the GNSO council acknowledged that existing proposals lacked sufficient data to advance accuracy work, and

initiated a consultation with ICANN org and stakeholders on regulatory and threshold questions. And so, just recently, in December of last year, ICANN org addressed legislative efforts impacting registration data and accuracy obligations. And then in February this year, you may recall that the GAC provided input emphasizing that inaccurate data hinders law enforcement, cybersecurity, IP enforcement, and domain management. And I would just like to put a finer point on GAC's response to the threshold questions in February. So, particularly that the first step should be to gather or obtain relevant data to the greatest extent possible, and then that data could then inform considerations of evidence-based and narrowly scoped steps on data accuracy.

So, as we heard from the GNSO yesterday, they will be discussing this issue, in particular, GAC's input at their meeting here at ICANN82 on Wednesday. So, it will be good to stay informed of any developments coming out of that conversation. And as you may also know, we have a talking point in our bilateral session with the board tomorrow, so we'll be able to see where the board thinks we should go as a way forward on accuracy as well. So, thank you very much. I'll pass it back to Nico.

NICOLAS CABALLERO

Thank you so much, David. And now is the time to open the floor for questions, comments, or any kind of discussion you might like to have regarding these four topics. Again, WHOIS and data protection, RDRS, urgent requests, and accuracy. So, the floor is open. I see Germany. Please go ahead, Rudy.

RUDY NOLDE

Thank you. Rudy Nolde from Germany for the record. Thank you for these very comprehensive and valuable presentations as always. I have a question and a comment about the RDRS. We are certainly in favor of extending the pilot. I think it's valuable. We should not just shut it down after the pilot period, and then, think about the next steps we will take. At the same time, I think we already know what the main challenges and problems are. And I don't think there's anything new to learn if we keep it running for another six months. I think there's only something to learn once we add new functions or new requirements, and then we see in how far the metrics change and improve.

So, I guess, my question is, is there a timeline for the board to take these necessary steps? Because we already see in a couple of months, the pilot period will have ended. And I hope that we don't lose time. So, we shouldn't just extend the pilot and make progress based on what we have learned. So, it's basically about the timeline if we already have one. Thank you.

JANOS DRIENYOVSZKI

Thank you for that question. I'm not aware of a specific timeline, but I agree that—I think based on what I also said, what the board expressed, we have the conclusions ready to step into the next phase. But of course, for that, we need to implement the changes, which you also alluded to. And that there's a bit of exploration needed of what can be covered from the SSAD policy development and what might need new policy development process. So, I think

the timeline will depend based on the outcome of the discussion, I believe. So, I invite Gabe from the floor if he wants to contribute to this. If he has more information on this.

GABRIEL ANDREWS

Hi, this is Gabe Andrews. Janos' co-chair of the Public Safety Working Group, and a participant of the RDRS Standing Committee. So just to highlight, the process of drafting the Standing Committee's final report is ongoing now. Even though we're not at the end of the two-year period, we've already started that. And one of the comments made by Becky about the board's position is just recognizing that that report is still forthcoming. I expect they will want to review that as one of the pieces of information that may not preclude us from looking at the other pieces of policy she highlighted with the phase 2 of the EPDP to look at, but I think the open question about where new policy begins is not yet one that's been addressed, if that helps.

NICOLAS CABALLERO

Thank you, Germany, for the question. Gabe, Janos, thank you for the answer. I have India next.

SUSHIL PAL

Thank you, Chair. Sushil from India. I think this lack of clear standardized mechanism for handling the urgent request has still continues to pose a serious challenge. We should, as a GAC member, continue to impress upon for a strict timeline within 24 hours. I think that's also the reason for the frustration with the

government and leading to the conversation of multilateral and governance of the Internet, and all that stuff which we don't agree. I mean, that's contrary. I mean, all of us don't agree to that, but that's because of the heightened activity in the global distal compact or in business or whatever, which we find so frustrating. But I think we need to impress upon that with the ICANN board on priority.

On the RDRS pilot, I think it's been almost two years, if I'm not mistaken, and the pilot was expected to be for the two years. And at that time also, we had highlighted that this pilot is pretty inadequate to address the feasibility of SSAD. I think we are nowhere, even after two years. I think it's a de facto situation that we have no other option but to agree to the extension of the pilot. I hope we'll agree to it with some improvements which should have been there in the very first place had the SSAD been in place. I mean, we would propose something like a mandatory participation of the gTLD registrars. Otherwise, I think, we're heading nowhere, right?

And then also the RDRS must also move beyond the manual request processing to a more automated API-based integrated system. I think we are working as a pilot tech community and even then, we are working in a very archaic manner handling these requests in a manual fashion, making it highly difficult for the ALS to kind of make a request or access a request. And somehow, I think even the WHOIS lookup, I think that also needs to be integrated to the RDRS portal. It should pick up automatically there. And it still

kind of misguides a lot of ALS as well as other users who want to access these data.

Apart from that, I mean, just an idea, if we can't make it open for at least the ccTLDs open on a voluntary basis, because we see a lot of requests being rejected, but at least those countries will share the same concerns which believe in checking the cybersecurity issues, which believe in containing these risks. If these are open to them on a voluntary basis, I think that would also help the larger security issue. So, this is on the RDRS.

And on this privacy proxy services accreditation, I think the result has been highly unsatisfactory, and maybe as a GAC, we should call for an accelerated implementation of PPSI, ensuring that the privacy and the proxy services are held accountable, and at least they provide the information. They don't provide the wrong information, and if they do, then they are held accountable rather than getting away with these. Otherwise, there's a completely ineffective mechanism.

On the WHOIS accuracy data, I think we should maybe as a GAC, we should impress upon adopting the global compliance framework which exists in many countries on a ccTLD level, and many other geographies such as EU or [inaudible] as well which mandate the registrar verification, and a periodic audit to maintain accurate domain registration date records. Thank you.

NICOLAS CABALLERO	Thank you very much, India. Greatly appreciated, very good ideas. Well noted. Rest assured that this session is being recorded, so Janos, I don't know if—
SUSHIL PAL	We have full faith in the chair anyway.
NICOLAS CABALLERO	Sorry?
SUSHIL PAL	We have full faith in the chair anyway.
NICOLAS CABALLERO	Thank you again, India. I don't know, Janos or David, if there's anything you would like to—no, okay. So again, thank you so much, India. I have Bangladesh and then, the Netherlands. Bangladesh, please go ahead. Oh, sorry. And the lady right behind you. I don't know where you're from. But anyway, I'll give you the floor. No worries.
UNIDENTIFIED MALE	Thank you. This is [inaudible] from Bangladesh. First, I just want to share all of the experience that we are experiencing in our country now. In Bangladesh, we have the ICANN accredited register, and also, there are many resellers who are actually reselling the domain names. And also, they also provide the hosting services as well. So, one of the I think the impact or influence, because the RDRS is not

yet fully functional, that normally when something is happening from the law enforcement agencies or in that perspective, so the police or the law enforcement agency they normally don't find the data and from the IP address searching, they can get back to the hosting service providers.

And they are normally summoned and taken to the police, and it's very difficult. They actually came to us and showed all support that, okay, the law enforcement agency is actually running after us, and they are asking us to provide the data. But sometimes it's difficult for them as a hosting service provider to reveal all the data of their customers. So, it's not only RDRS is the issue of the government or the enforcing agency. I think it's also a big protection for those business as well, the domain business.

So, it's a request from our administration as well, and its emphasis that it should be made fully functional as soon as possible. So, this is first thing. And definitely I want to reiterate the same position of GAC that the reason why the law enforcement agency, they are seeking this data, that is a matter of hours. It's not only about days. So, I think that is very straightforward thing.

The second thing that we should also take a stance about the ccTLDs as well. I think it is also in the agenda, but we understand that many of the ccTLDs, they have very conservative policy. But many of the ccTLD, they are used just like any other gTLD. So very open policy as well. And in practical cases, we need the data for the ccTLD as well. So, it should not be—definitely it can be started as an optional issue, but also as a GAC, we have more connection with

the ccTLD administration of our respective country. So, I also request to have a position of the GAC to make the ccTLDs mandatorily available with some practical timeline in the RDRS data as well. Thank you.

NICOLAS CABALLERO

Thank you very much for that, Bangladesh. Well noted again. One thing though, I would kindly ask you to speak a little bit slower for the benefit of our dear interpreters. Please wave at me, show me thumbs up or down or something so that we can—everybody is super fast today for whatever reason. I don't understand. But anyway, try to slow down a little bit, please. I have the Netherlands, the UK and Japan. Netherlands?

MARCO HOGEWONING

Thank you, Mr. Chairman. Good afternoon for the record. This is Marco speaking from Netherlands. Now triggered by comments from India, and I'm not sure whether I've mentioned this before, but it might be considered now is the right time to share best practice. Our independently operated ccTLD has recently implemented a contractual change, and has now forbid the use of privacy proxies. Under the simple rationale that they believe that with the GDPR and data protection in place, the use of privacy proxies serves no function. The data protection within the EU framework is deemed sufficient to provide and safeguard user's privacy, so they've now changed their contracts, and forbid privacy

proxies. It might be consideration for other ccTLDs to apply the same logic here. Thank you

NICOLAS CABALLERO

Thank you, Netherlands. I have the UK next.

NIGEL HICKSON

Thank you, Mr. Chair. And thank you for that excellent presentation from various colleagues. We've been around this circle for a number of years, but perhaps that's the wrong word, because I think we are getting to the closing of this circle. And I think we have an opportunity at this meeting to be very precise, to be very concrete, to be very specific in what we want moving forward. And I am no expert in this area, but having talked to our law enforcement friends in the UK, having talked to many people that are seeking this data for purposes that are really heartbreaking in terms of being able to understand who owns a domain because of various domestic and other circumstances.

We are in a situation where we need to move forward, and I think we're getting there. But I would urge my colleagues that we need to be specific in what we ask for, in what we put in our communiqué, and what we ask the board tomorrow. And I have just a slight concern that we don't want to—well, I would have thought, take up all our time in discussing whether the RDRS should run for another 15 months or whether it should run for 18 months or whether it should run permanently, or whether it should speak French or whatever. We don't want that.

We want it to continue. We want it to be a vehicle for what we need. But what we need is to resolve the urgent request. What we need is for the necessary development of the IRT process to be able to come up with the sort of timeframe, and the sort of safeguards for everyone that we need. And that's where the energy needs to be focused into. So, when we meet this time, and I won't be around this time next year, but when we meet, we can actually see something on the table. We can actually see something. We can go back to our governments and say, well as long as we get it right, it's 24 hours, it's 18 hours or whatever. That's what we need because this is credibility. This is accountability. This is what governments have said they want and we really do need it.

NICOLAS CABALLERO

Amen to that. Thank you, UK. I have Japan next, and then the European Commission.

TOMONORI MIYAMOTO

Thank you very much. This is Tomo from Japan for the record. I think that it was page nine of the thread, but you presented the importance of the participation by all registrars and voluntary participation by ccTLDs. But what kind of efforts does the board do right now and how it goes?

JANOS DRIENYOVSKI

That is a very good question. I don't really have more specific information other than they recognize that this system can only be efficient if all registrars are involved. That's where we stand at now,

but again, I invite my co-chair, Gabe if he wants to add anything. I don't want to put you on the spot, Gabe, but we do not have more information on that from the board. So, this is something we can ask them.

GABRIEL ANDREWS

Yeah, I was just going to second that. If there's a conversation with the board on Wednesday, it might be a prime opportunity to ask these specific questions.

NICOLAS CABALLERO

Thank you, Japan. So, please keep that in mind. Write down your questions if you have any. So, thank you again. I have the European Commission and then, Switzerland.

GEMMA CAROLILLO

Thank you very much, Nico. Gemma Carolillo for the European Commission. It's difficult to intervene through this intervention, especially Nigel, I must say. You have said it all in a way, but I'm trying to speak to the questions that you had put regarding what to do, and also, perhaps this answers part of what Nigel was saying. So, let's try to be precise. These are complex issues in the sense that they have required an enormous amount of follow-up for many years now from the colleagues who are following these topics. But now, we are getting close to some sort of a more clear path on the issues we discussed today. So, we should also try to focus in the communiqué.

From our point of view, the issues of importance should reflect the three topics that we have discussed. So, the RDRS, the urgent request and the accuracy mostly. Of course, the RDRS also covers part of the privacy proxy discussion. And we should try to be more specific. It seems, also, listening to colleagues that this system is not perfect, but it must be in place, and it must be improved based on a series of considerations. Participation is needed, so path forward must be found to make sure that there is broad participation. That the features should be improved, including to allow voluntary participation from the ccTLDs.

This we have discussed with the ccNSO last time around. We have another meeting with the ccNSO. What we heard from the board is that there are some technical contractual features. This is not for us to determine what these changes are, but the final objective could be that. So, to make sure that these RDRS resemble what was the purpose of the SSAD, which was the result of a big, long policy development process.

On urgent request, we are very positive that we might have finally found a way forward. But again, we haven't seen yet an IRT date, so we want that, and we have shown commitment, and we will continue contributing to the discussion.

On accuracy, it's a bit, I would say, disheartening to have seen, again, lack of information from the GNSO the other day, but we expect more to come soon. And again, perhaps we should also reflect on narrowing the scope of our request to make sure that we can achieve progress. This time around, I would not seek GAC

advice on these matters, but colleagues may have different views, of course. Thank you.

NICOLAS CABALLERO

Thank you very much, Gemma, European Commission. I wholeheartedly agree with you. I have Switzerland and then, Donnette Sabrina O'Neil. We're running out of time. We have seven minutes, so please keep it short and sweet and to the point. I'm not precluding in any way. Whatever you want to say, Switzerland. Don't get me wrong. But I'm just saying that we're almost at the end of the session. Please go ahead.

JORGE CANCIO

Thank you, Nico. Jorge Cancio, Switzerland, for the record. So, I have to cut down my speech of three hours to a couple of minutes, but I'll try. Thank you. So, first of all, thanks so much to the European Commission, to Canada, to all the involved parties in this work. It's very much appreciated from our side. Let me also support what Nigel so eloquently put before, and a specific point on the RDRS. We got some feedback from our federal police that it's useful, but it has still a lot of potential, to put it mildly. And one of the questions, of course, is the participation by registrars. And there, maybe a question is, whether there is any way to avoid the dichotomy between purely voluntary and compulsory, where there is a fashion to establishing incentives to provide for almost compulsory participation without having to go through a PDP or a

contractual change. So, that's a thought we were having, and we wanted to share with you. Thank you.

NICOLAS CABALLERO

Thank you very much, Switzerland. Short and sweet and straight to the point. I don't know, Janos, David, Gabe, anything you would like to comment in that regard?

GABRIEL ANDREWS

I think you're really hitting the key question, because we've heard in the conversations from the board, and from here, that there seems to be this repeated talking point about there being in a recognized need for the compulsory participation of registrars in order to make this the most useful tool it could be. The open question is, how does that get addressed and whether the existing policy under the EPDP phase 2A addresses that or not. If the consensus is, it does not, then where next is the open question? So rather than me dictating you what that is, I think this is the question we're all asking ourselves right now. And as a committee, we need to find the answer to that.

NICOLAS CABALLERO

Thank you, Gabe. Next, I have a lady by the name of Donnette O'Neil. Please go ahead.

DONNETTE SABRINA O'NEIL

Hi, good afternoon. I'm Donnette O'Neil from Saint Vincent and the Grenadines, ICANN fellow. The young chap just spoke a bit of what

I wanted to speak about, which is the urgent request. And what I wanted to find out is regarding the registrars, for them to give this information, is it that they're going to have to do a new business process in order to accommodate this? And this could be one of the reasons why there is a pushback, because when you push and say you have to do this, and they have to do new business process, they're thinking costs and all of these different things.

So, if there can be a way where there can be an agreement for, as you were saying, a form of incentive from the government for where they have to rework their business process to accommodate the 24 hours that was set, they're thinking I have to do A, B, C, but if they have to do a new business process that would make it more effective, maybe they may be more easy to work along with.

NICOLAS CABALLERO

Thank you very much, Donnette. Are you the GAC representative for Saint Vincent and the Grenadines, or just...?

DONNETTE SABRINA O'NEIL

No, I'm not the GAC, but I know the GAC representative.

NICOLAS CABALLERO

Okay, okay. So, thank you so much. Well noted. We're running out of time, but we still have two minutes. Exactly two minutes for any final thoughts, comments. Anybody in the room, whether GAC member or not. The floor is still open. Please go ahead. Just grab any microphone over there.

MICHAEL PALAGE

Thank you. Michael Palage for the record. As the former chair of the GAC Accuracy Scoping Team, I wanted to share some information with the GAC, and particularly to Melina, and all the good work she did in the EPDP phase 1. On Saturday, there was a session between the non-commercial stakeholder's group and the contracted parties, and there were some topics that were raised that were concerning to me, and I wanted to bring this to the attention of the GAC.

During the session on accuracy and DNS Abuse, they were talking in context regarding [contactability] with accuracy. I don't think [contactability] is the right metric. I think some of the work that Finn with the cooperation group has done is some clear guidelines. So, I think it would be important for the GAC and its communiqué to note that [contactability] is not what the GAC is looking for.

The other thing that was very important was this concept of anonymity. I believe everyone sitting around this table looks at the DNS as critical infrastructure, and anonymity to me does not mean accountability. So, I would again encourage the GAC to put down some clear markers in its communication because I would not want any of the GAC members to have to waste their time in a future policy development process that did not yield the results that they're looking for. So, thank you.

NICOLAS CABALLERO

Thank you very much, Michael. Janos, David, Gabe, anything you would like to—no? My vice-chairs? All good? Well, please keep in mind Thank you very much, Michael, Janos, David, Gabe. Anything you would like to know, my vice chairs? All good? So before, well, please keep in mind the questions, again, is GAC advice needed on any of these topics? And the topics, again, WHOIS and data protection, RDRS, urgent requests, and accuracy on the one hand. And again, which topics should we highlight as issues of importance? So, this GAC discussion on WHOIS session is now closed.

But before you leave for the break, please note that the dialogue on ICANN Community Participant Code of Conduct concerning the statements of interest will start at 4:30 p.m. in Regency B. That is the primary ballroom on the seventh floor. Also, this is a session that GAC members have asked to attend, and the leadership, GAC leadership made sure to accommodate in our schedule.

And lastly, the next session scheduled for the GAC room will be the GAC Africa Meeting on the GAC Africa Awareness and Call to Action, which will cover the topics of number one, updates on Smart Africa initiatives regarding some governance issues in the continent. Number two, highlight support initiatives for the ongoing new gTLDs next round process for Africa. And finally, “moving forward proposal for a call to action for Africa.” So, thank you very much, and enjoy the wonderful Washington coffee. The session is adjourned.

[END OF TRANSCRIPTION]