

US Response to "ICANN Board Submission No. 2012-11-08-01 – WHOIS Policy Review Team Recommendations"

WHOIS Policy Review Team Report Recommendations

1. The "purpose of collecting, maintaining and making available gTLD registration" was documented in *GAC Lisbon Communique, Appendix A, entitled "GAC Principles Services"*, dated 27 March 2007 (see attachment). Appendix A, Section 2.1, "Public Policy Aspects of WHOIS Data" details seven (7) legitimate purposes and reasons for the collection and maintenance of WHOIS data, including but not limited to, combatting consumer abuse, contacts for network operators, operational security community efforts, law enforcement investigative tool, etc. Furthermore, on 27 September 2005, the International Association of the Chiefs of Police adopted a resolution indicating WHOIS data is a critical resource for international law enforcement agencies. (See attachment) Digital evidence is fleeting and cases involving digital evidence are extremely time-sensitive.
2. The Single WHOIS policy must be in accordance with the Affirmation of Commitments which has clearly stated ICANN "must implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information." Again, the purpose of the WHOIS data, pursuant to SSAC 055 has been addressed by the GAC's Lisbon Communique, Appendix A, entitled "GAC Principles Services" dated 27 March 2007 (see attachment).
3. No comment
4. The GAC-LEA Recommendations, ICANN Seoul 2009, have articulated a need for annual compliance reporting and tracking of reported complaints to ICANN's Contract Compliance section.
5. The GAC-LEA Recommendations stated validation and verification of registrant data would assist in WHOIS data accuracy. These validation and verification requirements should be included in the Registrar Accreditation Agreement (RAA) to ensure all parties are contractually obligated to ensure WHOIS data accuracy.
6. See 5
7. No comment
8. The RAA should specifically include sanctions, fines, suspensions, revocations and equitable and legal penalties for RAA non-compliance.
9. See 1 and 2 regarding policy on the purpose of the WHOIS.
10. ICANN must adhere to AOC which states must implement "measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information." Commercial users should not be allowed the use of proxy and privacy registrations.
11. No comment.