

13 November 2023

Re: Proposed Success Criteria for the Registration Data Request Service (RDRS)

Gregory DiBiase  
Chair, Generic Names Supporting Organization (GNSO) Council

Dear Gregory,

Thank you for the [1 June 2023 letter to the Board](#) from the GNSO Council. The Board appreciates the work of the Generic Names Supporting Organization (GNSO) Small Team and the GNSO Council in developing criteria we can jointly use to assess the Registration Data Request Service (RDRS).

The Board agrees with the main evaluation criteria proposed: “Has the experience with the RDRS sufficiently informed the GNSO Council and ICANN Board to make a decision with regard to the SSAD recommendations?” The Board also agrees that collection and publication of the recommended data points will prove useful with one change to be made: The ICANN Board reviewed the “urgent request” functionality proposed for deployment in the RDRS, which is one of the usage metrics requested by the Council.

We appreciate that there could be value in understanding the relative priority of requests processed through the RDRS system. After discussion, however, the Board concluded that this functionality does not reflect the manner in which true emergencies are currently handled and is not fit for the purpose of addressing situations that pose an imminent threat to life, serious bodily harm, critical infrastructure, or child exploitation. The “urgent request” feature will be replaced by an “expedited review request” option for requestors to flag that they believe the nature of their request necessitates faster processing. Additionally, it will be made clear that if a requestor is facing an emergency involving an imminent threat to life, serious bodily injury, critical infrastructure (online and offline), or child exploitation, they should contact the registrar directly for immediate assistance.

The Board does not deem it appropriate for ICANN to use the RDRS system as a tool for gathering information in emergencies that involve an imminent threat to life, bodily harm, critical infrastructure, or child exploitation. It is important to note that the Board's conclusion with respect to an “urgent request” functionality within RDRS does not constitute a modification or rejection of the EPDP Phase 1 policy recommendation regarding “urgent requests” for registrant data. Nevertheless, the Board's concerns are relevant to that policy. To that end, we believe that consulting with the GNSO Council on the policy recommendation is required.

As a result of this change, the RDRS will collect the number of disclosure requests by priority (total and current reporting period) for “standard request” and “expedited review request.” The Board is hopeful that operation of the RDRS will provide important information on how to proceed with the Expedited Policy Development Phase (EPDP) Phase 2 policy recommendations related to a System for Standardized Access/Disclosure (SSAD).

The Board would like to emphasize that the RDRS is a centralized request intake and response tracking system. It will not (because it cannot) modify the obligations that ICANN- accredited registrars may have under applicable laws with respect to disclosure of personal data and, as a result, should not be evaluated on that basis. Rather, as noted above, the tool is intended to gather and assess data related to system usage, including (without limitation) information about the volume of requests, categories of users, and type of requests submitted, to better understand the demand for such a system. The Board is hopeful that this information will aid in the discussion regarding the SSAD-related policy recommendations and possible next steps.

The Board would like to share its observations on the specific criteria:

#	GNSO Council's <b>Proposed Criteria</b>	<b>Board Response</b>
1.	The RDRS should be available to all possible requestors to submit their data requests.	Generally, the Board regards these as important service requirements as opposed to success criteria.
2.	The RDRS should be available to all interested ICANN-accredited registrars to participate in.	
3.	The RDRS should track all relevant data points as identified by the Small Team.	<p>The Board also regards this criterion as a service requirement.</p> <p>Additionally, the Board agrees with the Council on the data points identified for collection and appreciates the collaborative work of the Small Team and ICANN org in compiling the list of data points to be included in the monthly reporting except for one change explained above. With respect to the highlighted data point in the letter (number of disclosure requests by requestor), please refer to the response that ICANN org sent on 2 June to the Small Team <a href="#">here</a>.</p>
4.	Sufficient number of registrars participate reflecting a sufficient number of domain name registrations under management so that statistically significant data can be obtained.	The Board agrees that the participation of a sufficient number of registrars with a sufficient number of domain name registrations under management will be important with respect to gathering data. The Board also appreciates the efforts underway by the Small Team, together with ICANN org, to conduct outreach to registrars to make them aware of the RDRS and its launch in November.

5.	Sufficient number of requests are made by requestors so that statistically significant data can be obtained (note, a volume that is too low to provide significant data could still be considered a success as it may demonstrate lack of demand for the service but if there are sufficient requests, ideally this is of a level that statistically significant data can be derived from it).	As mentioned in the above-linked response from 2 June, after consulting with an ICANN org statistician, we agree with the org’s assessment. As there is currently no defined “population” of requestors to be considered as baseline, nor are there other data sets to compare for statistical significance, any number of requests should be considered sufficient and statistically significant.
6.	Registrar and requestor user satisfaction with the service should be measured (note, this should not focus on the outcome of requests but on experience with the service itself).	The Board agrees that measuring user experience with the service will be important. We consider this to be a service requirement, similar to items 1-3. The Board also agrees that it will be important to clearly distinguish between the user’s ease of use with the service and user satisfaction with the outcomes, as we cannot conflate requestor satisfaction with the outcomes they receive from registrars with the operation and usability of the service itself.

The Board looks forward to further collaboration with the Council, as well as the Small Team, on the development, launch, and possible refinement of the RDRS. Additionally, the Board welcomes further discussion with the Council on the proposed criteria prior to the launch of the RDRS in November.

Sincerely,



Tripti Sinha  
Chair, ICANN Board of Directors