

ICANN BOARD PAPER NO. 2023.12.21.1a

TITLE: **Second Registration Directory Service Review
(RDS-WHOIS2) Pending Recommendations**
PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

This proposed action is in furtherance of resolution [2020.02.25.04](#) to place four recommendations issued by the Second Registration Directory Service Review (RDS-WHOIS2) in “pending” status.¹

The Board is being asked to take action on the four RDS-WHOIS2 pending recommendations.

At their meeting on 7 December 2023, the Board Caucus on Data Protection/Privacy reviewed the ICANN assessment, and agreed with the proposed Board actions.

At their meeting on 14 December 2023, the OEC confirmed its agreement with the Board Caucus and recommended the Board to reject the four recommendations.

ORGANIZATIONAL EFFECTIVENESS COMMITTEE (OEC)

RECOMMENDATION:

The Board Organizational Effectiveness Committee (OEC) recommends that the Board reject Recommendations 4.1, 4.2, 5.1, and 10.1, as documented in the Board Action/Rationale on & ICANN Assessment of Second Registration Directory Service Review (RDS-WHOIS2) Pending Recommendations 4.1, 4.2, 5.1, and 10.1, 21 December 2023, (hereafter referred to as “December 2023 Scorecard”).

¹ In placing the recommendations in “pending” status, the Board directed ICANN org to “complete an impact assessment of the outcomes of ongoing community work, for which dependencies were identified. The Board will consider recommendations it places into “pending” status in light of the impact analysis, which is to be completed after Board action on the Expedited Policy Development Process on Temporary Specification for gTLD Registration Data (EPDP) Phase 2 recommendations, as appropriate and applicable. The Board directs the ICANN President and CEO, or his designee(s), to produce the impact analysis as promptly as possible, once the dependencies have been resolved”.

PROPOSED RESOLUTION:

Whereas, on 25 February 2020, the Board [took action](#) on each of the 22 recommendations issued within the [Second Registration Directory Service Review \(RDS-WHOIS\) Final Report](#) dated 3 September 2019, as specified within the Scorecard titled “[Final RDS-WHOIS2 Recommendations – Board Action 25 February 2020](#)” (hereafter “February 2020 RDS-WHOIS2 Scorecard”), resolved to place four RDS-WHOIS2 recommendations in “pending” status, and committed to take further action on these recommendations in light of an impact analysis to be completed after Board action on the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP) Phase 2 recommendations.

Whereas, the Board recognizes that the regulatory environment around data protection and privacy has changed significantly since the RDS-WHOIS2 Review Team formulated their recommendations, and acknowledges the ongoing community discussions that continue to shape the RDS landscape.

Whereas, the Board acknowledges that ICANN org released impact assessments of data protection laws that serve to inform ongoing community discussions, notably the Generic Names Supporting Organization’s (GNSO) Accuracy Scoping Team’s work, as well as the Board’s consideration of RDS-WHOIS2 pending recommendations. Specifically, the Board refers to the [information](#) ICANN org assembled on how data protection laws have impacted the enforcement of contractual obligations, as well as the [Assessment of Registration Data Accuracy Scenarios](#), which was delivered to the GNSO Council on 13 October 2023. The [Assessment of Registration Data Accuracy Scenarios](#) identifies significant limitations concerning the feasibility of studies or reviews of registration data in light of current contractual requirements and existing data protection laws and regulations.

Whereas, the Board is cognizant that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, that it has been a longstanding topic of discussion within the community, and that strong cooperation and dialogue with contracted parties contribute to tackling this matter in an effective way.

Whereas, at their meeting on 14 December 2023 the Board Organizational Effectiveness Committee (OEC), supported by the Board Caucus on Data Protection/Privacy, considered the assessment produced by ICANN org that reflects results of impact assessments, and made a recommendation to the ICANN Board to reject four recommendations.

Resolved (2023.12.21.xx), the Board rejects RDS-WHOIS2 Recommendations 4.1, 4.2, 5.1, and 10.1, as documented in the Board Action/Rationale on & ICANN Assessment of Second Registration Directory Service Review (RDS-WHOIS2) Pending Recommendations 4.1, 4.2, 5.1, and 10.1, 21 December 2023, (hereafter referred to as “December Scorecard”).

Why is the Board addressing the issue?

The Registration Directory Service Review is one of the four [Specific Reviews](#) anchored in Article 4, Section 4.6 of the ICANN Bylaws. Specific Reviews are conducted by community-led review teams, which assess ICANN's performance in fulfilling its commitments under the ICANN Bylaws. Reviews contribute to ensuring that ICANN serves the public interest, are critical to maintaining an effective multistakeholder model, and help ICANN achieve its mission, as detailed in Article 1 of the Bylaws.

Pursuant to the ICANN Bylaws, at Article 4, Section 4.6(e)(ii), the Second Registration Directory Service Review (RDS-WHOIS2) reviewed the effectiveness of the then-current gTLD registry directory services and whether their implementation meets the legitimate needs of law enforcement, promotes consumer trust, and safeguards registrant data.

What is the proposal being considered?

This proposed action is in furtherance of resolution [2020.02.25.04](#) to place four of the 22 recommendations issued by the Second Registration Directory Service Review (RDS-WHOIS2) in “pending” status.

The Board notes that at the time the [Second Registration Directory Service Review \(RDS-WHOIS\) Final Report](#) and its recommendations were issued, the community was discussing the Phase 2 recommendations of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP), while implementation of the Phase 1 recommendations was ongoing.

RDS-WHOIS2 Recommendation 4.1 calls for ICANN Contractual Compliance to “proactively monitor and enforce registrar obligations with regard to RDS (WHOIS) data accuracy using data from incoming inaccuracy complaints and RDS accuracy studies or reviews to look for and address systemic issues” and suggests that a “risk-based approach should be executed to assess and understand inaccuracy issues” to allow for appropriate actions to be taken to mitigate them.

The Board notes that ICANN Contractual Compliance (ICANN Compliance) undertakes enforcement of registrar obligations, as they currently exist within the Registrar Accreditation Agreement (RAA) and the Registration Data Directory Service (RDDS) Accuracy Program Specification of the RAA, through actions resulting from complaints received from external reports, as well as audit-related activities. The Board notes that ICANN Compliance regularly [reports](#) on enforcement activities through metrics.

The Board recognizes that there is currently no consensus on how “accuracy” is defined with respect to registration data, nor consensus on what would constitute a “systemic issue” concerning registration data accuracy.

As a result, the Board rejects RDS-WHOIS2 Recommendation 4.1. The Board understands that ICANN org will continue to support the work of the community by providing detailed metrics relating to enforcement of current registration data requirements and supporting research to help understand best practices as it concerns registration data accuracy, as appropriate.

RDS-WHOIS2 Recommendation 4.2 suggests that ICANN Compliance cross-reference “existing data from incoming complaints and studies such as the” WHOIS Accuracy Reporting System (ARS) “to detect patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA” and that “when such a pattern is detected,

compliance action or an audit should be initiated to review compliance of the Registrar with RDS (WHOIS) contractual obligations and consensus policies.”

In addition to considerations noted on RDS-WHOIS2 Recommendation 4.1, the Board notes that the ARS was placed on hold due to ICANN org’s continuing assessment of the legalities of processing the data in light of the General Data Protection Regulation (GDPR), as well as due to the lack of available data in the public directories.

ICANN’s [Assessment of Registration Data Accuracy Scenarios](#) identified significant limitations to the feasibility of studies or reviews of registration data in light of current contractual requirements and existing data protection laws.

Moreover, the Board finds it unclear what “patterns of failure” might be as it relates to the verification and validation of registration data accuracy, and understands that any identified instance of noncompliance with current obligations must be corrected to maintain accreditation with ICANN.

Considering that ICANN Compliance enforcement actions must be based on the existing Registry Agreement and RAA provisions, that the ability to cross-reference data from multiple resources is unrealistic considering the current data protection legal landscape, and that ICANN Compliance already undertakes enforcement action upon any identified deficiency within complaints received and the standard Registrar Audit Program, the Board rejects RDS-WHOIS2 Recommendation 4.2.

As with RDS-WHOIS2 Recommendation 4.1, the Board understands that ICANN org will continue to support the work of the community by providing detailed metrics relating to enforcement of current registration data requirements and facilitating research to understand best practices as it concerns registration data accuracy, as appropriate.

RDS-WHOIS2 Recommendation 5.1 calls for the ICANN organization (ICANN org) to continue to “monitor accuracy and/or contactability through either the ARS or a comparable tool/methodology.”

Since the launch of the ARS, the regulatory environment around data protection and privacy has changed significantly. Such changes necessitated the Board’s adoption of

the Temporary Specification for gTLD Registration Data, which resulted in the obfuscation of most registrant contact information that was previously available in the public directories. As a result, the ARS was put on hold, where it remains.

ICANN org continues to assess the legalities of processing registration data within the current regulatory environment. The [Assessment of Registration Data Accuracy Scenarios](#) that was recently sent to the GNSO Council noted that “ICANN has identified alternative steps that can be taken, which may provide information that helps advance the Accuracy Scoping Team’s work.”

Considering the pause of ARS and questions surrounding the legalities of the contemplated data processing, the Board rejects RDS-WHOIS2 Recommendation 5.1, noting that ICANN continues to enforce registration data obligations within the remit of the contracted parties’ agreements through inaccuracy complaints and audit-related activities.

RDS-WHOIS2 Recommendation 10.1 calls for the Board to monitor the implementation of the [Privacy & Proxy Services Accreditation Issues](#) (PPSAI) policy development process recommendations. RDS-WHOIS2 Recommendation 10.1 further suggests that should PPSAI not become operational, the Board should ensure an amendment to the 2013 RAA that “ensures that the underlying registration data of domain name registrations using Privacy/Proxy providers affiliated with registrars shall be verified and validated in application of the verification and validation requirements under the RAA unless such verification or validation has already occurred at the registrar level for such domain name registrations.”

The ICANN Board has been monitoring the progress and community discussions regarding the implementation of PPSAI since it was placed on hold due to issues related to GDPR, the adoption of the Temporary Specification, the policy development and subsequent implementation of the EPDP Phase 1 (Registration Data Policy), and the then-forthcoming EPDP Phase 2 policy recommendations.

The Board will continue to monitor these activities and acknowledges the ICANN org plans to work with an Implementation Review Team (IRT) to help consider these

recommendations in light of the community’s work and changes in the RDS landscape since the recommendations were issued in 2015.

The Board understands that under the current requirements of the 2013 RAA and RDDS Accuracy Program Specification of the RAA, registrars must validate and verify registrant contact data, and account holder contact data (if different). Where a privacy service is used, the registrant contact data is that of the privacy services customer. Where a proxy service is used, the account holder's contact data is also subject to these requirements, which is defined as the person or entity that pays for the domain name or otherwise controls the management of the registered domain name, when different from the registrant. Accordingly, the underlying data of a privacy services customer or proxy customer managing the registered name is already subject to requirements under the RAA and RDDS Accuracy Program Specification.

The Board considers the recommendation to ensure an amendment to the 2013 RAA by 31 December 2019 as unnecessary in light of existing requirements and therefore, rejects RDS-WHOIS2 Recommendation 10.1.

Which stakeholders or others were consulted?

The RDS-WHOIS2 Final Report was published for a [public comment proceeding](#) and the Board received feedback as part of that process.

What significant materials did the Board review?

The Board considered various significant materials and documents. In addition to the ICANN assessment (see the December Scorecard), the Board consulted the RDS-WHOIS2 Review Team’s [Final Report](#) and the [staff report](#) of the public comment proceeding on the RDS-WHOIS2 Final Report.

The Board has also considered the [Assessment of Registration Data Accuracy Scenarios](#) that was delivered to the GNSO Council in October 2023, as well as the [ICANN Organization Enforcement of Registration Data Accuracy Obligations Before and After GDPR page](#).

Are there positive or negative community impacts?

Taking action on the four RDS-WHOIS pending recommendations contributes to further addressing the outcome of the Specific Reviews, and enhances ICANN's accountability.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

None.

Are there any security, stability or resiliency issues relating to the DNS?

The Board recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, and that it has been a longstanding topic of discussion within the community.

Is this decision in the public interest and within ICANN's mission?

This action is in the public interest as it is a fulfillment of ICANN Bylaws, as articulated in Section 4.6. It is also within ICANN's mission and mandate. ICANN reviews are an important and essential part of how ICANN upholds its commitments.

Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?

None required.

Signature Block:

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Date Noted: xxxx 2023

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Board Action/Rationale on & ICANN Assessment of Second Registration Directory Service Review (RDS-WHOIS2) Pending Recommendations 4.1, 4.2, 5.1, and 10.1

21 December 2023

The Board notes that at the time the [RDS-WHOIS2 Final Report](#) (dated 3 September 2019) and its recommendations were issued, the community was discussing the Phase 2 recommendations of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP), while implementation of the Phase 1 recommendations was ongoing.

The Board also recognizes that the regulatory environment around data protection and privacy has changed significantly since the RDS-WHOIS2 formulated its recommendations.

The Board acknowledges the ongoing community discussions that continue to shape the RDS landscape. The Board recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, and that it has been a longstanding topic of discussion within the community. While the Board is moving to reject these recommendations, the Board wishes to acknowledge the important ongoing community work, including scoping a possible policy development process, which may be beneficial in further defining registration data accuracy.

RDS-WHOIS # 4.1	<p>Recommendation language: The ICANN Board should initiate action to ensure ICANN Contractual Compliance is directed to proactively monitor and enforce registrar obligations with regard to RDS (WHOIS) data accuracy using data from incoming inaccuracy complaints and RDS accuracy studies or reviews to look for and address systemic issues. A risk-based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them.</p> <p>RDS-WHOIS2 priority: High</p>
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Board action/rationale:

The Board recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, and that it has been a longstanding topic of discussion within the community.

The Board acknowledges that ICANN Contractual Compliance (ICANN Compliance) actively enforces registrar obligations with regard to RDS (WHOIS) requirements as they currently exist within the Registrar Accreditation Agreement (RAA) and the Registration Data Directory Service (RDDS) Accuracy Program Specification of the RAA. These obligations include verification that either the registrant's email address or telephone number are operable, validation of format of contact information, and the requirement to investigate alleged inaccuracies within registration data. The Board understands that ICANN Compliance undertakes enforcement of these requirements through actions resulting from complaints received from external reports, as well as audit-related activities. The Board notes that ICANN Compliance regularly publishes [Contractual Compliance Reports](#) on the ICANN website, which include metrics relating to these enforcement activities. In addition, ICANN

has published [detailed information](#) regarding enforcement of these contractual obligations, including how data protection laws have impacted enforcement efforts.

Furthermore, the Board wishes to highlight the extensive work that ICANN org has been doing both to address community concerns and the requirements coming from evolving regulatory frameworks at a global level, including the recent [Assessment of Registration Data Accuracy Scenarios](#). This report, that identifies significant limitations as to what studies or reviews of registration data are feasible in light of current contractual requirements and existing data protection laws, was delivered to the Generic Names Supporting Organization (GNSO) Council on 13 October 2023 to help inform the work of the GNSO's Accuracy Scoping Team. As noted within this report, there is currently no consensus on how "accuracy" is defined with respect to registration data. Further, the Board highlights that there is no consensus on what would constitute a "systemic issue" concerning registration data accuracy.

Considering that ICANN Compliance already enforces existing requirements within the Registry Agreement and RAA provisions, and that further community discussions are required to define accuracy and what constitutes a "systemic issue" in registration data accuracy, the Board rejects Recommendation 4.1. The Board understands that ICANN org will continue to support the work of the community by providing detailed metrics relating to enforcement of current registration data requirements and supporting research to help understand best practices as it concerns registration data accuracy, as appropriate.

ICANN assessment:

Contractual Requirements and registration data accuracy

- Relevant requirements related to the accuracy of registration data in the contracted parties' agreements include:
 - Base Registry Agreement (RA) Art. 2.11 and Art. 2.2;
 - Registrar Accreditation Agreement (RAA) Art 3.7.8. in addition to complying with the provisions of the RDDS Accuracy Program Specification.
- Moreover, the RAA requires registrars to take certain actions related to registration data associated with their sponsored gTLD domain names. In particular, the RAA includes obligations relating to the investigation of allegations of inaccuracy, contact information verification, and data format validation. ICANN org enforces registry and registrar obligations through its Contractual Compliance team.
- Following the Board's adoption of the Temporary Specification for gTLD Registration Data, which was enacted to ensure compliance with the General Data Protection Regulation (GDPR), most contracted parties now redact personal data within gTLD registration data in public Registration Data Directory Services (RDDS). As a result, there is less visibility of registrant contact data in public RDDS, and potential complainants often lack direct access to registration data, making it much more difficult to identify instances of registration data inaccuracy or to take action to correct them.
- ICANN Compliance conducts regular audits of registries and registrars to ensure their compliance with the Registry Agreement (RA) and RAA. The RAA audit program includes a review of the requirements of RAA 3.7.8 relating to registrar compliance with the RDDS Accuracy Program Specification. Information regarding Contractual Compliance audits can be found here <https://www.icann.org/resources/pages/audits-2012-02-25-en>. The latest audit reports are published at <https://www.icann.org/resources/pages/compliance-reports-2023> while the latest contractual compliance dashboard is available at

<https://features.icann.org/compliance/dashboard/2023/0423/report>. The audits include confirming that registrars comply with their RDDS Accuracy Program Specification obligations (validation and verification).

Accuracy Scoping Team

- In August 2021, the GNSO Registration Data Accuracy Scoping Team (Accuracy Scoping Team) was chartered to scope the issue of gTLD registration data accuracy for a possible policy development process. The aim of the Accuracy Scoping Team was to understand current enforcement and reporting, as well as define and measure levels of accuracy.
- The Accuracy Scoping Team was asked to “consider what working definitions should be used in the context” of its deliberations. However, the team has not reached agreement on any working definition of accuracy in the context of registration data nor defined what data specifically would help identify whether or not there is an accuracy problem.
- In response to a Board request, formulated prior to ICANN73, ICANN org identified four scenarios for which it would consult with the European Data Protection Board (EDPB) concerning the legality of the proposed data processing under the General Data Protection Regulation (GDPR). Assessing these specific steps would allow ICANN org to consider the state of compliance with current requirements and registrar processes regarding registration data collection to try to move the community conversation forward. These included: 1) analyzing publicly available registration data; 2) conducting a compliance audit regarding current contractual requirements; 3) analyzing a set of full registration data voluntarily provided by registrars; and 4) a voluntary registrar survey.
- In October 2023, ICANN org shared its [assessment](#) of the 4 scenarios with the GNSO Council, which identified several deficiencies and challenges in pursuing them. The assessment identified possible alternative steps that can be taken, which may provide information that helps advance the Accuracy Scoping Team’s work, including reviewing existing ICANN Contractual Compliance RAA Audit Program Data, and engaging with contracted parties on current developments with respect to European policy-making.

Accuracy Studies

- The WHOIS Accuracy Reporting System was placed on hold in June 2018 due to ICANN org’s continuing assessment of the legalities of processing the data in light of GDPR, as well as due to the lack of available data in the public directories.
- While the [ICANN Contractual Compliance audit program](#) provides data regarding the level of compliance with the current contractual obligations, this data would not provide any meaningful insight as to whether the underlying data relates to the registrant or data subject. For instance, it will not confirm the identity of the registrant, or that the physical address or email/phone number belong to the registrant.
- The Domain Abuse Activity Reporting (DAAR) project offers a platform for studying concentrations of security threats (DNS abuse) in domain names within the gTLD space in an aggregated and anonymous manner, and provides coverage of those ccTLDs that have voluntarily adhered to the project.
- ICANN org notes that these studies do not explore the causes or impacts of registration data inaccuracy.

Systemic Issues

To date, there is no agreed definition of what a systemic issue is, nor methodology to detect or measure these systemic issues.

RDS- WHOIS2 REC # 4.2	<p>Recommendation language: The ICANN Board should initiate action to ensure that ICANN Contractual Compliance is directed to cross-reference existing data from incoming complaints and studies such as the ARS to detect patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA. When such a pattern is detected, compliance action or an audit should be initiated to review compliance of the Registrar with RDS (WHOIS) contractual obligations and consensus policies.</p> <p>RDS-WHOIS2 priority: High</p>
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Board action/rationale:

The Board recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, that it has been a longstanding topic of discussion within the community, and that strong cooperation and dialogue with contracted parties contribute to tackling this matter in an effective way.

The Board notes that ICANN org enforcement actions with regard to RDS (WHOIS) requirements are limited to those obligations that currently exist within the Registrar Accreditation Agreement (RAA) and the RDDS (Registration Data Directory Service) Accuracy Program Specification of the RAA. The Board understands that ICANN Compliance undertakes enforcement of these requirements through actions resulting from complaints received from external reports, as well as audit-related activities. This includes incorporating compliance monitoring of these requirements as part of its standard Registrar Audit Program under the 2013 RAA. The Board also notes that ICANN Compliance regularly publishes [Contractual Compliance Reports](#) on the ICANN website, which include metrics relating to these enforcement activities. In addition, ICANN has published [detailed information](#) regarding enforcement of these contractual obligations, including how data protection laws have impacted enforcement efforts. Furthermore, the Board wishes to highlight that ICANN org is regularly assessing contracted parties' compliance with their respective agreements, and that a contracted party's failure to comply with its agreement may result in a notice of breach, suspension, termination or nonrenewal that is documented on a [dedicated ICANN org website page](#).

The Board also notes that the WHOIS Accuracy Reporting System was placed on hold due to ICANN org's continuing assessment of the legalities of processing the data in light of GDPR, as well as due to the lack of available data in the public directories.

ICANN's recent report on its [Assessment of Registration Data Accuracy Scenarios](#) further identified significant limitations as to what studies or reviews of registration data are feasible in light of current contractual requirements and existing data protection laws. This report was delivered to the Generic Names Supporting Organization (GNSO) Council on 13 October 2023 to help inform the work of the GNSO's Accuracy Scoping Team. As noted within this report, there is currently no consensus on how "accuracy" is defined with respect to registration data. Further, the Board highlights that it is not clear what "patterns of failure" might be as it relates to the verification and validation of registration data accuracy, and understands that any identified instance of noncompliance with current obligations must be corrected to maintain accreditation with ICANN.

Considering that ICANN Contractual Compliance enforcement actions must be based on the existing Registry Agreement and Registrar Accreditation Agreement provisions, that the ability to cross-reference data from multiple resources is unrealistic considering the current

data protection legal landscape, and that ICANN Compliance already undertakes enforcement action upon any identified deficiency within complaints received and the standard Registrar Audit Program, the Board rejects Recommendation 4.2. The Board understands that ICANN org will continue to support the work of the community by providing detailed metrics relating to enforcement of current registration data requirements and supporting research to help understand best practices as it concerns registration data accuracy, as appropriate.

ICANN assessment:

Accuracy Studies

- The WHOIS Accuracy Reporting System was placed on hold in June 2018 due to ICANN org's continuing assessment of the legalities of processing the data in light of GDPR, as well as due to the lack of available data in the public directories.
- While the [ICANN Contractual Compliance audit program](#) provides data regarding the level of compliance with the current contractual obligations, this data would not provide any meaningful insight as to whether the underlying data relates to the registrant or data subject. For instance, it will not confirm the identity of the registrant, or that the physical address or email/phone number belong to the registrant.
- The Domain Abuse Activity Reporting (DAAR) project offers a platform for studying concentrations of security threats (DNS abuse) in domain names within the gTLD space in an aggregated and anonymous manner, and provides coverage of those ccTLDs that have voluntarily adhered to the project.
- ICANN org notes that these studies do not explore identifying causes or impacts of registration data inaccuracy.

Contractual Requirements and registration data accuracy

- Relevant requirements related to the accuracy of registration data in the contracted parties' agreements include:
 - Base Registry Agreement (RA) Art. 2.11 and Art. 2.2;
 - Registrar Accreditation Agreement (RAA) Art 3.7.8. in addition to complying with the provisions of the RDDS Accuracy Program Specification.
- Moreover, the RAA requires registrars to take certain actions related to registration data associated with their sponsored gTLD domain names. In particular, the RAA includes obligations relating to the investigation of allegations of inaccuracy, contact information verification, and data format validation. ICANN org enforces registry and registrar obligations through its Contractual Compliance team.
- Following the Board's adoption of the Temporary Specification for gTLD Registration Data, which was enacted to ensure compliance with the General Data Protection Regulation (GDPR), most contracted parties now redact personal data within gTLD registration data in public Registration Data Directory Services (RDDS). As a result, there is less visibility of registrant contact data in public RDDS, and potential complainants often lack direct access to registration data, making it much more difficult to identify instances of registration data inaccuracy or to take action to correct them.
- ICANN Compliance conducts regular audits of registries and registrars to ensure their compliance with the Registry Agreement (RA) and RAA. The RAA audit program includes a review of the requirements of RAA 3.7.8 relating to registrar compliance with the RDDS Accuracy Program Specification. Information regarding Contractual Compliance audits can be found [here](#). The latest audit reports are published at <https://www.icann.org/resources/pages/compliance-reports-2023> while the latest contractual compliance dashboard is available at

<https://features.icann.org/compliance/dashboard/2023/0423/report>. The audits include confirming that registrars comply with their RDDS Accuracy Program Specification obligations (validation and verification).

Accuracy Scoping Team

- In August 2021, the GNSO Registration Data Accuracy Scoping Team (Accuracy Scoping Team) was chartered to scope the issue of gTLD registration data accuracy for a possible policy development process. The aim of the Accuracy Scoping Team was to understand current enforcement and reporting, as well as define and measure levels of accuracy.
- The Accuracy Scoping Team was asked to “consider what working definitions should be used in the context” of its deliberations. However, the team has not reached agreement on any working definition of accuracy in the context of registration data nor defined what data specifically would help identify whether or not there is an accuracy problem.
- In response to a Board request, formulated prior to ICANN73, ICANN org identified four scenarios for which it would consult with the European Data Protection Board (EDPB) concerning the legality of the proposed data processing under the General Data Protection Regulation (GDPR). Assessing these specific steps would allow ICANN org to consider the state of compliance with current requirements and registrar processes regarding registration data collection to try to move the community conversation forward. These included: 1) analyzing publicly available registration data; 2) conducting a compliance audit regarding current contractual requirements; 3) analyzing a set of full registration data voluntarily provided by registrars; and 4) a voluntary registrar survey.
- In October 2023, ICANN org shared its [assessment](#) of the 4 scenarios with the GNSO Council, which identified several deficiencies and challenges in pursuing them. The assessment identified possible alternative steps that can be taken, which may provide information that helps advance the Accuracy Scoping Team’s work, including reviewing existing ICANN Contractual Compliance RAA Audit Program Data, and engaging with contracted parties on current developments with respect to European policy-making.

RDS- WHOIS2 REC # 5.1	Recommendation language: The Accuracy Reporting System, which was instituted to address concerns regarding RDS (WHOIS) contact data accuracy, has demonstrated that there is still an accuracy concern and therefore such monitoring must continue. ICANN organization should continue to monitor accuracy and/or contactability through either the ARS or a comparable tool/methodology. RDS-WHOIS2 priority: High
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Board action/rationale:

The Board recognizes that accuracy of registration data is an important matter for ensuring a stable and secure Domain Name System, that it has been a longstanding topic of discussion within the community, and that strong cooperation and dialogue with contracted parties contribute to tackling this matter in an effective way.

The Board wishes to highlight that since the launch of the Accuracy Reporting System (ARS), the regulatory environment around data protection and privacy has changed significantly. Such changes necessitated the Board’s adoption of the Temporary

Specification for gTLD Registration Data, which resulted in the obfuscation of most registrant contact information that was previously available in the public directories. As a result, the ARS was placed on hold, where it remains. ICANN continues to assess the legalities of processing registration data within the current regulatory environment. In the [Assessment of Registration Data Accuracy Scenarios](#) that was recently sent to the GNSO Council, “ICANN has identified alternative steps that can be taken, which may provide information that helps advance the Accuracy Scoping Team’s work”.

Considering the pause of ARS and questions surrounding the legalities of the contemplated data processing, and the recent assessment that org shared with the GNSO Council, the Board rejects this Recommendation as it concerns the monitoring of accuracy and/or contactability through either the ARS or a comparable tool, noting that ICANN continues to enforce registration data obligations within the remit of the contracted parties’ agreements through inaccuracy complaints and audit-related activities.

ICANN assessment:

WHOIS Accuracy Reporting System

- The Temporary Specification for gTLD Registration Data resulted in limited access to gTLD registration data for all parties, including ICANN org. This limited ICANN org’s ability to perform checks on gTLD registration data within the public RDDS. The WHOIS Accuracy Reporting System was subsequently placed on hold in June 2018 due to ICANN org’s continuing assessment of the legalities of processing the data in light of GDPR, as well as due to the lack of available data.
- See ICANN org [memo](#) on the WHOIS Accuracy Reporting System:
 - “In line with EPDP Phase 1 recommendations, registrars will no longer be required to collect information for many of the nine fields noted above. In fact, only the registrant email, address, and phone will be required.
 - “Continuing the ARS with publicly available registration data may not be useful. ICANN org has expressed to the GNSO Council concerns with continuing the ARS using publicly available data, which it has relied on to measure accuracy. There is a question as to whether publicly available data will provide useful results in terms of the overall accuracy of registration data; indeed, any results may be biased toward those contracted parties who do publish contact details in registration data and/or those registrants who consent to publication.”
 - “While ICANN org could restart ARS using public registration data, ICANN org does not have the contractual ability to require the contracted parties to provide access to non-public registration data to ensure that the ARS is collecting a representative sample of registrations (i.e., not simply domains for which registration data is publicly available).”
 - “The ARS is focused on a static moment of the accuracy of registration data but not necessarily on how to improve it. While one of the intended functions of the ARS is to provide information on registration data inaccuracies to ICANN Contractual Compliance for follow-up with registrars, which could in turn lead to improvement of accuracy of registration data, the ARS itself is generally focused on a snapshot of accuracy, not on ways to improve accuracy over time. It should be considered whether this method of reviewing accuracy meets the needs and demands of the ICANN community, or whether, at this time, a different mechanism should be considered for reviewing and improving accuracy of registration data.”
 - “ICANN org believes it is important to view the question of measuring registration data accuracy in light of ongoing conversations on data protection” [...]. “The discussion of accuracy measurement should not be solely focused on the ARS but should encompass the wider range of issues

related to the GDPR and data protection”.

Accuracy Scoping Team

- In August 2021, the GNSO Registration Data Accuracy Scoping Team (Accuracy Scoping Team) was chartered to scope the issue of gTLD registration data accuracy for a possible policy development process. The aim of the Accuracy Scoping Team was to understand current enforcement and reporting, as well as define and measure levels of accuracy.
- The Accuracy Scoping Team was asked to “consider what working definitions should be used in the context” of its deliberations. However, the team has not reached agreement on any working definition of accuracy in the context of registration data nor defined what data specifically would help identify whether or not there is an accuracy problem.
- In response to a Board request, formulated prior to ICANN73, ICANN org identified four scenarios for which it would consult with the European Data Protection Board (EDPB) concerning the legality of the proposed data processing under the General Data Protection Regulation (GDPR). Assessing these specific steps would allow ICANN org to consider the state of compliance with current requirements and registrar processes regarding registration data collection to try to move the community conversation forward. These included: 1) analyzing publicly available registration data; 2) conducting a compliance audit regarding current contractual requirements; 3) analyzing a set of full registration data voluntarily provided by registrars; and 4) a voluntary registrar survey.
- In October 2023, ICANN org shared its [assessment](#) of the 4 scenarios with the GNSO Council, which identified several deficiencies and challenges in pursuing them. The assessment identified possible alternative steps that can be taken, which may provide information that helps advance the Accuracy Scoping Team’s work, including reviewing existing ICANN Contractual Compliance RAA Audit Program Data, and engaging with contracted parties on current developments with respect to European policy-making.

RDS- WHOIS2 Rec 10.1	<p>Recommendation language: The Board should monitor the implementation of the PPSAI. If the PPSAI policy does not become operational by 31 December 2019, the ICANN Board should ensure an amendment to the 2013 RAA (or successor documents) is proposed that ensures that the underlying registration data of domain name registrations using Privacy/Proxy providers affiliated with registrars shall be verified and validated in application of the verification and validation requirements under the RAA unless such verification or validation has already occurred at the registrar level for such domain name registrations.</p> <p>RDS-WHOIS2 priority: Low</p>
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Board action/rationale:

The ICANN Board has been monitoring the progress and community discussions regarding the implementation of Privacy and Proxy Service Accreditation Issues (PPSAI) since it was placed on hold due to issues related to the General Data Protection Regulation (GDPR), the adoption of the Temporary Specification, the policy development and subsequent implementation of the EPDP Phase 1 (Registration Data Policy) and the then-forthcoming EPDP Phase 2 policy recommendations.

The Board will continue to monitor the activities relating to implementation of the GNSO PPSAI policy recommendations and acknowledges ICANN org plans to work with an Implementation Review Team (IRT) to help consider these recommendations in light of the community's work and changes in the RDS landscape since the recommendations were issued.

The Board understands that under the current requirements of the 2013 Registrar Accreditation Agreement (RAA) and RDDS (Registration Data Directory Service) Accuracy Program Specification of the RAA, registrars must validate and verify registrant contact data, and account holder contact data (if different). Where a privacy service is used, the registrant contact data is that of the privacy services customer. Where a proxy service is used, the account holder's contact data is also subject to these requirements, which is defined as the person or entity that pays for the domain or otherwise controls the management of the registered name, when different from the registrant. Accordingly, the underlying data of a privacy services customer or proxy customer managing the registered name is already subject to requirements under the RAA and RDDS Accuracy Program Specification. The Board considers the recommendation to ensure an amendment to the 2013 RAA by 31 December 2019 as unnecessary in light of existing requirements and therefore, rejects this recommendation.

ICANN assessment:

- Due to the overlap between the PPSAI recommendations and the work of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP), the implementation of PPSAI remains on hold.
- ICANN org expects to allocate resources to continue the implementation of the PPSAI recommendations once the implementation of EPDP Phase 1 is complete.
- The [2013 Registrar Accreditation Agreement \(RAA\)](#) includes requirements for registrars to validate and verify contact data of the registrant, and Account Holder, if different. This applies to the underlying registrant contact information for privacy registrations, and Account Holder contact information for proxy registrations (in all cases where the person or entity that pays for the Registered Name or otherwise controls the management of the registered name is not the proxy service itself). Notwithstanding the existing requirements, and once the EPDP Phase 1 implementation is complete, the PPSAI, once implemented, will provide additional explicit requirements to verify and validate contact data of both privacy and proxy customers.
- In [July 2022](#), ICANN org and the Registrar Stakeholder Group (RrSG) agreed that the P/P Specification will [remain in place](#) until the PPSAI recommendations are implemented.
- ICANN org plans to resume the implementation of PPSAI once Registration Data Policy (EPDP Phase 1) implementation is complete, including an Implementation Review Team (IRT) that will help look into implementing recommendations in compliance with the new RDS landscape.

ICANN BOARD PAPER NO. 2023.12.21.1b
(Subject to Audit Committee Approval)

TITLE: **Appointment of Independent Audit Firm(s) for
Fiscal Year 2024**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

Section 22.2 of the ICANN Bylaws (<http://www.icann.org/general/bylaws.htm>) requires that after the end of the fiscal year, the books of ICANN must be audited by certified public accountants, which shall be appointed by the Board.

As the Audit Committee has recommended that the Board approve Confidential Negotiation Information as the independent audit firm(s) for the fiscal year ending 30 June 2024 for any annual ICANN independent audit requirements, the Board is now being asked to approve the Audit Committee's recommendation.

AUDIT COMMITTEE RECOMMENDATION *(Subject to Audit Committee Approval)*:

The Audit Committee recommends that the Board authorize the Interim President and CEO, or her designee(s), to take all steps necessary to engage Confidential Negotiation Information as ICANN's annual independent audit firm(s) for the fiscal year ending 30 June 2024, for any annual independent audit requirements in any jurisdiction.

PROPOSED RESOLUTION:

Whereas, the Board Audit Committee has discussed the recommendation from ICANN org and has recommended that the Board authorize the Interim President and CEO, or her designee(s), to take all steps necessary to engage the selected audit firm and its member firms to carry out the independent audit for the fiscal year ending 30 June 2023.

Resolved (2023.12.21.XX), the Board authorizes the Interim President and CEO, or her designee(s), to take all steps necessary to engage the selected audit firm and its member firms as the audit firm(s) for the financial statements for the fiscal year ending 30 June 2024.

Resolved (2023.12.21.XX), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article 3, section 3.5(b) of the ICANN Bylaws until the Interim President and CEO determines that the confidential information may be released.

RATIONALE FOR RESOLUTION:

The selected audit firm and its member firms have been ICANN's independent audit firms since the audit of fiscal year 2022. Based on the report from the organization and the Audit Committee's evaluation of the work performed during last year's audit, the committee has recommended that the Board authorize the Interim President and CEO, or her designee(s), to take all steps necessary to engage the selected firm and its member firms as ICANN's independent audit firm(s) for fiscal year 2024 for any annual independent audit requirements in any jurisdiction.

This furthers ICANN's accountability to its Mission and processes, and the results of the independent audit firm's work will be publicly available. Taking this decision is both consistent with ICANN's Mission and in the public interest as the engagement of an independent audit firm is in fulfillment of ICANN's obligations to undertake an audit of ICANN's financial statements and helps serve ICANN's stakeholders in a more accountable manner.

This decision will have a fiscal impact on ICANN, which is accounted for in the FY24 ICANN Operating Plan and Budget and in the Draft ICANN FY25 Operating Plan and Budget. This decision should not have any direct impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

Submitted by:	Xavier Calvez
Position:	SVP, Planning and Chief Financial Officer
Date Noted:	5 December 2023
Email:	Xavier.calvez@icann.org

Pages 21 -34 removed - Privileged & Confidential Information

ICANN BOARD PAPER NO. 2023.12.21.2a

TITLE: **Platform and Professional Services Contracts for the Next Round Program's Application Lifecycle Management Systems**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

The Next Round of the New gTLD Program is one of ICANN's most intricate and ambitious endeavors to date. It is a multifaceted and highly complex undertaking anchored by a comprehensive platform that will serve as the central hub for the entire program, orchestrating almost every facet of the gTLD application process. The platform will host the Application Support Program (ASP) and the Registry Service Provider (RSP) Evaluation processes, as well as support the gTLD applicant experience from submission, processing and evaluation, and contracting phases. Across each system the platform will support internal and external reporting needs. Finally, the platform will integrate with other pivotal systems and programs, including the Registry System Testing (RST) system, public-facing website and its ancillary services, and the Naming Services portal as applicants transition to contracted parties.

As the New gTLD Program Next Round moves forward, it is imperative that ICANN secures the rights to a platform upon which ICANN can develop required applications for the Next Round. ICANN also needs to engage trusted professional services in order to assist ICANN with the needed application development in a timely manner. ICANN needs partners who are not only technically capable, but also willing to work closely with ICANN internal teams throughout the development and production stages.

Given the timing and scale of the New gTLD Program Next Round and services to be delivered, it is critical that ICANN negotiate with the vendor for both the rights to use the platform as well as the needed professional service resources in coordination with one

another. ICANN org has identified the need for two contracts to support the development and operations of the New gTLD Program Next Round application lifecycle management systems. The key terms of the two contracts include:

1. Confidential Negotiation Information platform, license and enterprise support with the vendor for the right to use the selected platform during the infrastructure development and operations phases of the New gTLD Program Next Round at a not-to-exceed cost of Confidential Negotiation Information
2. Confidential Negotiation Information staff professional services contract with the vendor to cover the infrastructure development activities atop the platform for applications of the New gTLD Program Next Round at a not-to-exceed cost of Confidential Negotiation Information

In total, these two contracts amount to Confidential Negotiation Information

Because each contract is greater than US\$500,000, under ICANN's Contracting and Disbursement Policy the Board is required to approve entering into and making disbursements in furtherance of these contracts.

**ICANN ORGANIZATION AND BOARD FINANCE COMMITTEE (BFC)
RECOMMENDATION (subject to BFC approval):**

Both ICANN org and the BFC recommend that the Board authorize the Interim President and CEO, or her designee(s), to take all necessary actions to enter into, and make disbursement in furtherance of: (i) a contract, for the period Confidential Negotiation Information for rights to use the platform and enterprise support needed for the New gTLD Program Next Round; and (ii) a contract, for a period of Confidential Negotiation Information for professional services to assist ICANN with application development atop the platform.

PROPOSED RESOLUTION:

Whereas, ICANN organization has a need to establish a platform to serve as the central hub for the New gTLD Program Next Round that will help support almost every facet of

the gTLD application process and a need for third-party professional services to help develop applications that will work with the platform.

Whereas, ICANN conducted a full request for proposal to select established provider(s) for the use of a platform and professional services.

Whereas, ICANN org and the BFC recommend that the Board authorize the Interim President and CEO, or her designee(s), to take all necessary actions to enter into, and make disbursement in furtherance of: (i) a contract, for the period ^{Confidential Negotiation Information} for rights to use the platform and enterprise support needed for the New gTLD Program Next Round; and (ii) a contract, for a period of ^{Confidential Negotiation Information} for professional services to assist ICANN with application development atop the platform.

Resolved (2023.12.21.XX), the Board authorizes the Interim President and CEO, or her designee(s), to enter into, and make disbursements in furtherance of, a ^{Confidential Negotiation Information} contract not to exceed ^{Confidential Negotiation Information} in the aggregate, for rights to use a platform and ancillary services needed for the New gTLD Program Next Round.

Resolved, (2023.12.21.XX), the Board authorizes the Interim President and CEO, or her designee(s), to enter into, and make disbursements in furtherance of, a ^{Confidential Negotiation Information} contract not to exceed ^{Confidential Negotiation Information} in the aggregate, to assist ICANN in the development of applications that will work with the platform referenced above.

Resolved (2023.12.21.XX), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article 3, section 3.5(b) of the ICANN Bylaws until the Interim President and CEO determines that the confidential information may be released.

PROPOSED RATIONALE:

In order to facilitate the New gTLD Program Next Round initiatives outlined above, ICANN org has a need for both a platform as well as software engineering resources that can support the gTLD application lifecycle processes during the implementation ^{Confidential Negotiation Information} and operations phases of the Program. Considering both needs together –

platform-licensing contract and a Confidential Negotiation Information professional services contract – provides ICANN org with the most leverage in negotiating discounted rates for the necessary platform licensing, support and professional services.

ICANN org has conducted a thorough review and evaluation of the potential platform partners, starting in January 2022. In June 2022, following this evaluation, the org collaborated with a global research firm to evaluate IT service platforms for the Next Round, focused on platforms with low code application development and business process management capabilities. Concurrently, the evaluation team conducted a Request for Information (RFI) with several vendors, subsequently evaluating the top candidate platforms.

Starting in April 2023 through September 2023 ICANN org took the following actions to determine at a deeper level the viability, cost effectiveness and robustness of the candidate platform vendors:

- Launched a Request for Proposal (RFP) of top candidates from RFI
- Designed and executed a feature-rich Minimum Viable Product (MVP) based on core applicant submission, processing and evaluation actions to assess the vendor platform in practical terms.
- Conducted comprehensive internal and external system security testing and performance tuning, addressing previous round issues. As part of system security testing ICANN engaged a dedicated information security team and 3rd party pen test to evaluate the completed MVP and platform. No critical vulnerabilities were identified.

The RFP was completed and evaluated in October 2023 and consensus was achieved among internal stakeholders. The selected vendor remained the most cost effective and capable to support the New gTLD Program Next Round.

Over the contract duration for use of the platform, the overall plan is to leverage the selected platform to optimize applicant experience throughout the next round processes. To ensure the quality and efficiency of the program, ICANN org intends to:

- Track delivery and quality metrics to boost team performance.
- Focus on key deliverables to achieve optimal program output.
- Review contract vs. staff resourcing plan to minimize ongoing cost

There are several milestones remaining for the New gTLD Program Next Round, which ICANN org has estimated to require several more years of work. At a high-level these milestones include, but are not limited to the following:

- Registry Service Provider Eval (RSP)
- Applicant Support Program (ASP)
- gTLD Next Round Applicant Management System (TAMS)
- Contracting services
- Reporting services
- Other Shared Services (Payments, OFAC, Background screening)

Accordingly, ICANN organization and the BFC recommended that the Board authorize the organization to enter into, and make disbursement in furtherance of, contracts with the vendor covering a Confidential Negotiation Information period and Confidential Negotiation Information for the right to use the platform and professional services, respectively, with a total cost of both not to exceed

Confidential Negotiation Information. The professional services will augment the Engineering and IT team capabilities in support of the Next Round infrastructure development work with the selected vendor.

This decision is in the furtherance of ICANN's mission and the support of public interest to support the security, stability and resiliency of the domain name system (DNS) by ensuring that there is a fully resourced engineering and IT team able to support the organization in a fiscally responsible and accountable manner.

This decision will have a fiscal impact, but the impact has already been accounted for in the FY24 budget and will be for future budgets as well.

As noted above, this action is intended to have a positive impact on security, stability and resiliency of the DNS.

This is an Organizational Administrative Function that does not require public comment.

Submitted by: Samuel Suh, VP, Strategic Projects & Back Office Systems

Date Noted: 27 November 2023

Email: samuel.suh@icann.org

ICANN BOARD PAPER NO. 2023.12.21.2b

TITLE: **Registry System Testing Staff Augmentation
Contract for the New gTLD Program: Next Round**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

In October 2023, ICANN launched a Request for Proposal (RFP) to identify a Registry System Testing (RST) service provider to help augment ICANN's Engineering and IT (E&IT) team in developing the RST v2.0 service. The current RST system relies on a heavily manual process to verify that an applicant can operate in a stable and secure manner. This project aims to achieve a streamlined and automated RST v2.0 service minimizing the need for human intervention. Due to the strategic importance of this service, ICANN sought vendors willing to work in close collaboration with an internal ICANN team, under direct supervision of an ICANN lead developer to design and build an automated RST system.

ICANN org is now seeking to enter into a contract ^{Confidential Negotiation Information} with a total cost not to exceed ^{Confidential Negotiation Information}, which requires Board approval per ICANN's Contracting and Disbursement Policy because the contract for this RST system and staff augmentation is in line with ICANN's forecasted costs in the 1 August 2023 Implementation Plan deliverable.

ICANN ORGANIZATION AND BOARD FINANCE COMMITTEE (BFC)

RECOMMENDATION (*subject to BFC approval*):

Both ICANN org and the BFC recommend that the Board authorize the Interim President and CEO, or her designee(s), to take all necessary actions to enter into, and make disbursement in furtherance of a contract for ^{Confidential Negotiation Information} duration, not to exceed a value of ^{Confidential Negotiation Information}, for staff augmentation resources.

PROPOSED RESOLUTION:

Whereas, ICANN organization has a need for third-party development and quality assurance support to augment its capacity.

Whereas, ICANN org conducted a full request for proposal to select an established provider.

Whereas, ICANN org and the Board Finance Committee has recommended that the Board authorize the Interim President and CEO, or her designee(s), to take all necessary actions to enter into, and make disbursement in furtherance of a contract for

Confidential Negotiation
Information

duration, not to exceed a value of Confidential Negotiation
Information

, for staff augmentation

resources.

Resolved (2023.12.21.XX), the Board authorizes the Interim President and CEO, or her designee(s), to enter into, and make disbursement in furtherance of a contract for a

term of Confidential Negotiation
Information, not to exceed a value of Confidential Negotiation
Information

, for staff augmentation

resources.

Resolved (2023.12.21.XX), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article 3, section 3.5(b) of the ICANN Bylaws until the Interim President and CEO determines that the confidential information may be released.

PROPOSED RATIONALE:

The Registry System Testing (RST) system is to be developed to comply with Recommendation 39.1 of the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) that instructs ICANN org to create such a system.

The RST system is part of the New gTLD Program – It is a Next Round initiative and should be ready for launch a minimum of 18 months prior to the opening of the next round of gTLD application submission and concurrent with the Registry Service Provider (RSP) evaluation system launch (i.e., Q4 2024).

The RST is expected to be leveraged during the RSP pre-evaluation phase, throughout the gTLD application evaluation processes, during pre-delegation and long term to handle contracted party changes and updates. Therefore, a system that can handle the long term volume demands with less manual overhead is desired.

To support the outstanding deliverables for the RST system, ICANN org has a need for third-party engineering development and quality assurance for 12 months to augment internal IT capacity.

Benefits to outsourcing this work include: (i) ability to ramp up, ramp down, or redirect resources and change team skill sets quickly; and in-sourcing the necessary talent in the timeframe required would exceed the cost of outsourcing to a trusted vendor.

In Oct 2023, ICANN launched a Request for Proposal (RFP) to identify a RST service provider to augment ICANN's Engineering and IT (E&IT) team in developing the RST v2.0 service.

Upon completion of RFP evaluation, a preferred vendor was selected as the best candidate. The vendor has an established relationship of past performance with ICANN in providing skilled engineering and quality assurance services and is the preferred vendor for this project.

Over the contract duration, the plan is to: (i) Track delivery and quality metrics to boost team performance; (ii) focus on key deliverables to achieve optimal system output; and (iii) review contract vs. staff resourcing plan to minimize ongoing cost.

There are several milestones to complete Registry System Testing, which ICANN org has estimated to require 12 months of work. At a high-level these milestones include, but are not limited to the following:

- RESTful API
- Test Orchestration System (TOS)
- Implement automated test areas
- Integration with test infrastructure, database and storage systems

- Documentation training, troubleshooting
- Ongoing operational support

Given the remaining work to deliver these milestones, ICANN org has determined that a support services contract should be established with the preferred vendor.

Confidential Negotiation
Information

This decision is in the furtherance of ICANN's mission and the support of public interest to support the security, stability and resiliency of the domain name system by ensuring that there is a fully resourced engineering and IT team able to support the organization in a fiscally responsible and accountable manner.

This decision will have a fiscal impact, but the impact has already been accounted for in the FY24 budget and will be for future budgets as well.

As noted above, this action is intended to have a positive impact on the next round of new gTLD applications, and further application rounds.

This is an Organizational Administrative Function that does not require public comment.

Submitted by: Samuel Suh, VP, Strategic Projects & Back Office Systems
Date noted: 27 November 2023
Email: samual.suh@icann.org