

RDS-WHOIS2 Final Recommendations
 Board Action 25 February 2020
 Board Resolutions 2020.02.25.01 – 2020.02.25.06

RDS-WHOIS2 RT Recommendation	RT Priority (1)	Dependencies	Considerations	Anticipated Resources/Costs	Board Actions
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1) ICANN Bylaws (Section 4.6 (a)(vii)(A)) stipulate that "The review team shall attempt to prioritize each of its recommendations and provide a rationale for such prioritization." In its Final Report, the RDS-WHOIS2 indicated that 11 recommendations are "High Priority", 6 are "Medium Priority" and 5 are "Low Priority", stating that "Implementation of all recommendations identified as High Priority should begin as soon as possible once approved by the Board and once all preconditions are met. Recommendations assigned medium or low priority need to be considered with respect to overall ICANN priorities, but should not be deferred indefinitely." The RDS-WHOIS2 included its prioritization rationale for each of the 22 recommendations.

Recommendations the Board Approves					
<p>R1.1 To ensure that RDS (WHOIS) is treated as a strategic priority, the ICANN Board should put into place a forward-looking mechanism to monitor possible impacts on the RDS (WHOIS) from legislative and policy developments around the world.</p>	High		<p>Proactively monitoring impacts on the RDS from legislative and policy development around the world is an ICANN organization (ICANN org) implementation responsibility. It is an operational task, not a Board responsibility. The Board has already endorsed this work more broadly through the charter for the legislative and regulatory tracking initiative in January 2019, through the FY20 goals the Board set for ICANN's President and CEO, and the priorities the Board has identified for itself.</p> <p>The existing initiative could be understood to cover these concerns and through ongoing collaboration between Government Engagement (GE), Global Stakeholder Engagement (GSE) and Policy Development staff supporting GNSO work, the requisite analysis of global policy developments could be provided to the Board Working</p>	<p>Existing legislative monitoring and tracking may require additional consultation resources to support the strategic priority at scale over what is already projected for FY20. As more governments look at data protection and RDS issues, this may increase the cost for monitoring and tracking. Costs will go up if ICANN org has to do anything proactive in response to potentially damaging legislation targeting ICANN or its remit. It is anticipated that the GE Team's headcount will be realigned to further support this initiative by the end of FY20. GSE will collaborate with GE on resource needs.</p>	<p>The Board approves this recommendation with clarification that the corresponding activities are already part of ICANN's plans.</p>

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			<p>Group on Internet Governance which is regularly briefed by ICANN org and updates the ICANN Board. In addition, through the revised public reports and briefings, this information can be shared with the full ICANN community.</p> <p>There is ongoing dialogue with the ICANN community on how the existing mechanism/process could be improved. The Governmental Advisory Committee (GAC) notably made a reference to the GNSO Council correspondence https://mm.icann.org/pipermail/council/attachments/20190726/39bc6981/ICANNsLegislativeRegulatoryTracker--RecommendedImprovements-0001.pdf in its public comment on the RDS-WHOIS2 Final Report.</p>		
<p>R1.2 To support this mechanism, the ICANN Board should instruct the ICANN organization to assign responsibility for monitoring legislative and policy development around the world and to provide regular updates to the ICANN Board.</p>	<p>High</p>		<p>ICANN org has already assigned responsibility for monitoring legislative and policy development around the world and for providing regular updates to the ICANN Board.</p> <p>There is ongoing dialogue with the ICANN community on how the existing mechanism/process could be</p>	<p>It is anticipated that the GE Team's headcount will be realigned to further support this initiative by the end of FY20. GSE will collaborate with GE on any resource needs to implement this recommendation.</p>	<p>The Board approves this recommendation.</p>

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			<p>improved. GAC notably made a reference to the GNSO Council correspondence https://mm.icann.org/pipermail/council/attachments/20190726/39bc6981/ICANNsLegislativeRegulatoryTracker--RecommendedImprovements-0001.pdf in its public comment on the RDS-WHOIS2 Final Report.</p>		
<p>R1.3 The ICANN Board, in drafting the Charter of a Board working group on RDS, should ensure the necessary transparency of the group’s work, such as by providing for records of meetings and meeting minutes, to enable future review of its activities.</p>	<p>Medium</p>		<p>This recommendation could have potential implications for Board governance matters more broadly on the transparency obligations for non-Bylaws defined groupings of Board members. ICANN Board Committees have formal transparency requirements and have certain responsibilities, as defined by the ICANN Board. Working Groups (be they in the form of Working Groups or Caucus Groups) do not have delegated authority by the Board and serve to keep the Board informed on progress on certain issues through groupings of Board members expert or interested in the topic under discussion. There could be, of course, other means of achieving transparency of Working Group activities, such as</p>		<p>The Board approves this recommendation, with reference to clarifications received from RDS-WHOIS2 Implementation Shepherds in the 29 January 2020 discussion with the RDS Board Caucus Group.</p>

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			<p>through reporting to the relevant Board Committee or Board on activities.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds that records showing that activities are taking place would be sufficient.</p>		
<p>R3.1 The ICANN Board should direct the ICANN organization to update all of the information related to RDS (WHOIS) and by implication other information related to the registration of second-level gTLDs domains. The content should be revised to make the information readily accessible and understandable, and it should provide details of when and how to interact with ICANN organization or contracted parties. Although not the sole focus of this recommendation, interactions with ICANN organization Contractual Compliance, such as when filing WHOIS Inaccuracy Reports, should be a particular focus. The revision of this web documentation and instructional material should not be undertaken as a purely internal operation but should include users and potentially focus groups to ensure that the final result fully meets the requirements. The resultant outward facing documentation of registrant and RDS (WHOIS) issues should be kept up to date as changes are made to associated policy or processes.</p>	<p>Medium</p>		<p>Work has already begun to re-draft the content and navigation of the WHOIS portal. ICANN Compliance will update the Compliance pages with links to the new information in the Whois Portal once it has been completed.</p>	<p>Estimate is that the implementation would occupy one FTE for three to six months and could potentially be completed in FY 2020.</p> <p>The involvement of user and focus groups would extend the time period for completion by another two to three months.</p>	<p>The Board approves this recommendation.</p>

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<p>R3.2 With community input, the ICANN Board should instruct the ICANN organization to identify groups outside of those that routinely engage with ICANN organization, and these should be targeted through RDS (WHOIS) outreach. An RDS (WHOIS) outreach plan should then be developed, executed, and documented. There should be an ongoing commitment to ensure that as RDS (WHOIS) policy and processes change, the wider community is made aware of such changes. WHOIS inaccuracy reporting was identified as an issue requiring additional education and outreach and may require a particular focus. RDS (WHOIS) outreach should be included when considering communications in underserved regions. The need for and details of the outreach may vary depending on the ultimate General Data Protection Regulation (GDPR) implementation and cannot be detailed at this point.</p>	High	<p>Both the GNSO's Expedited Policy Development Process on Temporary Specification for gTLD Registration Data (EPDP) and the Registration Data Access Protocol (RDAP) phased implementation could impact the information or the messaging to be delivered by ICANN to new target groups.</p>	<p>ICANN org's Global Stakeholder Engagement (GSE) function's current efforts should be considered in determining what additional efforts are needed. For example, GSE may need to implement new tracking regarding RDS-related content, which should be designed according to specified goals, for future analysis. GSE's efforts center on engagement, which is bidirectional and encourages active participation from stakeholders, as opposed to outreach, which is viewed as one-way.</p> <p>For new efforts, ICANN may be reaching out to populations more difficult and expensive to target. It will be important to weigh the quality and impact of these new efforts against the cost of such outreach/engagement and clearly measurable expectations of this recommendation.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds that there should be clear merit and added value in conducting this</p>	<p>Estimating costs and feasibility of implementation are dependent on several factors. For example, if more targeted engagement can be incorporated into current work done by ICANN org, the cost may be on the lower end. The higher end of the budget could include creating an educational course for ICANN Learn, a paid online awareness campaign, the development/placement of targeted content to specific audiences using multiple channels, and outside resources to accomplish these tasks.</p> <p>Efficiencies can be gained by pairing engagement efforts related to RDS with education and awareness related to the implementation of the RDAP.</p>	<p>The Board approves this recommendation, with reference to clarifications received from RDS-WHOIS2 Implementation Shepherds in the 29 January 2020 discussion with the RDS Board Caucus Group.</p>

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			additional outreach, as opposed to ticking boxes.		
<p>R10.2 Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS (WHOIS) Review Team after PPSAI Policy is implemented.</p>	Low		<p>Under the current Bylaws, the Specific Reviews review teams have the ability to set their charter according to the Bylaws, precluding the Board from dictating their mandate. As such, while the Board could make a recommendation to a future review team, the Board could not require that said review team to take on the recommendation as part of their mandate. The subsequent review team (RDS-WHOIS3) might not consider itself bound by this recommendation and the desired outcome of this recommendation, as a result, is not warranted.</p>		<p>The Board approves this recommendation with the caveat that the subsequent review team (RDS-WHOIS3) might not consider itself bound by such a recommendation.</p>

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<p>R11.2 The ICANN Board should direct the ICANN organization to ensure that the common interface displays all applicable output for each gTLD domain name registration as available from contracted parties, including multiple versions when the outputs from registry and registrar differ. The common interface should be updated to address any policy or contractual changes to maintain full functionality.</p>	High		<p>RDAP was designed with the future need to update or address any future policy or contractual changes, so ICANN is already compliant with this portion of the recommendation.</p> <p>It is feasible for ICANN to program the RDAP look-up tool to note differences between the registrar vs. registry data for a domain name, but it should be defined as to which data needs to be compared, since, for example, certain status codes are only set by registries and would be found absent in the registrar's information.</p>	<p>Programming is needed. There may be a need to bring a resource to build software.</p>	<p>The Board approves this recommendation.</p>
<p>R12.1 Reviewing the effectiveness of the implementation of Recs #12-14 should be deferred. The ICANN Board should recommend that review to be carried out by the next RDS Review Team after RDAP is implemented, and the translation and transliteration of the registration data launches.</p>	Low		<p>Experience gained in implementation of RDAP, as well as the Translation & Transliteration policy recommendations, would be very relevant to carrying out these reviews.</p> <p>Under the current Bylaws, the Specific Reviews review teams have the ability to set their charter according to the Bylaws, precluding the Board from dictating their mandate. As such, while the Board could make a recommendation to a future</p>		<p>The Board approves this recommendation, with note that the subsequent review team (RDS-WHOIS3) might not consider itself bound by such a recommendation.</p>

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			<p>review team, the Board could not require that said review team to take on the recommendation as part of their mandate. The subsequent review team (RDS-WHOIS3) might not consider itself bound by this recommendation and the desired outcome of this recommendation, as a result, is not warranted.</p>		
<p>R15.1 The ICANN Board should ensure that implementation of RDS-WHOIS2 Review Team recommendations is based on best practice project management methodology, ensuring that plans and implementation reports clearly address progress, and applicable metrics and tracking tools are used for effectiveness and impact evaluation.</p>	<p>Medium</p>	<p>The Third Accountability and Transparency Review Team (ATRT3)'s work on streamlining of reviews and prioritization of community-issued recommendations may have an impact on how this recommendation can be implemented.</p>	<p>The intent of this recommendation has broader implications for all community recommendations, and appears to have an ongoing element, suitable for continuous improvement. While the project management methodologies/best practices and reporting mechanisms may be implemented in reasonably short order, the effectiveness of this implementation will likely be judged based on how these methodologies/best practices and reporting mechanisms lead to what the community would consider to be successful implementation of all Board-approved RDS-WHOIS2 recommendations. This could take several years.</p>		<p>The Board approves this recommendation, recognizing the work currently underway, in alignment with ATRT3.</p>

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<p>LE.1 The ICANN Board should resolve that ICANN organization conduct regular data gathering through surveys and studies to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement. This will also aid future policy development (including the current Temporary Specification for gTLD Registration Data Expedited Policy Development Process and related efforts) .</p>	High		<p>It is unlikely that the study will be completed in time to inform the EPDP. A defined time should be set up to consult with the GNSO Council on the type of survey data needed and when such survey efforts should be completed to inform future policy work.</p>		<p>The Board approves this recommendation, with the caveat that it cannot be completed in time for the EPDP Phase 2. To implement, ICANN org will identify an appropriate timeline to help inform future work, in consultation with GNSO.</p>
<p>LE.2 The ICANN Board should consider conducting comparable surveys and/or studies (as described in LE.1) with other RDS (WHOIS) users working with law enforcement on a regular basis.</p>	High		<p>A defined time should be set up to consult with the GNSO Council on the type of survey data, survey approach, survey deadline and meaning of “other users” to inform future work.</p> <p>This recommendation could be paired with the use of other survey and feedback mechanisms across ICANN org to ensure there is a coordinated process for surveying the community and stakeholders.</p>		<p>The Board approves this recommendation, with the caveat that it cannot be completed in time for the EPDP Phase 2. To implement, ICANN org will identify an appropriate timeline to help inform future work, in consultation with GNSO.</p>

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<p>SG.1 The ICANN Board should require that the ICANN org, in consultation with data security and privacy expert(s), ensure that all contracts with contracted parties (to include Privacy/Proxy services when such contracts exist) include uniform and strong requirements for the protection of registrant data and for ICANN to be notified in the event of any data breach. The data security expert(s) should also consider and advise on what level or magnitude of breach warrants such notification.</p> <p>In carrying out this review, the data security and privacy expert(s) should consider to what extent GDPR regulations, which many but not all ICANN contracted parties are subject to, could or should be used as a basis for ICANN requirements. The ICANN Board should initiate action intended to effect such changes. The ICANN Board should consider whether and to what extent notifications of breaches that it receives should be publicly disclosed.</p>	Medium		<p>Section 3.20 of the 2013 RAA requires registrars to notify ICANN for security breaches. <u>3.20 Notice of Bankruptcy, Convictions and Security Breaches</u>. Registrar will give ICANN notice within seven (7) days of (i) the commencement of any of the proceedings referenced in Section 5.5.8. (ii) the occurrence of any of the matters specified in Section 5.5.2 or Section 5.5.3 or (iii) any unauthorized access to or disclosure of registrant account information or registration data. The notice required pursuant to Subsection (iii) shall include a detailed description of the type of unauthorized access, how it occurred, the number of registrants affected, and any action taken by Registrar in response.</p> <p>The Registry Agreement (RA) does not currently require Registry Operators to inform ICANN in the event of security breaches. This part of the recommendation would require a change to the current contracts.</p> <p>The Board cannot unilaterally impose new obligations on</p>		<p>The Board approves this recommendation, and directs this item to be included in the next round of contractual negotiations with the Contracted Parties, insofar as it relates to ICANN receiving notification of data breaches in circumstances that threaten to undermine the stability, security, and resiliency of the Internet’s DNS. The Board cannot require or guarantee any negotiation outcomes.</p>

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			<p>contracted parties through acceptance of a recommendation from the RDS-WHOIS2 Review Team. The RA and Registrar Accreditation Agreement (RAA) can only be modified either via a policy development process or as a result of contract negotiations. In either case, the Board does not have the ability to ensure a particular outcome.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds that it is not expected that specific contract negotiations be initiated in response to an individual recommendation; rather the contract negotiation approach could be pursued the next time contracts are negotiated.</p>		
<p>CC.2 The ICANN Board should initiate action intended to ensure that all gTLD domain name registration directory entries contain at least one full set of either registrant or admin contact details comparable to those required for new registrations under the 2013 RAA (or any subsequent version thereof) or applicable policies.</p>	<p>Medium</p>		<p>For reference, EPDP recommendation 29 states: “Recognizing that in the case of some existing registrations, there may be an Administrative Contact but no or incomplete Registered Name Holder contact information, the EPDP team recommends that prior to eliminating Administrative Contact fields, all Registrars must ensure that each</p>		<p>The Board approves this recommendation, with reference to clarifications received from RDS-WHOIS2 Implementation Shepherds in the 29 January 2020 discussion with the RDS Board Caucus Group.</p>

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			<p>registration contains Registered Name Holder contact information.”</p> <p>This recommendation provides that, before deleting any administrative contact details, the registrar must ensure that it has contact details for the Registered Name Holder.</p> <p>However, the contact details required to be collected and displayed for the Registered Name Holder under the EPDP’s Phase 1 recommendations are not identical to those required in the 2013 RAA.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds that this recommendation is part of EPDP phase 1 implementation.</p>		
<p>CC.3 The ICANN Board should take steps to ensure that ICANN Contractual Compliance is adequately resourced factoring in any increase in workload due to additional work required due to compliance with GDPR or other legislation/regulation.</p>	<p style="text-align: center;">High</p>			<p>This is already included in the existing budgeting and planning process. Compliance will request for resources, as required, as part of the existing planning process.</p>	<p>The Board approves this recommendation.</p>

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Recommendations the Board Places in Pending Status					
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<p>R4.1 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>	High	<p>Given the ongoing community work relative to registration data, the Board believes it is prudent to consider this recommendation after any GNSO recommendations from the EPDP Phase 2 work have been completed and analyzed. It is unclear at this time what type of accuracy system would be feasible under the new model.</p>	<p>ICANN's Contractual Compliance department currently proactively monitors registrar obligations as well as uses risk-based analysis in its enforcement activities. However, there is an important consideration to this recommendation with regard to accuracy studies. Due to changes in the level of publicly available registration data, there are challenges in completing compliance monitoring and studies. This is also impacted by the EPDP Phase 2 recommendations when the EPDP Team completes its work.</p>		<p>The Board places this recommendation in pending status until completion of Board action on the EPDP Phase 2, priority 2 topics. The Board will consider the recommendation after evaluating the outcomes of the EPDP Phase 2.</p>
<p>R4.2 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>	High	<p>Given the ongoing community work relative to registration data, the Board believes it is prudent to consider this recommendation after any GNSO recommendations from the EPDP Phase 2 work have been completed and analyzed. It is unclear at this time what type of</p>	<p>Due to changes in the level of publicly available registration data, there are challenges in cross-referencing data with ARS studies. This will also be impacted by the EPDP Phase 2 recommendations when the EPDP Team completes its work.</p> <p>Other areas that do not require cross referencing of RDS (WHOIS) data will continue to be reviewed by Contractual Compliance.</p>		<p>The Board places this recommendation in pending status until completion of Board action on the EPDP Phase 2, priority 2 topics. The Board will consider the recommendation after evaluating the outcomes of the EPDP Phase 2.</p>

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		accuracy system would be feasible under the new model.	<p>ARS was paused in 2018 prior to RDS producing this recommendation. ICANN has engaged in discussion with the GNSO, to clarify the work of EPDP (see Correspondence, item dated 5 December 2019 and related correspondence items). The intent of this correspondence was to seek to understand the scope of planned policy work to inform ICANN org’s thinking on the future of ARS.</p> <p>Since the Board adoption of the Temporary Specification, ICANN org has not published ARS reports due to the recognition that there are changes to gTLD registration data requirements and the public availability of such data, which has an impact on the viability of the WHOIS ARS.</p>		
<p>R5.1 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.</p>	High	<p>Given the ongoing community work relative to registration data, the Board believes it is prudent to consider this recommendation after any GNSO recommendations from the EPDP Phase 2 work have</p>	<p>The original purpose of ARS was to be a reporting tool rather than a means of ensuring data accuracy. There is currently no clear path forward for restarting ARS. It is not yet clear what type of accuracy reporting system would be feasible under the model for accessing</p>		<p>The Board places this recommendation in pending status until completion of Board action on the EPDP Phase 2, priority 2 topics. The Board will consider the recommendation after evaluating the outcomes</p>

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		<p>been completed and analyzed. It is unclear at this time what type of accuracy system would be feasible under the new model.</p>	<p>non-public data being discussed by EPDP Phase 2.</p>		<p>of the EPDP Phase 2.</p>
<p>R10.1 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 style="text-align: center;">Low</p>	<p>Regardless of the model recommended by the EPDP Phase 2 Team for access to non-public data, coordinating implementation of the Privacy Proxy (PP) Accreditation Issues (PPSAI) with the EPDP recommendations will ensure that PP requirements can be implemented to work within the resulting model.</p>	<p>Given the time constraint, neither the implementation of the PPSAI policy, nor an RAA amendment is feasible by the 31 December 2019 date, which has already passed.</p> <p>Per section 7.4 in the RAA, proposed revisions or negotiations can only occur once a calendar year, and there are other negotiations being planned (for RDAP and possibly other issues). This item could be included in the next round of contractual negotiations with the Contracted Parties, though the Board notes that it cannot guarantee the outcome of such negotiations.</p> <p>The impact of the EPDP Phase 1 recommendations on the PPSAI recommendations approved by the GNSO in 2016 is being analyzed currently, and it is anticipated that the EPDP Phase 2</p>		<p>The Board places this recommendation in pending status until completion of Board action on the EPDP Phase 2, priority 2 topics. The Board will consider the recommendation after evaluating the outcomes of the EPDP Phase 2.</p>

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			recommendations, when completed, will also require a detailed analysis of the impact on the original PPSAI recommendations, prior to completing their implementation.		
Recommendation the Board Passes Through to a Designated Community Group for Consideration					
<p>CC.4 The ICANN Board should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies.</p>	Low		<p>The Board is careful to respect the remit and roles of the different parts of the ICANN community and cannot direct Board action that would usurp another group's remit. This recommendation calls for work or outcomes that are outside of the Board's remit to direct, and are contingent on community work. The Board is not in a position to direct that the community groups come to any particular outcome.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds that this recommendation could be directed to the GNSO.</p>	Requirements for measurement, auditing, tracking, reporting and enforcement are likely to have an impact on the ICANN budget and resources.	The Board passes the recommendation through to the GNSO Council, with reference to documentation of clarifications received from RDS-WHOIS2 Implementation Shepherds in the 29 January 2020 discussion with the RDS Board Caucus Group.

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Recommendation the Board Approves in Part and Passes through in Part to a Designated Community Group for Consideration					
<p>CC.1 The ICANN Board should initiate action intended to ensure that gTLD domain names suspended due to RDS (WHOIS) contact data which the registrar knows to be incorrect, and that remains incorrect until the registration is due for deletion, should be treated as follows: (1) The RDS (WHOIS) record should include a notation that the domain name is suspended due to incorrect data; and (2) Domain names with this notation should not be unsuspended without correcting the data.</p>	High		<p>The Registry Agreement (RA) and Registrar Accreditation Agreement (RAA) can be modified either via a policy development process or as a result of contract negotiations. In either case, the Board does not have the ability to ensure a particular outcome.</p> <p>In order to have a suspension notation, the registry or registrar would have to provide the suspension notation and transmit it, both on the RDAP and on the WHOIS protocol. ICANN org would only need to ensure that the suspension notation was shown in the queried data.</p> <p>The RDS-WHOIS2 Implementation Shepherds indicated their position that action on this recommendation could either be via a PDP or through directing contract negotiations. Clarification was also received from RDS-WHOIS2 Implementation Shepherds that it is not expected that specific contract negotiations be initiated in response to an individual recommendation; rather the</p>	<p>Registrars and registries would bear the costs of engineering changes to update specifications and systems to support this notation.</p>	<p>The Board approves this recommendation and directs this item to be included in the next round of contractual negotiations with the Contracted Parties. The Board cannot require or guarantee any negotiation outcomes. The Board also notes that this is an area that the GNSO Council might wish to take into a policy development process separate from any recourse to the policy development process that might be incorporated into the negotiation process, and passes through this recommendation to the GNSO Council for purposes of considering such initiation.</p>

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			<p>contract negotiation approach could be pursued the next time contracts are negotiated.</p> <p>In recognition of the community’s prerogative to initiate policy development processes, the Board also notes that this is an area that the GNSO Council might wish to take into consideration, separate from any recourse to the policy development process that might be incorporated into the negotiation process.</p>		
Recommendations the Board Rejects					
<p>R11.1 The ICANN Board should direct the ICANN organization to define metrics or SLAs to be tracked and evaluated to determine consistency of results of queries and use of any common interface (existing or future) used to provide one-stop access to registration data across all gTLDs and registrars/resellers. Specific metrics that should be tracked for any such common interface include:</p> <ul style="list-style-type: none"> - How often are RDS (WHOIS) fields returned blank? - How often is data displayed inconsistently (for the same domain name), overall and per gTLD? - How often does the tool not return any results, overall and per gTLD? - What are the causes for the above results? 	Low	<p>Resolution of privacy and other risk considerations surrounding ICANN potentially handling the data from the queries.</p>	<p>The current web client cannot support the metrics defined in the recommendation as ICANN does not touch the data being queried. Changing the client to support these metrics would essentially require developing a new look-up tool and addressing concerns with ICANN org processing the data.</p> <p>In reviewing the specific bulleted SLA requests from the recommendation, the second bullet would require more definition from the review team: <i>“How often is</i></p>		<p>The Board rejects this recommendation as the interface tool referenced in the recommendation is no longer in use.</p> <p>In July 2019, ICANN org launched a Registration Data Access Protocol (RDAP) lookup service. This new lookup service standardized data access and query response formats and allowed for ICANN to be removed from the transaction of a registration data lookup. ICANN org will also</p>

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			<p><i>data displayed inconsistently (for the same domain name), overall and per gTLD?"</i></p> <p>The last bullet point, “<i>What are the causes for the above results?</i>” is not feasible even if ICANN touched the data. This is because the data itself, or lack of data in a field, provides no clues as to why it is missing or inconsistent. Manual inquiries with the registries and registrars would be required for each blank query result.</p> <p>Clarification was received from RDS-WHOIS2 Implementation Shepherds’ that the recommendation does not apply to the current version of the portal. In July 2019, ICANN org launched a Registration Data Access Protocol (RDAP) lookup service. The RDS-WHOIS2 Implementation Shepherds added that while metrics included in the recommendation had meaning in the former version, it is now unclear whether they are applicable to the current version.</p>		<p>disseminate additional information on use of this tool as part of the overall education effort regarding RDAP. In light of this, the Board has chosen not to accept this recommendation as it is no longer applicable.</p> <p>This is in alignment with clarification received from RDS-WHOIS2 Implementation Shepherds in the 29 January 2020 discussion with the RDS Board Caucus Group.</p>

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<p>BY.1 The ICANN Board should take action to extend the reference to “safeguarding registrant data” in ICANN Bylaws section 4.6(e)(ii) and replace section 4.6(e)(iii) of the ICANN Bylaws (which refers to the OECD Guidelines) with a more generic requirement for RDS (WHOIS) Review Teams to assess how well RDS (WHOIS) policy and practice addresses applicable data protection and cross border data transfer regulations, laws and best practices.</p>	<p>Medium</p>	<p>The ATRT3’s work on streamlining of reviews and prioritization of community-issued recommendations may have an impact on this recommendation.</p>	<p>The recommendation is dependent on Fundamental Bylaws processes and community consent to Bylaws changes. On the part of the recommendation that requests “a more generic requirement for RDS (WHOIS) Review Teams to assess how well RDS (WHOIS) policy and practice addresses applicable data protection and cross border data transfer regulations, laws, and best practices”, this language could serve to significantly broaden the scope of work for future RDS teams, as well as require specific Review Team expertise in identifying the “applicable” regulations and laws and then interpreting how current practice addresses those regulations and laws. Keeping up-to-date cross-jurisdictional surveys of data protection and data transfer laws can be quite expensive and require maintenance. The reference to the OECD guidelines provides an objective referential starting point, i.e. standards, as opposed to the less defined general scope within the recommendation. There is a high risk that what the RDS-</p>		<p>The Board rejects this recommendation, as approving such a recommendation does not appear to be in the best interests of ICANN. The Board notes that if this or a future Accountability and Transparency Review Team recommends changes to the scope of the RDS Review (as is within the ATRT mandate), the Board will consider such recommendations at the appropriate time.</p>

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			WHOIS2 RT is suggesting is impracticable and is not in the best interests of ICANN to approve.		