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ICANN75 | AGM – GAC Discussion on WHOIS and Data Protection Policy (incl. Accuracy)  
Tuesday, September 20, 2022 – 09:00 to 10:00 KUL

RECORDED VOICE:                   Recording in progress.

GULTEN TEPE:                    Good morning, good afternoon, and good evening. Welcome to the ICANN75 GAC discussion on WHOIS and data protection policy session being held on Tuesday, 20th of September at 1 UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance, the GAC leadership and support staff encourage all of you who are GAC members to type your full name and GAC in full records in the participation list. This is to keep accurate attendance records and to ensure transparency of participation in ICANN's multistakeholder model.

If you like to ask a question or make a comment, please type it in the chat by starting and ending your sentence with a question or comment as indicated in the chat. Interpretation for our GAC sessions include all six UN languages and Portuguese. Participants can select the language they wish to speak or listen to by clicking on the interpretation icon on the Zoom toolbar.

If you wish to speak, please raise your hand in the Zoom room. Once the session facilitator calls upon you, please unmute

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yourself and take the floor. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you're speaking.

Finally, this session, like all of the ICANN activities, is governed by the ICANN Expected Standards of Behavior. In case of disruption during the session, our technical support team will mute all participants. This session is being recorded and all the materials will be made available on the ICANN75 meetings' page. With that, I would like to leave the floor to Manal Ismail, GAC Chair. Over to you, Manal.

MANAL ISMAIL:

Thank you very much, Gulten. And good morning, good afternoon, and good evening, everyone, in the GAC room and on Zoom, and welcome to day two of the GAC Meetings. We will use the coming hour to discuss WHOIS and data protection and accuracy, and I think we may use a little bit of the coming session as well. And during this session, we aim to discuss status and consider possible next steps for the GAC in relation to deliberations and implementation efforts aiming to establish a new WHOIS registration data policy regime, taking into account, of course, relevant data protection law.

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We will be briefed by topic leads on latest developments and related policy concerns and expected ICANN org proposal for WHOIS Disclosure System formally called as SSAD-light. So with that, I'm handing the floor over to our topic leads. And we have Laureen Kapin, US Federal Trade Commission, Gabriel Andrews, US Federal Bureau of Investigation, Chris Lewis-Evans, UK National Crime Agency and Kenneth Merrill, US Department of Commerce, NTIA.

So unfortunately, we don't have everyone in the room, but thank you, Kenneth, for being here and we have other topic leads remotely. So thank you for making the time. I know the time zone is not in your favor, but thank you very much for getting out of your way to present to the GAC. So with that, I'm handing it over to the topic leads. And who will be starting?

GABRIEL ANDREWS: I'll raise a hand here, if you can hear me?

MANAL ISMAIL: Yes. Loud and clear. Please go ahead.

GABRIEL ANDREWS: Thank you kindly, Manal. So my name is Gabriel Andrews, and yes, I am a member of the US Federal Bureau of Investigation and

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also a member of the Public Safety Working Group advising the GAC. I was going to give everyone a chance to introduce themselves but, Manal, you covered that so smoothly. I think we can just go ahead and proceed forward. Let's click the next slide, please.

So, yes, as we just discussed, we're going to be covering some background and what WHOIS system is and the issues of data protection that have arisen. We're going to cover the topics of what policy development has occurred in this environment in recent years. There's going to be a treatment of the WHOIS Disclosure System, formerly known SSAD. And then touching upon registration data accuracy conversations that are ongoing. And finally, some treatment of recently proposed contractual amendments to the registrar and registry agreements, which also touch upon WHOIS. And with that, next slide, please.

Right. All right. So first things first, why is the WHOIS system important to the GAC? And as the GAC has noted previously and as we've discussed elsewhere, the WHOIS system, sometimes referred to as the phone book of the Internet, has a lot of legitimate uses and benefits. It's very useful to folks like myself in the law enforcement context, public safety use cases. As well as being helpful for identifying the bad guys, it's super useful to help us also identify victims, especially when we need to notify them that bad things are afoot. It's especially useful when we need to

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quickly convert a domain name or an IP address to an actual person in a conversation.

Further, it helps cybersecurity professionals at all sorts of businesses and organizations to protect their own organizations to combat the fraud and abuse schemes that might target them on a daily basis. It helps intellectual property owners to protect against misuse of their property. And in general, the WHOIS system has greatly assisted the world's growing confidence in the security and stability and reliability of the Internet, by helping the Internet send users know just who it is that they're interacting with online.

Now it's like we're all likely aware the conversations that have occurred about the WHOIS system have changed a lot in light of recently developed privacy law. Recently mean more or less within the last decade. We retain, however, a desire to keep the WHOIS system to the greatest extent as possible under the law as something that is quickly accessible for security and stability purposes, and to retain the WHOIS system as a useful tool for the public, where there are legitimate purposes, such as combating fraud or protecting ourselves against criminal activity. Next slide, please. And I believe it's, Chris, you'll be taking this next point from here.

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CHRIS LEWIS-EVANS: Yeah. Thank you, Gabe. Chris Lewis-Evans for the record, and hello, everyone. So I'm going to go over some of the background for this subject. And as you can see, this is a rather full slide. It's begun quite well and many of us weren't around from the start. So as Gabe mentioned there, that there was some change within data protection law that required ICANN to generate a temporary specification to address the contracts that were not in line with the law. Of the back of that, it also launched an expedited policy development process. And this came in a number of stages.

So Phase 1, the policy development process was carried out between 2018 and 2019. And the implementation of that has been ongoing since the final report that Phase 1 was released. Currently, there's a public comment for the implementation work that's been done. And we'll cover that in a lot more detail a little bit later on in the slide deck, as there's obviously some requirement for us to put some comments on that.

And Phase 2 of the policy work started fairly quickly after Phase 1 PDP or EDP had completed. So that was carried out 2019 into 2020. The GAC did release a minority statement based off of the work that was carried out. And there's links here within the slide, and obviously, I think everyone has had this in their brief impacts.

We also followed up on that minority statement with advice in the ICANN70 communique. And off of the back of the policy

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development process work, the ICANN Board directed the team to conduct an operational design phase. The reason for this is there were a large number of recommendations and already at this time they were seeing that the Phase 1 implementation work was taking a long time to get through all the details.

And so this operational design phase is obviously conducted to ensure or provide the support, the best advice on how to accept recommendations and how to take this forward. So that operational design phase finished with an operational design assessment which was released in January of this year. And it was part of this of a GNSO Board consultation process that goes through with operational zone phases.

And then in April of this year, the ICANN Board considered that and then decided to pause the consideration of the recommendations. And the reason for this was part of that process, it was decided to be a proof of concept or a test of some of the recommendations, and this is taking the form of the WHOIS Disclosure System. This has had some other names that you may have heard being banded around such as SSAD-light or proof of concept model. And obviously, we will go into that in a little bit more detail later on.

Some aspects of this disclosure side weren't captured within the phase 2 work. So we had EPDP Phase 2a. This was carried out

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very end of 2020 and into 2021. There were a number of recommendations around how this work focused on the treatment of data from legal entities and the email addresses of all accounts. GAC also submitted a minority statement on this, on how this should be done and highlight in areas for the progress and also where we thought this these recommendations could go a little bit further.

Then lastly, and also going to be talked through as this is an ongoing process, was the accuracy part of registration data. We've as a GAC stressed how important this is, also prevention and mitigation of DNS abuse as highlighted here in this ICCAN concept two communiqué. And we highlighted how it wasn't just the accuracy of the data, but also that it was accurate for the purposes for which the data was being processed as well was just as important. As I said, this is an ongoing process we'll cover later. And at the moment, the GNSO is considering a set of preliminary recommendations.

Let me go to the next slide, please. Thank you. So I see in the chat that Paul had said it's a very crowded slide, which it is. As I said, it's been going on for some time. Here is what we try to have as a graphical representation of that work. And certainly, for me, I'm a big fan of flow diagrams and things that helps me visualize this a little bit easier.



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So I won't go through this in detail because, realistically, it's just a reflection of the last slide, but just to highlight a couple of things on this diagram. So the first one is that the Phase 1 work is still ongoing. Obviously, there is a public comment period. And then I think what will be key is the actions that take place after the public comment period is finished and whether this is easily implementable after those comments have been considered.

With regards to data accuracy, that is also still ongoing with the GNSO Council. Just I mean, the next steps. And then on the Phase 2 implementation, I think a key thing here is the WHOIS Disclosure System, which we just started to look at when we can do that. It's really a good way to feed in to the SSAD implementation. I think it's really key and we will reflect on this later. That there is some good learning from this and that feeds into that implementation work to make that travel smoothly and in a timely manner. So with that, on to the next slide, and I think I'll pass over to Laureen. Thank you very much.

LAUREEN KAPIN:

Hi, folks. Whatever hour of the day or night it is for you, I do want to give a special shout out to my colleague, Chris, who it is the wee hours of the morning for. My name is Laureen Kapin, and I am speaking today in my capacity as a member of the GAC small group that has been focusing on these issues related to domain

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name registration data. And I'm also one of the co-chairs of the Public Safety Working Group.

So you can see from the prior slides that there's an awful lot of work that has been going on in order to make sure that the procedures and contracts that govern access and disclosure to domain name registration data are striking the appropriate balance to protect privacy concerns and also meet the needs of other stakeholders in the community who rely on the state of for many important purposes, including to protect the public from illicit actions that leverage the domain name system.

So I'm going to be focusing now for the next couple of slides on what has been called Phase 1 of these proceedings regarding changes to the procedures governing access and disclosure to domain name registration data. And sometimes you'll hear that referred to for shorthand as WHOIS data, which as my colleague gave emphasized during the capacity building session, that tells you who is behind. So the news for you to know and pay attention to right now is that the Phase 1 implementation, the proposed Phase 1 implementation is now out for public comment.

That means there's an opportunity for the multistakeholder community, including the GAC, to look at this implementation and ask a really key question, which is, does the implementation match the recommendations? That's always the goal, and that's

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really going to be the focus of any analysis and potential comment that the GAC and other stakeholder groups would focus on.

I'll draw your attention to the deadline for that October 31st. This came out fairly recently, so your subject matter expert team is still going through this. But some of us also were involved in the work of the so-called IRT, that stands for Implementation Review Team. And that was composed of folks from many different parts of the multistakeholder community. Chris and I from the GAC, and of course, the contracted parties and the other stakeholder groups, the ALAC, SSAC, IPC, the BC, etc., etc., all engaged in trying to make sure that the implementation matches the policy recommendation.

And as with any policy development effort, folks don't always agree and we try to come to consensus, but that doesn't mean the outcome is necessarily perfect. And indeed, that's why we have an opportunity for public comment. So you'll see in the slides which you'll have as a reference, that we're linking to the actual policy, and there's a particular form for the public comment.

And as I said, this is something that we will be reviewing. Just procedurally in terms of the next steps, once the public comments come through, then the team goes back and looks at those comments and decides whether it will reconsider anything

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in response to those comments and make any updates that it deems necessary.

So look at the timeline here. I guess we've just seen a timeline of that really focuses on a lot of time that's been taken to deal with these important issues. And there will be yet more time because you'll see that the current expectation of--

**GULTEN TEPE:** Laureen, this is Gulden speaking. We cannot hear you anymore. Could you please turn off your video? Thank you.

**MANAL ISMAIL:** I'm sorry, Laureen. Manal speaking. We still cannot hear you.

**CHRIS LEWIS-EVANS:** And now let's maybe keep Laureen a second since she's back again on the list.

**LAUREEN KAPIN:** Can anyone hear me now? Is that any better?

**CHRIS LEWIS-EVANS:** Perfect. Thank you, Laureen.

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LAUREEN KAPIN:

Okay. I'm also having my phone as a backup. I don't want to join yet because then we'll get that awful sound. So let's see if this continues to work. Just so folks know, I'm actually on other work travel and I'm in a hotel room. So my scenario is less than ideal, but I will soldier on and hopefully the Internet here will cooperate.

So we were talking about procedure, and what I want to let you know is that the GAC small group is going to be actively reviewing these documents and preparing to draft a GAC comment. And you'll see in this slide our potential timeline. So we'll be drafting something hopefully with an eye to circulating that in early October. We may have a potential webinar, so we can brief you on the issues. And then there'll be an opportunity for you to give us feedback on any proposed comments. And ideally, we will get this in by the deadline of October 31st.

Next slide, please. So although we are still going through this, nevertheless certain concerns are already on our radar screen. And those include the fact that this Phase 1 was always intended to go hand in hand with what? Phase 2. Because Phase 2 really focuses on the corresponding policy that governs access and disclosure. So the fact that these may be operational in a way that is very separate in time i.e. that there may be a big delay

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between Phase 1 and Phase 2, essentially leaves the system incomplete, and that may create challenges.

Another issue that we flagged is we are now considering this simplified WHOIS Disclosure System, and that may actually have interactions with what happens when Phase 1 becomes operational, if in fact they overlap. The timing of that is unclear because you'll see we have that 540-day timeline until things are operational and perhaps in an ideal world, the simplified WHOIS Disclosure System would go online before that. But if they do intersect, ICANN's recent design paper pointed out that the rules of the road for registrar participation may change midway. So that's something to keep in mind.

Another issue that is currently on our radar is that one of the Phase 1 requirements are data processing agreements between ICANN org and the contracted parties. And those are the agreements that really set out the rules of who is the controller, setting the rules for what's going to happen and who is actually doing the processing and all the details regarding these roles and responsibilities. That's a requirement for Phase 1 that is not currently concluded. It will need to be concluded before Phase 1 can be fully implemented.

Another issue is the impact of Phase 1 implementation on privacy proxy accreditation services policy recommendations. That is a

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policy effort that had been almost to the finish line, shall we say, but has been suspended for implementation. That was a very important effort that provided a lot of guidance and contours for how privacy proxy accreditation services should be handled. And now there's a bit of a vacuum on that because those policies have not been implemented. So that is still something that remains on the to-do list, and the GAC has given advice on this issue.

And last, but certainly not least. There is a very important issue that your subject matter experts are concerned about regarding the response time for urgent requests. And when we say urgent, it has a very particular meaning. Those are circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation in cases where disclosure of the data is necessary in combating or addressing this threat. So those are serious situations, and hopefully, situations that don't come up too often, but when they do, it's really important to have a quick response. And that's why the Phase 1 recommendations specifically set forth that this timeline should be used for responses to those requests.

Regrettably, the implementation provides for up to three business days for registrars to respond. That is consisting of two days to acknowledge the request and then an additional day to respond. So in the real world, if it's an urgent request, waiting three business days, which if it happens on a Friday or a holiday,

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could mean six business days. That's not sufficient and we believe it is not consistent with the policy recommendations, and certainly that's something you'll see flagged in a proposed public comment.

So I'm going to take a pause now. We have provided in the timing for these sessions some additional time so you can ask questions because we're mindful that there are many GAC members that are newer to us and also that these are important issues and sometimes our presentations like that slide are so chocked full of information that it can be a bit hard to digest. So we wanted take a pause and answer any questions you may have about this topic or any of the past topics that we dipped into thus far. So I'm going to take that pause and see if our GAC colleagues have questions.

MANAL ISMAIL:

Thank you very much, Laureen, Gabriel, and Chris. And I'm trying to see if there are any requests for the floor. And thank you for the excellent and thorough background. I hope everyone found it useful. And we have two hands up in Zoom. I have first, the Netherlands and then India. Alisa, please go ahead.

ALISA HEAVER:

Good morning, afternoon or evening, Laureen. Thanks for your presentation. This is Alisa Heaver from the Netherlands for the



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record. Sorry. You mentioned that on privacy proxy accreditation services, the GAC has given advice on this issue. Could you inform us a bit more on what that advice was? Thanks.

LAUREEN KAPIN:

Absolutely. The gist of the advice and I can commend you to pass communiqués, although I don't know which particular ones off the top of my head, but I do know the gist. And the gist is that this policy should be that the implementation should revive and that shouldn't be suspended. That is the gist of it. And that's because, again, this policy recommendation really filled the vacuum about rules of the road for how these services should operate if they're accredited. And so that is important work that the community agreed upon in its policy development efforts and we would like to see that implemented. That is the gist of the advice.

MANAL ISMAIL:

Thank you very much, Laureen. I have India next, please.

T SANTHOSH:

Good morning, good afternoon to all the distinguished GAC members who are present in Malaysia and also attending this meeting remotely. I'm T Santhosh from India. So today, I would like to draw the kind attention of everyone regarding a very big issue which Laureen has also explained. And the issue of making

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big money by registering a domain name, which is closely similar to an existing registered trademarks and well-known brand marks. And they represent themselves as part of that business entity. That business entity means the trademarks. So we realize that this issue and the problem is not specific to India, but it is of the global one.

So a brand is there, and people are making money. And why this is happening? Basically, there is no policy on the trademark. And the second thing is that the WHOIS is not accurate. And the third thing which Laureen has just mentioned the last point is basically the disclosure system basically for the law enforcement agency. What about a trademark company who wants to know that? What is the policy of this particular policy masquerading as asset trademark of a company?

So I would like to urge that this initiative or this PDP has to speed up so that the Internet users be here at ICANN are working mainly for the Internet users for the globe. We also want to bring in more users. So if the present Internet users are affected, what will be the new Internet users' window? Because they don't want to come to the Internet. So that's nice ambition. Thank you.

MANAL ISMAIL:

Thank you very much, Santhosh. I see Chris' hand off, and then we have Denmark. Chris, please go ahead.

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CHRIS LEWIS-EVANS: Yeah. Thank you, Manal. And Chris Lewis-Evans for the record. So just a quick reply to Santhos and then Alissa as well. So thank you for those remarks. And it really highlights how important and effective registration data access system is and why the community has been working so hard to enable, not only law enforcement but regular users, businesses to get access to the system. And I think as Gabe mentioned, it's really an important way to provide protective systems or protective services to the users of the Internet and to really help with confidence in using the Internet safely for business and for personal use.

So it really highlights why is this issue a concern and why it's important to the GAC that there is such a system. I think we'll cover some of the points you've also raised in the next session in just over an hour or just under an hour on the DNS abuse side as well because suddenly some of those methods you described are used in the DNS abuse side.

And then to Alisa's point on the privacy proxy. I noticed that Fabien, one of us, who first is helpful as ever, has flagged the ICANN66 communiqué has some of the advice. And just to add to what Laureen said there, as we have policies for how we get access to data from registrars and registries, going through the policy development process for WHOIS.

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It doesn't cover registration data that's covered by privacy and proxy services. So we're very much limited upon terms and conditions, and there's no effective ICANN policy to cover this. The policy development work was done a number of years ago, so there are recommendations on how to trade to policy, but this has been on pause since. So that's why the advice is really important on actually getting something that is available to all in the community to access this data and a proper policy and procedure on how to do that. Thank you.

MANAL ISMAIL: Thank you very much, Chris. Denmark, please. Finn, go ahead.

FINN PETERSEN: Thank you. Finn Pedersen from Denmark for the record. Just general questions. We have issued a number of advisers on EPDP and related issues --

MANAL ISMAIL: Finn, if you can speak closer to the mic, please.

FINN PETERSEN: Okay. Yes. It's a general question. We have, if I remember right, issued a number of advisers to the Board in EPDP and related issues on the WHOIS. And I heard the Sunday meeting that the

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ICANN Board haven't yet rejected any GAC advice. So if there's on the one hand that the Board haven't rejected any GAC advice and not every GAC advice have been implemented, then we seems to be in a kind of limbo.

What is going to happen with the different GAC advice? If they are not followed by the Board, then there should be a process according to the bylaws that should be tried to find a mutual acceptable solution. Have any steps been taken by the Board in this direction? I remember some of our first advice, the Board postponed their judgment of whether they could follow their advice. This is only a general question. How are we dealing with those advice we have taken? Are they still valid, or do we expect the Board to come back and approach us? Thank you.

MANAL ISMAIL:

Thank you very much, Finn, and a valid question. So normally, if the Board decides not to follow a GAC advice, this triggers the bylaws and we have to go through the consultation process to find a mutually acceptable solution. In that case, the decision has been deferred till later. They didn't want to preempt what's going to happen. We gave our advice early on before the overall community discussion concludes, so it was difficult for the Board to decide at the time.

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So we have quite a couple of GAC advice that have been deferred, but definitely they are not closed yet and we have them tracked on the system. So either they will not be followed and trigger the bylaws or we will receive a different response from the Board at the time. But they are still there. And thank you for the question. And I see Velimira from European Commission.

VELIMIRA GRAU:

Yes. Good morning, Manal, and the GAC colleagues, and Laureen, Chris, Gabe. I don't have a question because we are working on many of those issues with our colleagues from UK and from United States and across different even law enforcement authorities. What I wanted to reinforce here, especially for new colleagues, but also for those who are following for a number of times, that this continues to be an issue of big concern for the European Commission.

As we know, we have always sustained and maintained that having a WHOIS Disclosure System in line with our privacy laws is extremely important. And as you see in the presentation afterwards in DNS abuse, it has very serious implications that Laureen and Chris had already pointed to.

So what I would like is just to invite the GAC colleagues, including those who had joined us recently, is to have a look into the different documents that was prepared about the briefing in this

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presentation, and into the different public consultations that are coming in this respect. When it comes to the comment of Finn, I have to admit that I ask myself a number of questions in this terms of procedures, because I do fully appreciate indeed the different operational design phases and the value added that they have for the Board for assessing to what extent given the recommendation of the policy consensus policy is really implementable and at what cost them.

But at the same time, if each and every time that GNSO council is approving some recommendations and they make sense from the perspective of pursuing given policy objective and that they are not adopted by the world or we start changing from scratch everything, then I think that indeed there might be something in terms of procedures in the system in which work in the ICANN community that might need to be improved.

And I'm saying this in relation to the asset disclosure system that the colleagues have presented because indeed, I think it makes a lot of sense to have a look to what extent the recommendations in the SRDTP Phase 2 could be further implemented going forward on the basis of the what we're calling the asset light and now the credit disclosure system.

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So that was on my side, and thank you very much for the time, but I really wanted to reinforce for GAC colleagues the importance of this issue. Thank you.

MANAL ISMAIL: Thank you very much, Velimira. And I have Brazil next, please.

BRAZIL: Thank you, Manal. Just trying to understand the situation, it seems it's not -- it's my thought, not, of course, of Laureen, but it seems to me there are in a bit of a loop all time trying to understand where we are exactly in this. And I had two questions. The first one is more to the Chair. Are the discussions being followed by a discussion on the design paper, specifically on the disclosure system? When are we going to have a conversation on this, or is not provided for this stage?

MANAL ISMAIL: So I think the question is for the topic leads, whether we will discuss the design papers today.

BRAZIL: Or not?



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LAUREEN KAPIN: Yes.

MANAL ISMAIL: We would. Yeah.

LAUREEN KAPIN: It's coming right up.

BRAZIL: Okay, Lauren. Thank you. No, thanks so much. No, thank you for the presentation. My question will be then when you follow-up on the discussion, you can cover that. My issue was you mentioned the relationship, of course, with the results of the Phase 1 with these changes that are taking place in relation to Phase 2. And then my question would be, does it make sense to have these consultations open if everything may change or if you have to change the assumptions or the elements of this consultation depends on how the design paper evolves? That was my-- Otherwise, we will perhaps waste a lot of time in this process as well. Thank you.

LAUREEN KAPIN: That's an excellent question and observation. And I don't have a perfect answer other than the oft quoted phrase that the perfect is the enemy of the good. There is a chance that this operational

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design phase could move forward for a year in whatever form, gather lots of useful information. And that would all happen before Phase 1 actually came into implementation just because of the timelines.

There's also a chance that there could be some inconsistencies and challenges created by what may happen if these systems, the Phase 1 implementation effectuated, and the WHOIS Disclosure System operated simultaneously. So my perhaps not very satisfying answer is that perhaps we can hope that these will be sequenced in such a way that these challenges won't happen. Nevertheless, they're there.

MANAL ISMAIL:

Thank you very much, Lauren. And just to Brazil's question. So we are having... we still have 11 minutes for this session, but we will continue discussion on WHOIS in data protection during the following session as well for 30 minutes, and then we will start the DNS abuse. Apologies, this was not clear from the schedule, but we will continue the discussion after the break as well. And with that, I can see no further requests for the floor, and I'm giving back the floor to our topic leads.

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CHRIS LEWIS-EVANS: Yeah. Thank you, Manal. And Chris Lewis-Evans for the record again. If we can go on to the next slide, please. Perfect. Thank you. So as Laureen said, we're now going to look at the WHOIS Disclosure System. So just to provide a bit of background, and then we'll go over some of the items within this of design document and sessions.

So the Phase 2 recommendations as I said, are being finished in the August of 2020, and I think every single group are within that guided minority statement. And that just shows the level of detail in there and the number of recommendations on how complicated this Phase 2 was. The GNSO had one particular concern and that was around the cost of the system, so how financially viable it was. And as part of that, they requested a consultation with the Board to work that out.

So off the back of this, an operational design phase with an assessment was started. And this was done in early 2021. When this operational design phase was delivered, that goes back to the GNSO for them to consider that and see if it affects the recommendations. The GNSO felt that it didn't provide enough information to confidently determine the costs versus the benefits of the SSAD system and all the recommendations. And this was what kicked off a recommendation to carry out a proof of concept, really to draw out the benefits of some of the recommendations.

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So this proof of concepts which also was called a SSAD-light, has now been simplified. And, well, the name has been suggested of WHOIS Disclosure System. I know there was a session earlier within ICANN75 that went through this. And I think there were some requests for that maybe to have a name change as well. So we will see what this finally lands into. And, Fabien, thank you very much. So in the chat, there is a link to recording of that. So, obviously, that has more details of the view of how the WHOIS Disclosure System will work and so the outcome of the design document.

So ICANN suggested a SSAD-light within the concept paper. So this system does not take on all the recommendations within the Phase 2 work, but instead pulls out parts which they believe can be implemented for a regional class and over a regional time period. Because of this WHOIS Disclosure System, which will run for approximately a year, the ICANN Board will ask for a pause on considering the recommendations whilst this is carried out. And they can obviously take some resource from this.

So as I said, there's the link in the chat to the session on WHOIS Disclosure System design document and a link here also to the design document itself. It was only released a week ago, so it's still fairly new, and we're obviously going through it as a small team to be able to reflect on it. But if we go to the next slide, I'll

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pass it over to Lauren to go over some of the benefits of the system that we see. Thank you.

LAUREEN KAPIN: And I'm switching to a different device, which I hope is more stable. Can I be heard?

MANAL ISMAIL: Yes, Lauren. Loud and clear.

LAUREEN KAPIN: Perfect. So now I'm going to move on to a description of this simplified WHOIS Disclosure System. And you have a great visual that our colleagues from ICANN org helpfully provided. And by the way, kudos to ICANN org for all the work they've done in fairly quick time to develop this for feedback. So here are the key features.

The key features are that there'll be a central portal for the intake of requests. And by the way, this leverages an existing system that ICANN already has that contracted parties can access. And that's one of the reasons why it's more cost effective and can be done more quickly. This won't cost anything for requesters. On the other hand, certain policy recommendations are absent. And one thing that is absent is authenticating the requesters. So

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that's basically making sure that the folks who are requesting information are who they purport to be. That will not be part of this system.

The system will cover requests that are directed to registrars. It doesn't include requests directed to registries that may reflect the practical issue that typically it is the registrar that has the relationship with the registrant and collects their information. So most of these requests are, in fact, directed to registrars, but there may be instances where request could be directed to a registry outside the system. It would not be included in this system, at least as it's presently proposed. So once the request comes in, then it's automatically routed to the appropriate registrar. And then the registrar, if they choose to participate in the system, could access that request via the naming services portal. That's the existing system that is being leveraged here.

Then there may be a lot of communications that take place between... My screen, it just went blank, which is very strange. So now I'm looking at a tiny phone screen. That's okay, so I can expand it. So there may be communications that take place outside the system. There would be a request form.

The registrar could access that, and then there potentially could be communications between the registrar and the requester, particularly if the request is going to be fulfilled or further

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questions may be asked or if it's denied, providing reasons for the denial. All of that would take place outside the system. That would take place directly between the registrar and the requester.

And there's a nine-month timeline for delivery, which is actually very quick comparatively speaking. And there would be a one-year system contemplated. So this would be up and running for a year, data would be collected, and then we could take a look at the data and assess it. And I think that before we move on to possible concerns, that we're actually close to the end of the time for this session, if I'm not mistaken, and it might be a good place to take a pause.

MANAL ISMAIL:

Exactly. Thank you, Laureen. And, yeah, I was just waiting for you to finish this slide to let you know that we are at the scheduled end time. And since we already have 30 minutes from the following session to continue, so I hope it's okay to stop here. And it's a time for a 30-minute break. Please be back in the room at half past to continue our discussion on WHOIS and start the DNS abuse. Thank you very much, everyone.

RECORDED VOICE:

Recording stopped.

**[END OF TRANSCRIPTION]**