

WHOIS Disclosure System Design Paper

13 September 2022



TABLE OF CONTENTS

1 EXECUTIVE SUMMARY	3
2 ASSUMPTIONS	4
3 SYSTEM DESIGN	5
3.1 In Scope	5
3.2 Out of Scope	5
3.3 High-Level System Description	5
3.4 High-Level Process Flow Narratives	7
3.5 Operational Support	8
3.6 Contractual Compliance	9
3.7 Logging, Reporting, and Service Level Targets	9
3.8 Priority Levels	9
3.9 Security Measures	10
4 TIMELINE	11
5 COST ESTIMATE	12
6 RISKS	14
6.1 General Risks	14
6.2 Usage Risks	14
6.3 System Risks	14
6.4 Registrar Participation Risks	15
6.5 Legal Risks	16
APPENDIX 1 – MOCKUPS OF KEY TRANSACTIONS	17
A1.1 Requestor Mockups	17
A1.2 Registrar Mockups	21
APPENDIX 2 – REQUESTOR USER ACCOUNT SETUP FORM QUESTIONS AND RATIONALE	24
APPENDIX 3 – DATA REQUEST FORM QUESTIONS AND RATIONALE	25
APPENDIX 4 – WHOIS DISCLOSURE SYSTEM FEATURE COMPARISON TO SSAD RECOMMENDATIONS	29

1 Executive Summary

The objective of this paper is to deliver to the Generic Names Supporting Organization (GNSO) Council Expedited Policy Development Process (EPDP) Phase 2 Small Team a design that outlines a cost-effective system that will simplify the process for submitting and receiving requests for nonpublic gTLD registration data for both the requestors and contracted parties. Included in this paper are assumptions and risks, system mockups, an estimated timeline for implementing the design, and associated costs.

The design of this system, called the WHOIS Disclosure System, leverages existing technologies, as it is based on the Centralized Zone Data Service (CZDS) design pattern. The system connects requestors seeking nonpublic registration data with relevant ICANN-accredited registrars (“registrars”) for gTLD domain names.

The development of this paper entailed a review of the 18 GNSO Council-approved [recommendations](#) for a System for Standardized/Access Disclosure to nonpublic registration data (SSAD), produced by the [Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data Phase 2](#) (EPDP Phase 2) team. The design envisioned in this paper does not address all of the Council-approved policy recommendations; instead, it identifies which functionalities could be removed and provides a design for a disclosure system that would make it simpler and more cost effective for the requestors and the registrars to submit and receive requests for nonpublic gTLD registration data. Any EPDP Phase 2 recommendations related to the contracted parties’ actions will not be considered in the WHOIS Disclosure System because the ICANN Board has not yet acted on the SSAD-related recommendations and the WHOIS Disclosure System has not gone through the policy development process.

At a high level, the WHOIS Disclosure System deviates from the SSAD-related recommendations in several ways:

- It does not include central or governmental accreditation authorities.
- It does not include accreditation of the requestors.
- It does not include identity verification of requestors.
- It does not include an abuse investigator.
- It does not include a billing function or any fees to the requestor.
- There is no obligation or expectation of automated processing of certain requests by contracted parties.

Additional system functionality may be considered in the future if the Board and community deem it necessary.

The ICANN organization (ICANN org) estimates development of the WHOIS Disclosure System would take approximately nine months. The system would be developed by ICANN org and not involve any external vendors. ICANN org estimates the development, launch, and two-year maintenance costs to be approximately US\$90,000 in external costs. There will be internal staff costs of approximately \$2,700,000, which will be incurred from the current staff resources, and a contingency allocation of \$500,000. These costs are not included in the ICANN fiscal-year 2023 annual budget. ICANN org will recommend to the Board Finance Committee that this work be funded by the Supplemental Fund for Implementation of Community Recommendations (SFICR).

2 Assumptions

ICANN org set out a series of assumptions in order to provide a framework for constructing the design, scope of certain services and capabilities, timeline of system development, and cost to develop and operate the system.

1. The [Interim Registration Data Policy for gTLDs](#) requires that gTLD registry operators and registrars “MUST provide reasonable access to Personal Data in Registration Data to third parties on the basis of a legitimate interests pursued by the third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the Registered Name Holder or data subject pursuant to Article 6(1)(f) GDPR.” Thus, registrars should respond to requests submitted via a WHOIS Disclosure System. Once the EPDP Phase 1 Registration Data Policy is implemented, it will explicitly provide registrars with discretion to determine their required format and contents of requests for registration data access, which may impact their usage of the system if a registrar prefers to receive a request in a format that is different from that which is provided by the WHOIS Disclosure System.
2. ICANN Contractual Compliance will continue to investigate complaints received from requestors per Section 4, [Appendix A](#) of the Temporary Specification for gTLD Registration Data.
3. ICANN org will fund the development and operational costs of the system.
4. The Terms and Conditions of the Naming Services portal (NSp) will be used for participating registrars.
5. Data requestors must accept the WHOIS Disclosure System Terms and Conditions, which will include requirements concerning data protection.
6. The system, as envisioned in the current assumptions, scope, and requirements, will run for an initial period of one year, at which point the data sets collected will be analyzed and presented for further discussion between the GNSO Council and Board, unless otherwise directed. ICANN org however costed the maintenance of 2-year period as that is what the Small Team has recommended.
7. The WHOIS Disclosure System design paper is drafted based on requirements for registrars’ consideration of requests for gTLD registration data access under the [Interim Registration Data Policy for gTLDs](#). The Interim Registration Data Policy will remain in effect until the EPDP Phase 1 Registration Data Policy is fully implemented, at which point requirements for registrars’ consideration of requests for access to nonpublic gTLD registration data as set out in the Registration Data Policy will apply. The WHOIS Disclosure System design paper accounts for EPDP Phase 1 policy recommendations concerning Reasonable Requests for Lawful Disclosure as set out in Appendices 2 and 3 to the extent possible but is not proposing to accommodate each registrar’s specific request criteria and required format that could apply once the Registration Data Policy goes into effect.
8. The design, development duration, and cost of the system as described in this paper are based on a documented set of assumptions, scope, and requirements. Should these assumptions, scope, or requirements change, then the design, development duration, and cost would change in response.

3 System Design

3.1 In Scope

1. The WHOIS Disclosure System connects requestors seeking nonpublic registration data with the relevant ICANN-accredited registrars (“registrars”) for gTLD domain names. The system verifies that email addresses provided by requestors are functional.
2. The service maintains 99.9% availability.
3. The user interface is in English.
4. Registrars will use the NSp to review requests and will have the option to add additional users who can be granted access that is limited to disclosure requests.

3.2 Out of Scope

1. Nonpublic registration data requests for country code top-level domain (ccTLD) names and domains in non-contracted gTLD registries are not supported by this system.
2. Any identity verification or additional materials necessary for registrars to make a data disclosure determination is not supported by this system. Such requests between the requestors and the registrars must take place outside of the system.
3. Registries are not envisioned to be system users to receive data requests.
4. The system will not facilitate the delivery of registration data, links, or instructions to access registration data to the requestor. All communication and data disclosure between the registrars and requestors takes place outside of the system.
5. A billing function will not be available.
6. A mechanism for integrating with the registrars’ systems is not being provided in the WHOIS Disclosure System.
7. Delivery of each registrar’s terms and conditions for disclosure (including data protection agreements between the registrar and requestor, where applicable) is not contemplated in the current system design. This was raised as a topic of interest in the Small Team and could be discussed further if this is a feature the community (including the contracted parties) would like to explore.

3.3 High-Level System Description

The WHOIS Disclosure System is based on the CZDS design pattern and will leverage existing ICANN materials, systems, and tools. Just as in CZDS, a requestor navigates to the WHOIS Disclosure System web page, logs into their ICANN Account, and is presented with a user experience much like the current CZDS. In this experience, requestors can see pending and past requests as well as metadata (timestamps, status, etc.) associated with those requests. For a requestor’s pending requests, they can see all the information related to that request. For past requests, only limited information is retained (see descriptions below). In addition, requestors have the ability to create new requests, create request templates, and edit draft requests.

The submitted request is routed to the appropriate registrar in the NSp. The registrars can see a data disclosure request in a list view, similar to CZDS requests. The registrars are able to change the priority level as they see fit (see more on [Priority Levels](#) in the section below), or mark the disclosure request with the appropriate decision.

The registrars are solely responsible for assessing the request and making the decision of whether to disclose the requested nonpublic registration data. If the registrar needs to communicate with and seek additional information or clarification from the requestor to appropriately respond to a request, that communication must occur outside of the WHOIS Disclosure System. Interactive communications between requestors and registrars will not be supported within the system.

Once the registrar marks a disclosure decision “complete” in the system, the system notifies the requestor, and the request remains visible to both the requestor and registrar in their respective user interfaces. The full data set contained in the request will be retained in accordance with ICANN org’s general archival practices and as required or permitted by law. After the retention period, only metadata concerning the case will be retained. Please see the full list of retained data in the [Logging, Reporting, and Service Level Targets](#) section.

The high-level design presented in this paper is preliminary only. Software engineering may need to adjust the design based on technology requirements and best practices, as well as taking into account the principles of security and privacy by design.

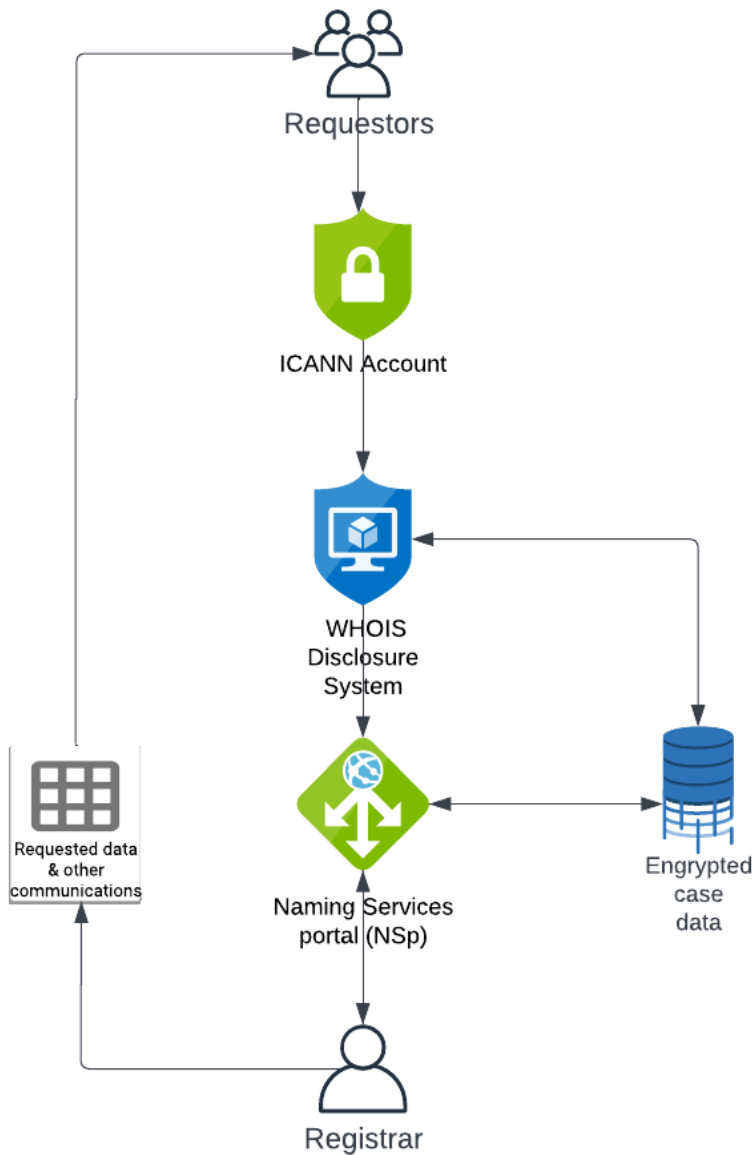


Figure 1. High-Level System Diagram

3.4 High-Level Process Flow Narratives

Please refer to Figure 2. High-Level Data Request Flow.

1. Requestor logs into the system via their ICANN Account.
2. Requestor creates a new nonpublic registration data request.
3. Is the request in scope? (Out of scope: Domain names managed by non-participating registrars or the domain name is in a ccTLD)
 1. If out of scope, the requestor is unable to submit the request. Process ends here.

2. If in scope, requestor submits the request in the system. Request is added to the registrar's list in NSp. Go to step 4.
4. Registrar receives a notification when a request has been submitted.
5. Registrar reviews the request.
6. Registrar makes a disclosure determination.
7. Does registrar approve the disclosure request?
 - a. If denying the disclosure, registrar marks the reasons for denial in the system. Go to step 8.
 - b. If approving the disclosure, registrar provides the requested data to requestor outside the system. Go to step 9.
8. Requestor receives a denial notice with rationale in the system. Process ends here.
9. Registrar marks the approval of disclosure in the system.
10. Requestor receives the approval notice in the system. Process ends here.

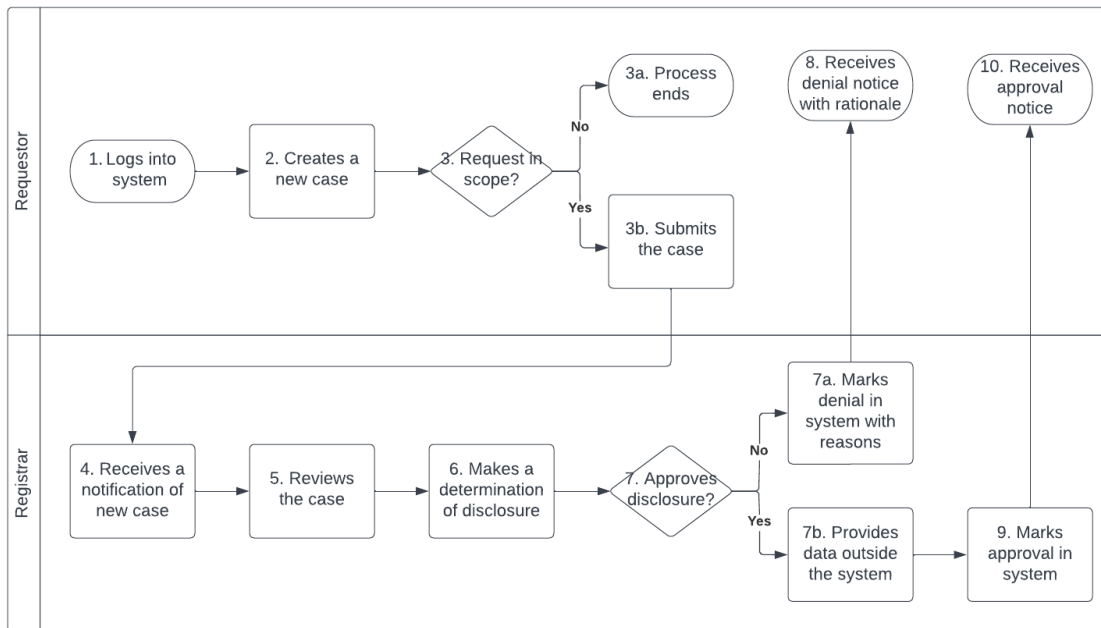


Figure 2. High-Level Data Request Flow

3.5 Operational Support

Requestors will be able to perform some limited self-service functions, such as resetting their passwords or updating their profiles. Beyond self-service, the Global Support team expects to provide general information about the system to requestors, including providing links to educational resources such as the WHOIS Disclosure System landing page and user documentation. Support for requestors will be available via phone and email five days a week, 24 hours per day.

Global Support will extend registrar support to include assistance with the new functionality in the NSp for processing requests for registration data.

3.6 Contractual Compliance

Although there are no contractual requirements that specifically mandate registrar usage of the system (for example, to log into the NSp and mark a request as “complete” or provide information concerning whether or not the registrar disclosed the requested data and why), Section 4, [Appendix A](#) of the Temporary Specification for gTLD Registration Data sets forth requirements for contracted parties in providing reasonable access to nonpublic registration data. As a result, ICANN Contractual Compliance will investigate complaints received from requestors in light of these requirements, should a requestor have reason to believe a registrar’s response or failure to respond to a request submitted via the system is not in compliance with applicable ICANN agreements and policies.

ICANN Contractual Compliance currently addresses these types of complaints for requests sent directly to the contracted party and recognizes the volume of complaints may increase as a result of implementing this system.

Information on how to submit complaints concerning requests for access to nonpublic registration data can be found [here](#).

3.7 Logging, Reporting, and Service Level Targets

For reporting purposes, the WHOIS Disclosure System will log the following data elements:

- Requestor
- Domain subject
- Date and time stamps for the request (creation and disposition)
- Request type
- Priority level (Priority 1, 2, and 3, as defined in the request form)
- Any change in priority initiated by the registrar
- Field elements requested
- Jurisdiction where the nonpublic registration data will be processed
- Registrar name associated with the domain subject
- Disposition of the request (approved, partially approved, or denied)
- If approved, field elements provided
- If partially approved, field elements disclosed plus reason(s) for denying the remainder of the request
- If denied, the reason for the denial

The WHOIS Disclosure System will track service-level targets (based on Recommendation 10.2 of the EPDP Phase 2 policy recommendations) and provide service-level target reporting.

3.8 Priority Levels

The system allows requestors to set a priority level on each request they submit. Priority levels are based on the EPDP Phase 2 policy recommendation 6.1:

Priority 1 – Urgent Requests: The criteria to determine urgent requests is limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure (online and offline), or child exploitation. For the avoidance of doubt, Priority 1 is not limited to requests from law enforcement agencies.

Priority 2 – ICANN Administrative Proceedings: Disclosure requests that are the result of administrative proceedings under ICANN’s contractual requirements or existing Consensus Policies, such as UDRP and URS verification requests.

Priority 3 – All other requests.

The system will not verify the validity of the request priority level input by the requestor. Registrars, however, can modify the priority level if they deem the level to be inaccurately set.

3.9 Security Measures

The system will undergo a standardized security review by ICANN org information security staff. In addition, all requested data, which could include personal data, will be stored in an encrypted database while being processed. Once a case has been closed and the retention period has expired, all data elements or fields from the nonpublic registration data request that could include personal data will be purged from the system.

4 Timeline

Under ICANN's Project Management Framework, there is a three-month ramp-up period to successfully launch a project. ICANN org estimates the development and launch of the WHOIS Disclosure System to take approximately nine months, inclusive of org resources dedicated to this effort, such as requirements refinement, development, user acceptance testing, and launch. It does not include time dedicated to engagement in community discussions or alterations to the design that result from that engagement.

It is up to the ICANN Board, in consultation with the GNSO Council, to determine the timing and priority of implementation, should they decide to proceed. The relative priority and progress of existing projects will influence the start date. The development would be conducted by ICANN org and would not involve any external vendors.

This estimate is based on resources being fully dedicated to the project. ICANN org has initiated a Data Protection Impact Assessment of the WHOIS Disclosure System, which will continue during the development process and will strive to perform this assessment in alignment with the currently projected timeline. However, as the assessment cannot be completed until the development details are finalized, the timeline of the assessment is contingent on the finalization of details necessary to fully assess the data protection impacts of the system.

Although ICANN org estimated the cost of a two-year maintenance period, the org proposes a that it review available usage data with the GNSO Council and its small team one year after launch. This meeting would provide an opportunity to assess the usage and effectiveness of the system and discuss next steps.

5 Cost Estimate

For development, launch, and a two-year maintenance period of the WHOIS Disclosure System, ICANN org estimates it would incur \$90,000 in external costs related to security testing and licensing fees. There will be internal staff costs of approximately \$2,700,000, which will be incurred from the current staff resources, and a contingency allocation of \$500,000.

These estimates do not include costs for operational support from ICANN functions due to the difficulty in estimating these efforts at this time. The only operational costs included in this estimate are E&IT license and maintenance costs for the platform. These costs are not included in the ICANN fiscal year 2023 budget. ICANN org will recommend to the Board Finance Committee that this work be funded by the Supplemental Fund for Implementation of Community Recommendations (SFICR).

ICANN org has estimated the cost and time to develop the proposed system, including a projected two-year maintenance program, based on an annual maintenance cost of 30 percent of the total development cost. Other operational costs will arise; however, these have not been included at this time. Because demand and usage is unknown, it is not possible to estimate what operational resources and costs will be required. Given that usage and users are also expected to increase over time, resourcing within ICANN Global Support and Contractual Compliance will need to be regularly assessed so that support for the WHOIS Disclosure System does not overwhelm capacity and impact the ability to assist contracted parties, community members, and registrants.

The contingency is an amount included in the cost projections, but not allocated to any specific activities. This allows for the flexibility to cover the difference between the projected and actual costs, expenses impossible to forecast such as litigation costs, or activities that have been confirmed for implementation after the budget is finalized. The contingency estimate is approximately 30 percent of the projected implementation costs.

Given that the figures outlined below only include the E&IT costs to develop and maintain the platform and exclude any operational and legal expenses, the table below represents the minimum costs likely to be incurred by ICANN org. The actual costs will be higher once operational costs are included; but given the difficulty in estimating due to several unknown and hard-to-predict variables, they have been excluded at this time.

<i>Resource Type</i>	<i>FTE</i>	<i>Duration (months)</i>	<i>Cost</i>
Internal Staff Costs			
Development Costs (Including internal InfoSec)	7	9	\$1,680,000
2 Years E&IT Maintenance			\$1,000,000
Operational Costs			N/A
Total			\$2,680,000
External Costs			
Information Security and Penetration Testing			\$20,000
2 Years Licensing Costs			\$70,000
Total			\$90,000
Contingency Costs			
Contingency			\$500,000
Total			\$500,000

6 Risks

This section identifies overarching risk themes. ICANN org will continually evaluate and address risks associated with the WHOIS Disclosure System during development and operation, should a decision be made to implement the system. It should also be noted that, while best efforts have been made to identify pertinent risks, not all risks can be reasonably foreseen until development or operations have begun.

6.1 General Risks

- The WHOIS Disclosure System design represents a departure from the SSAD design proposed in the Operational Design Assessment. Accordingly, experience and learning gained from the operation of the WHOIS Disclosure System may not directly inform questions regarding SSAD.
- The participation of the registrars in the WHOIS Disclosure System will produce only partial data concerning system demand and usage, because requestors are free to continue requesting nonpublic registration data directly from the registrars. This means that an implemented system may not produce actionable data to inform discussions between the GNSO Council and the ICANN Board concerning next steps, including consideration of the GNSO Consensus Policy recommendations for an SSAD.
- The operational impact of the system on ICANN org is correlated to the number of users and requests, which will determine the number of support and compliance requests. However, because neither can be estimated at this time, the impact, and therefore ongoing operational costs of the system, cannot be accurately quantified.

6.2 Usage Risks

- As with the SSAD, demand for the WHOIS Disclosure System is unknown. Accordingly, it is challenging to predict the impact of operating the system. If usage is overly high, it may cause greater-than-expected system usage and/or create a high load on the ICANN Global Support and Contractual Compliance teams, which would need to hire additional resources or delay services to stakeholders. High request volume may overwhelm registrars and cause slower response time. If usage is low, the value of the usage data gathered may not accurately reflect true demand for any follow-on system, such as SSAD. Low usage could be due to lack of awareness of the system or any number of other factors (see other risk sections for detail).
- If requestors assume that submitting a request for data access will guarantee disclosure of the data (as the pre-GDPR WHOIS functioned), their dissatisfaction at not receiving requested data in all cases could result in lower usage.
- The WHOIS Disclosure System is not intended to provide nonpublic registration data for registrations that utilize proxy or privacy services. Requestors may feel confused or frustrated with the system if they don't receive the registrant data that they seek due to proxy or privacy service use.
- If registrars do not promptly review requests, usage of the system may decrease or never reach significant levels.

6.3 System Risks

- The system may be vulnerable to an unknown volume of malicious or nuisance submissions. While those submissions would be reduced through the use of an ICANN Account, it will not stop them entirely.

-
- The system will only verify email address validity; no other identity verification tools will be used. This means that ICANN org cannot effectively ban requestors who use or abuse the system. The only penalty is to disable the requestor account, which can be easily circumvented using alternate contact information and email addresses.

6.4 Registrar Participation Risks

- While the Interim Registration Data Policy requires registrars to provide “reasonable access” to nonpublic gTLD registration data, there are no contractual or policy requirements that specifically mandate that registrars must use the WHOIS Disclosure System. The EPDP Phase 1 Registration Data Policy will grant registrars considerable discretion concerning the required contents and format of requests. This results in four foreseeable impacts:
 - If the registrar for a certain registration does not participate (particularly once the EPDP Phase 1 Registration Data Policy goes into effect), any requests for nonpublic data for their domains under management will not be processed through the system.
 - Registrars would not be required to prioritize requests submitted via the WHOIS Disclosure System nor adhere to the system’s established service level target. Review of the requests will be subject solely to local law, and the timing by which the registrar updates the system as to the determination will be variable.
 - The system relies on self-reporting of actions and the related rationale by registrars solely through the system user interface because the WHOIS Disclosure System is not integrated with registrars’ internal systems.
 - The system will not provide a mechanism for the requestor and registrar to communicate or verify information. Each registrar will choose their communication channel, processes, and method of delivery. As a result, requestors may have different experiences depending on which registrar they are in contact with.

The above impacts lead to several risks:

- The statistical data generated from the system may not accurately reflect its usage. For example:
 - System usage data will not include the nature or disposition of any requests that registrars or registries receive directly, outside the system.
 - The system usage data also may not accurately reflect response times or reasons for not disclosing data, as that is manually reported by the registrars.
 - A request can also be marked with a disclosure result that does not reflect what was sent to the requestor.
- If registrars do not promptly update the system with the determination for requests, it will also delay the ability for ICANN org to delete information that no longer needs to be retained. This increases the amount of data that ICANN org would be responsible for safeguarding.
- Requestors that experience different results may be discouraged from continuing to use the system.
- The varied experience may result in a high volume of complaints to ICANN Contractual Compliance, even though the scope of what they can address is limited. This may result in further dissatisfaction for the requestor.
- There is a risk that when the EPDP Phase 1 Policy goes into effect, there may be an impact to registrars’ interaction with and usage of the system, and requestors

may incur a change in the user experience as registrars begin complying with the new Phase 1 Policy requirements.

- Because an integration mechanism with registrars' systems is not being provided, this may create manual work on the registrar side to participate in the WHOIS Disclosure System, driving down registrar participation. Systems communication using manual mechanisms opens the possibility of risks associated with manual data entry, such as typos, incorrect entries, duplicate information, etc.
- The WHOIS Disclosure System is not the exclusive path for requests for disclosures of nonpublic registration data and, per applicable policies and laws, contracted parties must continue to provide responses to requestors who elect to submit a request directly to the contracted party versus using the WHOIS Disclosure System.

6.5 Legal Risks

- Implementation of the WHOIS Disclosure System could create potential liability for ICANN with respect to its operation of the system because parties might allege that ICANN has violated a law or breached ICANN's agreements (both current and future agreements). ICANN could face an increased risk of litigation and regulatory inquiries arising out of its operation of the system, even if ICANN is ultimately not liable for any actions or omissions related to its operation of the system.
- Implementation of the WHOIS Disclosure System will require ICANN org to process a significant volume of personal data pertaining to requestors that, absent such a system, would not be processed by ICANN org. This will also involve the cross-border transfer of personal data between ICANN org and contracted parties, which would not occur absent such a system. The data protection impacts of such processing must be assessed by ICANN org, and if assessment identifies a high risk to data subjects, supervisory authorities will need to be consulted prior to the initiation of such processing.
- Any update to the NSp Terms of Use may create concerns among registrars, which could delay the adoption of those terms, reducing overall portal usage as well as delaying and/or reducing the opt-in rate for the WHOIS Disclosure System.

Appendix 1 – Mockups of key transactions

The high-level mockups presented in this paper are preliminary only. Software engineering may need to adjust the design based on technology requirements and best practices, as well as taking into account the principles of security and privacy by design.

These mockups are intended to inform discussions and provide a mechanism for valuable feedback. The mockups also do not show all the potential questions that will be asked of the requestor. The authoritative list of questions is available in Appendix 3.

A1.1 Requestor Mockups

Requestor User Interface – Login

The mockup shows a dark blue header with the ICANN logo on the left. The main content area has a white background with a red heading 'DRAFT ONLY - REQUESTOR INTERFACE'. Below this is the title 'WHOIS Disclosure System'. There are two blue buttons: 'Login with ICANN Account' and 'Create an ICANN Account', separated by a horizontal line with the word 'or' in the center. Below the buttons is a block of placeholder text (Lorem ipsum). At the bottom, a dark blue footer contains the text: '© Internet Corporation for Assigned Names and Numbers Privacy Policy Cookies Policy Terms of Service'.

Requestor User Interface – Terms of Use

ICANN

DRAFT ONLY - REQUESTOR INTERFACE

WHOIS Disclosure System

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Continue

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Requestor User Interface – Principal Screen

ICANN

LOGOUT

DRAFT ONLY - REQUESTOR INTERFACE WHOIS Disclosure System

Make New Request

All Requests Pending Approved Denied Urgent Only Drafts Templates

Search Requests

Request Date	Status	Domain Subject	Priority
25 Jun 2022	Approved	Lorem Ipsum	1 - Urgent
23 May 2022	Denied	Lorem Ipsum	2 - ICANN Proceedings
26 Jun 2022	Partially Approved	Lorem Ipsum	2 - ICANN Proceedings
22 Mar 2022	Pending	Lorem Ipsum	2 - ICANN Proceedings
25 Jun 2022	Approved	Lorem Ipsum	1 - Urgent
23 Jul 2022	Denied	Lorem Ipsum	3 - Other
25 Jun 2022	Approved	Lorem Ipsum	3 - Other
23 May 2022	Partially Approved	Lorem Ipsum	2 - ICANN Proceedings
22 Mar 2022	Pending	Lorem Ipsum	1 - Urgent
22 Mar 2022	Denied	Lorem Ipsum	2 - ICANN Proceedings
25 Jun 2022	Approved	Lorem Ipsum	2 - ICANN Proceedings
23 Jul 2022	Pending	Lorem Ipsum	3 - Other

< 1 2 - 13 >

Download CSV 1-12 of 156 results

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Requestor User Interface – Templates

The screenshot displays the ICANN WHOIS Disclosure System Requestor Interface. At the top, there is a dark blue header with 'ICANN' on the left and 'LOGOUT' on the right. Below the header, the main content area features the title 'DRAFT ONLY - REQUESTOR INTERFACE' in red and 'WHOIS Disclosure System' in black. A blue button labeled 'Make New Template' is positioned to the right of the title. Below the title, there is a navigation bar with buttons for 'All Requests', 'Pending', 'Approved', 'Denied', 'Urgent Only', 'Drafts', and 'Templates'. A search bar labeled 'Search Templates' with a magnifying glass icon is also present. The main content area contains a table with the following columns: 'Created Date', 'Template Name', 'Template Description', and 'Template Priority'. The table lists two templates: one created on 25 Jun 2022 with priority '1 - Urgent' and another created on 23 May 2022 with priority '2 - ICANN Proceedings'. At the bottom of the table, there are navigation arrows and a page indicator '1-2 of 2 results'. A dark blue footer at the bottom of the page contains copyright information and links for 'Privacy Policy', 'Cookies Policy', and 'Terms of Service'.

ICANN LOGOUT

DRAFT ONLY - REQUESTOR INTERFACE
WHOIS Disclosure System Make New Template

All Requests Pending Approved Denied Urgent Only Drafts **Templates** Search Templates

Created Date	Template Name	Template Description	Template Priority
25 Jun 2022	My Template Name 1	This is to be used in cases of X, Y, Z	1 - Urgent
23 May 2022	My Template Name 2	This is to be used in cases of A, B, C	2 - ICANN Proceedings

1-2 of 2 results

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Requestor User Interface – New Request (See Appendix 2 for details.)

WHOIS Disclosure System DRAFT ONLY - REQUESTOR INTERFACE

[Home](#) > [Make New Request](#)

Request for Non-Public Registrant Data

All Fields are Obligatory

Requestor First and Last Name

Requestor Email Address

Additional Contact Details: Postal Address

Additional Contact Details: Telephone Number

Identify the country or countries in which you or the party you represent will process the requested data if such data is provided to you by the contracted party, including jurisdictions in which any third party will process such data upon your behalf (including storage by a cloud service provider):

Provide full domain name subject to the request. The data entered must be a fully qualified domain name matching the format example.exampleTLD.

Request Category

Identify your request priority level.

- Priority 1 - Urgent Requests:** The criteria to determine urgent requests is limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure (online and offline) or child exploitation. For the avoidance of doubt, Priority 1 is not limited to requests from law enforcement agencies.
- Priority 2 - ICANN Administrative Proceedings:** disclosure requests that are the result of administrative proceedings under ICANN's contractual requirements or existing Consensus Policies, such as UDRP and URS verification requests. This priority assignment is limited to ICANN-approved dispute resolution service providers or its employees in the context of ICANN Administrative Proceedings.
- Priority 3:** All other requests.

List of data elements requested.

Registry Information

Registry Domain ID Registry Registrant ID

Registrant Information

Registrant Name Registrant Org Registrant Email
 Registrant Street Registrant City Registrant Postal Code
 Registrant Phone

Tech Information

Tech ID Tech Name Tech Email
 Tech Phone

Party representation: Select one of the options below.

- I am submitting this request on my own behalf
- I am authorized to act on behalf of a third party in submitting this request

Provide a brief description of the specific issue the request is attempting to resolve.

Has a subpoena or court order been issued requesting the disclosure of the requested data?

- Yes
- No

Are you asserting a legal basis under which you would process the requested data pursuant to the European Union General Data Protection Regulation or other applicable law?

- Yes
- No

Attach any relevant documentation in support of the request, including any subpoena or court order identified above.

I agree that the request is, to the best of my knowledge, complete and accurate, and that such request is submitted in good faith.

Signature

Date

Requestor User Interface – Request Status Detail

ICANN LOGOUT

WHOIS Disclosure System DRAFT ONLY - REQUESTOR INTERFACE

[Home](#) > Request Detail

Request Status

Status Options: Pending, Approved, Partially Approved, Denied

Current Status: ● Partially Approved

Request Details

Requestor Name:	John Smith
Request Location:	Canada
Domain Subject:	icann.org
Registrar Associated:	GoDaddy.com, LLC
Request Type:	Consumer Protection
Priority Level:	1 - Urgent
Requested Information:	Registrant Name, Tech Email, Tech Phone
Approved Information:	Registrant Name, Tech Email

History

Date	Action	Reason	Explanation
26 Jun 2022	Request submitted		
27 Jun 2022	Request priority changed to 2 - ICANN Proceedings		
29 Jun 2022	Request status changed to Partially Approved	Contracted party cannot disclose the data due to applicable law	Additional detail here from the contracted party denial inputs

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A1.2 Registrar Mockups

Registrar User Interface – Pending Requests

ICANN SEARCH TEST USER

[Data Disclosure Requests](#)

Registry
 CZDS
 WHOIS Disclosure System

Data Disclosure Requests Pending

Request ID	Priority Level	Requestor Name	Requestor Affiliation	Domain Subject	Request Date
D-1234567	1 - Urgent	John Smith	LEA	icann.org	15 Jul 2022
D-1234564	2 - ICANN Proceedings	Sally Client	IP	icann.org	13 Jul 2022
D-1234562	3 - Other	Dave John	Cybersecurity	icann.org	18 Jun 2022

DRAFT ONLY - REGISTRAR INTERFACE

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Registrar User Interface – Request Detail

ICANN

SEARCH

TEST USER

Data Disclosure Request

Data Disclosure Request D-1234567

Change Priority Respond

Registry
CZDS
WHOIS Disclosure System

DETAIL

Information

Request ID
D-1234567

Requestor Email
john.smith@example.com

Requestor Priority
1 - Urgent

Contracted Party Priority
1 - Urgent

Requestor Name
John Smith

Requestor Affiliation
LEA

Domain Subject
icann.org

Status
Pending

Status Indicator

Fields repeat as seen on the submitted form

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Registrar User Interface – Request Response

ICANN

SEARCH

TEST USER

Data Disclosure Request

Data Disclosure Request D-1234567

Change Priority Respond

Registry
CZDS
WHOIS Disclosure System

DETAIL

Information

Request ID
D-1234567

Requestor Email
john.smith@example.com

Requestor Priority
1 - Urgent

Contracted Party Priority
1 - Urgent

Requestor Name
John Smith

Requestor Affiliation
LEA

Domain Subject
icann.org

Fields repeat as seen on the submitted form

Data Disclosure Response

Uncheck items which will not be disclosed

Registrant Name

Tech Name

Tech Email

Cancel Respond

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Registrar User Interface – Partial Approval

The screenshot displays the Registrar User Interface for a Data Disclosure Request (D-1234567). A modal window titled "Data Disclosure Response" is open, allowing the user to select denial reasons. The modal includes the following sections:

- Uncheck items which will not be disclosed:**
 - Registrant Name
 - Tech Name
 - Tech Email
- * Select Denial Reason(s):**
 - Available:**
 - Requested data is publicly available in RDDS
 - Request violates terms of use
 - Contracted party cannot disclose the data due to applicable law
 - Selected:**
 - More information is required before the request can be processed
 - Other corrective action is required before request can be processed
 - Other
- * Denial Explanation:** A text area for providing a detailed explanation.

Buttons for "Cancel" and "Respond" are located at the bottom of the modal. The background interface shows a sidebar with "Registry", "CZDS", and "WHOIS Disclosure System" options. The main panel displays request details such as "Request ID: D-1234567", "Requester Email: john.smith@example.com", "Requester Priority: 1 - Urgent", "Contracted Party Priority: 1 - Urgent", "Requester Name: John Smith", "Requester Affiliation: LEA", and "Domain Subject: icann.org". A red note at the bottom of the main panel states "Fields repeat as seen on the submitted form".

DRAFT ONLY - REGISTRAR INTERFACE

Appendix 2 – Requestor User Account Setup Form Questions and Rationale

WHOIS Disclosure System: Requestor User Account Setup Form Questions and Rationale		
#	Question*	Rationale
	*All fields marked with an asterisk are mandatory.	
1	*Requestor First and Last Name	Requestor name and contact information (minimum information required: name and email address).
2	*Requestor Email Address	<p>EPDP Phase 1 Recommendation 18 includes “Identification of and information about the requestor (including the nature/type of business entity or individual, Power of Attorney statements, where applicable and relevant)” among “minimum information required for reasonable requests for lawful disclosure (“minimum required information”).</p> <p>This recommendation is included in the draft Registration Data Policy, at 10.2.1.</p> <p>The Contracted Party House “Minimum Required Information for Whois Data Requests” (“CPH Form”) requires requestors to provide “Full Name, Affiliation and Contact Details”</p> <p>The GDPR contains many protections for data subjects and obligations for data controllers that require controllers to know the identity of third parties to whom the controller transfers personal data.</p> <p>Keeping data minimization principles in mind, the minimum information necessary to process a request appears to be the requestor name and email address, so that the system and the contracted party can communicate with the requestor).</p>
3	*Username	Per standard ICANN Account setup.

Appendix 3 – Data Request Form Questions and Rationale

WHOIS Disclosure System: Data Request Form Questions and Rationale		
#	Question*	Rationale
	*The requestor is required to answer questions, check boxes, and respond to any fields marked with an asterisk. All other questions are optional.	
1	<p>*Request Category</p> <p>Selectable list: law enforcement, security researcher, computer security incident response team (CSIRT), cybersecurity incident response team (non-CSIRT), consumer protection, research (non-security), domain investor, IP holder, dispute resolution service provider, litigation/dispute resolution (non-IP), other (please explain)</p>	<p>EPDP Phase 1 Recommendation 18 includes “information about the requestor (including the nature/type of business entity or individual...)” and “Information about the legal rights of the requestor and specific rationale and/or justification for the request” among the minimum required information.</p> <p>This recommendation is included in the draft Registration Data Policy, at 10.2.1.</p>
2	<p>If the category is “other”, provide a description of the request category (the specific capacity in which the requestor is submitting this request).</p>	<p>EPDP Phase 2, Recommendation 11, envisioned the following potential requestor categories in an SSAD (a non-exclusive list): (i) criminal law enforcement, national or public security, (ii) non law enforcement investigations and civil claims, including, intellectual property infringement and UDRP and URS claims, (iii) consumer protection, abuse prevention and network security and (iv) obligations applicable to regulated entities.</p> <p>The CPH Form asks requestors to describe the specific issue the request is attempting to resolve and provide an explanation of the legal basis by which the request is being made.</p>
3	Additional contact details: Postal address	<p>The EPDP recommendations did not explicitly reference which contact details should be provided by a requestor. In ICANN org's view, the minimum required contact information necessary to process a request is a requestor's name and email address, which will enable the system and the contracted party to communicate with the requestor. However, additional information such as postal address and telephone number could aid a contracted party's review process.</p>
4	Additional contact details: Telephone number	
5	<p>*Party representation: Select one of the options below:</p> <ul style="list-style-type: none"> - I am authorized to act on behalf of a third party in submitting this request. - I am submitting this request on my own behalf. 	<p>EPDP Phase 1 Recommendation 18 includes among the minimum required information “information about the requestor (including, the nature/type of business entity or individual, Power of Attorney statements, where applicable and relevant)...”</p> <p>The CPH Form requires “A statement (Power of Attorney), from the party you represent, that you represent them and their interests with regard to this request.”</p>
6	<p>Apply logic for each of the options selected above:</p> <p>If you choose “I am authorized to act on behalf of a third party in submitting this request” in Q5: In Q19, attach a statement (Power of Attorney) from the party you represent, that you represent them and their interests with regard to this request.</p>	

WHOIS Disclosure System: Data Request Form Questions and Rationale

#	Question*	Rationale
	<p>*The requestor is required to answer questions, check boxes, and respond to any fields marked with an asterisk. All other questions are optional.</p> <p>"I confirm that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed." (check box)</p> <p>If you chose "I am submitting this request on my own behalf" in Q5: no additional information is required.</p>	
7	<p>*Identify the country or countries in which you or the party you represent will process the requested data if such data is provided to you by the contracted party, including jurisdictions in which any third party will process such data upon your behalf (including storage by a cloud service provider):</p> <p>Selectable list of ICANN standard country code list. One or more jurisdictions can be selected.</p>	<p>The EPDP Phase 1 recommendations do not include requestor location in the minimum required information.</p> <p>The CPH Form partially incorporates this concept in requesting "Contact Details of the requestor" but does not specifically ask a requestor to identify their location.</p> <p>This information is necessary for a contracted party to evaluate a request because in many cases applicable law may restrict or set conditions for the cross-border transfer of personal data.</p>
8	<p>*Provide full domain name subject to the request. The data entered must be a fully qualified domain name matching the format example.exampleTLD.</p>	<p>The CPH Form requires requestors to identify the "domain name in question."</p> <p>This information is necessary for a contracted party to identify the registration data targeted by a request.</p>
9	<p>*List of data elements requested.</p> <p>Selectable List of data elements that may be requested: Registry Domain ID, Registry Registrant ID, Registrant Name, Registrant Org, Registrant Street, Registrant City, Registrant Postal Code, Registrant Phone, Registrant Email, Tech ID, Tech Name, Tech Phone, Tech Email.</p> <p>Requestor may select one, multiple, or all elements.</p>	<p>EPDP Phase 1 Recommendation 18 includes "a list of data elements requested by the requestor" among the minimum required information.</p> <p>Options proposed for a drop-down menu include all data elements that a contracted party may redact, per EPDP Phase 1 Recommendation 10.</p> <p>This recommendation is included in the draft Registration Data Policy, at 10.2.2.</p> <p>This information is necessary for the contracted party to evaluate the request, and to ensure data minimization principles are adhered to (only processing the data necessary to achieve the identified purpose).</p>
10	<p>*Identify your request priority level.</p> <p>Selectable List</p> <p>Priority 1 - Urgent Requests: The criteria to determine urgent requests is limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure (online and offline) or child exploitation. For the avoidance of doubt, Priority 1 is not limited to requests from law enforcement agencies.</p> <p>Priority 2 - ICANN Administrative Proceedings: Disclosure requests that are the result of administrative proceedings under ICANN's contractual</p>	<p>EPDP Phase 1, Recommendation 18 contemplates that different SLAs will apply based on the urgency of the request. "A separate timeline [will be considered] for the response to 'Urgent' Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure.</p> <p>The draft Registration Data Policy, at 3.8, defines "Urgent Requests for Lawful Disclosure as being "limited to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation in cases where</p>

WHOIS Disclosure System: Data Request Form Questions and Rationale

#	Question*	Rationale
	<p>requirements or existing Consensus Policies, such as UDRP and URS verification requests. This priority assignment is limited to ICANN-approved dispute resolution service providers or its employees in the context of ICANN Administrative Proceedings.</p> <p>Priority 3 - All other requests.</p>	<p>disclosure of the data is necessary in combatting or addressing this threat. Critical infrastructure means the physical and cyber systems that are vital in that their incapacity or destruction would have a debilitating impact on economic security or public safety.”</p>
11	<p>If your request is a Priority 1 request, select the specific circumstance that applies:</p> <p>Selectable List: imminent threat to life, imminent threat of serious bodily injury, imminent threat to critical infrastructure, imminent threat of child exploitation</p>	<p>EPDP Phase 2 Recommendation 6 identified three priority levels: Priority 1: Urgent Requests Priority 2: ICANN Administrative Proceedings Priority 3: All other requests</p>
12	<p>If your request is a Priority 2 request, select the specific circumstance that applies:</p> <p>Selectable List: UDRP verification request, URS verification request</p>	<p>The concept of request urgency is not addressed in the CPH Form.</p>
13	<p>*Provide a brief description of the specific issue the request is attempting to resolve.</p>	<p>The description shall provide sufficient information to make the issue obvious without requiring further investigation or evaluation by the registrar if the facts are presumed to be correct.</p>
14	<p>*Has a Law Enforcement request for data such as subpoena, court order, warrant or any other form of legal request, been issued requesting the disclosure of the requested data?</p> <p>Yes/No</p>	
15	<p>If the answer to 14 is “Yes”, indicate if there is any specific date by which the contracted party must respond and attach a copy of the Law Enforcement request under Q19.</p> <p>Enter date: mm/dd/yy</p>	
16	<p>*Are you asserting a legal basis under which you would process the requested data pursuant to the European Union General Data Protection Regulation or other applicable law?</p> <p>Yes/No</p>	<p>EPDP Phase 1 Recommendation 18 includes among the minimum required information “Information about the legal rights of the requestor and specific rationale and/or justification for the request, (e.g., What is the basis or reason for the request; Why is it necessary for the requestor to ask for this data?).[.]”</p>
17	<p>If the answer to 16 is yes, identify your asserted legal basis.</p> <p>Selectable List:* GDPR Art. 6(1)a, data subject consent; GDPR Art. 6(1)b, contractual necessity; GDPR Art. 6(1)c, compliance with a legal obligation to which the controller is subject; GDPR Art. 6(1)d, processing is necessary to protect the vital interests of a data subject or other natural person; GDPR Art. 6(1)e, processing is necessary for a task carried out in the public interest, as set out in EU or EU Member State law; GDPR Art. 6(1)f, legitimate interests; other applicable law (non-GDPR) legal basis</p>	<p>The CPH Form requires “An explanation of the legal basis by which the request is being made. Where possible, a reference to the statute or law upon which the claim is being made and information on the applicability of this law and statute as well as information on the competent court in the matter.</p> <p>*This list will likely evolve based on input received. Other commonly used legal bases under non-GDPR laws could be added to the “pick list” for</p>

WHOIS Disclosure System: Data Request Form Questions and Rationale

#	Question*	Rationale
18	If “other applicable law (non-GDPR) legal basis” is selected in Q17, identify the applicable law, including a section reference and explanation.	ease of use, such as the European Union Network and Information Security Directive (NIS2) once it comes into force.
19	Attach any relevant documentation in support of the request, including any Law Enforcement request (subpoena, court order, etc.) identified above.	A requestor may wish to submit proof of trademark rights, a subpoena or court order, or other evidence in support of its request.
A1	*I agree that the request is, to the best of my knowledge, complete and accurate, and that such request is submitted in good faith.	<p>EPDP Phase 1 Recommendation 18 includes among the minimum required information an “Affirmation that the request is being made in good faith.”</p> <p>The CPH Form requires a statement that submission of the request is evidence that all of the above is, to the best knowledge of the declarant, complete and accurate. In case of any complaint, the declarant will be held responsible under applicable law for disclosure of data under false pretenses.</p> <p>We believe this should be included to reflect the EPDP Phase 1 recommendations, which will be reflected in the Registration Data Policy (this is included as a requirement at 10.2.4 of the draft policy document).</p> <p>Specific attestation language will need to be finalized once the system design is complete and may need to be adapted based on the requestor Terms and Conditions.</p>
A2	*I affirm that any personal data received in response to this request will be processed and transferred in compliance with any applicable data protection law, and shall not be stored, transferred, or otherwise shared in contravention with any applicable data protection law. Where applicable data protection law requires a registrar to enter into contractual safeguards for the cross-border transfer of personal data, I agree that entering into such agreement with the registrar may be required before the registrar will disclose the requested data.	<p>EPDP Phase 1 Recommendation 18 includes that “Registrars and Registry Operators will consider each request on its merits, including the asserted GDPR legal bases.”</p> <p>The CPH Form requires a statement that any personal data received through this process will be processed and transferred in compliance with any applicable data protection law, and shall not be stored, transferred, or otherwise shared in contravention with any applicable data protection law.</p>

Appendix 4 – WHOIS Disclosure System Feature Comparison to SSAD Recommendations

Any recommendations related to the Contracted Parties' actions will not be considered in the WHOIS Disclosure System, as there is no policy mandate to enforce it.

EPDP Phase 2 Policy Recommendations	<u>Expectation noted by GNSO Council Small Team for "proof-of concept" idea</u>	WHOIS Disclosure System feature
#1: Accreditation	Not relevant.	Not available.
#2: Accreditation of governmental entities	Not relevant.	Not available.
#3: Criteria and Content of Requests	<p>Necessary - Request form would include the information outlined in this recommendation. It is not possible to submit the form if all fields have not been completed.</p> <p>It should be possible for a requestor to store his/her information so that it can be reused (as applicable) for future requests.</p>	<p>The request form will include the information outlined in recommendation 3 except for those that relate to recommendation 1. The system uses drop downs and pick lists where possible; it provides the ability for requestors to create request templates; it allows requestors to save drafts of requests in process; and it allows requestors to submit and duplicate, which provides requestors a rapid means of filing multiple, similar requests. In addition, the request form includes all the data elements listed in the recommendation.</p>
#4: Acknowledgement of receipt and relay of the disclosure request	<p>Necessary - Automated response to requestor once a form has been submitted, informing of proof-of-concept approach as well as confirming data processing / retention that will take place. ICANN org relays request to sponsoring registrar.</p>	<p>Yes, the Acknowledgement of Receipt appears in the history of pending or past requests. Additionally, the request is relayed to the contracted party immediately upon successful submission.</p>
#5: Response Requirements	<p>Necessary - Registrar is expected to provide a disclosure response without undue delay. Responses where disclosure of data (in whole or in part) has been denied should include a rationale sufficient for the Requestor to objectively understand the reasons for the decision. Disclosure response time as well as responses (data disclosed y/n, which fields, for which TLDs) to be tracked.</p>	<p>The system will not provide response recommendations to the Contracted Party. If the registrar denies or partially approves the request, pick lists and open text fields capture the rationale for the denial. If the registrar approves the request, pick lists capture the data fields being forwarded to the requestor. The system will not provide a means of alerting the data subject of a disclosure nor does it allow the data subject to complain about the disclosure. Note that existing complaint channels remain open to data subjects should they choose to use them.</p>
#6: Priority Levels	<p>Necessary - As part of the request form, the requestor is able to indicate the priority level (with clear information to be provided [as to] what these priority levels include).</p>	<p>Per the recommendation, priority levels 1-3 will be provided along with explanatory text and service level targets for each level. Registrars and requestors can sort pending requests by priority level. Registrars will be able to reassign priority levels. This re-assignment will be communicated to the requestor. There is no</p>

	A registrar may factor in this priority level in its assessment of the request. Proof of concept to track use of priority levels.	mechanism for Contracted Parties to signal abuse of the priority levels.
#7: Requestor Purpose	Necessary - Requestor to indicate as part of the request form the specific purpose for which disclosure is requested.	The requestor purpose is a mandatory field within the request form.
#8: Contracted Party Authorization	Necessary - Registrars are expected to review every request individually and respond to the requestor directly (with tracking of response time and whether or not data was disclosed and which fields)	This recommendation is largely directed to the Contracted Parties, most of which the WHOIS Disclosure System design cannot address. However, the system will not allow bulk processing and limits registrars to responding to each request individually as per recommendation 8.1.
#9: Automation of SSAD Processing	Not relevant.	Not available.
#10: Determining Variable SLAs for response times for SSAD	Necessary - Registrars are encouraged to try to meet the SLAs set out in this recommendation. Tracking to be put in place to allow for confirmation of response times in combination with request type.	As there is no policy to regulate the Service Level Agreement (SLA), there will not be any SLAs available. The system will instead use the recommended non-binding service level targets (SLT) for each priority level. Reporting on SLT attainment will be available for the community to inspect and use for further deliberations on this topic.
#11: SSAD Terms and Conditions	Necessary - SSAD proof of concept Terms and Conditions need to be clear for those parties involved.	For the requestors, WHOIS Disclosure System Terms and Conditions will be presented upon first login and acceptance captured by the system. The ability to print or download the Terms and Conditions will be offered. For registrars, the NSp Terms and Conditions will cover this additional functionality.
#12: Disclosure Requirement	Necessary - Registrars are expected to only disclose data requested by the requestor and only current data.	The registrars' expected behavior cannot be addressed in the system. The request form provides a pick list of data elements for the requestor to select (including ALL). This information is communicated with the rest of the request form to the registrar. Rights of erasure and notification are not provided by the system.
#13: Query Policy	Nice to have.	The system will have the capability to rate limit requestors, and those limits have yet to be determined. Additional abuse mitigation features or functionality are not envisioned at this time.
#14: Financial Sustainability	Not relevant.	Not available.
#15: Logging	Necessary - Appropriate logging needs to be put in place so that data resulting from the proof of concept can be reviewed and analyzed. This data must be anonymized and not include any personal information.	The system will log and report on the data elements outlined in Section 3.7, <i>Logging, Reporting, and Service Level Targets</i> section.
#16: Audits	Not relevant.	Not available.

#17: Reporting Requirements	Necessary - As outlined below, at six-month intervals, data will be made available to review the proof of concept.	The system will provide reporting on a periodic basis not to exceed the recommended durations. The exact form of the reporting is to be determined. It is envisioned that eventually the data will be made available through the Open Data platform for public consumption.
#18: Review of implementation of policy recommendations concerning SSAD using a GNSO Standing Committee	Not relevant.	Not available.



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