

ccNSO/ALAC Liaison Report December 10th 2015

Posted December 3rd 2015

1) December 2nd 2015 - **Contractual Compliance Mission and Consumer Trust - Letter to Fadi Chehadé**

Introduction:

On December 2nd Alan Greenberg, Chair of the At-Large Advisory Committee wrote to ICANN President, Fadi Chehadé, seeking clarification on a number of items as they relate to ICANN staff functions and the issue of Consumer Trust.

Summary:

In the letter from ALAC, Mr. Greenberg referenced the **ICANN Contractual Compliance Mission: “To preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust”**; the October, 2014 ICANN announcement of a newly created position of **“Consumer Safeguards Director”**; and statements made by Allen Grogan (**ICANN Chief Contract Compliance Officer**) during ICANN 54 when Mr. Grogan was questioned about the importance of Consumer Trust... Mr. Grogan’s response was generally that consumer trust was not in his department’s mission nor was it a primary responsibility of ICANN.

The letter from ALAC also noted that: On 11 June 2015 Mr. Grogan, as ICANN Chief Contract Compliance Officer, issued a blog entitled “Community Outreach On Interpretation and Enforcement of the 2013 RAA” in which he stated: “I have held a number of meetings and telephone calls since ICANN 52, including with members of the Registrar Stakeholder Group, representatives of the IPC and intellectual property owners, members of civil society”. Apropos Mr. Grogan’s blog statement the letter from ALAC also noted that: (N)either ALAC nor At-Large seem to have been part of this outreach, and when Mr. Grogan was asked at ICANN 54 what consumer groups he has met with as part of his outreach, he named a number of government agencies and industry lobbying groups but has apparently not met with consumer groups.

Mr. Greenberg concluded with the statement that ALAC would like to see this lack of consultation remedied.

Link to full Letter {[LINK](#)}

2) November 28th 2015 – **ALAC Statement on the Planned Implementation of the New Registration Data Access Protocol (RDAP)**

The ALAC is very concerned that the planned implementation of the new Registration Data Access Protocol (RDAP) may not support enhanced privacy protections proposed by the Expert Working Group on gTLD Directory Services (EWG).

[At a session in ICANN 54 on the implementation of the RDAP](#), Francisco Arias, Director of ICANN Technical Services, suggested that when implementing the new RDAP, it would be “voluntary” for contracted parties to include additional features in the protocol that would allow differentiated access to registration data.

The existing Whois protocol allows every user the same anonymous public access to gTLD registration data – access that is no longer in line with increasingly accepted privacy protection law. The EWG recommendations provide a better balance between the privacy rights of registrants and the legitimate needs to access that information in the way that registration data is collected, stored and accessed.

Following on from the EWG recommendations, the Internet Engineering Task Force (IETF) developed the RDAP which has features that allow for differentiated access to registration data, depending on the authentication and accreditation of requestors.

The basic features of the RDAP comply with existing Whois policy requirements. However, unless the additional RDAP features that allow differentiated access to registration are adopted as a mandatory part of the RDAP, the protocol would not allow differentiated access to registration data.

While the final Issues Report on next-generation gTLD registration directory services (RDS) to replace WHOIS was approved only in October 2015 and its Policy Development Process is yet to start, this policy work will proceed on the foundation of the EWG recommendations and part of this work concerns with how data should be collected, stored, and disclosed and how these data elements are mapped to RDAP.

The ALAC is strongly arguing against “voluntary” adoption of the RDAP features that allow differentiated access to registration data. While those features are not now required under existing WHOIS policies, they will most likely be required under new RDS consensus policies as recommended by the EWG.

On these facts, the ALAC strongly argues that the RDAP implementation profile must include the feature set that will support differentiated access. This will ensure that when the future policies, which follow the EWG recommendations, on differentiated access to data are finalized, the protocols will be in place to ensure that these may be readily switched on and implemented.

Respectfully submitted
By Ron Sherwood (ccNSO/ALAC Liaison)