

Registration Data Policy Implementation Review Team

Meeting #2

Urgent Requests Timeline

14 May 2025, 17:00-18:00 UTC



Agenda

1. Recap of Urgent Request meeting 1
2. Questions for IRT consideration/discussion

Recap of Meeting 1

Agenda Item #1

Recap Background (1/2)

- The EPDP Phase 1 [Recommendation 18](#) (Rec 18) anticipated **"a separate timeline for responses to urgent requests for lawful disclosure of non-public registration data"** and indicated that the response time and criteria would be established during implementation.
 - ***"separate timeline of [less than X business days] 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 [time frame to be finalized and criteria set for Urgent requests during implementation]."***
- Criteria for Urgent Requests were agreed as the following:
 - Urgent Requests are requests that are limited to circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where 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.
- However, the EPDP Phase 1 IRT did not align on an appropriate timeline for response to Urgent Requests for disclosure of registration data.

Recap Background (2/2)

- In June 2024, the ICANN Board reviewed current work and concluded that the **proposed urgent response policy is not fit for purpose** and raised its [issues and concerns to the GNSO Council](#). The language the Board reviewed and deemed not fit for purpose stated:
 - Section 10.6 ...**MUST respond**, as defined in Section 10.7, **without undue delay, generally within 24 hours of receipt.**
 - Section 10.6.1 If Registrar or Registry Operator cannot respond to an Urgent Request for Lawful Disclosure within 24 hours, it **MUST notify the requestor within 24 hours** of receipt of an Urgent Request for Lawful Disclosure of the need for an extension to respond... **which cannot exceed two (2) business days from the time of the initial receipt of the request.**
 - Section 10.6.2 ... if responding to an Urgent Request for Lawful Disclosure is complex, or a large number of requests are received by Registrar or Registry Operator, it **MAY extend the time for response up to an additional one (1) business day**
- As a result the ICANN Board and GNSO Council discussed and aligned that Recommendation 18 should be interpreted as follows:
 - Any **proposed timeline**—whether **one, two, or three business days**—does not seem **suitable for addressing such urgent threats**. Instead, a much **shorter response** timeline, **measured in minutes or hours rather than days**, appears to be more appropriate.

Recap April 2025 IRT Discussion

- One of the most important variables that has changed since this topic was last discussed is that the ICANN Board, GAC and GNSO Council agreed that the identity of the Law Enforcement agency requesting the urgent data is validated.
- Some IRT members understood that once the identity of the requestor is validated the registrar would be able to automatically release the requested data, ideally occurring within a matter of seconds or minutes.
- Other IRT members, particularly CPH, noted that validating the identity of the requestor is only one part of the process. Registrars also need to review the request and confirm:
 - the jurisdiction where the request is coming from and whether they can legally disclose the data within that jurisdiction and if other legal concerns are satisfied; and
 - if the request meets the criteria of an urgent request, which must relate to one of these categories:
 - imminent threat to life
 - serious bodily injury
 - threat to critical infrastructure
 - child exploitation

Recap IRT Discussion Continued

- General understanding that the following steps must take place prior to responding to an urgent request:
 - the requestor identity is validated
 - the jurisdiction and other legal concerns are satisfied, AND
 - the request is confirmed to meet the definition of urgent
- GAC members acknowledged the registrar's need to review a request on its merits as received but noted that additional information regarding investigations taking place will not be provided.
- GAC members asked registrars to consider what other elements can be provided to verify that a request is "urgent" without compromising the secrecy of the investigation.
- GAC asked registrars to consider if the response to an urgent request from a validated requestor can be expedited if the request:
 - includes the jurisdiction of the requestor
 - includes an attestation from LEA that the request pertains to at least 1 of the 4 "urgent request" categories
- GAC and CPH discussed potential additional considerations for accountability mechanisms for situations where a requestor submits an urgent request based on specific criteria, but the request is not truly urgent.

Recap IRT Discussion Continued

- Review of ICANN org proposal understanding that, per discussion and alignment between the ICANN Board and GNSO Council, Recommendation 18 must be interpreted as follows:
 - A response to an "urgent request" should be within minutes or hours, not days, because truly "urgent" requests need a more expeditious response.
 - Thus ICANN org believes **that an agreed solution must require a response in minutes or hours (not days).**
 - Though the Final Report included "business days", this was in brackets: the final timeline (however it is measured) was left to implementation.
- Based on the aligned understanding of the ICANN Board and GNSO Council that **a response to an urgent request should be in minutes or hours**, ICANN org proposed that **urgent requests** from an authenticated entity **must be acknowledged within 2 hours and responded to within 24 hours of receipt.**
- Proposal from CPH that the response time to an urgent request remains in business days and includes the previously proposed language:
 - Must respond without undue delay generally within **24 hours**
 - Must notify requester of an extension needed to respond not exceeding **2 additional business days.**
 - May extend response time by **1 additional business day** for large or complex requests.

Questions for IRT consideration/discussion

Agenda Item #2

Questions for IRT Consideration

1. The ICANN Board and GNSO Council agreed that responses to Urgent requests should be provided in minutes or hours and not in days. Do IRT members agree that if 24 hours equates to 1 calendar day, then a response to an urgent request cannot take longer than 24 hours and cannot be in business days?
2. Do IRT members agree that a timeline to respond to an urgent request measured in another unit than business days can be implemented consistent with Recommendation 18 ?
3. Taking into consideration that specifics about the investigation will not be provided, what additional overarching requirements do contracted parties need to quickly review an urgent request and minimize the amount of time needed to provide a response?
4. If an authenticated entity submits a request that specifies its jurisdiction and asserts that the urgent request falls under categories such as imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation, is that sufficient to provide a response to the requester within 24 hours?