

Urgent Requests Language

Draft Email to IRT:

Hello All,

The RySG appreciates the RrSG's proposal regarding changes to the Urgent Request Section language proposed by ICANN, however, Registries believe that the original ICANN language, with minimal changes, is a more straightforward approach that can also address RR concerns. We believe that the edited language below, combined with the shared agreement among the IRT that any actions under this language are based solely on the establishment of a mutually agreed authentication system for law enforcement, negates the need to add the additional procedural language.

For more context, this also assumes that the authentication system (the System) currently being developed by the IRT/PSWG Small Group will:

- 1-Be specific to use by law enforcement and that law enforcement will be defined as part of the System;
- 2-The Terms and Conditions of an authenticated law enforcement user of the System will include requirements for said user to have done their due diligence to ensure the request received is in fact "urgent" and lawful.

If the requests Contracted Parties receive have been subject to this rigor, we don't think that the more specific additional language is required. In addition, we believe that requests meeting this level of rigor would not require more than 24 hours to respond.

Looking forward to discussion during our next meeting.

Thank you,
RySG

Registry Operators and Registrars to Acknowledge within 2 hours and provide a response within 24 hours

1. For Urgent Requests for Lawful Disclosure from an authenticated **LEA entity via the approved authentication system**, Registrar and Registry Operator **MUST** acknowledge receipt of an Urgent Request for Lawful Disclosure without undue delay, but no more than two hours from receipt.
 - a. For avoidance of doubt, Urgent Requests **received from an authenticated LEA entity via the approved authentication system** will be defined as 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.

2. Following acknowledgement of the Urgent Requests for Lawful Disclosure, Registrars and Registry Operators MUST consider the request on its merits, considering the specific rationale and basis for each request.
3. Following its consideration, Registrars and Registry Operators MUST provide its response to the **LEA** authenticated entity within 24 hours.
4. In the event that the Registrar or Registry Operator denies disclosing the data to the requesting **LEA** authenticated entity, Registrar and Registry Operators MUST provide a rationale for why Registry Operator or Registrar cannot provide the requested data (in whole or in part) that identifies the specific reason(s) for such denial, including a clear explanation of how it arrived at its decision that is sufficient for a requestor to objectively understand the reasons for the decision.