

General Data Protection Regulation (GDPR)

& WHOIS at ICANN

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About the General Data Protection Regulation (GDPR)

- ⦿ The European Union's (EU's) GDPR aims to protect EU citizens and residents from privacy and data breaches (took effect 25 May 2018)
- ⦿ *“The Regulation is an essential step to strengthen citizens' fundamental rights in the digital age and facilitate business by simplifying rules for companies in the Digital Single Market.”*
- ⦿ Applies to all companies processing and holding the personal data of subjects residing in the EU, regardless of the company's location
- ⦿ Failure to comply may result in fines up to €20 million or 4% of global annual turnover
- ⦿ European Data Protection Authorities will interpret and enforce the regulation, and European courts will resolve any disputes
- ⦿ More information: http://ec.europa.eu/justice/data-protection/reform/index_en.htm



What is Registration Directory Services (RDS)/WHOIS

- ⦿ Registration Directory Services (RDS) is a publicly available and distributed directory containing information about registered domains such as icann.org
 - Each registrar and registry operator maintains its own database of registration data and provides access to this data via its own directory service
- ⦿ RDS has evolved to serve the need of many different stakeholders, such as registrants, law enforcement agents, intellectual property and trademark owners, businesses and individuals
- ⦿ The stable operation of the Internet relies on the basic concept that you cannot run a hierarchical and decentralized system like the Internet (a network of networks) if you cannot find the people who operate it to warn of problems and coordinate responses to operational issues
- ⦿ In addition, the WHOIS system helps serve the public interest as it contributes to the security and stability of the Internet by providing contact information to support issues related to consumer protection, investigation of cybercrime, DNS abuse and intellectual property; as well as to address appropriate law enforcement needs.

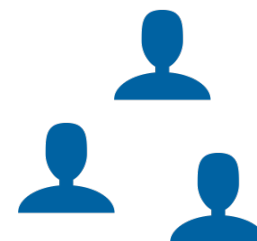
ICANN: Preparing for the GDPR

- ⦿ The GDPR affects ICANN in at least 2 areas:
 1. **Contracted Parties:** Personal data that participants in the domain name ecosystem collect, display, and process, including registries and registrars pursuant to ICANN contracts
 2. **Internal:** Personal data that ICANN collects and processes for internal or external services
- ⦿ Closely monitoring global data protection/privacy developments. We are also tracking developments in other jurisdictions as ICANN understands that the landscape outside of Europe also is undergoing change and ICANN will take this into account in the proposed legal review.
- ⦿ Engaging with contracted parties, the European community, data protection agencies, and other pertinent stakeholders including law enforcement and the IP community to better understand the relevant aspects regarding GDPR
- ⦿ Overview of activity available at: <https://www.icann.org/dataprotectionprivacy>



ICANN: Preparing for the GDPR

- ⦿ **September 2017:** Published matrix of personal data contracted parties collect, transmit, or publish, and for what uses
- ⦿ **October 2017:** Discussions at ICANN60 and various webinars
- ⦿ **November 2017:** Contractual Compliance statement and call for input on models
- ⦿ **Oct.-Dec. 2017:** 3-party external legal analysis by Swedish law firm Hamilton
- ⦿ **January 2018:** Publication of proposed models for input
- ⦿ **March 2018:** Published detailed description of [Proposed Interim Compliance Model](#)
- ⦿ **April 2018:** Received guidance on model from Article 29 Working Party, continuing dialogue
- ⦿ **17 May 2018:** ICANN Board approves [Temporary Specification for gTLD Registration Data](#)
- ⦿ **18 June 2018:** ICANN [shares draft Framework Elements for a Unified Access Model for Continued Access to Full WHOIS Data](#) for the community's review and feedback
- ⦿ **19 July 2018:** GNSO [launches Expedited Policy Development Process](#) to consider adopting the Temporary Specification as Consensus Policy
- ⦿ **20 August 2018:** ICANN shares [Draft Framework for a Possible Unified Access Model for Continued Access to Full WHOIS Data](#) for community input
- ⦿ **21 August 2018:** ICANN Board reaffirms Temporary Specification



Developing a Possible Unified Access Model

Developing a Unified Access Model

- ⦿ **18 June 2018:** ICANN [published](#) “Framework Elements for a Unified Access Model for Continued Access to Full WHOIS Data” for community feedback. Goal is to develop a model in line with the GDPR to provide legal certainty for all parties
- ⦿ **20 August 2018:** ICANN [published](#) “Draft Framework for a Possible Unified Access Model for Continued Access to Full WHOIS Data” for further community input at gdpr@icann.org.
 - Areas of community convergence include:
 - using RDAP as the technical method for providing access,
 - having strong safeguards in terms of use.
 - Areas with differing views include:
 - whether authenticated users must provide a legitimate interest for each individual authenticated query,
 - logging requirements,
 - whether full WHOIS data set must be returned for authenticated query,
 - who must provide access (registry, registrar, or both),
 - and whether there ought to be a fee for access.

Expedited Policy Development Process (EPDP)

- ⦿ The ICANN Generic Names Supporting Organization has initiated an Expedited Policy Development Process to consider whether or not to confirm the Temporary Specification as consensus policy by 25 May 2019 (the date the Temporary Specification will expire). Read more [here](#).
- ⦿ EPDP triggered by ICANN Board's adoption of the Temp Spec
- ⦿ To confirm, or not, the Temp Specs as Consensus Policy by 25 May 2019
- ⦿ Discuss a standardized access model to nonpublic registration data
 - Only after the "gating questions" specified in the EPDP Team's Charter are addressed
- ⦿ Only covers topics in the Temp Spec

Registration Data Access Protocol (RDAP)

- ⦿ RDAP delivers registration data much like WHOIS, but its implementation will help standardize registration data access and query response formats, and secure access to data. RDAP also provides native support for Internationalized Domain Names (IDNs), and more importantly, the ability to provide a uniform and robust platform for layered access to registration data for legitimate users.
- ⦿ The Temporary Specification directed the creation of a gTLD-RDAP Profile(s) as a prerequisite to launching the Registration Data Access Protocol (RDAP) service across the gTLD space.
- ⦿ ICANN org has received a proposal from a discussion group of gTLD registries and registrars and has published it for [public comment](#). The comment period closes 13 October 2018.
- ⦿ RDAP services from gTLD registries and registrars are expected to be required by the end of March 2019.

Reference Slides

Changes to WHOIS since 25 May 2018

What has not changed?

- ⦿ Registration Data for all of the applicable fields will continue to be collected, transferred, and retained as before.
- ⦿ Registrars and registry operators are required to continue to escrow Registration Data.
- ⦿ Existing rules and procedures for rights protection mechanisms and the trademark clearinghouse remain in place.

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What has changed?

- ⦿ Access to Registration Data will be tiered/layered. Personal data will be redacted for Registration Data processed in the EU. Third-party with legitimate interest may gain access to non-public Registration Data by contacting the relevant registrar/registry operator.
- ⦿ Registrars will provide an anonymized email address or web form to contact registrants, admin and tech contacts.
- ⦿ All other information for tech and admin contacts will be redacted.

WHOIS Before and After 25 May 2018

WHOIS record field	Before 25 May	Current WHOIS
Domain Name	Display	Display
Registry Domain ID	Display	Display
Registrar WHOIS Server	Display	Display
Registrar URL	Display	Display
Updated Date	Display	Display
Creation Date	Display	Display
Registry Expiry Data	Display	Display
Registrar Registration Expiration Date	Display	Display
Registrar	Display	Display
Registrar IANA ID	Display	Display
Registrar Abuse Contact Email	Display	Display
Registrar Abuse Contact Phone	Display	Display

WHOIS Before and After

WHOIS record field	Before 25 May	Current WHOIS
Reseller	Display	Display
Domain Status	Display	Display
Domain Status	Display	Display
Domain Status	Display	Display
Registry Registrant ID	Display	Do not display
Registrant Name	Display	Do not display
Registrant Organization	Display	Display
Registrant Street	Display	Do not display
Registrant City	Display	Do not display
Registrant State/Province	Display	Display
Registrant Postal Code	Display	Do not display
Registrant Country	Display	Display
Registrant Phone	Display	Do not display
Registrant Phone Ext	Display	Do not display

WHOIS Before and After

WHOIS record field	Before 25 May	Current WHOIS
Registrant Fax	Display	Display
Registrant Fax Ext	Display	Display
Registrant Email	Display	Anonymized email or web form
Registry Admin ID	Display	Display
Admin Name	Display	Display
Admin Organization	Display	Display
Admin Street	Display	Display
Admin City	Display	Display
Admin State/Province	Display	Display
Registrant Fax	Display	Display
Registrant Fax Ext	Display	Display
Registrant Email	Display	Display
Registry Admin ID	Display	Display
Admin Name	Display	Display

WHOIS Before and After

WHOIS record field	Before 25 May	Current WHOIS
Admin Organization	Display	Do not display
Admin Street	Display	Do not display
Admin City	Display	Do not display
Admin State/Province	Display	Do not display
Admin Postal Code	Display	Do not display
Admin Country	Display	Do not display
Admin Phone	Display	Do not display
Admin Phone Ext	Display	Do not display
Admin Fax	Display	Do not display
Admin Fax Ext	Display	Do not display
Admin Email	Display	Anonymized email or web form
Registry Tech ID	Display	Do not display
Tech Name	Display	Do not display
Tech Organization	Display	Do not display

WHOIS Before and After

WHOIS record field	Before 25 May	Current WHOIS
Tech Street	Display	Do not display
Tech City	Display	Do not display
Tech State/Province	Display	Do not display
Tech Postal Code	Display	Do not display
Tech Country	Display	Do not display
Tech Phone	Display	Do not display
Tech Phone Ext	Display	Do not display
Tech Fax	Display	Do not display
Tech Fax Ext	Display	Do not display
Tech Email	Display	Anonymized email or web form

WHOIS Before and After

WHOIS record field	Before 25 May	Current WHOIS
Name Server	Display	Display
Name Server	Display	Display
DNSSEC	Display	Display
DNSSEC	Display	Display
URL of ICANN Whois Inaccuracy Complaint Form	Display	Display
>>> Last update of WHOIS database	Display	Display

Engage with ICANN – Thank You and Questions



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