Background

- Affirmation of Commitments
- 13 member, multi stakeholder team
- Deadline: November 2011

For full reference, please refer to our WIKI: https://community.icann.org/display/whoisreview
## Our members

<table>
<thead>
<tr>
<th>SO/AC Candidates</th>
<th>Independent Experts</th>
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<tbody>
<tr>
<td>Emily Taylor (UK)</td>
<td>Bill Smith (US)</td>
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<tr>
<td>James Bladel (US)</td>
<td>Lynn Goodendorf (US)</td>
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<tr>
<td>Kathy Kleiman (US)</td>
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<tr>
<td>Kim von Arx (CA)</td>
<td>Law Enforcement Representatives</td>
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<tr>
<td>Lutz Donnerhacke (DE)</td>
<td>Sharon Lemon (UK)</td>
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<tr>
<td>Olivier Iteanu (FR)</td>
<td>Selectors or their Designated Nominees</td>
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<tr>
<td>Omar Kaminski (BR)</td>
<td>Michael Yakushev (RU)</td>
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<tr>
<td>Sarmad Hussain (PK)</td>
<td>Peter Nettlefold (AU)</td>
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<td>Susan Kawaguchi (US)</td>
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<td>Wilfried Woeber (AT)</td>
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Mandate and Scope

Whois began as a look-up service to enable Internet operators to find one another and communicate directly if abnormalities in traffic occur between servers. (ICANN Annual Report ‘09)

ICANN commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information.

One year from the effective date of this document and then no less frequently than every three years thereafter, ICANN will organize a review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust. (AoC 9.3.1)
Whois Data - Domain Meta Data

**ID:** D2347548-LROR  
**Name:** ICANN.ORG  
**Created On:** 14-Sep-1998 04:00:00 UTC  
**Last Updated On:** 20-Jan-2011 21:16:41 UTC  
**Expiration Date:** 07-Dec-2012 17:04:26 UTC  
**Sponsoring Registrar:** GoDaddy.com, Inc. (R91-LROR)  
**Status:** CLIENT DELETE PROHIBITED, ..., UPDATE PROHIBITED  
**Name Server:** NS.ICANN.ORG, ..., D.IANA-SERVERS.NET  
**DNSSEC:** Signed  
**DS:** 41643 7 1 93358db22e956a451eb5ae8d2ec39526ca6a87b9  
**DS:** 41643 7 2 b8ab67d895e62087f0c...c622aefae30dd7b1ea199
Whois Data - Registrant

ID: CR12376439
Name: Domain Administrator
Organization: ICANN
Street1: 4676 Admiralty Way #330
City: Marina del Rey
State/Province: California
Postal Code: 90292
Country: US
Phone: +1.4242171313
FAX: +1.4242171313
Email: domain-admin@icann.org
Whois Data - Admin

ID: CR12376441
Name: Domain Administrator
Organization: ICANN
Street1: 4676 Admiralty Way #330
City: Marina del Rey
State/Province: California
Postal Code: 90292
Country: US
Phone: +1.4242171313
FAX: +1.4242171313
Email: domain-admin@icann.org

That’s not a natural person! It’s also used for Tech, …
Whois Data Flow

- Resource owners register with their data
- Registrars collect data and maintain accuracy
  - How about resellers (chains), (Sub-)LIRs?
- Registries collect and publish to Whois services
  - Thick Whois approach
  - required by registry agreement and by RAA 1.13
- Everybody can access Whois services
  - Bulk and wildcard access is limited
Local Law vs. Inter Net

- Data privacy laws and law enforcement work geographically
- Internet is defined and operated logically

- Easy and wrong: Define Internet as a state
- Correct: Find policies based on the needs of the Internet community with respect national and international law
Current review work

- Defining basic phrases (first review)
  - law enforcement, applicable law, producers and maintainers, consumer

- Describing use cases
  - Requirement analysis for Whois services

- Detecting alternatives
  - LE can follow the delegation chain

- Understanding usability
  - Communication in native languages
Law Enforcement

- *Law Enforcement* shall be considered to be an entity authorized by a government and whose responsibilities include the maintenance, co-ordination, or enforcement of laws, multi-national treaty or government-imposed legal obligations.
Applicable Law

- Includes any and all local and national laws that regulate and/or control the collection, use, access, and disclosure of personally identifiable information. It may also include other relevant legal obligations, including U.N. Universal Declaration of Human Rights and the U.N. Guidelines for the Regulation of Computerized Personal Data Files.
Producers and Maintainers

- **Producers** are individuals or organizations supplying contact data for inclusion into WHOIS data.
- **Data Controllers** are Individuals or organizations that define the data to be collected, require its release, and govern its use.
- **Data Processors** are Individuals or organizations engaged in the collection, storage, and release of data, according to the terms defined by the Data Controller.
Consumer

❖ All Internet users including natural persons, commercial and non-commercial entities, government and academic entities.

❖ Any consumer that acts as a Producer of WHOIS data, Maintainer of WHOIS data and provider of WHOIS Service, or User of WHOIS data.
Other ICANN Work

- Study on Misuse of public Whois (GNSO)
- Whois service requirements project (Staff)
- Whois accuracy, proxy services, escrow progress reports (GNSO)
- Proxy-privacy study (NOR)
- Whois misuse for harmful purposes (Staff)
- Registrant representation in Whois (Staff)
Other ICANN Work

- RAA Amendments Work Team report (GNSO)
  - significant changes to WHOIS requirement
  - Contribution from Intellectual Property Constituency and Law Enforcement
- Whois records in more languages and scripts
  - SSAC/GNSO on IDN TLDs implications to Whois
- Whois Data Problem Reporting Service
  - Relicensing InterNic™ from DoC
  - WDPRS improvement iterations
Real world reality

- “Fake” data in Whois
  - Privacy and proxy services to restrict access
  - Rough ISPs register to themselves
  - Compliance with dispute resolutions?

- Registry points to registrar points to ...
  - Thin Whois: Multiple queries, but no copied data
  - Local law of the registrar defines data handled
  - Required by RAA 3.3.1 for accredited registrars

- No access to Whois data
  - Web access with captchas, offline communication
ICANN power on Whois

- AoC policy requires that ICANN implement measures to maintain access to WHOIS...

- ICANN policy (influenced by the review)
  - *Could* propose a new approach to Whois
  - *Could* promote technical changes to Whois
  - *Will* influence other policy making groups
    - RIRs, ccTLDs
Outreach activities

- Fulfill transparency requirements
  - [http: //community.icann.org/display/whoisreview](http://community.icann.org/display/whoisreview)
  - Archived mailing list: whois-rt4@icann.org
  - Meetings/confcalls with remote participation
  - Deliverables & calendar

- Call for comments till April, 17th 2011

- Direct consultation at ICANN Meetings
  - Sessions with each AC, SO, UC (at ICANN40)

- Web based questionnaire (work in progress)
  - [http: //whois-rt4-survey.iks-jena.de/](http://whois-rt4-survey.iks-jena.de/)
Community input

- Tell us *your* needs and problems
- Highlight issues which are important
- Identify any key documents to consider
- Tell us best practices in your community
Request for Input

Direct
Public forum, Wednesday 11 am-12 noon
ELIZABETHAN A-C

Tell us your needs and concerns
We are listening right now

Formal
March, 4th - April, 17th 2011