

Registrar General Session

ICANN Contractual Compliance



2018 GDD Summit
16 May 2018

Agenda

- ⦿ Welcome
- ⦿ Brief Update from Contractual Compliance Since ICANN 61
 - ⦿ Highlight activities
- ⦿ Contractual Compliance findings related to Registrar Stakeholder Group Compliance Sub Group's issues list
 - ⦿ Assessment efforts, findings and next steps
- ⦿ GDPR discussion and follow-up to audit timeline discussion in light of GDPR

Update Since ICANN 61

Highlight of activities since ICANN 61

- Continue to work on enhancements to reporting
- Support policy efforts and review teams
- Participated in contracted party outreach activities in Guangzhou, China and Dakar, Senegal
- GDPR preparation activities
- Preparing Audit Report for the September 2017 Registrar audit round (59 registrars total – 26 full audit; 33 partial re-audit)
- Working on the March 2018 Registry Audit round (20 gTLDs)

Questions from Registrar Compliance Sub Group

Email received on 2 May 2018 related to Registrar Issues List

1. *Does Compliance agree each that issue is a process failure? If not, why?*
2. *What has Compliance done to address these issues? (How will they prevent these issues going forward?)*
3. *How is Compliance tracking these issues? Would each of these qualify as an “ICANN Issue” in Compliance’s metrics? If not, what is Compliance’s alternative method of tracking?*
4. *Update on Compliance’s effort to adhere to response times SLAs*

Note: per email “Ticket IDs are purely illustrative and do not represent scope of the problem (i.e. number of instances)”

Registrar Issues List

1. *Sent a response and never received a response from ICANN.*
2. *Sent a response and received a very delayed response from ICANN (two weeks to a month).*
3. *Requested clarifying information from ICANN but did not receive it.*
4. *ICANN did not acknowledge information contained in the registrar response.*
5. *Complaints without sufficient evidence.*
6. *Request for information in follow ups instead of the initial complaints.*
7. *Request for data that was provided in initial response.*
8. *Failed to provide us with copies a complaint made to ICANN, yet asked us to remark regarding that information.*
9. *Changed the scope/subject matter of a ticket halfway through.*
10. *Request for information outside the scope of the RAA.*
11. *Multiple notices from same reporter.*
12. *Multiple notices from same abusive reporter despite telling ICANN that this complainant was spamming us with incomplete and non-actionable complaints.*
13. *Duplicate notices.*

Assessment Efforts, Findings and Next Steps

1. Does Compliance agree each that issue is a process failure? If not, why?

- ⊙ Compliance agrees there are issues and opportunities for improvements.
- ⊙ Issues are due to:
 - ⊙ Human errors
 - ⊙ Poor Communication
 - ⊙ Lack of Timely follow-up
 - ⊙ Lack of attention to details
- ⊙ The list of registrar issues apply to any complaint type review and processing

Assessment Efforts, Findings and Next Steps

2. What has Compliance done to address these issues? (How will they prevent these issues going forward?)

- ✓ Compliance team conducted tiered review of issues and complaints: Ticket processors, subject matter experts, functional leads and Global Quality Assurance lead and VP review
- ✓ Issue Tracker used to document and collaborate across the team
- ✓ Discussions during the operational and weekly all-hands meetings
- Next Steps:
 - ✓ General processing guidelines folder
 - ✓ Ticket processors' ownership and understanding of the issue
 - ✓ Guidance to ticket processor as needed
 - ✓ Team review of issue tracker
 - Refresher training to the entire team

Assessment Efforts, Findings and Next Steps

3. How is Compliance tracking these issues? Would each of these qualify as an “ICANN Issue” in Compliance’s metrics? If not, what is Compliance’s alternative method of tracking?

- ✓ Issue Tracker used to document and collaborate across the team
- ✓ Other PROACTIVE sources for quality assurance
 - ✓ Weekly Turn-Around-Time Tracker managed by compliance audit team
 - ✓ Weekly SME and FL oversights by area and global QA
 - ✓ Monthly Compliance Survey Results managed by Performance Measurement
- “ICANN Issue” is a resolution code used when a notice or an inquiry should not have been sent to contracted party
- The tickets provided for this review are valid complaints sent to the registrar.

Communicate with ICANN

- ASK please
 - One example that was provided is from 2016 – why wait so long to raise this as an issue/example?
- Provide what is requested, or an explanation why it is not provided
- Understand that additional questions may be asked in follow-ups a result of what is previously provided or in response to a status change (e.g., to the Whois) – this is not scope creep
- In responses please specify attachment file names and explanation of attachment contents
- ICANN's scope is not limited to the complainant's submission – it is about ensuring compliance regardless of what is (or is not) in the complaint
- Escalate issues immediately please.

GDPR Discussion

Questions from Registrar Compliance Sub Group - email received on 2 May 2018 related to GDPR and Audit

- ◉ *Will Compliance change any processes?*
- ◉ *Will Compliance defer enforcement of RAA obligations related to displaying WHOIS?*
- ◉ *How will WHOIS complaints be handled if WHOIS is not available post GDPR?*
- ◉ *How will transfer complaints be handled post GDPR given transfers will be completely changing. Will compliance on transfers be paused?*
- ◉ *Update on Audit timelines for 2018.*

Follow-up to GDD's GDPR Session

- ⦿ Contractual Compliance will enforce the Temporary Specification
- ⦿ Contractual Compliance requires access to Thick WHOIS to enforce agreements and policies (legitimate purpose under GDPR)
- ⦿ Areas that require review of Thick WHOIS to validate complaints and confirm compliance (not exhaustive):
 - ⦿ Transfer, change of registrant and domain renewal
 - ⦿ UDRP/URS and abuse reporting
 - ⦿ WHOIS Inaccuracy and WHOIS Format
 - ⦿ Self-registration and reseller
 - ⦿ Privacy/Proxy
 - ⦿ Data Escrow
 - ⦿ Claims Services
- ⦿ Thick WHOIS access enables ICANN to continue to close invalid complaints without sending them to registrars/registry operators

Update on audit timeline for 2018

Follow-up to audit timeline discussion in light of GDPR

- ⊙ Registrar audit was originally scheduled for April 2018
- ⊙ Audit deferred: ICANN received request at ICANN 61 to postpone the audit in light of GDPR activities
- ⊙ Activities before next audit round:
 - ⊙ GDPR impact on audit post 25 May 2018 implementation
 - ⊙ Identify list of auditees that have not been audited and determine the risks and issues
 - ⊙ Determine timing of next registrar audit round based on above

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: 2018 GDD Summit Registrar Session

The 2018 GDD Summit presentations are available at:

- The ICANN Contractual Compliance outreach page at this link
<https://www.icann.org/resources/compliance/outreach>