

## C.2.2. Measurement of whether current goals are met

Following the identification of current goals, the group focused its attention on how and by whom it can be measured whether these goals are met, especially considering the current limitations with ARS, as identified above. The Scoping Team [analyzed](#) the different proposals that were put forward, focusing its attention initially on those proposals that do not require access to registration data. For proposals requiring access to registration data, see section X below for further details and the current status.

### Proposals not requiring access to registration data

The Scoping Team considered, amongst others, the possibility of conducting a Registrar Survey, requesting a Compliance Audit, and further analyzing accuracy complaints received by ICANN Compliance. For each of these proposals, the Scoping Team considered the practical implementation, underlying objective, and if the expected/resulting information could potentially help to inform assignments #3 and #4. Based on this analysis, the Scoping Team recommends the following.

#### **Scoping Team Recommendation #1**

The Scoping Team recommends that the GNSO Council requests ICANN org to carry out a Registrar Survey as outlined in Annex [X] to this document. As part of this request, the GNSO Council should first obtain further information about the ICANN org resources that are expected to be needed to carry out this survey as well as the likely time frame for doing so. Informed by that input, the GNSO Council should then determine whether to move forward with this request. If the Council decides to proceed with the Registrar Survey, ICANN org is expected to consult with the Scoping Team on the development and roll-out of the survey. If/when data from the Registrar Survey is available, the Scoping Team should reconvene to analyze this information to determine whether, based on the data gathered, work could commence on assignment #3 and #4.

At this stage, the Scoping Team has not identified sufficient benefits of moving forward with any of the other proposals that do not require access to registration data, but it reserves the right to reconsider these proposals at a later stage.

### Proposals requiring access to registration data

The Scoping Team also identified several proposals that would require access to registration data, such as a restart of ARS. It agreed, however, to pause consideration of these proposals in light of the outreach that the ICANN Board has requested ICANN org to undertake to the European Data Protection Board (EDPB) to consult “on whether or not ICANN org has a legitimate purpose that is proportionate, i.e., not outweighed by the privacy rights of the individual data subject(s) to request Contracted Parties to provide access to individual records as well as bulk access to registration data in order to review the accuracy of registration data”.<sup>1</sup> Most recently, ICANN org consulted with the Scoping Team on this

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<sup>1</sup> See <https://mm.icann.org/pipermail/gnso-accuracy-st/2022-March/000336.html>

proposed outreach (see <https://mm.icann.org/pipermail/gnso-accuracy-st/2022-May/000444.html>). It is understood that any feedback from the EDPB may require months to be received, but the Scoping Team considers this feedback key to determine whether any of the proposals that require access to registration data are viable and should be further considered.

### **Scoping Team Recommendation #2**

The Scoping Team recommends that the GNSO Council pause the work of the Scoping Team until such time as it is sufficiently clear whether proposals that require access to registration data are a viable path to assess the current state of accuracy. The Scoping Team further recommends that the GNSO Council requests ICANN org to provide regular updates on the status of its outreach to the EDPB.

## Annex [X] Registrar Survey

Through a survey distributed amongst ICANN accredited Registrars, Registrars would be requested to report on the result of the status of accuracy of their domains under management.

### Upsides

The small team identified the following upsides of this approach:

- Direct reporting from Registrar;
- No need for third party involvement and/or a Data Processing Agreement as no personal information would be requested to be disclosed;
- Tracking this information over time could create a helpful picture of state of accuracy.

### Downsides

The small team also identified the following potential downsides of this approach:

- It is not possible to require registrars to provide these data points; there is no contractual or policy obligation for them to track and disclose this information. As a result, it is unlikely that there will be widespread voluntary provision of these data points as there is complexity, time consumption, and cost involved in gathering the data.
- It is unclear whether the Scoping Team and broader Community will accept as accurate any data provided by registrars.
- Would only “good actors” respond and therefore not provide a representative picture of the state of accuracy?

### Expected insights

The Scoping Team anticipates that a Registrar Survey would provide insight into the rates of verified vs. unverified domains, which will help show a snapshot of the current number of domains in each group. It is important to remember that because registration and verification of domains happens constantly, the rates will change.

Some Contracted Parties track validation/verification status in relation to a contact set, rather than a specific domain name. This is in alignment with the ICANN Whois Accuracy Program Specification (§3, Registrar is not required to perform the above validation and verification procedures in Section 1(a) through 1(f) above, if Registrar has already successfully completed the validation and verification procedures on the identical contact information and is not in possession of facts or knowledge of circumstances that suggest that the information is no longer valid.). This may affect the ability for some registrars to report precisely on rates of validated/verified domain names.

## Development and distribution

ICANN org would develop the survey, in line with the details outlined in Annex [X] and would circulate the survey to all ICANN-Accredited Registrars. The Registrar Stakeholder Group has indicated it will assist in communicating and promoting the survey to its membership.

## Proposed Survey Questions

The following questions look at how many domains have registration data which is validated and verified:

- a. Do you proactively track rates of completed validation for domains registered with you?
- b. Do you proactively track rates of completed verification for domains registered with you?
- c. If no, is it possible to gather those rates?
- d. If yes to a/b/c, what percentage of domains registered with you have validated registration data?
- e. If yes to a/b/c, what percentage of domains registered with you have verified registration data?
- f. What percentage of domains registered with you were created prior to the validation and verification requirements came into effect and have not yet been updated in a way that triggers the validation and verification requirements?

The following questions look at how many domains have data which is currently in the verification process:

- a. Do you proactively track rates of in-progress validation for domains registered with you?
- b. Do you proactively track rates of in-progress verification for domains registered with you?
- c. If no, is it possible to gather those rates?
- d. If yes to a/b/c, what percentage of domains registered with you are in the validation process now?
- e. If yes to a/b/c, what percentage of domains registered with you are in the verification process now?

The following questions look at how many domains are suspended due to incomplete verification:

- a. Do you proactively track rates of suspension due to incomplete verification?
- b. If no, is it possible to gather those rates?
- c. If yes to a/b, what percentage of domains registered with you are suspended due to incomplete verification?

The following questions look at the rate of email bounces for Whois Data Reminder Policy (WDRP) Notices sent out over a set time period.

- a. Do you proactively track the rate of bouncebacks to WDRP emails?
- b. If no, is it possible to gather those rates?
- c. If yes to a/b, what percentage of domains registered with you have received bounce-back emails in response to WDRP emails?

The following question looks at potential future reporting by Registrars:

- a. What information should Registrars be required to report to ICANN to help assess the state of accuracy in the future?

Required for identification:

- Registrar IANA ID
- Person filling out the survey - name and contact email

Publicly shared:

- Number of Registrars which responded
- Aggregated and anonymized response information
- [TBD - should names of those registrars who responded be published? Some indicated this could be an incentive, while others noted it could be a disincentive]

Access to individual responses:

- Only those administering the survey should have access to individual responses, unless the respondent has explicitly indicated its permission to publicly share its response (see next point). Restriction of access to the individual responses will help promote honesty of response.
- Could include a survey question allowing the responding registrar to opt in to having their response associated with their IANA ID (otherwise it would only be used in anonymized or aggregated form)
- If sufficient responses have been provided to ensure aggregation without identification, consider if it would be possible to represent responses in categories, e.g., responses by small registrars, responses by medium-sized registrars, responses by large registrars.

It is also important to determine the retention period of the personal data contained within the responses and include that information in the initial survey. The data should be retained for as long as is necessary to evaluate responses and then deleted (anonymized/aggregated data may be retained). Similarly, the survey should clearly state that information provided in response to the survey will NOT be used for compliance enforcement purposes.

The survey would initially be open for a month, but could be extended depending on the response rate.

The survey should be available in English as well as the 5 UN languages so that registrars around the world can equally participate.