

Before putting forward your proposed question, please make sure you have reviewed the following documents:

- [Registration Data Accuracy Requirements and the General Data Protection Regulation \(GDPR\)](#) (ICANN org briefing doc)
- [Enforcement of Registration Data Accuracy Obligations Before and After GDPR](#) (Blog post by Jamie Hedlund, ICANN org)
- [ICANN Organization Enforcement of Registration Data Accuracy Obligations Before and After GDPR](#)
- [ICANN org responses to RDS-WHOIS2 RT questions related to accuracy](#) (see also [compilation](#))
- [ICANN org responses to first batch of questions](#)

#### Additional Questions

Proposed Question	Put forward by	Reference materials (if applicable)	To which scoping team assignment does this question pertain?
<p>1. Is ICANN able to access registration data under the GDPR on the basis that it has a legitimate interest in checking the accuracy of the data? Has ICANN ever received or plans to receive legal advice on this particular topic?</p> <p>Proposed rewording by Melina:</p> <p>Does ICANN have a legitimate interest under the GDPR in accessing domain name registration data in response to complaints that the data is inaccurate? Has ICANN ever received or plans to receive legal advice on this particular topic?</p>	Michael Palage		

<p>Does ICANN have a legitimate interest under the GDPR in proactively acquiring bulk access to domain name registration data to undertake an accuracy audit, even with respect to data for which it has no basis to question its accuracy? Has ICANN ever received or plans to receive legal advice on this particular topic?</p>			
<p>2. Does ICANN believe that the Data Protection Agreement between itself and the Contracted Parties is a necessary legal requirement for requesting and receiving this data, and if so for what legal reason?</p>	<p>Michael Palage</p>		
<p>Proposed rewording by Melina:</p> <p>Does ICANN believe that a Data Protection Agreement between itself and the Contracted Parties is a necessary legal requirement for requesting and receiving this data, and if so for what legal reason? What happens if the registrar receiving the access request disagrees with ICANN's application of the balancing test, i.e., does ICANN have the contractual authority to enforce its access request?</p>			
<p>The 2013 RAA Whois Accuracy Program Specification section 4 requires a</p>	<p>Alan Greenberg</p>		

<p>Registrar take certain actions if it has any information that specific RDDS fields are wrong (fields references are any of the name, postal address, e-mail address, voice telephone number, and (where available) fax number).</p> <p>The example given in section 4 of having such information is: "Registrar receiving a bounced email notification or non-delivery notification message in connection with compliance with ICANN's Whois Data Reminder Policy or otherwise".</p> <p>3. In the view of ICANN Compliance, does this example apply only to Registrars who happen to monitor such email bounce or non-delivery notifications, or are Registrars obliged to do such monitoring?</p> <p>4. If a Registrar is obliged to monitor such email notification of non-delivery, are they similarly required to monitor other delivery methods (such as postal mail failure to deliver, or a message to through the Registrar's domain management portal never being viewed)?</p>			
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<p>5. If a Registrar is obliged to do such monitoring, does ICANN Compliance audit this requirement?</p> <p>Section 4 goes on to require that “Registrar must verify or re-verify, as applicable, the email address(es) as described in Section 1.f...”</p> <p>6. With respect to the reference to “email address(es)”, since the information about inaccuracy may be about any of the name, postal address, e-mail address, voice telephone number, and (where available) fax number, is the Registrar only required to verify or re-verify the email addresses (even if the inaccuracy was in respect to one of the other fields)? If other fields are included, please be specific as to what fields must be verified or re-verified.</p> <p>7. The ICANN Org comments on the RrSG definition of accuracy saying that accuracy requirements are not limited to syntactical and operational accuracy implies that it may also include the requirement that the field contents are in fact associated with the RHN, and lacking such</p>			
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association, they may be deemed inaccurate. Is this an accurate reading of the ICANN Org comment, and if not, please explain just what the characteristics are that might make such fields inaccurate (in cases which are not as blatant as Mickey Mouse residing on Main Street of Disneyland)?			
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Proposed Question	Put forward by	Reference materials (if applicable)	To which scoping team assignment does this question pertain?
1. What criteria does ICANN Compliance use to evaluate compliance with verification requirements?	Group discussion 4 November 2021	Whois Accuracy Program Section (f)	#1.
2. To what extent will ICANN Contractual Compliance respond to complaints that a registrant is using contact information that does not belong to them. That is, although the information is syntactically correct, the complainant claims that it is not being legitimately used by the registrant. This is particularly relevant to registrations associated with legal entities (the classic example is Facebook) but is not limited to them.	ALAC		
3. The RAA calls for the e-mail address and phone number(s) to be verified within 15 days of (1) the registration of a Registered Name sponsored by Registrar, (2) the transfer of the sponsorship of a Registered Name to Registrar, or (3) any change in the Registered Name Holder with respect to any Registered Name sponsored by Registrar, Registrar will, with respect to both Whois information and the corresponding customer account	ALAC	RAA	

<p>holder contact information related to such Registered Name. In case 2), if only one of the two verifiable fields has been changed, it is not clear if the Registrar must verify the new one (if the other has previously been verified). What is the CC interpretation of the Registrar requirement?</p> <p>To be specific, if the phone number has previously been verified, and the registrant changes the e-mail address, must it be verified?</p>			
<p>4. Under the Temp Spec, and presumably the EPDP Phase 1 when formally implemented. If a request is made to disclose all contact information, and the registrar/registry chooses to accept the request, does CC believe that All of the contact information be disclosed, or may the registrar release just some of the information (ie it may disclose the email address but not the phone number)?</p>	ALAC		
<p>5. When CC is given access to normally redacted contact information, is there an indication of which field(s) have been verified?</p>	ALAC		

6. Previously whois accuracy complaints were clear, but what kind of complaints is Compliance seeing now?	RrSG		
7. What is the main cause for complaints being rejected before being passed on to registrars?	RrSG		
8. What criteria does ICANN Compliance use to evaluate compliance with validation requirements?	RySG		#1
9. How does ICANN define and differentiate between verification and validation requirements?	RySG		#1
10. The RrSG has proposed the following working definition of accuracy:  "Accuracy shall be strictly defined as syntactical accuracy of the registration data elements provided by the Registered Name Holder as well as the operational accuracy of either the telephone number or the email address."  Our 1st task from the GNSO council provides the following instructions on accuracy: Particular attention should be given to the definition that ICANN Compliance employs for "accuracy" in ICANN's contracts.  Does ICANN compliance agree with the working definition on accuracy provided by the RrSG, or is there a different	RySG		#1

definitions that ICANN compliance employs for accuracy?			
11. Is ICANN Compliance or ICANN Legal aware of any instances where any contracting party has argued that the terms “registrant” and the “Registered Name Holder” are not equivalent. If so, can ICANN Org summarize this divergent position taken by the contracting party and ICANN Org’s response and how any dispute was resolved.	IPC		
12. In past meetings, ICANN Compliance has stated in the past that complaints are “usually” from the Registrant. Does ICANN provide any metrics on the Data Inaccuracy complaints from Registrants/Registered Name Holders and third parties? If so can ICANN Compliance provide those numbers.	IPC		
13. There are multiple terms in the 2013 RAA referencing “reasonable and commercially practicable”; “commercially reasonable efforts”; and “commercially practical updates”. With regard to this language we have several questions: a) What standard does ICANN Compliance currently use in determining commercially “practicable” and “reasonable”? b) Has ICANN Legal provided guidance to ICANN Compliance	IPC		

<p>on how to determine commercially “practicable” and “reasonable” c) Has this expectation been conveyed to the CPs? c) When was the current standard for “practicable” and “reasonable” adopted and what are the mechanisms for modifying this standard? and d) if a standard does not exist, does ICANN Org anticipate creating one and when?</p>			
<p>14. Regarding ICANNs relationship with alternative dispute resolution providers, in WIPO UDRP Proceeding D2021-1050, the Panelist detailed multiple “inaccurate disclosures” regarding the registrant of the domain name in question and other “misconduct by the Respondent and by the Registrar.” The Panelist further wrote that “[t]his is an issue that the Panel believes should be addressed by ICANN, and the Panel requests that the Center share this decision with ICANN so that ICANN may consider whether to impose restrictions on such behavior by registrars.” Can ICANN confirm if WIPO ever contacted ICANN compliance in connection with this dispute and what if any actions did ICANN Compliance take?</p> <p>b) Does ICANN Compliance have a formal reporting channel for UDPR and URS providers to share information with</p>	IPC		

ICANN compliance regarding false or inaccurate Registrant data?			
15. How are ICANN staff members trained on assessing accuracy complaints? Are there guidelines for review? How is the quality of review assessed?	IPC		
16. What are the accuracy requirements for *each* of the data elements collected by the registrar? If possible, use the four level scale of V0, V1, V2, V3. V0 = No validation required. V1 = Syntactic validation V2 = Operational validation V3 = Identity validation  The expected answer is V2 for phone and/or email V1 for country code V0 for all other data elements	SSAC		#1
17. Are registries and/or registrars permitted to perform or impose a higher level of validation?  The expected answer is yes, but the documentation is not explicit.	SSAC		#1
18. Are registrars required to provide the validation level along with the data element in their responses, either as part of the response or in their documentation?  The expected answer is no, but the answer should be yes.	SSAC		#1

<p>19. Section 1-e of the RAA WHOIS ACCURACY PROGRAM SPECIFICATION states "Validate that all postal address fields are consistent across fields (for example: street exists in city, city exists in state/province, city matches postal code) where such information is technically and commercially feasible for the applicable country or territory.</p> <p>To what extent does ICANN understand that this is being done (that is, it is deemed by registrars to be technically and commercially feasible). If it is not done, how is this contract clause enforced or what other processes are in place to ensure compliance.</p>	ALAC		
<p>20. When the ARS was suspended because under the Temp Spec the ARS could no longer effectively be carried out exactly as it had before, did the ICANN make any effort to see if the ARS could continue with a modified procedure (such as requesting the contact information from registrars)?</p>	ALAC		
<p>21. <i>verify the email address or the telephone number of the registrant and the account holder (if different) by sending a communication and requiring an affirmative response in a manner designated by the registrar ("verification"). If the registrar does not receive an affirmative response from the</i></p>	BC		

<p><i>registrar, it must verify the information manually or suspend the registration until it can verify it.</i></p> <p>What process is acceptable to ICANN compliance to verify an email address manually. Is this method tracked and if so how many registrations are verified manually?</p>			
<p><i>22. Upon the occurrence of a registrant's willful provision of inaccurate information, or its failure to update the information or respond to accuracy inquiries within 15 days, the registrar must terminate or suspend the domain name registration or place it on <a href="#">clientHold</a> and <a href="#">clientTransferProhibited</a> until the data can be confirmed</i></p> <p>In receipt of an inaccuracy complaint does ICANN compliance track the actual days it takes for the registrant to become compliant? Is this reported by the registrar? How many domain names are terminated vs suspended?</p>	BC		

<p>23. <i>Neither the Temporary Specification nor the Interim Registration Data Policy modified the RAA requirements for registrars to validate and verify registrant contact information and to investigate claims of inaccuracy.</i></p> <p>Does ICANN compliance require the underlying contact information of a Proxy/Privacy registration to be validated and verified? If so, are inaccuracy reports treated differently? Is data collected and tracked?</p>	BC		
<p>24. <i>if the complaint is about identity (e.g., the registrant is not who they say they are), Contractual Compliance may ask the registrar to provide further information concerning their findings and the results of their investigation specific to the facts of the complaint.</i></p> <p>When a registrar provides further information concerning their findings does ICANN compliance track this information and look for trends of abuse?</p>	BC		
<p>25. Not all inaccuracy complaints are sent to ICANN compliance many registrars suggest reporting directly to the registrar. Are stats on domain names suspended</p>	BC		

due to inaccuracy requested in an audit of the registrar by ICANN compliance?			
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