

ICANN BOARD PAPER NO. 2023.05.15.1a

TITLE: RSSAC057: Advisory on requirements for measurements of the local perspective on the root server system.

PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

The Board is being asked to take action on Recommendation 2 from the ICANN Root Server System Advisory Committee ([RSSAC](#)) published in [RSSAC057: Requirements for Measurements of the Local Perspective on the Root Server System](#).

RSSAC published [RSSAC057](#) on 9 September 2021. RSSAC057 Recommendation 2 defines requirements for measurements of the local perspective on the root server system.

Recommendation 1 is not addressed in this resolution, as ICANN org and RSSAC have agreed the requirements of Recommendation 1 are already met.

Advice to the Board is processed via the [Action Request Register](#) (ARR) process to manage community requests to the Board and ICANN org in a consistent, efficient, and transparent manner. As part of the ARR process, ICANN org has confirmed its understanding of the recommendation with RSSAC, considered if the work called for is in alignment with ICANN's strategic goals and mission to ensure the stable and secure operation of the Internet's unique identifier systems, and evaluated the feasibility of implementation. ICANN org has briefed the Board Technical Committee on the findings of its assessment.

ICANN org considers the implementation of RSSAC057 Recommendation 2 to be feasible, and in alignment with ICANN's strategic goals and mission to ensure the stable and secure operation of the Internet's unique identifier systems. The cost for ICANN org is anticipated to be low and

can be incorporated into the Office of the Chief Technology Officer (OCTO) budget as part of normal activities.

Implementation would involve collaborative discussions between ICANN org and the [RSSAC Caucus](#) about developing a data repository as described in Section 5 of RSSAC057. After those discussions, ICANN org would prepare a proposal to create a data repository that matches the requirements.

THE BOARD TECHNICAL COMMITTEE’S (BTC) RECOMMENDATION:

The BTC recommends that the Board accept RSSAC057 Recommendation 2 and direct ICANN org to identify a person or group to collaborate with the RSSAC Caucus on further development of a data repository as described in Section 5 of RSSAC057. The BTC considers implementation of the recommendations to be feasible and in alignment with ICANN’s strategic goals and mission to ensure the stable and secure operation of the Internet’s unique identifier systems. The cost of implementation to ICANN org is anticipated to be low and includes expenditure associated with project management, administration activities, and potentially some outreach efforts.

PROPOSED RESOLUTION:

Whereas, on 9 September 2021, RSSAC published [RSSAC057: Requirements for Measurements of the Local Perspective on the Root Server System](#) and RSSAC057 Recommendation 2 defines requirements for measurements of the local perspective on the root server system.

Whereas, ICANN org has evaluated the feasibility of the RSSAC’s advice in RSSAC057 and developed implementation recommendations for Recommendation 2.

Whereas, the Board Technical Committee (BTC) has considered RSSAC057 and ICANN org's feasibility assessment of implementation of Recommendation 2 and found that implementing the recommendation would be in alignment with ICANN’s strategic goals and mission to ensure the stable and secure operation of the Internet's unique identifier systems, and that implementation would further preserve and enhance the operational stability, reliability, security, and global interoperability of the Internet.

Resolved (2023.05.15.xx), the Board accepts RSSAC057 Recommendation 2 calling for ICANN org to identify a person or group to collaborate with the RSSAC Caucus on further development of the data repository and produce specific proposals for the data repository, and directs the ICANN President and CEO, or their designee(s) to implement this recommendation.

PROPOSED RATIONALE:

Why is the Board addressing the issue?

The Board is taking this action in response to the advice of the RSSAC. The Board's consideration of this advice forms a part of the [Action Request Register](#) (ARR) process designed to manage community requests to the Board and ICANN org in a consistent, efficient, and transparent manner.

What is the proposal being considered?

The Domain Name System (DNS) root server system has more than 1,000 instances deployed all over the world to provide fast, reliable service to the Internet. There may, however, be certain locations or points on the Internet where the level of service does not seem as good as others due to one reason or another. The RSSAC wishes to have a tool or set of tools that can easily measure the local perspective of the root server system at various locations, or points, on the Internet. This allows Internet users to share measured data from their network perspective and help inform root server operators where to deploy new instances for greater global coverage. The tool(s) should collect enough information to identify some of the reasons why the location is performing at the measured level.

RSSAC057's Recommendation 2 proposes that ICANN Board identifies a person or group to collaborate with the RSSAC Caucus on further development of a data repository as described in Section 5 of that document. The purpose of such collaboration is to make a specific proposals for a data repository, including:

- A. Implementation of the data publication mechanism

- B. Whether or not access to measurement results should be public or limited due to privacy concerns
- C. How to ensure data quality and prevent abuse
- D. A proposed database schema and model
- E. A proposed data exchange format (e.g., JSON)
- F. Cost estimates for the initial development and ongoing operation
- G. Identification of groups or parties that could operate the data repository

Which stakeholders or others were consulted?

RSSAC057 was created and edited by the [RSSAC Caucus](#), which consists of dozens of experts from the wider community. RSSAC submitted this Advisory in its capacity of advising the ICANN community and Board on matters relating to the operation, administration, security, and integrity of the Internet's root server system.

What concerns or issues were raised by the community?

No concerns or issues raised.

What significant materials did the Board review?

The Board reviewed RSSAC059, ICANN org's understanding of the recommendation as confirmed by the RSSAC, and ICANN org's feasibility assessment of implementation.

What factors did the Board find to be significant?

The Board is acting based on its acceptance of ICANN org's implementation proposal for how to implement Recommendation 2 of RSSAC057.

Are there positive or negative community impacts?

Creating a data repository for the root server system local perspective measurements specified by RSSAC057 will be a positive step to improve overall performance of the root server system (RSS).

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

Implementation of RSSAC057 Recommendation 2 requires a minimal amount of ICANN org time and a minimal amount of operational expenditure. These costs are incorporated into OCTO's budget as part of OCTO's normal activities. Recommendation 2 will lead to a discussion with the RSSAC Caucus on the public data repository described in RSSAC057. If in the future after those discussions the RSSAC Caucus were to submit a proposal to create that repository, additional funding would be required.

Are there any security, stability or resiliency issues relating to the DNS?

The local perspective measurements stored in the data repository should allow the RSOs to place root server instances in currently underserved or under-performing locations, which would increase the resiliency of the overall RSS.

Is this decision in the public interest and within ICANN's mission?

Yes. RSSAC057 defines requirements for measurements of the local perspective on the RSS. This falls directly under ICANN's Mission Statement, from Bylaws Section 1.1. MISSION:

“(a) The mission of the ICANN is to ensure the stable and secure operation of the Internet's unique identifiers

(ii) Facilitates the coordination of the operation and evolution of the DNS root name server system. “

In addition, the implementation of this advice aligns with item “1.2 Strengthen DNS root server operations governance in coordination with the DNS root server operators” from the ICANN Strategic Plan for Fiscal Years 2021-2025.

Signature Block:

Submitted by: John Crain

Position: SVP & Chief
Technology Officer

Date Noted: 25 April 2023

Email: john.crain@icann.org

ICANN BOARD PAPER NO. 2023.05.15.2a

TITLE: GAC Advice: ICANN76 Cancún Communiqué
(March 2023)

PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

The Governmental Advisory Committee (GAC) delivered advice to the ICANN Board in its [ICANN76 Cancún Communiqué](#) issued 20 March 2023. The advice concerns IGO Protections, the Registration Data Request Service (formerly known as the WHOIS Disclosure system), and Privacy and Proxy Services.

The ICANN76 Cancún Communiqué was the subject of an exchange between the Board and the GAC on 11 April 2023. The purpose of the exchange was to ensure common understanding of the GAC advice provided in the communiqué.

The Board is being asked to approve the GAC-Board Scorecard to address the GAC's advice in the ICANN76 Cancún Communiqué. The draft Scorecard is attached to this briefing paper. The draft Scorecard includes: the text of the GAC advice; the Board's understanding of the GAC advice following the 11 April 2023 dialogue with the GAC; the GNSO Council's review of the advice in the ICANN76 Cancún Communiqué as presented in a 10 April 2023 [letter](#) to the Board (included for Board review only and will not be part of the final scorecard); and the Board's proposed response to the GAC advice.

ICANN ORG RECOMMENDATION:

The ICANN org recommends that the Board adopt the attached scorecard to address the GAC's advice in the March 2023 ICANN76 Cancún Communiqué.

PROPOSED RESOLUTION:

Whereas, the Governmental Advisory Committee (GAC) met during the ICANN76 meeting in Cancún, México and issued advice to the ICANN Board in a [communiqué](#) on 20 March 2023 ("ICANN76 Cancún Communiqué").

Whereas, the ICANN76 Cancún Communiqué was the subject of an exchange between the Board and the GAC on 11 April 2023.

Whereas, in a 20 April 2023 [letter](#), the GNSO Council provided its feedback to the Board concerning advice in the ICANN76 Cancún Communiqué relevant to IGO Protections, the Registration Data Request Service (formerly known as the WHOIS Disclosure system), and Privacy and Proxy Services.

Whereas, the Board developed a scorecard to respond to the GAC’s advice in the ICANN76 Cancún Communiqué, taking into account the dialogue between the Board and the GAC and the information provided by the GNSO Council.

Resolved (2023.05.15.xx), the Board adopts the scorecard titled “GAC Advice – ICANN76 Communiqué: Actions and Updates (15 May 2023)” **[INSERT LINK TO FINAL GAC ADVICE SCORECARD ADOPTED BY BOARD](#)** in response to items of GAC advice in the ICANN76 Cancún Communiqué.

PROPOSED RATIONALE:

Article 12, Section 12.2(a)(ix) of the ICANN Bylaws permits the GAC to “put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.” In its ICANN76 Cancún Communiqué (20 March 2023), the GAC issued advice to the Board on IGO Protections, the Registration Data Request Service (formerly known as the WHOIS Disclosure system), and Privacy and Proxy Services. The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. Any GAC advice approved by a full consensus of the GAC (as defined in the Bylaws) may only be rejected by a vote of no less than 60% of the Board, and the GAC and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

The Board is taking action today on the GAC Consensus Advice to the ICANN Board in the ICANN76 Cancún Communiqué, including the items related to IGO Protections, the Registration Data Request Service (formerly known as the WHOIS Disclosure system), and Privacy and Proxy Services.

The Board’s actions are described in the scorecard dated 15 May 2023 **[INSERT LINK TO FINAL GAC ADVICE SCORECARD ADOPTED BY THE BOARD]**.

In adopting its response to the GAC advice in the ICANN76 Cancún Communiqué, the Board reviewed various materials, including, but not limited to, the following materials and documents:

- ICANN76 Cancún Communiqué (20 March 2023):
<https://gac.icann.org/advice/communiqués/ICANN76%20Cancun%20Communique.pdf>
- The GNSO Council’s review of the advice in the ICANN76 Cancún Communiqué as presented in the 20 April 2023 letter to the Board:
<https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-20apr23-en.pdf>

The adoption of the GAC advice as provided in the scorecard will have a positive impact on the community because it will assist with resolving the advice from the GAC concerning gTLDs and other matters. There are no foreseen fiscal impacts associated with the adoption of this resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. This is an Organizational Administrative function that does not require public comment.

Signature Block:

Submitted by: David Olive
Position: Senior Vice President, Policy Development Support
Date Noted:
Email: david.olive@icann.org

GAC Advice – ICANN76 Cancun Communiqué: Board Action (15 May 2023)

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
<p>§1.a.i IGO Protections</p>	<p>a. The GAC advises the Board to:</p> <p>i. <i>To proceed with the approval of the recommendations of the EPDP on Specific Curative Rights Protections for implementation;</i></p> <p><u>RATIONALE:</u></p> <p>The GAC affirms that IGOs perform important global public missions with public funds, that they are the unique treaty-based creations of governments under international law, and that their names and acronyms warrant appropriate tailored protection in the DNS in the global public interest to prevent consumer harm. It is also recalled that the EPDP Recommendations strike a balance between rights and concerns of both IGOs and legitimate third parties.</p> <p>In considering approving the Recommendations of the EPDP on Specific Curative Rights Protections for implementation, the GAC notes that the EPDP Recommendations received Full Consensus, and that the corresponding GNSO Council vote to approve said Recommendations was unanimous.</p> <p>Insofar as the above-noted EPDP Recommendations propose targeted amendments to the UDRP Rules to accommodate IGOs in addressing the abuse of IGO identifiers in the DNS, this Advice supersedes those aspects of GAC Advice in the following Communiqués, as follows:</p> <ul style="list-style-type: none"> ● In the GAC Los Angeles Communiqué (ICANN51), Section IV.5.b.i, in implementing any such curative mechanism, <i>“the UDRP should not be amended”</i>; ● In the GAC Hyderabad Communiqué (ICANN57), Section VI.4.II: <i>“a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law”</i>; ● In the GAC Johannesburg Communiqué (ICANN59), Section VI.1.a: <i>“The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism should:</i> <ol style="list-style-type: none"> <i>I. be modeled on, but separate from, the existing [UDRP],</i> <i>II. provide standing based on IGOs’ status as public intergovernmental institutions, and,</i> 	<p>The Board understands that the GAC would like the Board to proceed to approve the recommendations of the EPDP on Specific Curative Rights Protections for implementation. The Board also understands that this advice from the GAC supersedes previous advice from the Los Angeles, Hyderabad, and Johannesburg Communiques, to the extent that the EPDP recommendations propose targeted amendments to the UDRP Rules to accommodate IGOs in addressing the abuse of IGO identifiers in the domain name system.</p>	<p>The Board accepts this advice from the GAC and thanks the GAC for clarifying the status of previous advice on IGO curative rights from the Los Angeles, Hyderabad, and Johannesburg Communiques. The Board notes that, in addition to the EPDP, the GNSO completed an earlier PDP on IGO-INGO Access to Curative Rights Protection Mechanisms for which the GNSO Council transmitted four approved recommendations to the Board and on which the Board had previously deferred action (https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-10-2020-en#2.b). The Board intends to resolve all pending issues relating to curative rights protections for IGOs at the second level of the domain name system. As such, on 30 April 2023, the Board voted to adopt both sets of GNSO-approved policy recommendations concerning curative rights protections for IGOs (i.e. from the PDP and EPDP).</p>

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	<p style="text-align: center;"><i>III. respect IGOs' jurisdictional status by facilitating appeals exclusively through arbitration."</i></p> <p>In terms of the continuation of the moratorium, in the ICANN71 Communiqué, in advising the Board to maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs pending the conclusion, and implementation, of the Recommendations of the IGO Curative Work Track, the GAC noted that in the absence of access to a curative rights protection mechanism, a mere notification of the registration of a domain name corresponding to its identifier is of no real utility to an IGO, because an IGO has no current ability to arbitrate a domain name dispute.</p> <p>In that same light, the GAC previously has advised the Board to maintain the current moratorium in the ICANN61 San Juan, ICANN62 Panama and ICANN71 Communiqués, noting that the removal of interim protections before a permanent decision is taken on a curative mechanism to protect IGO acronyms could result in irreparable harm to IGOs.</p>		
<p>§1.a.ii IGO Protections</p>	<p>a. The GAC advises the Board to:</p> <p style="padding-left: 20px;">i. <i>To maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs presently in place until the full implementation of the recommendations of the EPDP on Specific Curative Rights Protections.</i></p> <p><u>RATIONALE:</u></p> <p>The GAC affirms that IGOs perform important global public missions with public funds, that they are the unique treaty-based creations of governments under international law, and that their names and acronyms warrant appropriate tailored protection in the DNS in the global public interest to prevent consumer harm. It is also recalled that the EPDP Recommendations strike a balance between rights and concerns of both IGOs and legitimate third parties.</p> <p>In considering approving the Recommendations of the EPDP on Specific Curative Rights Protections for implementation, the GAC notes that the EPDP Recommendations received Full Consensus, and that the corresponding GNSO Council vote to approve said Recommendations was unanimous.</p>	<p>The Board understands that the GAC is advising the Board to maintain the moratorium on second level registration of domain names matching the list of IGO acronyms provided by the GAC, until the recommendations from the EPDP on Specific Curative Rights Protections are fully implemented by ICANN org.</p>	<p>The Board acknowledges this advice from the GAC. The Board had previously stated that it intends to instruct ICANN org to provide, as an operational matter, an ongoing notification service that would inform an IGO if a domain name is registered that matches that IGO's acronym (https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-10-2020-en#2.b). The Board had also informed that GAC that it plans to offer this service at no cost to IGOs, and to maintain the moratorium on second-level registrations matching the list of IGO acronyms until the post-registration notification system is ready (https://www.icann.org/en/system/files/correspondence/botterman-to-ismail-23feb21-en.pdf). In this regard, the Board acknowledges the GAC's statement that, in the absence of access to a curative rights protection mechanism, a mere notification of the registration of a domain name corresponding to its identifier is of no real utility to an IGO, because an IGO has no current ability to arbitrate a domain name dispute.</p> <p>As part of its 30 April resolution adopting the EPDP recommendations on specific curative rights protections for IGOs, the Board requested that ICANN org develop an implementation plan that will include resource estimates and a timeline for implementation. The Board notes that ICANN org uses a default six-month policy change cycle (https://www.icann.org/en/system/files/files/gdd-policy-change-cale</p>

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
	<p>Insofar as the above-noted EPDP Recommendations propose targeted amendments to the UDRP Rules to accommodate IGOs in addressing the abuse of IGO identifiers in the DNS, this Advice supersedes those aspects of GAC Advice in the following Communiqués, as follows:</p> <ul style="list-style-type: none"> ● In the GAC Los Angeles Communiqué (ICANN51), Section IV.5.b.i, in implementing any such curative mechanism, <i>“the UDRP should not be amended”</i>; ● In the GAC Hyderabad Communiqué (ICANN57), Section VI.4.II: <i>“a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law”</i>; ● In the GAC Johannesburg Communiqué (ICANN59), Section VI.1.a: <i>“The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism should:</i> <ol style="list-style-type: none"> <i>I. be modeled on, but separate from, the existing [UDRP],</i> <i>II. provide standing based on IGOs’ status as public intergovernmental institutions, and,</i> <i>III. respect IGOs’ jurisdictional status by facilitating appeals exclusively through arbitration.”</i> <p>In terms of the continuation of the moratorium, in the ICANN71 Communiqué, in advising the Board to maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs pending the conclusion, and implementation, of the Recommendations of the IGO Curative Work Track, the GAC noted that in the absence of access to a curative rights protection mechanism, a mere notification of the registration of a domain name corresponding to its identifier is of no real utility to an IGO, because an IGO has no current ability to arbitrate a domain name dispute.</p> <p>In that same light, the GAC previously has advised the Board to maintain the current moratorium in the ICANN61 San Juan, ICANN62 Panama and ICANN71 Communiqués, noting that the removal of interim protections before a permanent decision is taken on a curative mechanism to protect IGO acronyms could result in irreparable harm to IGOs.</p>		<p>ndar-13may15-en.pdf). The Effective Date of a new Consensus Policy (i.e. the date on which ICANN Contractual Compliance will begin enforcement) is, at minimum, six months after ICANN’s announcement of the final policy language, developed with the guidance of a community-based Implementation Review Team and Public Comments, and in accordance with ICANN’s Consensus Policy Implementation Framework (https://www.icann.org/uploads/ckeditor/CPIF_v2.0_2019CLEAN.pdf)</p> <p>.</p> <p>In light of the above, the Board plans to make a decision as to when to lift the moratorium when it has more specific information as to the respective timelines for readiness of the permanent post-registration system and the implementation of the EPDP recommendations.</p>
<p>§2.a.i Registration Data Request Service (formerly known as the WHOIS Disclosure System)</p>	<p>a. The GAC advises the Board to:</p> <ol style="list-style-type: none"> i. To direct ICANN org to promptly engage with the PSWG to identify and advance solutions for confidentiality of law enforcement requests so as not to preclude participation by 	<p>The Board understands the GAC would like ICANN org to engage with the PSWG to discuss how law enforcement-affiliated data requestors may be able to seek confidentiality for registration data requests when using the Registration Data Request Service (RDRS).</p>	<p>The Board accepts the advice and will direct ICANN org to engage with the Small Team and the PSWG in a discussion about (i) the circumstances in which additional confidentiality for registration data requests submitted using RDRS is appropriate; (ii) the nature of any such additional confidentiality needs; and (iii) how such additional confidentiality protections might be provided through RDRS. RDRS is</p>

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
	<p><i>law enforcement requesters when measuring usage of the WHOIS Disclosure System.</i></p> <p><u>RATIONALE:</u></p> <p>The GAC welcomes the Board’s February 27, 2023 resolution approving the launch of a proof-of-concept approach for a WHOIS Disclosure System intended to gather demand and usage data to inform community discussions and Board consideration of the Phase 2 Recommendations of the Expedited Policy Development Process. In the GAC Kuala Lumpur Communiqué, under Issues of Importance, the GAC stressed “the importance of including a mechanism to allow for confidential law enforcement requests” and recommended that ICANN org engage “with the GAC PSWG to further discuss the issue of how confidentiality of law enforcement requests will be ensured and how the (meta) data of all the requests of law enforcement agencies will be handled.” To date, this engagement has not taken place. Nevertheless, during the GAC Meeting with the ICANN Board, ICANN org indicated that the proposed system design would not provide functionality for maintaining confidentiality for law enforcement requests.</p> <p>Law enforcement agencies investigations may be compromised if requests for domain registration data are not kept confidential. A lack of functionality in the proposed WHOIS Disclosure System to provide for such confidentiality will almost certainly deter usage of the system by law enforcement agencies which will in turn decrease the amount of data that the pilot program will be able to collect. The GAC highlights that further engagement between ICANN org and the PSWG is necessary to resolve this issue. A satisfactory approach to this concern is also consistent with the Board’s resolution “to encourage comprehensive System usage by data requestors.”</p>	<p>ICANN org worked with the EPDP Phase 2 Small Team to identify what elements of the System for Standardized Access/Disclosure (SSAD) policy recommendations would be needed for a proof of concept, which is meant to be cost effective and simpler than SSAD, for the purpose of data collection for up to two years. As the SSAD Operational Design Assessment (ODA) identified the identity verification feature (SSAD recommendations 1 and 2 from the EPDP Phase 2 Final Report) to be the major drivers of cost and complexity, the Small Team did not recommend inclusion of these recommendations in the proof of concept design, which the GNSO Council recommended and the Board has directed ICANN org to implement.</p> <p>Without the identity verification feature, the Registration Data Request Service will not effectively be able to verify law enforcement agencies’ identity, and limit the requests to treat the data request confidentially to the law enforcement agencies. In addition, the EPDP Phase 2 Final Report did not explicitly require a confidentiality feature. Recommendation 9.7 and Implementation Guidance 17.3 both note it is a possible feature that may be considered during implementation of the SSAD. Consequently, the Org did not assess the feasibility of the confidentiality feature in the ODA to keep the design simple, instead opting to consider it during implementation.</p> <p>While the Board understands the GAC’s interest in a mechanism to allow for confidential law enforcement requests, adding identity verification and accreditation features will 1) fundamentally change the nature of this “cost effective and simpler” system, 2) detract from the project team’s resources to shift focus to designing identity verification and confidentiality features while likely putting the development of the Registration Data Request Service on pause for an unknown duration. This would result in 3) extending the development timeline from the current 11 months to an unknown duration and likely requiring additional budget to procure vendors.</p> <p>The Board understands that, while the confidentiality feature based on the identity verification might be ideal, a simpler feature such as a radio button to inform the registrar of the request for confidentiality when processing a request may be helpful to law enforcement-affiliated data requestors.</p>	<p>being built on current specifications, but it does not prevent discussions, at an appropriate time, on future enhancements. The Board notes that the RDRS is intended to be a simple system that can quickly be developed and launched to inform the Board’s and GNSO Council’s discussion on the future of the SSAD policy recommendations.</p>

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
		The Board understands the importance of including mechanisms for confidentiality in the RDRS, and the lack of such a feature may deter usage of the service by law enforcement-affiliated requestors.	
<p>§3.a.i Privacy and Proxy Services</p>	<p>a. The GAC advises the Board to:</p> <p>i. To prioritize the assessment related to the pending RDS-WHOIS2 Review Recommendation R10.1 which called for the Board to monitor the implementation of the PPSAI policy recommendations, and all necessary steps to resume this implementation, consistent with the intent of the GAC’s previous advice.</p> <p><u>RATIONALE:</u></p> <p>The GAC notes in the recent Quarterly Report on ICANN Specific Reviews (21 February 2023) that “it is anticipated that ICANN org may begin to work on the impact assessment of the outcomes of ongoing community work in Q1 2023 to inform Board action of Recommendation 10.1” of the Second Registration Directory Service Review (RDS-WHOIS2).</p> <p>Recommendation R10.1 provides for the ICANN Board to monitor the implementation of the Privacy Proxy Services Accreditation (PPSAI) policy recommendations and thus implicates the previous GAC Advice in the Kobe Communiqué and the GAC’s Follow-Up on Previous Advice within the Montreal Communiqué.</p>	The Board understands that the GAC supports prioritization of the assessment necessary to take action on RDS-WHOIS2 Review Recommendation R10.1, which called for the Board to monitor the implementation of the PPSAI policy recommendations, and all necessary steps to resume this implementation, consistent with the intent of the GAC’s previous advice.	The Board accepts this advice, noting that the assessment is in progress within the org, and that this will be an important step for the Board to consider in taking action on RDS-WHOIS Review Recommendation R10.1.
<p>§3.a.ii Privacy and Proxy Services</p>	<p>a. The GAC advises the Board to:</p> <p>i. To regularly update the GAC on the status of activities related to privacy and proxy services.</p> <p><u>RATIONALE:</u></p> <p>The GAC notes in the recent Quarterly Report on ICANN Specific Reviews (21 February 2023) that “it is anticipated that ICANN org may begin to work on the impact assessment of the outcomes of ongoing community work in Q1 2023 to inform Board action of Recommendation 10.1” of the Second Registration Directory Service Review (RDS-WHOIS2).</p> <p>Recommendation R10.1 provides for the ICANN Board to monitor the implementation of the Privacy Proxy Services Accreditation (PPSAI)</p>	Based on its 11 April 2023 call with the GAC, the Board understands that, in addition to updates around the status of R10.1 noted above, the GAC is interested in receiving updates around the Registration Data Request Service work, particularly as this work has been noted by the Board as an opportunity to “streamline the implementation of the PPSAI recommendations” and other any other work related to the implementation of the PPSAI recommendations.	The Board accepts this advice, and will instruct the organization to provide timely information around the status of activities related to proxy and privacy services in its updates to the GAC.

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
	policy recommendations and thus implicates the previous GAC Advice in the Kobe Communiqué and the GAC's Follow-Up on Previous Advice within the Montreal Communiqué.		