



ICANN org Proposed Timeline for Urgent Requests

For Lawful Disclosure of Nonpublic Registration Data

Registration Data Policy Implementation Project Team

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3. Definitions and Interpretation

- 3.8. “Urgent Requests for Lawful Disclosure” (“Urgent Requests”) are a subset of Disclosure Requests submitted by an Authenticated Requestor that are limited to circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where disclosure of the data is necessary in combatting or addressing this threat. Critical infrastructure means the physical and cyber systems that are vital in that their incapacity or destruction would have a debilitating impact on economic security or public safety.
 - 3.9. “Authenticated Requestor” means a law enforcement requestor or trusted/competent authority that is authenticated through an authentication mechanism implemented pursuant to ICANN Consensus Policy.
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10. Disclosure Requests (See section 10.7 for the Urgent Request Proposal)

- 10.1. Registrar and Registry Operator MUST publish on their homepage (a publicly available webpage where their domain name services are offered) a direct link to a page where the mechanism and process for submitting Disclosure Requests is detailed. The mechanism and process MUST specify (a) the required format and content of requests, (b) the means of providing a response to the requestor, and (c) the anticipated timeline for responses.
- 10.2. Registrar and Registry Operator's required format and content of requests MUST include the following, at a minimum:
 - 10.2.1. The identity of the requestor, including:
 - 10.2.1.1. The contact information of the requestor,
 - 10.2.1.2. The nature/type of business entity or individual, and
 - 10.2.1.3. Power of Attorney statements or similar statements evidencing authorization to act on the requestor's behalf, where applicable and relevant.
 - 10.2.2. A list of data element values requested by the requestor.
 - 10.2.3. Information about the legal rights of the requestor and specific rationale and basis for the request.

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- 10.2.4. An affirmation that the request is being made in good faith.
 - 10.2.5. Agreement by the requestor to process lawfully any data element values received in response to the request.
 - 10.3. Registrar and Registry Operator MUST respond to Disclosure Requests which meet their respective required formats.
 - 10.4. Registrar and Registry Operator MUST consider each properly-formed Disclosure Request on its merits, considering the specific rationale and basis for each request.
 - 10.5. Registrar and Registry Operator MUST acknowledge receipt of a Disclosure Request which meets their respective required formats without undue delay, but no more than two (2) business days from receipt and MUST respond without undue delay, but no more than thirty (30) calendar days from acknowledgement absent exceptional circumstances.
 - 10.6. Responses to Disclosure Requests MUST either:
 - 10.6.1. Provide the requested data; or
 - 10.6.2. Provide rationale for why Registry Operator or Registrar cannot provide the requested data (in whole or in part) that identifies the specific reason(s) for such denial, including a clear explanation of how it arrived at its decision that is sufficient for a requestor to objectively understand the reasons for the decision. This includes an analysis and explanation of how the fundamental rights and freedoms of the data subject were weighed against the legitimate interest of the requestor (if applicable).
 - 10.7. Section 10.7 applies to Urgent Requests. Unless explicitly modified in this Section, all requirements in Section 10 apply equally to Urgent Requests.
 - 10.7.1.1. A Disclosure Request is an Urgent Request if it is submitted by an Authenticated Requestor and such entity attests that the request pertains to the circumstances defined in Section 3.8.
 - 10.7.2. Upon receipt of an Urgent Request, Registrar and Registry Operator MUST:
 - 10.7.2.1. Acknowledge receipt of the Urgent Request within two hours; and

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- 10.7.2.2. Respond to the Urgent Request without undue delay, not to exceed 24 hours absent exceptional circumstances as described in 10.7.2.3.
 - 10.7.2.3. If exceptional circumstances occur, Registrar and Registry Operator **MUST**, without undue delay and in all cases within 24 hours, notify the Authenticated Requestor if there is a need for an extension to respond. The notification **MUST** include the rationale for the extension and the timeframe within which the Registrar or Registry Operator expects to respond, which cannot exceed 72 hours from receipt of the request.

Examples of exceptional circumstances include events of force majeure (unforeseen and uncontrollable events), such as those affecting the availability of the infrastructure, and circumstances associated with the complexity of the request, such as a request involving a high number of domain names.

For the avoidance of doubt, circumstances which do not justify extending the 24-hour timeline include foreseeable circumstances such as calendar holidays, planned leave, or planned travel.

- 10.8. Registry Operator or Registrar **MAY** take corrective action to address abusive requests/requestors. Corrective action **MAY** include denying repetitive or incomplete requests, requiring additional information as a default for abusive requestors, and other measures it deems appropriate. The corrective actions taken **MUST** be communicated to the requestor.

Implementation Notes

K. Urgent Requests for Lawful Disclosure

- a. The obligations under Section 10.7 will become effective on the date that ICANN fully implements a Consensus Policy that establishes a process for authentication of a requestor.
- b. The consideration of a Disclosure Request under Section 10.4 may include factors other than the rationale and basis of the request provided by the requesting party, including, for example, jurisdictional considerations or other factors required by applicable law. Registrars and Registry Operators are expected to include the factors considered in a review in any response

required under Section 10.6.2, if any such factor contributed to the denial of a Disclosure Request.