Public Comment Summary Report

Timeline for Urgent Requests for Lawful Disclosure of Nonpublic Registration Data

Open for Submissions Date:
Wednesday, 22 October 2025

Closed for Submissions Date:
Monday, 15 December 2025

Summary Report Due Date:
Wednesday, 14 January 2026 (extended from Monday, 12 January 2026)

Category: Policy

Requester: ICANN org

ICANN organization contact(s): prsp-contact@icann.org

Open Proceeding Link:
https://www.icann.org/en/public-comment/proceeding/timeline-for-urgent-requests-for-lawful-disclosure-of-nonpublic-registration-data-22-10-2025

Outcome:
In total, 12 Public Comments were submitted by stakeholders from across the community on the proposed timeline for Urgent Requests for lawful disclosure of nonpublic registration data.

Commenters considered whether the proposed language for inclusion in Sections 3.8, 3.9, 10.7, and Implementation Note K of the Registration Data Policy clearly describe the applicable requirements for urgent disclosure.

Commenters also evaluated whether the proposed Urgent Request timeline aligns with the requirements in the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP-Temp Spec) Phase 1 Recommendation 18 (Rec 18), and the expectations provided by the Generic Names Supporting Organization (GNSO) Council, Governmental Advisory Committee (GAC), and ICANN Board. Additionally, commenters provided feedback on the proposed Section 10.7 and whether the authentication mechanism (when available) requires additional policy work.

All Public Comments received were reviewed and carefully considered by ICANN org. Any substantive changes required to the proposed timeline for Urgent Requests for lawful disclosure of nonpublic registration data will be reviewed with the Registration Data Policy Implementation Review Team (IRT).

Section 1: What We Received Input On

The Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP-Temp Spec) Phase 1 Recommendation 18 (Rec 18) anticipated "a separate timeline for responses to Urgent Requests for lawful disclosure of non-public registration data" and indicated that the response time and criteria would be established during implementation.

The current Registration Data Policy, which went into effect on 21 August 2025, does not include a required timeline within which registrars and registry operators must respond to requests categorized as "urgent," because the EPDP-Temp Spec Phase 1 Implementation Review Team (IRT) did not reach an agreement on such a timeline. However, the IRT did reach agreement on the circumstances to be defined as "Urgent": *Urgent Requests for Lawful Disclosure 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 refers to 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*.

Since a response timeline for Urgent Requests remains unresolved, the GNSO Council, GAC, and ICANN Board encouraged ICANN org to continue IRT discussions to determine an appropriate timeline required for registry operators and registrars to respond to Urgent Requests for lawful disclosure in situations that pose an imminent threat to life, serious bodily harm, infrastructure, or child exploitation. When considering an appropriate timeline as required in Rec 18, the following points were noted among the GNSO Council, GAC, and ICANN Board:

- Any proposed timeline measured in "business days" – whether one, two, or three business days – does not seem suitable for addressing such urgent threats. Instead, a much shorter response timeline, measured in minutes or hours rather than days, appears to be more appropriate.
- In order to determine a timeline, ICANN org, in consultation with the EPDP-Temp Spec IRT, should operate upon the assumption that the timeline to be agreed-upon will apply when an Urgent Request is submitted by an entity that has been authenticated through a to-be-agreed mechanism, which is being discussed in parallel within the GAC.
- The work on the Urgent Requests timeline would not constitute policy development as defined in Annex A of Bylaws, but rather would be continued implementation work on Rec 18 of the EPDP Phase 1 Final Report.

To this end, ICANN org asked input from the community on the proposed timeline for Urgent Requests for Lawful Disclosure. Specifically, ICANN org asked for Public Comment on whether the proposed language for inclusion in Sections 3.8, 3.9, 10.7, and Implementation Note K of the Registration Data Policy clearly describes the applicable requirements for urgent disclosure. Public Comment was also requested on whether the proposed Urgent Request timeline aligns with the requirements in the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP-Temp Spec) Phase 1 Recommendation 18 (Rec 18), and the expectations provided by the GNSO Council, GAC, and ICANN Board. Additionally, Public Comment was also requested on the proposed Section 10.7 and whether the authentication mechanism (when available) requires additional policy work.

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
At-Large Advisory Committee	Policy staff in support of the At-Large Community	ALAC
Governmental Advisory Committee	Fabien Betremieux	GAC
Intellectual Property Constituency	Margaret Milam	IPC
Noncommercial Stakeholder Group	Farzaneh Badii	NCSG
Registrar Stakeholder Group	Zoe Bonython	RrSG
Registries Stakeholder Group	Registries Stakeholder Group	RySG

Individuals:

Name	Affiliation (if provided)	Initials
Jothan Frakes	Private Label Internet Service Kiosk	JF
Luc Seufer	Namespace Holdings	LS
Maciek Piasecki	ICANN Fellowship	MP
Owen Smigelski	Namecheap	OS
Sarah Wyld	Tucows Domains	SW
Torsten Krause	Stiftung Digitale Chancen	TK

Section 3: Summary and Analysis of Submissions

ICANN appreciates the time, dedication, and participation in this proceeding and is grateful to those who provided timely feedback.

A summary of all comments is provided below. ICANN has organized this report to include a summary of the comments received by question and subsequent topic, followed by ICANN's corresponding analysis.

Topic Area: Proposed language for Sections 3.8, 3.9, 10.7, and Implementation Note K of the Registration Data Policy

Q1. Does the draft language proposed for inclusion in Sections 3.8, 3.9, 10.7, and Implementation Note K of the Registration Data Policy clearly describe the applicable requirements?

Q2. If you believe that the draft language proposed does not clearly describe the applicable requirements, what areas require additional clarification?

Overall Comment Summary

Overall, ALAC, GAC, IPC, OS, RrSG, SW, and TK comments agreed that the draft language in Sections 3.8, 3.9, 10.7, and Implementation Note K generally describes the applicable requirements clearly, and several expressed support for the direction of the draft. However, IPC,

JF, LS, MP, NCSG, and SW raised concerns with the proposed language in Sections 3.8, 3.9, and 10.7, and proposed clarifications or changes.

Specific topic areas addressed by commenters:

I. Section 3.8

Comment Summary:

JF, LS, MP, NCSG, and SW suggested that the definition of “Urgent Requests” proposed in Section 3.8 is overly broad, specifically its description of "critical infrastructure." Comments expressed concern that terms such as critical infrastructure, public safety, and economic security are vague, vary widely by jurisdiction, and could lead to inconsistent interpretation, misuse, or overreach. Comments suggested anchoring Urgent Request circumstances in existing legal frameworks, internationally recognized standards, or government-designated lists, and limiting their application to circumstances that pose an imminent threat to life, of serious bodily injury, or of child exploitation in cases where expedited disclosure of the data is necessary in combatting or addressing a threat. Some additionally suggested that the draft language in Section 3.8 does not clearly convey the time-sensitivity that justifies hour-based response timelines.

Comments from registrars also stated that, in their experience, requests for urgent disclosure to combat or address "imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation" are rare. Comments went on to suggest that when such Urgent Requests do occur, registrars have successfully worked with local law enforcement to satisfy the requests.

TK additionally welcomed the inclusion of the exploitation of children as a case where a request would be considered urgent. TK went on to suggest that Section 3.8 should include the United Nations Convention on the Rights of the Child’s definition for a child as any person under the age of 18, to ensure a universal understanding of the term.

Analysis:

As defined in Section 3.8, Urgent Requests are limited to circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation. The limited definition presents a high threshold and minimizes the likelihood of Registry Operators and Registrars receiving requests that meet the standard of urgent in a high volume. The inclusion of an imminence requirement constrains the scope of the definition and is intended to address concerns regarding potential overreach or misuse.

Additionally, the term “critical infrastructure” is expressly defined in Section 3.8 as physical and cyber systems whose incapacity or destruction would have a debilitating impact on economic security or public safety. This language originates from the EPDP Team Phase 2 Final Report, specifically Implementation Guidance 6.7 and was discussed and agreed on with the IRT for the Registration Data Policy. Moreover, correspondence among the GNSO Council, GAC and ICANN Board indicates that this definition was treated as settled for purposes of the Urgent Requests work, with subsequent discussions focusing on implementation timelines rather than reopening or revisiting the underlying definition this reinforces that the proposed definition and framework for Urgent Requests reflect a well-considered consensus reached through prior community processes.

II. Section 3.9

Comment Summary:

JF, LS, NCSG, OS, RrSG, RySG, and SW suggested that the definition of "Authenticated Requestor", as proposed in Section 3.9, is too broad. Comments suggested that Authenticated Requestors should be limited to law enforcement. Some suggested it should be specifically limited to local law enforcement where the registrar is established or maintains a physical office, citing jurisdictional concerns over foreign requestors which could complicate a registrar's ability to review and respond within 24 hours, which they suggested could jeopardize a registrar's accreditation. Comments also stressed that ICANN policy should not be used to bypass established cross-border cooperation mechanisms such as mutual legal assistance treaties or infringe upon state sovereignty.

Analysis:

EPDP Phase 1, Recommendation 18 provided for development of a timeline for Urgent Requests; however, the recommendation was not limited to requests from law enforcement agencies. This understanding has been consistent throughout the EPDP process. Phase 2 Recommendation 6 further reflects this approach, clarifying that Priority 1 - Urgent Requests "is not limited to requests from law enforcement agencies." More recently, the GNSO Registration Data Request Service (RDRS) Standing Committee discussed the importance of authenticating requestors, beginning with law enforcement as an operational prioritization, rather than a potential policy recommendation. Overall, the discussions within the community do not propose limiting Urgent Requests to law enforcement. Instead, they have emphasized the need to authenticate certain categories of users first, without precluding other trusted or competent authorities from being authenticated over time. Accordingly, the proposed definition is designed to apply across a global and diverse ecosystem in which legitimate Urgent Requests may originate from a range of trusted and competent authorities.

Handling of jurisdictional issues was also discussed extensively in the Registration Data Policy IRT. ICANN org notes that the timeline requirement in Section 3.9 to respond to a request does not necessarily mean that a decision has been made or that the requested data must be provided. Rather, a 24-hour response time simply requires a response, which not only allows for the requested data to be provided but also allows for the denial of the request, the response that more time is required to review the request, or a response requiring more information prior to deciding on whether or not to provide the requested data. In addition, registrars are not compelled to disclose registration data where doing so would conflict with applicable law or where legal or jurisdictional constraints prevent compliance within the specified timeframe. Should the registrar deny a request, the Registration Data Policy requires that it provide rationale for why the request was denied and "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)."

As also noted in the Registration Data Policy Section 10.7, a registry operator or registrar may take corrective action to address abusive or incomplete requests, which can include denying repetitive or incomplete requests, requiring additional information from requestors, or other measures deemed appropriate. Any corrective actions taken must be communicated to the requestor, reinforcing registrars' discretion in managing requests while remaining compliant with legal and jurisdictional constraints.

III. Section 10.7

Comment Summary:

LS, MP, NCSG, OS, RrSG, and SW emphasized that expedited timelines must not weaken or bypass legal compliance, proportionality, fundamental evaluation of data subject rights, or data protection obligations. Comments suggested that Section 10.7 should explicitly restate that the urgent timeline modifies response times only; it does not relax or reverse the duty to carry out a "balancing test", assess the legal basis for disclosure, or respect the data subject's fundamental rights under Section 10.4 and applicable law. It was also suggested that the urgent timeline should not create a presumption of disclosure.

ALAC and TK suggested that a 72-hour response window is inconsistent with the concept of an "urgent" request intended to address imminent threats and therefore contradicts the intent of creating an Urgent Request category. **Note**: the 72-hour response window is included as an exception rather than the standard response timeframe, with shorter response times expected in most cases.

The GAC and NCSG also suggested that enhanced monitoring and transparency, including collecting and publishing aggregated periodic metrics data on Urgent Requests, including volumes, registrar response times, and the frequency and justification of exceptional extensions, would help evaluate the effectiveness of the Urgent Request mechanism over time. The GAC suggested including this monitoring and reporting in Implementation Note K.

Analysis:

The proposed timeline for responding to an Urgent Request modifies only the response timeframe and does not alter any legal obligations, data protection requirements, or the duty to carry out a balancing test, or respect the data subject's fundamental rights under Section 10.4 and applicable law. Registrars must continue to assess the legal basis for disclosure, consider the fundamental rights of the data subject, and ensure compliance with applicable law. The establishment of an Urgent Request timeline does not create a presumption of disclosure.

IV. Implementation note K

***Comment Summary*:**

The IPC suggested that the underlying policy framework for Urgent Requests was already established through prior EPDP work and suggested that references to "Implementation Notes" and additional Consensus Policy work were inappropriate and potentially delaying urgent matters. The IPC also noted that the IRT's role was limited to implementation guidance, not policy-making, and that the EPDP had already completed all necessary policy work for Urgent Requests. Therefore, the IPC pointed out that references to "Implementation Notes" are inappropriate because no new policy was initiated by the GNSO Council or the ICANN Board.

The GAC suggested adding language to the Implementation note to provide greater clarity to the authentication mechanism.

Analysis:

Implementation Notes within the Registration Data Policy are already in effect and provide essential guidance to contracted parties. Implementation Notes are typically used to provide clarification or additional detail to assist parties in understanding and complying with policy requirements. Implementation Note K has been updated after discussion with the IRT to include jurisdictional considerations (see Note K, section b).

Topic Area: Language alignment with EPDP Phase 1 Rec 18 and expectations of the ICANN Board, GAC, and GNSO Council

Q3. Public Comments on whether the proposed Urgent Request timeline aligns with the requirements in EPDP Phase 1 Rec 18, and the expectations provided by the Board, GAC and GNSO Council

Comment Summary:

Comments were mixed on whether the proposed timeline language meets the requirements in EPDP Phase 1 Rec 18 and expectations provided by the GNSO Council, GAC, and ICANN Board. OS, RrSG, and SW stated they believed the timeline does not align with the requirements in EPDP Phase 1 Rec 18, the GAC and RrSG stated they believed the timeline aligned with the ICANN Board's expectations (the GAC cited its 3 November 2025 ICANN84 GAC Dublin Communiqué), the GAC and RrSG stated they believed the timeline aligned with the GAC's expectations, OS and the RrSG stated they believed the timeline does not align with the GNSO Council's expectations (RrSG cited the GNSO Council Chair's 29 August 2024 correspondence with the ICANN Board), OS questioned the relevance of the GAC's expectations as a single stakeholder who had members that participated in EPDP Phase 1 discussions, and SW argued that none of the groups' expectations were relevant in this context because the expectations should align with the PDP Working Group's Recommendations in use of business days.

Analysis:

During implementation of the Registration Data Policy, the GAC raised concerns that the business-day response timeline associated with EPDP Phase 1 Recommendation 18 was not appropriate for truly urgent requests involving imminent threats to life, serious bodily harm, critical infrastructure, or child exploitation. The ICANN Board reviewed these concerns and, in its 3 June 2024 correspondence, concluded that such requests should be handled within minutes or hours rather than business days.

The GNSO Council and GAC similarly acknowledged that business-day timelines were not fit for purpose in urgent circumstances. To address these concerns, the GAC proposed in October 2024 a two-track approach: one track to explore the development of a global authentication mechanism for law enforcement requests, and a parallel track to revisit response timelines assuming requests had been authenticated. Subsequent trilateral discussions among the GNSO Council, GAC, and ICANN Board highlighted that the IRT had previously been unable to agree on an urgent request timeline largely due to the absence of a reliable authentication mechanism.

In February 2025, the three groups agreed that implementation work on Recommendation 18 should resume within the EPDP Phase 1 IRT, focused specifically on identifying an appropriate response timeline for urgent requests. When the IRT was re-engaged in April 2025, discussions reflected a new understanding that any expedited timeline would apply only to requests submitted by authenticated law enforcement authorities. Contracted parties emphasized the need for sufficient time to assess requests before disclosing data, while GAC participants acknowledged this need and proposed additional information, such as jurisdictional attestations, to support timely review.

Ultimately, ICANN org suggested compromise language requiring acknowledgment of urgent requests for lawful disclosure within two hours and response to such requests within 24 hours of

receipt. This compromise aligns with the ICANN Board's and GNSO Council's shared expectation that urgent requests should be handled within hours rather than business days and represents the closest achievable balance among the differing stakeholder views.

Topic Area: Requirement of additional policy work for the incorporation of an Authentication Mechanism

Q4. The IRT has discussed the proposed Section 10.7 and some IRT members believe the authentication mechanism (when available) would require additional policy work, while others believe the authentication mechanism is part of the implementation of Rec 18 and would not require additional policy work. Do you believe this requires additional policy work?

Comment Summary:

LS, NCSG, OS, RrSG, RySG, and SW stated they believe that additional policy work would be needed to support the authentication mechanism. NCSG suggested that a Policy Development Process (PDP) was required to ensure consideration of human rights. GAC and IPC stated they believe that establishing a functioning authentication mechanism should not require a new policy development process because the authentication mechanism is a prerequisite for implementing the EPDP Phase 1 recommendations.

Analysis:

Relevant stakeholders, including the GNSO Council, GAC, ICANN Board, and RrSG have noted that the ability to authenticate law enforcement requestors is an important factor in enabling responses to Urgent Requests within an appropriate timeframe. This raises the question of whether authentication should be treated as a critical dependency for the full implementation of EPDP Phase 1 Recommendation 18, rather than as new policy development as defined under Annex A of the ICANN Bylaws. If authentication is considered an implementation dependency, additional policy work may not be required.

If no additional policy work is required, ICANN org could, following Public Comment and IRT discussion, seek guidance from the GNSO Council on whether authentication is a prerequisite for implementing the urgent request timeline under Recommendation 18. If confirmed as an implementation matter, ICANN org and the IRT could assess, after completion of the PSWG CPH task force's work, whether the proposed limited authentication mechanism enables timely responses and identify any additional implementation measures needed.

If, however, the GNSO Council indicates that authentication requires policy work, additional policy work could proceed through several possible paths. One option would be for the ICANN Board to reject the SSAD recommendations, consistent with Standing Committee guidance, and for the GNSO Council to develop supplemental SSAD recommendations that include authentication-related language for the ICANN Board's consideration.

Alternatively, the ICANN Board could determine that the relevant portion of EPDP Phase 1 Recommendation 18 is not fit for purpose, particularly in light of prior concerns regarding the use of business days, and request that the GNSO Council develop supplemental recommendations for Phase 1 that address authentication.

A third option would be for the Council to initiate a new EPDP focused on authentication, potentially alongside other identified gaps or alignment issues that are not part of the SSAD recommendations, with the resulting recommendations subject to Council approval and ICANN Board adoption.

Other Comments
The following topics were raised by commenters but fell outside of the questions posed:

Operational burden on smaller registrars
JF, LS, OS, RrSG, and SW suggested that the timeline for responding to Urgent Requests places an operational burden on registrars, especially smaller registrars, to assess and process requests.

Section 4: Next Steps

All Public Comments received were reviewed and carefully considered by ICANN org. As discussions with the IRT on this issue were requested within the broader dialogue among the GNSO Council, GAC, and ICANN Board, ICANN org will share the outcomes of this proceeding with all parties to inform conversations on next steps.