

Tucows public comment: Registration Data Request Service (RDRS) Policy Alignment Analysis

15 December 2025

Tucows appreciates the opportunity to comment on the Registration Data Request Service (RDRS) Policy Alignment Analysis (“Analysis”) and thanks ICANN Org for their work through the drafting process.

General Comments

Tucows welcomes the Analysis’ confirmation that **policy must be developed through the ICANN multistakeholder process before it can be applicable to Contracted Parties**. This includes mandatory participation in the RDRS or any successor system, required processing of disclosure requests for domains using a registrar’s affiliated Privacy service, acceptance of authentication for members of law enforcement, and implementation of service level agreements (SLAs) requiring responses within a given timeframe.

Tucows notes with significant concern that **implementation of a cost-recovery process funded by billing requestors for their use of the RDRS is barely considered** in the “Identified Gaps” section (page 4) and, even more concerning, is omitted from the list of necessary enhancements on page 5 (and subsequently throughout the rest of the report).

Policy Alignment Analysis: Summary

The Summary refers to “mandatory registrar participation, as presumed under most adopted consensus policies” (page 3) as an issue of importance; this reference to a presumption of mandatory participation is confusing as the only consensus policy relating to such mandatory participation is the EPDP Phase 2 recommendations—which have not yet been adopted by the Board. For clarity, **we recommend that the confusing part of the phrase (“as presumed under most adopted consensus policies”) be removed.**

The Summary also refers to “a requirement for registrars with affiliated privacy and proxy services to also respond to RDRS requests for underlying privacy/proxy customer contact data as part of their disclosure decision process” as an issue of importance. Registrars must already respond to all requests they receive through the RDRS, including for domains

using their affiliated Privacy service or registered to a proxy registrant, so it is unclear what is intended by this statement. **There is opportunity here to improve how the RDRS tracks and reports on requests for domains using a registrar's affiliated Privacy service; any work on this topic should be focused specifically on such improvements.**

Finally, the Summary suggests "a phased approach for federated authentication for other user groups to facilitate urgent request responses". **As only local law enforcement will be aware of situations that meet the definition of "Urgent" under the Registration Data Policy it is not appropriate to open up "Urgent" requests to other user groups.** They may be authenticated but not for submitting "Urgent" disclosure requests.

Policy Alignment Analysis: Purpose

Page 3 refers to "a possible vision for the future of gTLD nonpublic registration data disclosure." This should instead refer to "disclosure requests" as the outcome determination is not within ICANN Policy remit.

In the absence of policy requirements, "areas where more clarity is needed" may instead be areas where the Community has determined policy is not required.

System for Standardized Access/Disclosure ("SSAD") Policy Recommendations

Tucows supports the Analysis' note that "[t]he system is proposed to be maintained in its current form." **Any further work on the RDRS should only begin after the Board and GNSO Council have arrived at a decision about the long-term path forward and must only occur on a cost-recovery basis with those costs paid by the requestors as they use the RDRS.**

Billing

Significantly, the RDRS has not implemented one of the most important recommendations from EPDP Phase 2: Financial Sustainability. It is glossed *briefly* in the "Identified Gaps" section (page 4) but is summarily disposed of and wholly omitted from the list of necessary enhancements on page 5 and subsequently throughout the rest of the Analysis.

The purpose of the RDRS project was to provide data to fill in missing pieces from the SSAD Operational Design Assessment ("ODA"); it is now time to finalize that analysis by updating it with this data that has now been gathered. As we noted in our [Public Comment on the RDRS Standing Committee Report](#):

The [Operational Design Phase Assessment](#) indicated that the SSAD would be extremely expensive and the RDRS has borne this out.

The Standing Committee's Findings Report documents the RDRS costs to date as nearly \$3 million USD. This includes Development costs of \$1,646,835 USD and operational costs of \$1,223,958. The July 2025 RDRS metrics report (covering the same timeframe as the costs in the SC Report) shows a total of 3,264 disclosure requests submitted since the system started operating (a period of 20 months). **Considering the total costs divided by the total number of requests, each request cost \$879.53 USD. If we consider only the ongoing operational costs (not including development) again dividing among the total number of requests then each request cost \$374.98 USD.**

Additionally, we can now use the information gathered through this RDRS pilot project to consider what the [SSAD ODA](#) outcome would be. The ODA considers “low volume” to be 100,000 data requests annually¹; **the RDRS had 2199 requests in 2024, significantly lower than the ODA estimate and calling into question the long-term financial feasibility of the SSAD.**

The cost-per-request calculated above is low as we only took into account the *operational* cost paid by ICANN and not the time and effort of the volunteers of the RDRS SC or the time and effort spent by registrars to review the legal basis of requests made through RDRS and evaluating their merits under relevant law—typically necessitating review by attorneys to ensure compliance both with local law and with ICANN Policy.

Foisting this cost entirely upon ICANN Org—and, in so doing, upon data subjects (registrants) to expose their data to requestors—is beyond the pale. **The Community has determined that the cost must rest primarily with requestors.**

Mandatory vs optional participation

The Analysis says “The RDRS is currently voluntary and it is envisioned that future work on the SSAD would establish requirements for contracted party processing of disclosure requests” (page 7). It is not clear what more requirements may need to be established, as both EPDP Phase 1 and Phase 2 include specific requirements for contracted party processing of disclosure requests. If this intends to refer to mandatory participation in the RDRS or a successor system, it should be clarified.

¹ ICANN Org, “System for Standardized Access/Disclosure (SSAD) Operational Design Assessment (ODA)”, <https://www.icann.org/en/system/files/files/ssad-oda-25jan22-en.pdf>, page 58. (25 January 2022, last visited 16 September 2025.)

Acknowledging that the EPDP Phase 2 Recommendations require mandatory participation *in the SSAD*, **Tucows does not support mandatory participation in the RDRS, as this would not bring benefit commensurate to the expense and risks.**

Disclosure of Privacy Service and Proxy Registrant Data

The Analysis notes that “no policy currently exists that provides requirements that apply to disclosure requests for proxy or privacy service customer data” and that “this effort, if undertaken, could establish streamlined processes but will not affect the determination of which data is disclosed in a given case.” **This is correct and appropriate; any requirement to handle disclosure requests in a specific manner must be determined through the standard policy development process** and those requirements must not include mandatory disclosure of Personal Data.

The chart on page 11 refers to “affiliated Proxy Providers”; the absence of “Privacy providers” is confusing. **The Analysis should focus on affiliated Privacy providers**, as proxy registrants are already governed by the Registration Agreement and are—as the domain owner—liable for use of the domain.

Response Timeline for Urgent Requests

Each registrar must continue to determine the correct method for authenticated law enforcement members to submit Urgent registration data disclosure requests to them. **While some registrars may choose to use RDRS for this purpose, others may find it inappropriate, due to the asynchronous nature of notifications and the inability to request additional information from requestors directly through the RDRS.** In addition, many law enforcement agencies have never heard of ICANN, let alone RDRS, and will continue to submit requests directly to the registrar; ICANN cannot dictate how important matters between law enforcement and their local service providers are managed.

We support the Analysis’ conclusion that a timeline for response to Urgent requests must be determined through policy development work.

We note that the LEA user authentication process raises significant and complex operational and policy questions which also can only be addressed through policy development work. Tucows is aware of—and participating in—an *ad hoc* group working through some preliminary issues. However, the questions of: who operates, hosts, and pays for the system; whether the system tracks how authentication is used in relation to disclosure requests; how disputes are handled; how user access is managed and maintained; security measures; and reporting belong *solely* to the multistakeholder policy

development process. Some of these may be addressed by referring to the EPDP Phase 2 Recommendations for user authentication; others may require more policy work. We support the note on page 5 that the GNSO Council “may focus less on prescriptive functionality and more on ensuring that contracted parties can accurately identify law enforcement requestors and the jurisdictions they represent.”

We note a typo in the report, on page 8 it refers to August 2025 in the future tense rather than past tense.

Other Identified Issues

IDN Variants

We support the Analysis’ note that issues relating to IDN variants may be relevant for registration data disclosure and do not expect this to be a contentious issue.

ccTLD participation

While it may be the case that “Policy recommendations are not required for ccTLD participation in RDRS or a successor system”, this participation would certainly benefit from the clarity granted by policy recommendations. The proposal that ccTLD operators participate in a system designed to facilitate communication between registrars and data requestors is confusing.

There are significant operational complexities introduced by “ccTLD participation”, including whether the request is routed to the registrar or ccTLD operator, what happens if the ccTLD operator does not respond to the request, how the requestor understands who is reviewing the request, ability to submit to the registrar if the registry denies the request (or vice versa), and handling of Urgent requests. Should the EPDP Phase 2 Recommendations relating to registry operator participation in the SSAD be implemented, some of these issues may be partially addressed but that is far outside the scope of the RDRS. **Introducing unenforceable requirements causes significant confusion and complexity that is not well balanced by the benefit to requestors of being able to submit ccTLD requests through the RDRS.**

The [RrSG Public Comment to the RDRS Policy Alignment Analysis](#) includes a list of specific questions related to this recommendation—Tucows refers the reader to that list and wholly supports the comment.

Next steps

Tucows again thanks ICANN Org for their work drafting on Policy Alignment Analysis and looks forward to the revised version incorporating our comments above. We stand ready to participate in further policy development and implementation work on these important issues.

Thank you,

Sarah Wyld
Head, Policy & Privacy, Tucows