

# COALITION FOR ONLINE ACCOUNTABILITY

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TO: Akram Atallah, Cyrus Namazi, ICANN

FM: Dean Marks and Steve Metalitz, counsel to COA

RE: RrSG request to suspend implementation of privacy/proxy service accreditation policy

DT: May 10, 2018

Dear Akram and Cyrus,

We were surprised and disturbed to read the request from the Registrar Stakeholder Group (RrSG) that the community stop work on implementation of the ICANN Consensus Policy on accreditation of privacy/proxy registration services. See <https://www.icann.org/en/system/files/correspondence/bunton-to-atallah-04may18-en.pdf> This request is unjustified; it is based on false premises; and to accept it would be to inflict serious injury on the multi-stakeholder process and ICANN's credibility. We strongly urge you to reject it.

COA has been actively engaged within ICANN for at least a decade on the need to bring predictability and transparency to the operation of privacy/proxy services for registration of gTLD domain names. More specifically, after co-chairing the GNSO Working Group that developed the consensus policy that the Board adopted unanimously in 2016, COA has participated actively for the past two years in the Implementation Review Team (IRT) charged with assisting ICANN staff in the implementation of the policy. That IRT has nearly completed its work, with a detailed implementation plan on the verge of release for public comment. To pull the plug on this effort at this point, as the RrSG is in practical terms asking ICANN to do, would be widely and accurately viewed as a repudiation of the multi-stakeholder policy development process.

The RrSG request also fundamentally mischaracterizes the substance of the consensus policy adopted by the Board and its implementation as proposed by the IRT. Accreditation of privacy and proxy services in no way mandates "disclosure of personally identifiable information to third parties without due process." To the contrary, the goal of the accreditation system is to set minimum standards for predictable, consistent and more transparent processes concerning the operation of privacy/proxy services, to replace the arbitrary, opaque and entirely inconsistent processes and policies implemented by members of the Registrar Stakeholder Group over the past decade. The need for clear minimum standards for proxy/privacy services is likely to increase, not diminish, with the coming into force of the GDPR.

Now is the time to expedite, not to delay indefinitely, the implementation of the critical consensus policy the Board approved two years ago. We urge you to release the privacy/proxy accreditation implementation plan for public comment as soon as possible, identifying any unresolved issues (such as accreditation and escrow fees) on which the IRT is still awaiting necessary input from sources outside the IRT participants.

Because COA (and other non-contracted parties) have been categorically excluded from participation in the Across=Field Validation (AFAV) Working Group, whose activities the RrSG also ask you to "pause," we are not in a position to evaluate the status of that work. However, we would note that compliance with GDPR is

likely to increase, not diminish, the importance of improving Whois data accuracy, and specifically of increasing confidence in making the determination whether a particular domain name registrant is or is not a natural person residing within the European Economic Area. In that context, we know of no justification for ICANN to pull the plug on the AFAV's work either.

Thank you for considering our views and for acting in the best interests of the entire ICANN community by rejecting the RrSG's request.

Cc: Goran Marby, ICANN CEO

ICANN Board