

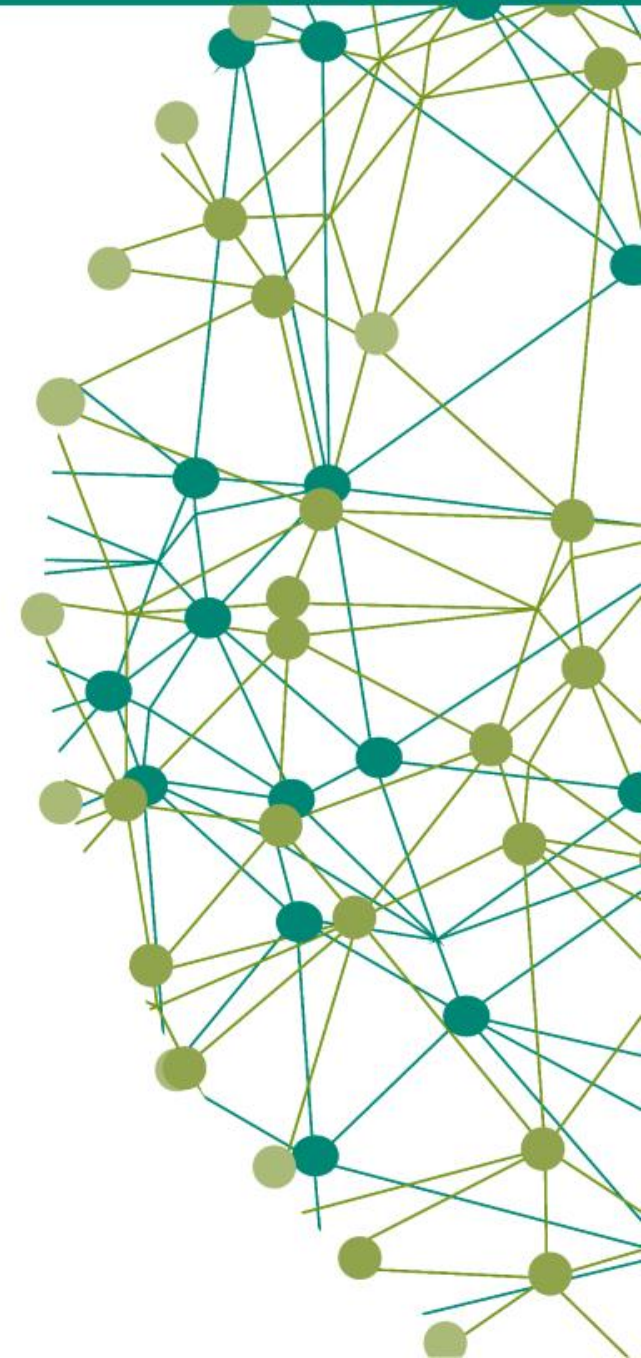


IE Domain Registry

Policy Advisory Committee

11 June 2020

Meeting - PAC#24



Policy Advisory Committee - Agenda



1. Membership Matters

1.1. House Keeping

1.2. Apologies

2. Minutes from the PAC#23 meeting

3. Update on the policy change request relating to the handling of reserved/blocked names

4. Update on the on-going discussion relating to the handling of online abuse

5. Fast-Track Policy Change Requests

6. Any Other Business

7. Next Meeting

1. Membership Matters

House-keeping matters

- Please keep **microphones muted** throughout the call
- Please “**raise a hand**” to ask a question or **add comments** in the chat box
- Request to allow the meeting be **recorded** to assist with minute drafting
 - No objections raised on mailing list
 - Recording will be deleted once the Minutes are approved by PAC

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2. Minutes of the PAC #23 Meeting – 20 February 2020

- Meeting minutes are circulated to the membership within one week of each meeting
- Comments/feedback accepted over a two week period
- If clarifications/edits are requested, and consensus exists, these are reflected in the Minutes
- Meeting minutes, and supporting slides, are published on IEDR.ie after the comment period has ended
- Published online at <http://www.iedr.ie/policy-development-process/>

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3. Update on the policy change request relating to the handling of reserved / blocked names

Definitions

Reserved Names

- Names historically protected by the Registry for various reasons
- Names not available for registration through the standard first come, first served process
 - It is proposed that those with an overriding public interest can apply for these names through the special registration process

Blocked Names

- Names that are **not** permitted for registration, including:
 - ❖ Names that were “**shelved**” as part of a legal dispute
 - ❖ Names blocked on **consumer protection grounds** (could **lead to confusion or be misleading**)
 - ❖ Names blocked for **technical/security grounds**)

3. Update on the policy change request relating to the handling of reserved / blocked names

Recap:

- ❖ Discussion topic raised to address the need for enhanced determinism, consistency and clarity
- ❖ A number of potential, **suitable policy responses** were identified
- ❖ Discovery Group was **setup** to review and discuss these options
- ❖ Discovery Group engagement developed **consensus** on elements of a suitable approach
- ❖ Related policy change request was submitted at #PAC 23
- ❖ Broad consensus established for the identified policy approach
 - which involve making minor edits to the “availability” provisions in the Registration & Naming Policy

3. Update on the policy change request relating to the handling of reserved / blocked names

Consensus that an appropriate response should:-

- ❖ be based on the principles of **transparency**, **quality of information** and a **mechanism to “apply”** for a reserved domain name
- ❖ adopt the “EURid (.eu) approach”
 - Address “reserved”/”blocked” names in the “availability” provisions within .ie Registration & Naming Policy
 - Publish a non-exhaustive list of ”blocked”/”reserved” names
 - Publish user-friendly materials, such as leaflets, with guidance on why/how such names are handled
 - Introduce a defined, transparent procedure for facilitating requests to “apply” for “blocked”/”reserved” names

3. Update on the policy change request relating to the handling of reserved / blocked names

Updates and Outstanding Actions:

1. Minor edits required to the Registration & Naming Policy will be drafted with PAC Registrar input later in 2020
 - as part of other planned, upcoming edits to that Policy
2. User-friendly guidance materials, including helpful on-site content and a leaflet are being drafted
3. Domains intended for potential future commercial use by IEDR have been re-classified as normal registrations
4. Transparent procedure for facilitating requests to “apply” for reserved names drafted in November 2019
 - This was circulated to the Working Group for review
5. WHOIS response messages for lookup requests for blocked/reserved names:
 - Being designed as part of the new TITAN registry platform development
 - These will be introduced with the launch of that platform

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4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Discussion Recap:

The topic was raised for discussion at the PAC#19 meeting:-

- In light of increased concerns of online abuse amongst all internet users
- National / International response increasingly focusing on **appropriate, effective, efficient abuse handling**:-
 - EU legislation (e.g. NIS, ENISA, Cybersecurity Act, CPC Regulation), “Notice & Action” etc.
 - Dept. of Communications - recent press release regarding social media and takedown legislation
- to identify the issues involved in developing an appropriate abuse handling strategy
- PAC split discussions into two work streams – **Technical Abuse** and **Criminal Abuse**

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Recap continued

- Stopping abusive activity and removing illegal content

- Removal of the content from the Internet is the most *effective* way to avoid content being accessed.
- Two parties have access to the content (or the device storing it): the **content publisher** and **hosting provider**.

- What role have ccTLD operators played?

- Attempts to “block” abuse at the Registry-level usually result in domain registration **suspension/deletion**
- Historically, ccTLD operators have taken action as **last resort** (in emergency/Court Order/Law Enforcement)

- Challenges faced by Registry-level action:-

- the abusive content remains **available** (as only the host or content publisher can truly remove it)
- such measures may have **unintended collateral damage**

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Current practice at .ie

- Respond **reactively** to reports of abuse – following existing internal complaint handling levels
- Registrant typically given **opportunity to stop the offending action** over 14-30 day period
- Failure to address the issue, results in **suspension**, then if un-remedied, deletion
- Registrant Terms & Conditions provide for suspension/deletion in certain circumstances

(e.g. unlawful use, where DNS threatened, WIPO decision, Court order.....)

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

4.1. Technical abuse

❖ Discussions have focused on:-

- how other ccTLDs handle tech abuse
- when action should be taken / who should take it etc.
- the potential introduction of a free informational service for Registrars, such as NetCraft:
 - Alerting Registrars if domains under their management are engaging in abuse
 - Publishing helpful guidelines outlining suggested Registrar action
 - The rationale for this is that Registrars have a direct relationship with the Registrant and/or those managing the registration

❖ Broad consensus amongst the PAC for this approach during previous discussions

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Recommendation Request

- IEDR is:-
 - ❖ mindful that there has been a noted **increase** in registration and technical **abuse** in other EU ccTLDs
 - particularly in light of the current Covid-19 situation, and the rise in e-commerce etc.
 - ❖ eager to ensure the **continued safety** of the .ie namespace for the Irish internet community
 - ❖ wishes to progress this work stream, to **support the Registrar community** in its efforts to continue acting responsibly in response to abuse
- Therefore, IEDR requests that the PAC issue a recommendation for the Registry to:
 - introduce a Netcraft-style, free, informational service for Registrars
 - publish guidelines for Registrars outlining suggested actions to be taken

4. Update on the on-going discussion relating to the handling of abuse in the .ie namespace

4.2. Criminal Abuse

- Discussions have focused on potential introduction of a cooperative arrangement with the Garda National Cyber Crime Bureau (GNCCB)
- GNCCB contacted IEDR prior to PAC discussion requesting the introduction of such an arrangement
- IEDR raised suggestion for PAC input:
 - Some PAC members commented that they felt IEDR should be prepared to act responsibly and have a protocol in place to address serious, criminal abuse, if/when it arises.
 - Other PAC members questioned whether there was a genuine need for such an arrangement
- Representatives from GNCCB and Economic Crime Bureau (GNECB) presented at PAC#23 on:
 - what problems they are having with tackling online abuse (particularly with .ie names)
 - which crimes they wish to tackle via a cooperative arrangement
 - what frictions they're experiencing with "normal" channels for suspension/takedown

4. Update on the on-going discussion relating to the handling of abuse in the .ie namespace

4.2. Criminal Abuse

The GNCCB/GNECB representatives discussed:

- Types of abuse they encounter, including:
 - Those resulting in serious, life-impacting consequences
 - such as sextortion/blackmail, distribution of child abuse material, human trafficking, fraud (including advance fee fraud, ransomware), amongst others.
- The need to ensure the safety of legitimate Internet users
- The need for all internet stakeholders to play an active role in promoting online safety
- The reality that cybercriminals are **tech-savvy**, sometimes based overseas, and capable of **exploiting the borderless nature of the internet**, and are **quick to adapt** to ensure the continuation of criminality, which leads to challenges

4. Update on the on-going discussion relating to the handling of abuse in the .ie namespace

4.2. Criminal Abuse

The GNCCB/GNECB representatives also noted that **reactive policing** efforts operate relatively effectively:

- no notable abuse concerns within the .ie namespace
- no notable friction with existing takedown and suspension procedures
- ISPs typically act responsively and responsibly in response to requests from the GNCCB and GNECB

They commented on a shift to **proactive, preventative** policing:

- to combat the tech-savvy nature of criminals (adapting promptly to site takedowns)
- to protect legitimate internet users from becoming victims of serious, life-altering crime

Regarding a potential **Cooperative Arrangement**:

- They acknowledged the important value of a potential arrangement
- Noted that it should be a structured process with appropriate safeguards that meet the needs of all stakeholders, and operate in a manner which is mutually beneficial
- Would potentially be used where hosts had failed to address the issue

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Next Steps:

1. Does that PAC feel that a cooperative arrangement should be implemented with the GNCCB?

- Provided it operates subject to the procedural safeguards? For example:
 - where the hosting provider has first **been notified** and **failed to take action**
 - where it is confirmed that a .ie domain is being used for **unlawful purpose**
 - follows a **structured process**, with **engagement** with both Registrar and Registrant
 - With request submission required from a **dedicated/single point of contact** that has been **appropriately informed** of the procedural requirements
 - IEDR publishing **annual statistics** on volume of suspension requests received

2. If so, is the PAC happy for the Secretariat to progress a draft of a structured process and related workflow for the handling of such cases (and circulate this to the PAC for review / word-crafting)?

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5. Fast-track policy change requests relating to the Registration and Naming Policy

- **Proposed Policy edits relate to:**
 - Introducing new terminology to mirror that used in the new platform
 - Introducing a new defined contact role for Registrant
 - Updating “how to” content explaining how certain processes operate
 - Explaining the new .ie domain lifecycle (which will move to the generic TLD model)
- Changes to the wording of the Policy Statement are expected to be **minimal**
- **Guiding principles** within the Policy Statement will remain in place. For example, the **managed registry** model will continue to operate:
 - Registrants will still be required to provide evidence of their connection to Ireland etc.
- Provided consensus for the change is established amongst the PAC, IEDR intends to work with the Registrar channel on word-crafting the necessary text changes.
- Text edits relating to blocked / reserved names will also be accommodated during this drafting process

5. Fast-track policy change requests relating to the **Privacy Policy**

- **Existing provisions prescribe that personal data processing may be done:**
 - By those providing technical and support services to the Registry, based in the EU and USA
- **.CA will provide such services to IEDR in future on an on-going basis**
 - Therefore, IEDR wishes to add “Canada” to the “locations of processing” within the Policy for transparency
- **On a day-to-day basis, personal data within the .ie database will strictly be processed by IEDR in Ireland**
- **Three potential scenarios have arisen where .CA may need to access personal data elements in the .ie database:**
 - during the software development stage, testing ongoing monthly releases
 - disaster recovery and business continuity scenarios
 - potentially future bugs/defect resolution
- **IEDR has undertaken a data protection impact assessment (DPIA)**
 - determined that the risk to data subjects is low

5. Fast-track policy change requests relating to the **Privacy Policy**

DPIA Considerations:

- Strict personal **data processing rules** have been mandated within the contract between .IE and .CA
 - to ensure such data is handled securely, and responsibly and is protected
- European Commission has determined that Canada's data protection laws offer an **adequate level of protection**
 - via an adequacy decision
- .CA is a highly reputable and professional Registry
 - focused on security and data protection
- .CA is in the process of obtaining ISO certification for information security
 - expected in summer 2020
- The proposed processing by a party involved in “technical and support services” aligns with existing provisions within the .ie Privacy Policy (approved by PAC in May 2018)
 - and closely aligns with the expectations of data subjects

5. Fast-track policy change requests relating to the Data and Document Retention Policy

- **Existing Policy provisions prescribe that personal data may be retained:**
 - for the period of the contract between the Registrant and the IEDR (for a .ie domain registration), plus a further 2-year period after the **domain is deleted / transferred**
 - The personal data is then removed
- As part of the migration to the new platform, the .ie database will be significantly restructured
 - The new database will separate the Domain-Contacts data relationship
 - This will alter, and simplify, the operation of the data cleanup jobs (which are currently highly complex)
- Within the new platform, the personal data of Domain Contacts will be removed earlier:-
 - two years after a Domain Contact was last associated with **any** active .ie domain
 - rather than after domain deletion / transfer
- Therefore, the proposed Policy edits relate to:
 - Updating language in the Policy to clarify when personal data will be removed
- Note that this proposed retention closely mirrors existing practices and the overall Policy impact is minimal.

5. Fast-track policy change requests relating to the Data and Document Retention Policy

Retention Practices	
Current Retention	Personal data is kept for the lifetime of the domain, plus two years
Proposed Retention	Personal data is kept for the lifetime of the contact being actively used in a contact role for any .ie domain, plus two years

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6. Any Other Business

- 6.1 Annual Report on the operations of the PAC in 2019
- 6.2 Update on industry related developments/legislative changes (including NIS Directive) to be outlined by PAC members
- 6.3 Conclusion of the policy change proposal to modify .ie WHOIS Policy with respect to mandating use of the abuse contact
- 6.4. Industry's actions in response to Covid-19 emergency

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IE Domain Registry

Next Meeting

PAC # 25

3 September 2020