IE Domain Registry CLG

Policy Advisory Committee – PAC #24

Minutes from the 11 June 2020 Meeting

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Minutes of the PAC #24 Meeting held on 11 June 2020

Meeting Location: Virtual meeting held via Zoom.
Meeting Time: Called to order at 11:00am by the PAC Chair.
Members and representatives present:

Chair
CyberSafe Ireland
Department of Business, Enterprise and Innovation (DBEI)
Department of Communications, Climate Action & Environment (DCCAE)
HEAnet
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Register Group)
.ie Accredited Registrar (FCR Media)
Irish Computer Society (ICS)
Small Firms Association
IE Domain Registry
PAC Secretariat

1. Memberships Matters

Apologies – Members not present:

- Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Enterprise Ireland
- Law Society of Ireland – pre-arranged
- .ie Accredited Registrar (MarkMonitor)
- Internet Service Providers Association Ireland (ISPAI)
- Irish Reporting & Information Security Service (IRISS)
- Representative of the IE Domain Registry Board of Directors – pre-arranged

2. Minutes from the 20 February 2020 PAC #23 meeting

The Chair confirmed that the Minutes from the PAC #23 meeting were published online at http://www.iedr.ie/policy-development-process/ following the 10-day comment period.

It was noted that no requests for edits were made during the PAC member comment period. Accordingly, the minutes will be digitally signed by the Chair.

The Secretariat confirmed that the draft Minutes will be circulated to the membership within one week of PAC meetings in future in order to give sufficient time for the drafting process.

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

Background:

The Secretariat reminded the PAC this policy change request related to the need to introduce enhanced consistency and clarity regarding the handling of reserved and blocked names, i.e. names that are not permitted for registration.

It was also noted that, historically, there had been some lack of clarity regarding the distinction between what names were blocked or reserved, and which domains were being held for future commercial use by the Registry (as, in many cases, both appeared as registered to the IEDR on the .ie WHOIS lookup service).

The Secretariat summarised the actions taken to date, which include the following steps:

- A Discovery Group was established to review how other ccTLDs handle such names
- The Discovery Group determined that an appropriate policy response would involve mirroring the approach adopted by EURid, which manages the .eu extension.
- This approach requires that:
  - minor edits be made to the Registration and Naming Policy, to clarify that reserved and blocked names were not available for registration
  - a non-exhaustive list of reserved/blocked names be published (with the proviso that a list of those names blocked on security grounds would not be made publicly available)
  - user-friendly materials, such as leaflets, with guidance on why/how such names are handled, also be made available
  - a defined, transparent procedure for facilitating requests to "apply" for reserved names (available to those with a legitimate, overriding interest in the name) should be introduced
  - "blocked" and "reserved" labels, similar to those used by EURid (.eu) to distinguish the applicable grounds for blocking / reserving names, be introduced for WHOIS lookup responses

It was also determined that .ie domains intended for potential future commercial use by the Registry would be treated as normal registrations, rather than as reserved/blocked names, and re-classified as such. In line with standard practice, these names will show "IE Domain Registry CLG" as the domain holder on WHOIS.

Updates and Next Steps:
1. Minor edits required to the Registration & Naming Policy will be drafted with Registrar channel input, via the PAC Registrar representatives, later in 2020**,** as part of other planned edits to that Policy
2. User-friendly guidance materials, including helpful on-site content and a leaflet, are in draft form
3. Domains intended for potential future commercial use by IEDR have been re-classified as normal registrations
4. A transparent procedure for facilitating requests to "apply" for reserved names was drafted in November 2019. This was previously circulated to the Working Group for review, and no objections were raised.
5. WHOIS response messages for lookup requests for blocked/reserved names:
   - are being designed as part of the new .ie technical platform development
   - will be introduced with the launch of that new platform in November 2020

There was discussion on the upcoming features of the new system. IEDR briefly summarised some of the upcoming changes, and noted that the new platform will offer the ability the tag domains are "reserved" and "blocked", making it easier to transparently manage such names. It was further confirmed that IEDR will continue to offer the use of the WHOIS lookup service, in addition to introducing the Registration Data Access Protocol (RDAP) service.

There was consensus to address the policy changes arising from this work stream as part of those being discussed under Agenda item 5.1. Further updates will be provided at the PAC #25 meeting.

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

Background:

It was noted that the topic had been raised for discussion in a bid to establish whether a policy response was needed to tackle potential online abuse in the .ie namespace, and if so, what that appropriate policy response would entail.

Discussions on the topic to date were summarised. It was noted that the Committee had distinguished its discussion on this topic under two work streams. These work streams relate to the handling of criminal abuse and technical abuse.

4.1. Technical Abuse

Discussions to date were summarised for the PAC. It was noted that previous discussions had focused on evaluating how other ccTLD operators handle technical abuse, in particular, the approach adopted by Nominet, which manages the .uk extension, and which was presented at the PAC #20 meeting. This approach would involve the Registry facilitating a free, informational service for Registrars, alerting them if domains under their management are engaging in technical abuse, and providing helpful guidelines suggesting what appropriate action should be taken in response to such abuse.

Discussions also considered who was the most appropriate party to take action in response to instances of technical abuse. The PAC had previously determined that the accredited .ie Registrar channel was more appropriately placed than the Registry, as it has the power to immediately disable hosting, and also has a direct relationship with the Registrant, and/or the party managing the domain.

The PAC was reminded that broad consensus for the approach outlined above had been established at previous PAC meetings. IEDR explained its desire for increased urgency in light of the current Covid-19 situation, and the increasing reliance on online services by potentially vulnerable internet users, particularly SMEs and consumers. Across Europe, it was apparent that CENTR colleagues in the domain industry are closely monitoring the situation and assessing what actions could be taken in cooperation with the channel and stakeholders to assist in addressing online threats and abuse.

IEDR advised the PAC that it was eager to ensure the continued safety of the .ie namespace for the Irish internet community. Therefore, IEDR asked the PAC if it was supportive of the proposal for IEDR to proceed with:-
- the implementation of a free, informational service, to be provided by a third party service provider, NetCraft, to notify Registrars if domains under their management are engaging in technical abuse,
- drafting and publishing helpful guidelines, detailing what appropriate action should be taken by Registrars and hosting service providers in response to such abuse. These would be drafted with input from the Registrar channel via the PAC Registrar representatives.

The PAC Registrar representatives commented on the important need to ensure that Registrars had access to additional technical tools within IEDR's systems to support them in taking immediate action against technical abuse. IEDR acknowledged this point, and confirmed that it would be introducing a new feature as part of its new technical system launch in November 2020. This new feature would enable Registrars to fast-track suspension of domains from the published .ie zone for abuse reasons. It was noted that, as is seen in other namespaces, this feature would be subject to appropriate acceptable use provisions within the Registrar Agreement. The Registrar representatives welcomed the introduction of this feature, and agreed that it was important to work collaboratively with the IEDR to draft appropriate wording for the guidelines.

Discussion turned to the intended service provider of the technical abuse notifications, NetCraft. It was remarked that NetCraft is well-respected within the domain industry and is widely used. An accredited Registrar representative on the PAC commented favourably on the service, noting that it had experience in receiving such notifications from this body in the past.

There were no objections raised to the adoption of a Nominet-type approach for handling technical abuse. IEDR confirmed that it would work to progress action on this work stream with the Registrar channel, and report to the PAC with further updates in due course.

4.2. Criminal Abuse

The PAC was reminded that previous discussions had focused on the potential introduction of a cooperative arrangement between IEDR and local law enforcement agencies. This cooperative arrangement would facilitate the suspension of .ie domains in response to requests from local law enforcement agencies when they confirmed that a .ie domain was being used in connection with criminal activity.

Following robust discussion at previous PAC meetings, 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, whilst other PAC members questioned whether there was a genuine need for such an arrangement.

It was therefore agreed to invite representatives from local law enforcement agencies to present to the PAC on:
- ➢ what problems they are having with tackling online abuse (particularly with .ie names)
- ➢ which crimes they wish to tackle via a potential cooperative arrangement
- ➢ what frictions they're experiencing with existing "normal" channels for suspension/takedown

Representatives from the Garda National Cyber Crime Bureau (GNCCB) and Economic Crime Bureau (GNECB) presented on these matters at the PAC #23 meeting. These representatives commented on the types of crimes they were looking to address via such an arrangement. These serious, life-altering crimes included sextortion/blackmail, distribution of child abuse material, human trafficking, fraud (including advance fee fraud, ransomware), amongst others.

The PAC was reminded that the Garda representatives had commented that:-
- ➢ there was a genuine need to protect legitimate internet users from becoming potential victims, particularly in light of the serious, life-altering consequences that can arise from such crimes
- ➢ their goal is to protect legitimate internet users, by adopting more <u>proactive</u>, preventative measures
- ➢ their <u>reactive</u> policing measures were operating with relative effectiveness, and that:-
  - there were **no notable abuse concerns within the .ie namespace**
  - there was **no notable friction with existing takedown and suspension procedures**
- ➢ ISPs typically act responsively and responsibly to requests for takedown from the GNCCB and GNECB
- ➢ the greatest challenges faced by law enforcement agencies, which were leading to a shift for policing measures to become proactive, relate to the:-
  - speed with which tech-savvy criminals adapt to takedowns, **setting up additional websites** to continue criminal behaviour
  - ability of cyber criminals to exploit the borderless nature of the internet
- ➢ a potential cooperative arrangement with .ie would greatly assist with proactive, preventative policing
- ➢ anticipated volumes of requests under such an arrangement are low
- ➢ such future proactive requests would relate to crime that is very serious in nature.

The PAC was further reminded of some of the procedural and operational safeguards that were proposed in order to mitigate potential misuse of the cooperative protocol arrangement. These included the:
- ➢ use of a defined process, which meets the needs of all stakeholders, which includes prior engagement with the Registrar and Registrant
- ➢ use of the protocol only where the hosting provider has first been notified of the issue, and failed to take action
- ➢ requirement for a defined / single point of contact within the GNCCB that could submit requests to the Registry. This contact would be appropriately informed of the protocol, and its impacts etc.
- ➢ the need for accountability, trust and transparency (publishing annual statistics)

Discussion followed on:
- the importance of adopting a structured process, if a cooperative protocol arrangement is implemented
- the need to address the sometimes poor quality of information typically received by ISPs and Registrars from law enforcement agencies as part of takedown requests
- the need to avoid potential misuse of the service
- the need to ensure a takedown request has first been attempted, through appropriate channels, with the hosting provider
- the value of annual reporting on the volume of cases etc. (which was welcomed)

Next Steps:
The PAC was asked if there was consensus for the Secretariat:-
- to re-visit the draft protocol arrangement, and to revise this in order to ensure the safeguards outlined above are included
- to circulate this revised edition to the representative from the GNCCB for discussion purposes, and to revert to the PAC with the GNCCB feedback in due course, for further consideration

There was agreement for this approach, and the Secretariat confirmed that it would provide further updates at the next PAC meeting.

5. Fast-Track Policy Change Requests

The IEDR informed the PAC of its major investment in a new registry management platform and confirmed that it was intending to retire its existing technical systems later this year. The Registry has licensed the state-of-the-art domain management platform designed by the Canadian Internet Registration Authority (.ca), which will be customised to support .ie operations and the managed registry model. This platform will be known as TITAN, and it will support the industry standard EPP technical protocol.

As part of this system migration, there are a number of changes required to .ie Policies, particularly with regard to updating terminology to reflect the new platform operations. The proposed policy changes are set out below:-

5.1. Registration and Naming Policy

As part of the migration, a number of changes will be required to the Registration and Naming Policy. These changes relate to updating terminology, e.g. using Registrant in place of Domain Holder; introducing the new Registrant contact role; setting out the new EPP lifecycle; and updating content relating to "how to" guidelines on completing certain processes and procedures.

It was noted that the policy principles will remain unchanged, and that the IEDR will continue to operate the managed registry model, with all future Registrants still being required to provide evidence of their connection to Ireland.

There was discussion on the important need to ensure smaller Registrars are prepared for the migration, particularly with regard to the new domain lifecycle and its deletion cycle, which runs for a period of 75 days, in contrast to the existing period of 70 days. IEDR confirmed that it began engaging with the Registrar channel regarding the system changes at Registrar Day in November 2019, and that it recently held a demonstration of the Canadian iteration of the platform (which does not yet have the .ie customisations in-built). It was also confirmed that the Registry would continue to work closely with its partners in the Registrar channel to provide training and other supports.

It was requested that the PAC issue a recommendation for the policy change request, and for the Secretariat to work with the PAC Registrar representatives to draft the appropriate edits to the policy. There was consensus for this approach, and the PAC issued its recommendation, with the intention that word-crafting will be undertaken over the coming months by the Secretariat, with input from the Registrar channel. Further updates will be provided at the next PAC meeting.

5.2. Privacy Policy

It was noted that the existing provisions of the Privacy Policy prescribe that personal data processing may be done by entities based in the EU and USA who are providing technical and support services to the Registry.

As part of the planned migration to the TITAN platform, IEDR has contracted with .CA to provide such services to the Registry in future. Therefore, it was confirmed that IEDR wishes to add "Canada" to the "locations of processing" within the Policy for transparency purposes.

It was confirmed that, on a day-to-day basis, personal data within the .ie database will strictly be processed by the IEDR in Ireland. However, IEDR acknowledged that three potential scenarios have arisen where .CA may need to access personal data elements in the .ie database. These scenarios are as follows:
➢ the software development stage, testing ongoing monthly releases
➢ disaster recovery and business continuity scenarios
➢ potentially future bugs/defect resolution

IEDR advised that it had undertaken a formal data protection impact assessment (DPIA) to assess any potential adverse impact to data subjects, and/or their rights. It was confirmed that the DPIA had assessed the potential risk to data subjects and their rights as low, due to a number of considerations:

➢ Strict personal **data processing rules** have been mandated within the contract between IEDR and .CA to ensure personal data within the .ie database 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 management, which is expected to complete 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

It was requested that the PAC issue a recommendation for the policy change request, and that the Secretariat work with the PAC Registrar representatives to draft the necessary edits to the policy. There was consensus for this approach, and the PAC provided its recommendation, with the intention that word-crafting will be undertaken over the coming months by the Secretariat, with input from the Registrar channel. Further updates will be provided at the next PAC meeting.

5.3. Data and Document Retention Policy

It was noted that the existing provisions of the Data and Document Retention Policy prescribe that personal data associated with a .ie domain registration may be retained by the Registry for the period of the contract between the Registrant and the IEDR (for a .ie domain registration), plus a further 2-year period after deletion or reassignment.

It was confirmed that the edits required to the policy related to updating terminology and clarifying when personal data would be removed.

IEDR explained that the .ie database will be significantly restructured as part of the planned migration to the TITAN platform. As part of this database restructuring, the data relationship between the domain and domain-contact will be separated, which will simplify the operation of the automated data cleanup job, and will enable the IEDR to potentially remove personal data of contacts earlier than would happen under existing practices. Specifically, personal data of contacts would be kept for the lifetime of its contact role, plus two years.

The PAC welcomed the proposed changes, and the potential earlier removal of a contact's personal data. It was requested that the PAC issue a recommendation for the policy change request, and that the Secretariat work

with the PAC Registrar representatives to draft the necessary edits to the policy. There was consensus for this approach, and the PAC provided its recommendation, with the intention that word-crafting will be undertaken over the coming months by the Secretariat, with input from the Registrar channel. Further updates will be provided at the next PAC meeting.

6. Any Other Business

6.1. PAC Annual Report 2019

The Secretariat confirmed that the Annual Report on the operations of the PAC in 2019 was drafted, and would be circulated to the membership with the Minutes of this meeting for review. It was confirmed that comments will be welcome over a 10-day period, and that the final approved Annual Report 2019 would be presented by the PAC Chair to the IEDR Board of Directors at its next meeting in July 2020.

6.2. Update on industry related developments/legislative changes (including NIS Directive) to be outlined by PAC members

It was noted that there were no updates on the implementation of the NIS Directive by the Department of Communications, Climate Action and Environment.

A PAC Registrar representative outlined updates on GDPR-related matters and developments from the gTLD, ICANN-led space, regarding updates on the new gTLD application process (including the progress on the dispute in relation to the .amazon TLD application). It is now generally expected that ICANN's next round of applications for new gTLDs will exclude countries and territories e.g dot.Ireland. In the last round, ICANN received over 1,900 applications for c.1,400 new top-level domains.

6.3. Conclusion of the policy change proposal to modify the .ie WHOIS

The PAC was reminded that the policy change request related to mandating Registrar use of the abuse contact on the .ie WHOIS output. The progress of the policy change request was summarised, and it was noted that the PAC provided its recommendation for the change at the PAC #22 meeting. It was confirmed that the IEDR Board of Directors approved the policy change at its December 2019 meeting, and that implementation efforts had been undertaken with the Registrar channel since that time. It was confirmed that the use of the abuse contact field has been mandatory since 30 April 2020, with c.95% of Registrars complying with the change.

As implementation related matters had concluded, it was agreed that the policy change should be formally concluded. Therefore, it was agreed that the Chair would digitally sign the policy change conclusion template after the meeting. The Chair thanked the PAC for its efforts and commitment to reviewing the policy change request.

6.4. Industry's actions in response to Covid-19 emergency

Members were invited to set out their experience, and the challenges they've faced, in recent months due to the on-going Covid-19 pandemic. The Registry noted that it had experienced record registration numbers in recent months, with more businesses moving online. It also noted that the Registry is offering a temporary price discount to Registrars for new registrations during Q2. In addition, the Registry is assisting existing Registrants by contributing to the Registrar channel's financial supports for small businesses and customers in financial difficulty, with waived domain renewal fees. Further information on this is available at https://www.iedr.ie/covid-19-business-supports/.

There was further discussion on the broader economic impacts, in particular on micro businesses and SMEs and whether such businesses will adopt e-commerce as part of their long-term trading strategy. One member described the actions taken to address the challenges facing the education sector in establishing internet support hubs for those students in rural locations that are unable to access sufficient internet access from their homes.

7. Next Steps

PAC Secretariat will work with the Registrar channel to draft edits to the following Policies relating to the Agenda Item 5 within these minutes:

- ✓ Registration and Naming Policy*
- ✓ Privacy Policy
- ✓ Data and Document Retention Policy

*(These edits will also accommodate edits arising from the policy change request relating to reserved / blocked names, referred to in Agenda Item 3).

8. Next Meeting

The provisional date for the next PAC meeting has been set for 3 September 2020.