

## Accuracy Scoping Team – Proposed Path Forward

Following the Council discussion on the topic of accuracy during the Council Extraordinary Meeting of 8 April 2021, Council leadership with the support of the GNSO Support Staff, has put together the following proposed next steps in relation to the topic of accuracy.

### Scope / approach

The topic of accuracy has its origin in the Expedited Policy Development Process (EPDP) which has a limited scope, i.e., “to determine if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy, as is or with modifications, while complying with the GDPR and other relevant privacy and data protection law.” If the community conversation on accuracy is limited to GDPR compliance, the recent legal guidance received by the EPDP Team seems to suggest that accuracy is a matter for the data controllers (i.e., ICANN org and contracted parties) and there may not be an immediate need for the community to undertake further work at this point:

*“ICANN and/or the contracted parties will be best placed to evaluate whether the procedures currently in place are sufficient or if it would be reasonable to take additional measures to comply with the [GDPR] Accuracy Principle – and if so, to assess which measures would be more appropriate.”<sup>1</sup>*

At the same time, the [ICANN org briefing](#) on accuracy suggests the community takes a broader approach that will encompass the wider range of issues, not only those related to the GDPR and data protection but also to take into account the ongoing higher level conversations on accuracy and the proposed NIS2 legislation.

Recognizing that there may be different interpretations of what “accuracy” means, what it may or may not include in different contexts and the laws in this area are evolving, it may be worth exploring the topic from a different angle.

1. Council leadership would like to propose that the scoping team focuses its deliberations on identifying what problems, if any, are expected to be addressed and how.

### Study / research

The [ICANN org briefing](#) provides important insights into the impact that GDPR has had on existing contractual requirements in relation to accuracy (“ICANN org has found that there has been minimal effect of the GDPR, or the adoption of the Temporary Specification for gTLD Registration Data (Temporary Specification) and Interim Registration Data Policy for gTLDs (Interim Policy), on enforcement of these [accuracy] requirements. However, in relation to the WHOIS Accuracy Reporting System the briefing notes that “because of the implementation of the GDPR and the adoption of the Temporary Specification and Interim

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<sup>1</sup> From the [Bird & Bird Accuracy Follow Up Memorandum](#) “ICANN and/or the contracted parties will be best placed to evaluate whether the procedures currently in place are sufficient or if it would be reasonable to take additional measures to comply with the [GDPR] Accuracy Principle – and if so, to assess which measures would be more appropriate.”

Policy, ICANN org has not released any reports since June 2018, pending continued work on the topic of registration data and accuracy in the ICANN community”. Furthermore, the ICANN org briefing paper suggest that “ICANN org believes that it may be beneficial to commission a study on how accuracy of registration data might be measured, and that a framework for such a study be developed together with the GNSO Council and with input from the ICANN community”.

The recent Bird & Bird response to the EPDP Phase 2a Team also suggests that “[t]he use of statistics and the monitoring of the number of correction requests from data subjects are also measures that could contribute to ensuring an adequate level of accuracy. For example, monitoring trends in rectification requests could allow to identify an accuracy gap or where a measure may not be entirely effective and take steps to cover the gap or replace the measure with a more appropriate one”.

As part of identifying the problems under 1), the scoping team is expected to confirm these problems as well as the scope/size of the problems based on facts and data and make an informed recommendation for how these problems are expected to be addressed and how the impact of possible solutions can be measured.

2. Council leadership would like to propose that in parallel to assignment 1., the scoping team works with ICANN org and Contracted Parties to identify if/how additional data can be gathered to assess the current state of accuracy of registration data. This is expected to 1) facilitate scoping of the problem(s) to be addressed, if any, 2) establish a benchmark against which possible improvements can be measured and/or the state of accuracy can be tracked over time, 3) ensure that any possible next steps are the result of data driven policy development. In doing so, the scoping team is expected to take into account previous studies / research that has been undertaken in this area, the suggestions in the ICANN org briefing as well as the suggestion made in the Bird & Bird memo. This additional data gathering could take different approaches, for example, it may be possible to gather ‘quick’ information by reviewing correction requests from data subjects or requesting third party requestors to report on inaccurate data received in response to data disclosure requests. At the same time, a proper study may also be considered, recognizing that the scoping team should factor in time and resources that may be needed to conduct such a study as well as ensuring that any data is processed in accordance with applicable data protection legislation.

The scoping team is expected as a first step to develop a proposed workplan and timeline with a realistic estimate for how long it is expected to complete the work outlined under 1 and 2 (note, this is not expected to include the expected timeframe for conducting any possible studies / research gathering). Similar to other efforts, the scoping team would need to follow the Project Change Request (PCR) process to flag any potential changes to the timeline. Once the scoping team completes its work it will report back to the Council with its conclusion on 1) what problems have been identified and how these are expected to be addressed, 2) how these problems can be quantified / confirmed, and 3) proposed next steps. The Council will consider the findings and outputs from the scoping team and decide on next steps and/or further assignments for the scoping team.

## Scoping team composition

Noting the proposed assignments of the scoping team, the different groups are expected to assign representatives that preferably have knowledge and expertise on the topic of accuracy and/or the design of studies. Based on the interest expressed so far by the different groups, it is proposed that each interested SG/C/AC can assign up to 2 members to this effort. A call for volunteers would go out so that groups that did not respond to the expression of interest still have an opportunity to put forward volunteers.

3. Council leadership proposes that a call for volunteers is circulated to all GNSO SG/C/ACs with the request to assign up to 2 members to this effort, if they are interested to participate. Interested groups will be encouraged to assign and identify members with specific knowledge and expertise to address the proposed assignment.

## Timing

Several groups have indicated that likely volunteers for this effort are currently involved in the EPDP Phase 2a deliberations which would make an immediate start problematic. At the same time, the EPDP Team is expected to publish its Initial Report by the end of May 2021 which would mean there will likely be a pause in its activities while the report is out for public comment.

Considering the assignment, the scoping team is expected to heavily rely on the support and knowledge of ICANN org's GDS Policy Research Team. As such, their availability may also be a factor in the start date for this effort.

4. Council leadership proposes that a call for volunteers would go out shortly, with the aim of having the scoping team gather as soon as the EPDP Phase 2a publishes its Initial Report for public comment, if this aligns with the availability of ICANN org support for this effort. As a first step, Council leadership would reach out to ICANN org's GDS Policy Research Team to better understand support available and timing of availability.

## Background information on this topic:

- <https://gnso.icann.org/en/correspondence/marby-to-drazek-05dec19-en.pdf> (5 Dec 2019)
- <https://gnso.icann.org/en/correspondence/drazek-to-marby-15oct19-en.pdf> (15 Oct 2019)
- <https://gnso.icann.org/en/correspondence/marby-to-drazek-21jun19-en.pdf> (21 June 2019)
- Bird & Bird legal advice:  
<https://community.icann.org/download/attachments/111388744/ICANN%20memo%209%20April%202020.pdf?version=1&modificationDate=1588031082000&api=v2> and  
<https://community.icann.org/download/attachments/102138857/ICANN%20->

[%20Memo%20on%20Accuracy.docx?version=1&modificationDate=1550152014000&api=v2](#) and

[https://community.icann.org/download/attachments/155191493/ICANN%20-](https://community.icann.org/download/attachments/155191493/ICANN%20-%20EPDP%20Phase%202a%20-)

[%20Memo%20re.%20VSC%20and%20consent%20options%20-](#)

[%2020210406.docx?version=1&modificationDate=1617804552000&api=v2](#)

- Substantive input provided on this topic during the [public comment forum on the addendum](#)
- [Added] ICANN org briefing paper on accuracy:  
<https://www.icann.org/en/system/files/correspondence/swinehart-to-fouquart-26feb21-en.pdf>