

To: The GNSO Council

Noncommercial Stakeholder Group Comment on the issue of Accuracy

The questions we are addressing assume a shared definition of "accuracy," which we lack. They also presuppose that registration data is inaccurate—a point that's debatable depending on our definition of "inaccurate." Therefore, our responses may not align directly with the questions posed.

At ICANN, the concept of accuracy has become muddled. Critics often label domain name registration data as inaccurate without defining "accuracy" within ICANN's limited mission. Notably, ICANN's mandate doesn't include using registration data to identify registrants. While the Bylaws require ICANN to ensure data accuracy, this doesn't equate to identifying domain name registrants.

Inaccurate data should be defined within ICANN's scope: ensuring registrants are "contactable." Registrars might have other uses, but for ICANN, data is inaccurate if the registrant can't be reached due to errors in their contact details.

Imposing stricter "accuracy" requirements can infringe on registrants' rights. Mandating registrant identification contradicts the principle of respecting anonymity and can negatively impact data protection and global domain access. Requiring identification, such as ID cards, violates data minimization principles.

We don't see significant challenges with data accuracy. Existing requirements mandate registrants to keep their data accurate, as [outlined here](#).

While ICANN should comply with applicable laws, it shouldn't incorporate various laws into its policies. Regarding NIS2, we believe ICANN shouldn't adopt its definition of accuracy.

It's crucial to note that NIS2 is a directive, not a regulation. Its implementation will vary across European jurisdictions and shouldn't set the accuracy standard for ICANN, for two reasons:

1. NIS2's domain name provisions were influenced by specific stakeholder groups, not by multistakeholder consensus.
2. Some transposing laws (e.g., Germany) aim to identify registrants through data accuracy to prevent fraud. However, we believe that accuracy at ICANN shouldn't necessitate registrant identification.

The ICANN community hasn't clearly defined the problem to discuss a solution. Is domain registration data so inaccurate that registrants are entirely uncontactable, thereby jeopardizing DNS security and stability? In our view, this isn't the case.

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