

4.6 (e) Registration Directory Service Review

(i) Subject to applicable laws, ICANN shall use commercially reasonable efforts to enforce its policies relating to registration directory services and shall work with Supporting Organizations and Advisory Committees to explore structural changes to improve accuracy and access to generic top-level domain registration data, as well as consider safeguards for protecting such data.

(ii) The Board shall cause a periodic review to assess the effectiveness of the then current gTLD registry directory service and whether its implementation meets the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data ("Directory Service Review").

(iii) The review team for the Directory Service Review ("Directory Service Review Team") will consider the Organisation for Economic Co-operation and Development ("OECD") Guidelines on the Protection of Privacy and Transborder Flows of Personal Data as defined by the OECD in 1980 and amended in 2013 and as may be amended from time to time.

(iv) The Directory Service Review Team shall assess the extent to which prior Directory Service Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.

(v) The Directory Service Review shall be conducted no less frequently than every five years, measured from the date the previous Directory Service Review Team was convened, except that the first Directory Service Review to be conducted after 1 October 2016 shall be deemed to be timely if the applicable Directory Service Review Team is convened on or before 31 October 2016.

For GNSO Council consideration, here are 8 suggested areas of focus for the RDS Review Team, including a clear statement prohibiting duplication of work that is the purview of the RDS PDP WG:

1. Assess whether the current RDS efforts are on target to meet "the legitimate needs of law enforcement, promoting consumer trust and safeguarding registrant data.
2. Assess the RDS efforts currently underway (or planned in the near term) for the purpose of making recommendations regarding how they might be improved and better coordinated.
3. Ongoing PPSAI IRT work (recommendation 10 of WRT report).
4. Progress of cross validation implementation (recommendation 6 and 7 WRT report).
5. Review compliance enforcement actions and (recommendation 4 WRT report).
6. Availability of transparent data concerning enforcement of contractual obligations of Whois.
7. Assess the value and timing of RDAP as a replacement protocol.
8. Ensure no duplication of work that is the responsibility of the RDS PDP WG.