

# Registrar Stakeholder Group Comment on the Initial Report of the Data & Metrics for Policy Making Working Group

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This comment is submitted on behalf of the Registrar Stakeholder Group (RrSG).

Registrars would like to thank ICANN staff and the working group volunteers for their work in on the Initial Report on Data & Metrics for Policy Making. The potential to improve and shape the ICANN policy development process outlined by this work are important and worthy of notice by the entire ICANN community.

The RrSG believes the basic premise of this WG would benefit the ICANN community by encouraging better informed, fact-based policy. We would like to see ICANN make a commitment to this initiative and consequently have a number of comments below:

Broadly, we would like to note and emphasize the WGs recognition that data will be most impactful in the processes prior to launching a PDP, and the initial stages there of. Given the finite resources of the community, it is absolutely crucial that we ensure that the problems the community attempts to resolve are both material and appropriately prioritized.

Following that, we would also like to highlight the importance of defining wherever possible, quantitative, measurable goals for undertaken PDPs. The community should be casting a wary, skeptical eye on issues raised that lack evidence or rely on anecdotes and the GNSO should be able to reject a PDP, or at least constrain a PDP, if there is no evidence to support that a problem exists.

We'd like to recommend the working group consider emphasizing the continuous improvement role that data driven decision making can provide. This should include the measuring of the impact of a policy change for a period of time post implementation, and possibly a process to revert policy if the desired impact is not achieved.

As noted in the initial report, an independent third-party will likely be able to collect, anonymize and aggregate data. Such a service provider, however, will require funding and the cost should not be borne by the contracted parties. If ICANN wishes to promote more fact-based decision making, it will need to commit to financially supporting service providers to collect and process data and/or facilitate the provisioning of data from other independent sources. Ensuring that an approved, secure, and neutral third-party is

collecting and aggregating data from contracted parties will make adoption of these recommendations far more palatable and will help to allay some of the concerns outlined below.

Lastly, we wish to reiterate a number of reservations regarding the collection and sampling of data from registrars:

- Given the diversity in the size of registrars, from one person operations to those with thousands, there will be difficulty in obtaining data from a broad enough array of registrars to ensure information is representative. Not all registrars will have the capacity or resources to provide data. We would encourage the working group to consider how to ensure that data collected has appropriate diversity and sampling.
- There is a danger that data may be skewed by the large differences in registrar process implementation and business models. These differences will need to be carefully accounted for.
- Registrars hold a considerable volume of personal and private information. This type of information should be excluded from any ICANN related data request.
- The collection of data from Registrars may raise anti-trust concerns.
- The length of time data collected will be kept for is also concern. It may grow stale and less relevant over time. Relatedly, the data should only be used for the purpose originally and explicitly intended, and should be disposed of when the relevant work is complete. This will help mitigate opportunistic data mining and requests for data without a legitimate policy concern.

Thank you again for the opportunity to comment, and we look forward to further efforts from the working group.