

Contribution on Timeline for Urgent Requests for Lawful Disclosure of Nonpublic Registration Data (Version of October 22nd 2025)

1. Background

The Internet Corporation for Assigned Names and Numbers (ICANN) is seeking input on a timeline for urgent requests for the lawful disclosure of nonpublic registration data for circumstances in which the party requesting access to the data has been authenticated.¹

2. Contribution

Our contribution reflects issues relating to children's rights and childhood. This is based on our experience and expertise with regard to the project, 'Child Protection and Children's Rights in the Digital World'². We will not be reflecting issues of trademarks and other intellectual property rights.

Stiftung Digitale Chancen supports the ongoing process to define a meaningful timeline for urgent requests with regard to the Registration Data Request Service (RDRS) and encourage all parties involved in this process to strive for a solution close to the position of the Governmental Advisory Committee (GAC), ICANN Board and Council. Against this backdrop, this timeline should reflect the urgency of the prevention of critical harm to life. Therefore, the disclosure of registration data should take a few hours rather than days as a fast disclosure of registration data could be key to save life and prevent, hinder, interrupt and/or stop the exploitation of a child.

We welcome that **para. 3.8** explicitly defines the exploitation of children as a case where disclosure of the data is necessary, we also welcome that circumstances that pose an imminent threat to life are mentioned in this paragraph. Child sexual exploitation is a heinous crime facilitated in many cases through the digital environment. Depictions of these crimes often last forever online by saving, sharing, disseminating and hosting Child Sexual Abuse Material (CSAM) on websites, platforms and file sharing services.

In line with Article 1 of the United Nations Convention on the Rights of the Child, we understand the term children as any human being below the age of eighteen years. We propose to explain that fact in a meaningful way in the Registration Data Policy **para. 3.8** to make sure that all persons dealing with the document and/or urgent request processes have the same understanding of the term child or children, e.g. as follows:

*“Urgent Requests for Lawful Disclosure” (“Urgent Requests”) are a subset of Disclosure Requests submitted by an Authenticated Requestor that are limited to circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where disclosure of the data is necessary in combatting or addressing this threat, **referring to the UNCRC’s definition of a child as any person under the age of eighteen.** Critical infrastructure means the physical and cyber systems that are vital in that their incapacity or destruction would have a debilitating impact on economic security or public safety.*

¹ <https://www.icann.org/en/announcements/details/icann-seeks-input-on-registration-data-policy-urgent-request-timeline-22-10-2025-en>

² <https://www.childrens-rights.digital/>

Para. 10.6.2 regulates which information a response of a Registry Operator or Registrar should contain when responding to the requestor with a focus on reasons, why the requested data will not be disclosed by the requested party. In order to improve the system over time and enable potential requestors to better formulate a request we propose to add an obligation on Registry Operators and Registrars to share information in such a response on what is necessary, what is missed and/or what would have helped to decide to disclose the requested data, e.g. as follows:

*Provide rationale for why Registry Operator or Registrar cannot provide the requested data (in whole or in part) that identifies the specific reason(s) for such denial, including a clear explanation of how it arrived at its decision that is sufficient for a requestor to objectively understand the reasons for the decision. This includes an analysis and explanation of how the fundamental rights and freedoms of the data subject were weighed against the legitimate interest of the requestor (if applicable) **Also, information on missed but necessary information from the requestor to disclose the requested registration data must be provided.***

Para. 10.7.2.1 proposes a timeframe of two hours for the acknowledgement of receipt of the urgent request. As described in para. 3.8 urgent requests are defined e.g. as exploitation of children or as imminent threat of any life. In this regard two hours seem not to be appropriate. Law enforcement authorities (LEA) should receive the information that their request is delivered to the Registry Operator or Registrar within minutes. This process can be automated and should not need more than fifteen minutes.

Para. 10.7.2.2 sets the timeframe for responding to an urgent request. Although it is clearly formulated that an urgent request should be handled without undue delay, a timeframe up to 24 hours could be misunderstood and contradicts the required rapid response. Also, we do not consider the current timeframe as appropriate for the handling of cases of child exploitation or imminent threat to life. Therefore, we suggest to limit the maximum timeframe for handling an urgent request to a meaningful minimum, not exceeding three hours.

If exceptional circumstances occur and registrars and/or registry operators recognize that they will not be able to respond to an urgent request within the defined timeframe as laid down in para. 10.7.2.2, they shall notify the authenticated requestor without undue delay. Here also a very short timeframe should be set since when a LEA has issued an urgent request in order to protect children from exploitation, they need a very fast response in case of denial, so that they can check for other options and possibilities to protect the children. Also, we like to propose a new wording for the timeframe in cases of exceptional circumstances to reflect the urgency of the request in **para. 10.7.2.3**, as follows, and to encourage all parties involved to define the wording “a high number of domain names” by a precise number:

*If exceptional circumstances occur, Registrar and Registry Operator **MUST**, without undue delay and in all cases within **1 hour**, notify the Authenticated Requestor if there is a need for an extension to respond. The notification **MUST** include the rationale for the extension and the timeframe within which the Registrar or Registry Operator expects to respond, which cannot exceed 72 hours from receipt of the request. **The notification MUST contain a confirmation to handle the urgent request without undue delay after solving the exceptional circumstances.***

Examples of exceptional circumstances include events of force majeure (unforeseen and uncontrollable events), such as those affecting the availability of the infrastructure, and circumstances associated with the complexity of the request, such as a request involving a high number of domain names.

*For the avoidance of doubt, circumstances which do not justify extending the **1-hour** timeline include foreseeable circumstances such as calendar holidays, planned leave, or planned travel.*

3. About us

Since 2002, Stiftung Digitale Chancen (Digital Opportunities Foundation)³ facilitates the dialogue among academia, industry, practitioners and politicians in order to analyse the sociopolitical consequences of digitisation and technological development with the purpose to develop and implement joint strategies for an inclusive transformation process of society providing equal opportunities for all.

The purpose of the Foundation is to promote science and research and education in the field of media usage and media literacy. We give effect to the Foundation's purpose through measures which promote media literacy and the safe and responsible use of digital media in all groups of society. Seeking to bridge the digital divide is an important priority.

The work of the Digital Opportunities Foundation focuses on the following core topics:

- Promoting digital and social participation
- Strengthening media literacy
- Promoting equal opportunities and access for all people to the Internet and digital services
- Researching the effects and social consequences of digitisation

The implementation of our Foundation's mission is tied to the realisation of equal opportunities, diversity, and variety as well as the support of innovation and sustainability. The Foundation takes into account the ethical implications of digitisation and the application of artificial intelligence. Our work is based on mutual respect and the fulfilment of our democratic responsibility.

The Foundation pursues charitable objectives within the meaning of the "tax-privileged purposes" section of the German Fiscal Code.

Berlin, December 5th 2025

³ <https://www.digitale-chancen.de/en/>