



*Financial Services Sector Coordinating Council for
Critical Infrastructure Protection and Homeland Security*

June 22, 2006

To: Internet Corporation for Assigned Names and Numbers
U.S. Government Agencies involved in an ICANN Working Group (Commerce Department,
Federal Bureau of Investigations, Federal Trade Commission, Homeland Security Department, and
State Department)

Re: WHOIS Data Base

Dear Sirs and Madams:

The purpose of this letter is to express the concern of members of the Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security (FSSCC) on the proposal before the Internet Corporation for Assigned Names and Numbers (ICANN) to limit the type of information collected and maintained in the WHOIS data base. Based on a review of the information provided in the January 18, 2006 task force report containing two opposing formulations of the "purpose of WHOIS," and discussions among information security and fraud risk managers, we urge ICANN to adopt Formulation 2.¹ Formulation 2 will provide financial institutions with the information they need to respond to identity theft and account fraud.

Under formulation 1, the only purpose of WHOIS is to "resolve issues related to the configuration of the records associated with the domain name within a DNS nameserver" (i.e., narrow technical issues). Under formulation 2, the purpose of WHOIS is to help resolve a broader range of "technical, legal or other issues regarding registration or use of a domain name." We believe the adoption of formulation 1 would make it more difficult and time-consuming for financial institutions to identify and stop domain-based scams and the identity theft and account fraud that result.

Financial institutions have always been a favorite target for perpetrators of fraud. Institutions have long answered this challenge with reliable business controls, advanced technology, information sharing, and cooperative efforts with government and law enforcement agencies. Further, financial institutions must also deal with other domain-based issues including, but certainly not limited to, trademark infringement, unauthorized and sometimes unlawful disclosure of confidential, proprietary or customer information, spam attacks, inappropriate content sent or received via email, and violation of intellectual property rights by web site operators. While our members' foremost concern is to protect their customers and maintain their trust, they must also be mindful of the need to comply with the requirements set forth by numerous laws, regulations and supervisory guidance.

We believe that formulation 1 (or other efforts to limit or narrow the information) in WHOIS could adversely affect the financial services industry's efforts to respond to identity theft and phishing attempts. Timely response to phishing attacks and identity theft is critical to protect customers, financial institutions, and innocent consumers who may not be aware of their victimization. In many cases, the only tool financial institutions have for identifying registrants or purported registrants of domain names in a timely manner is via the WHOIS contact information. Often times, the fraudsters will register a domain name in the name of innocent consumers without the knowledge of the consumer. In most instances, it is not until

¹ <http://www.icann.org/announcements/announcement-18jan06.htm>

these unsuspecting consumers are contacted by the financial institution that they learn they may have been a victim of identity theft, giving them the opportunity to remedy the effects of identity theft sooner rather than later. In addition, most innocent victims have been and continue to be extremely helpful to financial institutions in taking down or transferring these domain names to the financial institution that is a target or potential target of a phishing attack. Also, agreement from the operators to take down websites quickly when there is clear violation of trademarks or indications of fraud is only a partial solution. Financial institutions still need the WHOIS information to address the other forms of abuse noted above.

About FSSCC

The Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security (www.fsscc.org) is a group of private-sector firms and financial trade associations that works to help reinforce the financial services sector's resilience against terrorist attacks and other threats to the nation's financial infrastructure. In this capacity, FSSCC works with the Department of Treasury, which has direct responsibility for infrastructure protection and homeland security efforts for the financial services sector. It serves under the overall guidance of the Department for Homeland Security, under Homeland Security Presidential Directive 7. Since most of the sector is privately owned, the Treasury Department appoints a private-sector coordinator with whom to work on these issues. The current FSSCC Chairman is George Hender, Management Vice Chairman of The Options Clearing Corporation, who was appointed to this role on June 6, 2006 by U.S. Treasury Secretary John Snow. The following associations and organizations are FSSCC members:

American Bankers Association
America's Community Bankers
American Council of Life Insurers
American Insurance Association
American Society for Industrial Security International
BAI
BITS/The Financial Services Roundtable
The Bond Market Association
ChicagoFIRST, LLC
Chicago Mercantile Exchange
The Clearing House
CLS Services
Consumers Bankers Association
Credit Union National Association
The Depository Trust & Clearing Corporation
Fannie Mae
Financial Information Forum
Financial Services Information Sharing and Analysis Center, LLC
Financial Services Technology Consortium
Futures Industry Association
Independent Community Bankers of America
Investment Company Institute
Managed Funds Association
NACHA – The Electronic Payments Association
The NASDAQ Stock Market, Inc.
National Association of Federal Credit Unions
National Association of Securities Dealers
New York Board of Trade

The Options Clearing Corporation
Securities Industry Association

We appreciate your attention to this matter. If you have any further questions or comments on this matter, please do not hesitate to contact me at 312-322-4513 or ghender@theocc.com, or Dave Engaldo at 312-322-2002 or dengaldo@theocc.com.

Sincerely,

A handwritten signature in cursive script that reads "George Hender". The signature is written in black ink and is positioned above the printed name.

George Hender
Chairman, FSSCC