

EPDP Team Meeting

13 September 2018

Meeting #13

Agenda

1. Roll Call & SOI Updates (2 minutes)
2. Welcome and Updates from EPDP Team Chair (5 minutes)
 - Reminder to complete GDPR Training Course by Tuesday, 18 September
 - Reminder of GDPR Q&A session with Becky Burr on Wednesday, 19 September at 13.00 UTC
 - Other updates, if applicable
3. Review data matrix formed from RDS work and Thomas's chart (50 minutes)

Objective of discussion: Charter questions b1 and b2 (collection of data by registrar) to be answered (or considered) in substantive discussion.

- a) High-level overview of chart
- b) Discuss proposed amendments to chart
- c) Note: relevant charter questions:
 - b1) What data should registrars be required to collect for each of the following contacts: Registrant, Tech, Admin, Billing?
 - b2) What data is collected because it is necessary to deliver the service of fulfilling a domain registration, versus other legitimate purpose as outlined in part (A) above?
- d) Agree on next steps

Agenda

4. Introduction to Appendix A (50 minutes)

Objection of discussion: Charter questions f1 - f3 (publication of data by registry/registrar) to be answered (or considered) in substantive discussion; EDPB advice re: collection of full WHOIS data and registration of legal persons to be considered in substantive discussion.

a) Substantive discussion on §§2 – 4

b) Note: relevant charter questions:

- f1) Should there be any changes made to registrant data that is required to be redacted? If so, what data should be published in a freely accessible directory?
- f2) Should standardized requirements on registrant contact mechanism be developed?
- f3) Under what circumstances should third parties be permitted to contact the registrant, and how should contact be facilitated in those circumstances?

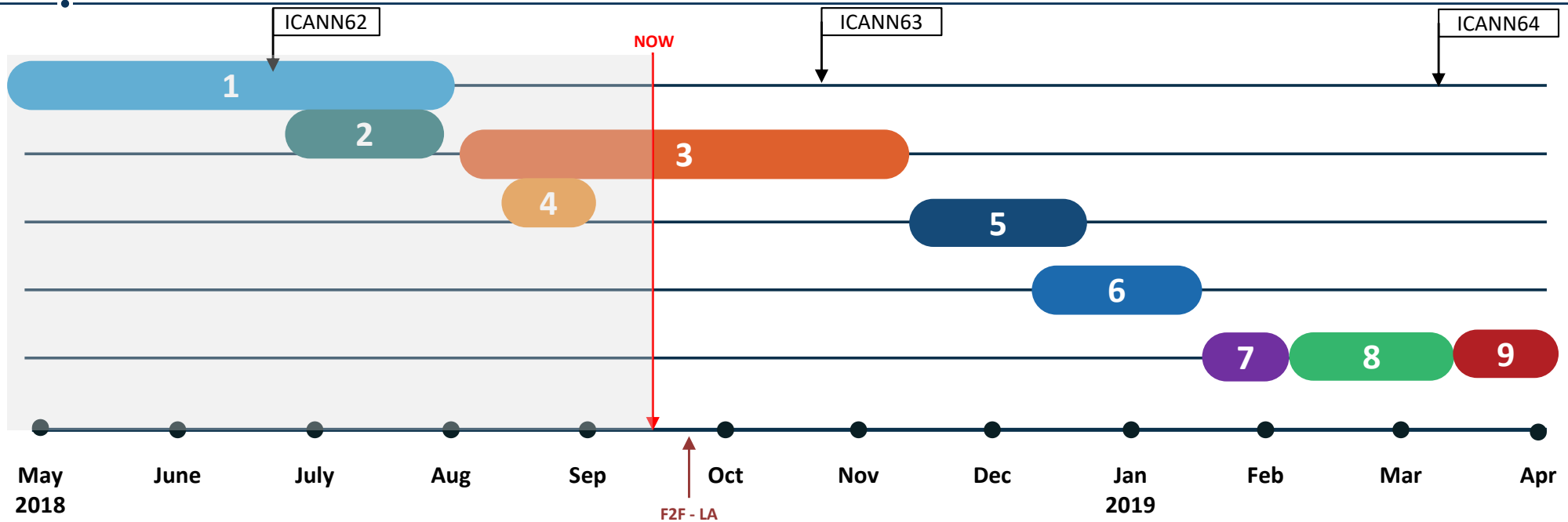
c) Agree on next steps

5. Confirm action items and questions for ICANN Org, if any (5 minutes)

6. Wrap and confirm next meeting to be scheduled for Tuesday 18 Sept at 13.00 UTC.

EPDP Timeline

13 September 2018
Meeting #13



1 Prep work, incl. EPDP Initiation Request & Charter adoption

2 Formation of EPDP Team

3 EPDP Team Deliberation & Publication of Initial Report⁽¹⁾

4 Input from SO/ACs & SG/Cs

5 Public Comment on Initial Report

6 Review of Public Comment & Submission of Final Report

7 Council consideration of Final Report

8 Public Comment prior to Board consideration⁽²⁾

9 Board consideration

09 Meetings to ICANN 63
3 (F2F – LA)

253 Days to Temp Spec Expiration

Outstanding Action Items

GDPR Training	<div>11 September 2018</div> <div>17 September 2018</div>	All members, alternates and liaisons to complete the GDPR training as soon as possible but no later than 17 September.
GDPR Training	<div>11 September</div> <div>17 September</div>	GDPR session with Becky Burr scheduled for Wednesday, 19 September. EPDP Team members to submit questions in advance to allow for adequate preparation. The session time will be posted as soon as it is available.
Purposes for Processing Data: §4.4	<div>11 September</div> <div>14 September</div>	EPDP Team to review email from Kurt re. Registrar purposes (see https://mm.icann.org/pip/ermail/gnso-epdp-team/2018-September/000337.html) and provide input by Friday 14 September at 19.00 UTC at the latest.

Outstanding Action Items

Purposes for Processing Data: §4.4	11 September	EPDP Team to review overview of purposes table and provide input on whether this provides an accurate picture. Focus should be on the purposes for collection and other processing (Registrar, Registry and ICANN), but not access (Third party interests) as these will be considered in further detail in the context of the standardized access discussion. Also consider whether purposes are sufficiently specific? Team input to commence now and will finish by 19.00 UTC on Friday 14 September. Thomas and Benedict will take that input to create an agenda for the Tuesday meeting. See https://docs.google.com/spreadsheets/d/1RivZFrPQpJ_bgDIOL6yfhYaSs2oYgS1n4TObifAoJ8/edit?usp=sharing .
	14 September	
Appendix C	11 September	EPDP Team to provide input at the latest by Friday 14 September 19.00 UTC on Margie's proposal as well as RySG proposal in relation to Appendix C in view of wrapping up this discussion during next Tuesday's meeting.
	14 September	
Travel Support	6 September 2018	Applications for travel support to ICANN63 in Barcelona are due Thursday, 13 September. Please note the document that was sent with the meeting slides on 6 September.
	13 September 2018	

Data Elements

Matrix mashup: Thomas Rickert's and RDS work

Objective

Charter questions b1 and b2 (collection of data by registrar) to be answered (or considered) in substantive discussion.

Charter Questions associated with data collection, what data:

- b1) What data should registrars be required to collect for each of the following contacts: Registrant, Tech, Admin, Billing?
- b2) What data is collected because it is necessary to deliver the service of fulfilling a domain registration, versus other legitimate purpose as outlined in part (A) above?

Following the objective noted above, the team will update the matrix by considering Charter Question sets regarding:

- Transfer of data from registry to registrar (charter question c)
- Transfer of data from registrar/registry to data escrow provider (charter question d)
- Transfer of data from registrar/registry to ICANN (charter question e)
- Publication of data by registrar/registry (charter question f)

All data elements currently required (just for comparison)	Data elements the Registrar must collect to perform the contract (61 b GDPR - "processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract")		61 f: "processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child."
	Registry/Registrar ICANN Contract Purposes (Currently: 4.4.1, 4.4.3, 4.4.4, 4.4.5, 4.4.6, 4.4.7, 4.4.11, 4.4.12)	Rationale	Third Party Legitimate Interests (Currently: 4.4.2, 4.4.8, 4.4.9, 4.4.10)
Domain Name	Domain Name		Domain Name
Registry Domain ID			
Registrar Whois Server	Registrar Whois Server		Registrar Whois Server
Registrar URL	Registrar URL		
Updated Date	Updated Date		Updated Date
Creation Date	Creation Date		Creation Date
Registry Expiry Date	Registry Expiry Date		
Registrar Registration Expiration Date	Registrar Registration Expiration Date		Registrar Registration Expiration Date
Registrar	Registrar		Registrar
Registrar IANA ID	Registrar IANA ID		
Registrar Abuse Contact Email	Registrar Abuse Contact Email, must be role contact		Registrar Abuse Contact Email
Registrar Abuse Contact Phone	Registrar Abuse Contact Phone, must be role contact		Registrar Abuse Contact Phone
Reseller	Reseller		
Domain Status	Domain Status		Domain Status
Registry Registrant ID			
Registrant Fields	Registrant Fields		Registrant Fields
• Name	• Name		• Name
• Organization (opt.)	• Organization (opt.)		• Organization (opt.)
• Street	• Street		• Street
• City	• City		• City
• State/province	• State/province		• State/province
• Postal code	• Postal code		• Postal code
• Country	• Country		• Country
• Phone	• Phone		• Phone
• Phone ext (opt.)	• Phone ext (opt.)		• Phone ext (opt.)
• Fax (opt.)	• Fax (opt.)		• Fax (opt.)
• Fax ext (opt.)	• Fax ext (opt.)		• Fax ext (opt.)
• Email	• Email		• Email
2nd E-Mail address			
Admin ID			
Admin Fields			Admin Fields
• Name			• Name
• Organization (opt.)			• Organization (opt.)
• Street			• Street
• City			• City
• State/province			• State/province
• Postal code			• Postal code
• Country			• Country
• Phone			• Phone
• Phone ext (opt.)			• Phone ext (opt.)
• Fax (opt.)			• Fax (opt.)
• Fax ext (opt.)			• Fax ext (opt.)
• Email			• Email
Tech ID			
Tech Fields			Tech Fields
• Name			• Name
• Organization (opt.)			• Organization (opt.)
• Street			• Street
• City			• City
• State/province			• State/province

Introduction to Appendix A

Agenda Item #4

Objective: Appendix A - Registration Data Directory Services

Objective of discussion:

- Review Appendix A in conjunction with Charter question f1 - f3 (publication of data by registry/registrar)
- Take into account EDPB Advice regarding collection of full WHOIS data and registration of legal persons to be considered in substantive discussions
- Discuss and create plan for resolution of questions raised during Triage giving priority to those sections in Cat 1 and 2A (see <https://community.icann.org/x/BQCrBQ>)

Relevant charter questions:

f1) Should there be any changes made to registrant data that is required to be redacted? If so, what data should be published in a freely accessible directory?

f2) Should standardized requirements on registrant contact mechanism be developed?

f3) Under what circumstances should third parties be permitted to contact the registrant, and how should contact be facilitated in those circumstances?

Appendix A: §2.1–2.3 – Cat 1 & 2A Issues

- ⦿ Describes the sets of conditions when registrars are to redact personal data from Whois and its successor

Issue	Questions
While the contact details of legal persons are outside the scope of GDPR, contact details concerning natural persons are within the scope. Personal identifying individual employees (or third parties) acting on behalf of the registrant should not be made publicly available by default in the context of WHOIS. If the registrant provides (or the registrar ensures) generic contact information, the EDPB does not consider that the publication of such data in the context of WHOIS would be unlawful as such. (EDPB Advice)	What changes, if any, need to be made in order to address the EDPB advice?

Input on questions is to inform small group of volunteers to develop proposed recommendations in relation to this issue

Appendix A: §2.1–2.3 – Cat 1 & 2A Issues

- ⦿ Describes the sets of conditions when registrars are to redact personal data from Whois and its successor

Issue	Questions
Redaction of Personal Data – should additional fields be redacted (organization) or should certain fields no longer be redacted (email address, registrant city and postal code)? Should a distinction be made between natural and legal persons when it comes to redaction?	<p>What is the rationale for redacting additional fields or no longer redacting certain fields? Is there a risk of non-compliance with GDPR if changes are made? If so, are these risks that can be mitigated? Are possible changes reasonably easy to implement?</p> <p><i>[Input is to help inform small group of volunteers to develop proposed recommendations in relation to this issue]</i></p>

Input on questions is to inform small group of volunteers to develop proposed recommendations in relation to this issue

Appendix A: §2.4 – Cat 1 & 2A Issues

- ⦿ Describes when registrars are to redact Admin/Tech fields

Issue	Questions
Registrants should not be required to provide personal data directly identifying individual employees (or third parties) fulfilling the administrative or technical functions on behalf of the registrant. This should be optional – it should be made clear that registrant is free to (1) designate the same person as the registrant as the admin or tech contact; or 2) provide contact information which does not directly identify the administrative or technical contact person concerned (e.g. admin@company.com). (EDPB Advice)	What changes, if any, need to be made in order to address the EDPB advice? <i>[Input is to help inform small group of volunteers to develop proposed recommendations in relation to this issue]</i>

Input on questions is to inform small group of volunteers to develop proposed recommendations in relation to this issue

Appendix A: §4 – Cat 1 & 2A Issues

- ◉ Describes access to non-public registration data

Issue	Questions
Appropriate logging mechanisms should be in place to log any access to non-public personal data processed in the context of WHOIS. (EDPB Advice)	What changes, if any, need to be made in order to address the EDPB advice or is this advice directed at controllers? <i>[Input is to help inform small group of volunteers to develop proposed recommendations in relation to this issue]</i>
Does this section need to be modified as not all disclosure of data will take place on the basis of Art. 6(1) (f) of the GDPR?	What are the views in this regard? What are the risks, if any, of modifying this reference?

Input on questions is to inform small group of volunteers to develop proposed recommendations in relation to this issue

Appendix A: Cat 2B Issues

Input to be provided via mailing list

Section	Issue	Questions
Appendix A, §1	RDAP – should data for SLA definition be deleted or amended? Is the search capability paragraph necessary as it is already covered through existing agreements? Do the restrictions in this section address the risks associated with the aggregation of data?	What changes, if any, should be made to address these issues?
Appendix A, §4	What is meant with ‘reasonable’? Should this be further defined or deleted? Response from ICANN Org indicates that compliance with the term ‘reasonable’ is evaluated on a case by case basis, similar to how that is done in the context of other RAA provisions where the term ‘reasonable’ is used.	May not be possible to find a one size fits all definition of what is meant with reasonable? Should focus instead be of identifying examples of what is considered reasonable / unreasonable to provide guidance to compliance enforcement of this requirement?
Appendix A, §2.3 & 2.4	There is no established and widely used mechanisms for obtaining or tracking this consent, or passing that consent from the Registrar to the Registry Operator.	Is further guidance from the EPDP Team necessary here or is this an implementation issue?

Next Steps

- Appendix A, sections 2, 3 and 4 identified as priority 1 and 2a items
- Volunteers to put forward proposed modifications for these sections based on deliberations to date, also factoring in other input provided to date on these sections.
- Proposed modifications to be shared by Sunday 16 September at the latest.
- EPDP Team to review and discuss proposed modifications via the mailing list ahead of next meeting during which this topic will be discussed (Thursday 20 September)
- Discussions on Cat2B items to be continued via mailing list or google doc.

Wrap Up

Agenda item #5 & #6

Wrap Up

Review actions items and questions for ICANN Org, if any

Next meeting to be scheduled for Tuesday 18 September at 13.00 UTC