**Purposes for processing registration data (as at the end of day 1 of the EPDP Team F2F Meeting – 24 September 2018)**

**Ask & objectives**:

* This document uses the most recent version of purpose statements in the google sheet list of purposes and lists them by actor (“[Actor] is processing registration data because…”.
* Purposes in brackets have been suggested by some as being a purpose pursued by that relevant party but not confirmed by the party in question.
* It also provides a column to confirm the appropriate legal basis for each purpose.
* **Our task is to review these purposes for processing registration data and agree on a working draft of purposes and legal basis for application in the data elements worksheet.**
* Further refinement is expected to happen as a result of the data elements worksheet exercise – please avoid the temptation to wordsmith at this point.
* While this exercise requires each purpose to list a legal basis, the data elements discussion will go deeper to look at:
  + Which data elements are required to be collected for this particular purpose?
  + Is the purpose compliant with ICANN’s Bylaws?
  + If the purpose is based on an ICANN contractual requirement, is this a lawful requirement tested against GDPR and other laws?
  + For whom is the purpose being pursued?
  + Is the processing necessary to achieve the purpose?
* Through data element discussion it may become clear that a purpose may need to be reworded or that it may not meet the requirements to be considered legitimate.

**Related EPDP Team Charter Questions:**

Part 1: Purposes for Processing Registration Data

a) Purposes outlined in Sec. 4.4.1-4.4.13 of the Temporary Specification:

a1) Are the purposes enumerated in the Temporary Specification valid and legitimate?

a2) Do those purposes have a corresponding legal basis?

a3) Should any of the purposes be eliminated or adjusted?

a4) Should any purposes be added?

**Legal Basis – GDPR Article 6:**

Art 6 (b) - 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

Art 6 (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.

Art 6 (c) the data subject has given **consent to the processing** of his or her personal data for one or more specific purposes.

**PURPOSES PURSUED BY ICANN**

| **#** | **ICANN IS REQUIRING THE PROCESSING REGISTRATION DATA IN ORDER TO…** | **Legal Basis** | **Also pursued by** |
| --- | --- | --- | --- |
| **STEP 1: First, confirm here and refine (as necessary) ICANN purposes already identified.**  **STEP 2: Then, list below any additional purposes that ICANN is pursuing, with appropriate legal basis** | | | |
| A | Establish the rights of a Registered Name Holder in a Registered Name and ensuring that the Registered Name Holder may exercise its rights in respect of the Registered Name | Art 6.1 (b) | Registry  Registrar |
| New B | Facilitate lawful access for legitimate 3rd party interests to data that is already collected and identified herein  (replacing B1, B2, G, I, K, L, H and J)  Policy recommendation: requirements related to the accuracy of registration data under the current ICANN contracts and consensus policies shall not be affected by this policy. | Art 6.1 (f)  Art 6.1 (b)  Art 6.1 (d) | Registrar  Third party interests  *[Registry]* |
| C | Enable communication or notification to the Registered Name Holder and/or their delegated parties for technical and/or administrative issues with a Registered Name | Art 6.1 (f) | Registrar  Third Party Interests |
| E | Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure, or other unavailability of a Registrar or Registry Operator | Art 6.1 (b) | *[Registrar]*  *[Registry]* |
| F | Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users. | Art 6.1 (f) | *[Registrar]*  *[Registry]*  *[Third Party Interests]* |
| M | Coordinate, operationalize and facilitate ICANN's dispute resolution policies, namely URS, UDRP, RDDRP, PDDRP and PICDRP. | Art 6.1 (b) / Art 6.1 (f) | Third party interests |
| N | Enabling validation of Registered Name Holder satisfaction (fulfillment) of registration policy eligibility criteria. | Art 6.1 (f) | Registry  Registrar |

**PURPOSES PURSUED BY REGISTRARS**

| **#** | **REGISTRARS ARE PROCESSING REGISTRATION DATA IN ORDER TO….** | **Legal Basis** | | | **Also pursued by** |
| --- | --- | --- | --- | --- | --- |
| **STEP 1: First, confirm here and refine (as necessary) registrar purposes already identified.**  **STEP 2: Then, list below any additional purposes that registrars are pursuing, with appropriate legal basis** | | | | | |
| A | Establish the rights of a Registered Name Holder in a Registered Name and ensuring that the Registered Name Holder may exercise its rights in respect of the Registered Name | Art 6.1 (b) | | | Registry  ICANN |
| New  B | Facilitate lawful access to for legitimate 3rd party interests to data that is already collected and identified herein (replacing B1, B2, G, I, K, L, H and J)  Policy recommendation: requirements related to the accuracy of registration data under the current ICANN contracts and consensus policies shall not be affected by this policy. | Art 6.1 (f) | | | Third party interests  *[ICANN]*  *[Registry]* |
| C | Enable for the communication or notification to the Registered Name Holder and/or their delegated parties for technical issues and/or administrative with a Registered Name | Art 6.1 (f) | | | ICANN  Third Party Interests |
| E | *[Provide mechanisms for safeguarding Registered Name Holders' Registration Data in the event of a business or technical failure, or other unavailability of a Registrar or Registry Operator]* | Art 6.1 (f) | | | ICANN  *[Registry]* |
| F | Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users. | Art 6.1 (f) | | | ICANN  *[Registry]*  *[Third Party Interests]* |
| N | Enabling validation of Registered Name Holder satisfaction (fulfillment) of registration policy eligibility criteria. | | Art 6.1 (f) | Registry  ICANN | | |

**PURPOSES PURSUED BY REGISTRIES**

| **#** | **REGISTRIES ARE PROCESSING REGISTRATION DATA IN ORDER TO….** | | **Legal Basis** | **Also pursued by** |
| --- | --- | --- | --- | --- |
| **STEP 1: First, confirm here and refine (as necessary) registry purposes already identified.**  **STEP 2: Then, list below any additional purposes that registries are pursuing, with appropriate legal basis** | | | | |
| A | | Establish the rights of a Registered Name Holder in a Registered Name and ensuring that the Registered Name Holder may exercise its rights in respect of the Registered Name | Art 6.1 (b) | Registrar  ICANN |
| F | | *[Handle contractual compliance monitoring requests, audits, and complaints submitted by Registry Operators, Registrars, Registered Name Holders, and other Internet users.]* | Art 6.1 (f) | ICANN  *[Registrar]*  *[Third Party Interests]* |
| N | | Enabling validation of Registered Name Holder satisfaction (fulfillment) of registration policy eligibility criteria. | Art 6.1 (f) | ICANN |