| **ICANN Purpose:** Coordinate, operationalize and facilitate ICANN's **TLD and domain names** dispute resolution policies, namely URS, UDRP, RDDRP, PDDRP and PICDRP.  (Purposes by Actor (M))(TempSpec – URS-4.4.12, 5.6, Appx D; UDRP-Appx E) | |
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| **Lawfulness of Processing**:  Art. 6.1(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. 6.1(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. 6.1(a): Consent - the data subject has given consent to the processing of his or her personal data for one or more specific purposes.  **If 61B is basis, would need to split as registrant is not part of the contract for RDDRP, PDDRP and PICDRP** | |
| |  |  | | --- | --- | | **Data Elements Collected or Generated - Pre GDPR** | **Fields to be Collected** | | **Lawfulness of Processing Questions** |
| |  |  | | --- | --- | | **Source:** Registrar Data Escrow Specifications | | | Domain Name | 1 | | Registry Domain ID | - | | Registrar Whois Server | 1 | | Registrar URL | 1 | | Updated Date | 1 | | Creation Date | 1 | | Registry Expiry Date | 1 | | Registrar Registration Expiration Date | 1 | | Registrar | 1 | | Registrar IANA ID | 1 | | Registrar Abuse Contact Email | 1 | | Registrar Abuse Contact Phone | 1 | | Reseller | 1 | | Domain Status | 1 | | Registry Registrant ID | - | | Registrant Fields |  | |        Name | 1 | |        Organization (opt.) | (1) | |        Street | 1 | |        City | 1 | |        State/province | 1 | |        Postal code | 1 | |        Country | 1 | |        Phone | (1) | |        Phone ext (opt.) | (1) | |        Fax (opt.) | (1) | |        Fax ext (opt.) | (1) | |        Email | 1 | | 2nd E-Mail address | - | | Admin ID | - | | Admin Fields |  | |        Name | - | |        Organization (opt.) | - | |        Street | - | |        City | - | |        State/province | - | |        Postal code | - | |        Country | - | |        Phone | - | |        Phone ext (opt.) | - | |        Fax (opt.) | - | |        Fax ext (opt.) | - | |        Email | - | | Tech ID | - | | Tech Fields |  | |        Name | - | |        Organization (opt.) | - | |        Street | - | |        City | - | |        State/province | - | |        Postal code | - | |        Country | - | |        Phone | - | |        Phone ext (opt.) | - | |        Fax (opt.) | - | |        Fax ext (opt.) | - | |        Email | - | | NameServer(s) | - | | DNSSEC | - | | Name Server IP Address | - | | Last Update of Whois Database | - | | Other Data: |  | |        Field 1 | - | |        Field 2 | - | |        Field 3 | - | |        Field 4 | - | |        Field 5 | - | | **1) If the purpose is based on an ICANN contract, is this lawful as tested against GDPR and other laws?** |
| Art 6.1 (b) yes, but only for URS and UDRP as RDDRP, PDDRP and PICDRP are not part of the contract which the data subject  Art. 6.1(f): RDDRP, PDDRP and PICDRP. Question for ICANN Org,: why weren’t RDDRP and PDDRP and PICDRP not included in the Temp Spec and should they be added? Need to review in further detail RDDP, PDDRP and PICDRP to fully understand the implications and requirements before filling out this worksheet further for those dispute resolution policies.  Art.6.1(a) No – no mechanism sufficiently GDPR compliant to transfer this consent onwards to other parties involved and deal with possible withdrawal of consent. |
| **2) Is the purpose in violation with ICANN's bylaws?** |
| Art 6.1 (b) / URS, UDRP - No |
| **3) Data Required for purpose of whom?** |
| Art 6.1 (b) / URS, UDRP: Third Party Interests, Registries and Registrars |
| **4) Is the processing necessary to achieve the purpose?** |
| Art 6.1 (b) / URS, UDRP: Yes |
| **5) Do Data Elements require transfer to meet the purpose? (Charter Questions 2c, 2d, 2e, 2i)** |
| Art 6.1 (b) / URS, UDRP: Yes – all data is transferred to dispute resolution provider and to registry  Question for compliance: does data need to be transferred to registries for UDRP? |
| **6) Publication of data by Registrar/Registry required to meet the purpose? (Charter Question 2f)** |
| Data to be published in a freely accessible directory   * Domain Name * Registrar Whois Server * Registrar URL * Updated Date * Creation Date * Registry Expiry Date * Registrar Registration Expiration Date * Registrar * Registrar IANA ID * Registrar Abuse Contact Email * Registrar Abuse Contact Phone * Reseller * Domain Status   Should there be any changes made to the registrant data that is required to be redacted? No  Under what circumstances should third parties be permitted to contact the registrant? Already covered by UDRP and URS providers as being third parties. |
| **7) Are there any “picket fence” considerations related to this purpose?** |
| No |
| **8) What are the data retention requirements to meet the purpose? (Charter Question 2g)** |
| Currently no requirements for data retention by dispute resolution providers that the EPDP Team is aware of  Life of registration plus 2 years for registrars – To be further discussed by the EPDP Team (not clear what rationale is for current requirements –might be linked to statute of limitations) |
| **9) Additional information needed to adequately document the purpose?** |
| ICANN Org to provide EPDP Team with copy of agreements with UDRP/URS providers in relation to data protection / transfer of data as well as the relevant data protection policies that dispute resolution providers have in place. |

Chain of Custody:

* RAA - <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>
  + 3.8
* RyA - <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html>
  + Spec 7
* Temp Spec: Sections URS-4.4.12, 5.6, Appx D; UDRP-Appx E